

CITY OF ABERDEEN
Council Meeting
October 9, 2017

Council Present: Mayor Patrick McGrady
Councilman Steven Goodin
Councilwoman Sandra Landbeck
Councilman Timothy Lindecamp
Councilman Melvin Taylor

Also Present: Randy Robertson, City Manager
Phyllis Grover, Director of Planning and Community Development
Kyle Torster, Director of DPW
Henry Trabert, Chief of Police
Opiribo Jack, Director of Finance
Monica Correll, City Clerk

Mayor McGrady called the meeting to order at 7:02 p.m. in the Council Chambers. The prayer was delivered by Councilman Melvin Taylor and the Pledge of Allegiance was led by Councilwoman Sandra Landbeck.

APPROVAL OF CONSENT AGENDA: None.

APPROVAL OF MINUTES: None.

STATEMENT OF CLOSED MEETING:

September 25, 2017

On Monday, September 25, 2017, the Mayor and Council held a regularly scheduled Council Meeting in the Council Chambers at 7:00 p.m. All members voted by roll call in the affirmative to close the meeting except for Councilwoman Sandra Landbeck and Councilman Melvin Taylor, who were absent.

At approximately 8:31 p.m., a closed meeting was convened by the Mayor and Council in the second floor administrative conference room. Members present were: Mayor Patrick McGrady, Councilman Steven Goodin, and Councilman Timothy Lindecamp. Councilwoman Landbeck and Councilman Taylor were absent. Also in attendance were: Randy Robertson, City Manager; Phyllis Grover, Director of Planning and Community Development; Kyle Torster, Director of Public Works; and, Monica Correll, City Clerk. Two guests from local businesses attended the meeting from 8:31 p.m. to 8:55 p.m.

The meeting was held pursuant to the Open Meetings Act, Statutory Authority Md. Code Annotated, General Provisions Article § 3-305(b): (4) to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State. The topic for closing was contract matters.

During this meeting, the Mayor and Council met with guests to discuss contractual matters. There was no action taken and the meeting was adjourned at approximately 9:07 p.m.

October 3, 2017

On Tuesday, October 3, 2017, the Mayor and Council held a Special Council Meeting in the second floor conference room at 4:30 p.m. All members voted by roll call in the affirmative to close the meeting.

The closed meeting convened at 4:34 p.m. in the same room. Members present were: Mayor Patrick McGrady, Councilman Steven Goodin, Councilwoman Sandra Landbeck, Councilman Timothy Lindecamp, and Councilman Melvin Taylor. Also in attendance were: Randy Robertson, City Manager; Frederick Sussman, City Attorney; Opiribo Jack, Director of Finance; and Shawn Donald, Recording Secretary.

The meeting was held pursuant to the Open Meetings Act, Statutory Authority Md. Code Annotated, General Provisions Article § 3-305(b): (4) to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, and (7) to consult with counsel to obtain legal advice on a legal matter. The topic for closing was contract discussions.

During this meeting, the Mayor and Council met with the City Manager, City Attorney, and Finance Director for contract discussions. There was no action taken and the meeting was adjourned at approximately 6:15 p.m.

PRESENTATIONS:

1. Brush with Kindness Event at Swan Meadows Community - Julie Seechuk, Americorps National, Community Outreach Coordinator, Habitat for Humanity Susquehanna

The presentation was cancelled.

2. Proclamation to Commemorate the 150th Anniversary of Aberdeen Proving Ground (APG)
Suggested Action: For inclusion in the APG 2067 time capsule.

The Mayor read a proclamation which would be enclosed in the APG time capsule scheduled to be opened in the year 2067.

PUBLIC HEARING: None.

PUBLIC COMMENTS:

1. Mr. Rashad Shakir, Woodedge Garth: Preventive measures are being made in his neighborhood to prevent crime.

2. Mr. Robert Hartman, Paradise Road: Mr. Hartman mentioned that the intersection of Rte. 22 and Paradise Road needs smoothing out by the State. Mr. Torster said that there are sewer line issues being worked on at that location.
3. Mr. Whiner, Aberdeen Crossing Guard: Mr. Whiner thanked everyone for their cards and help when his wife passed away.

LEGISLATIVE SESSION:

1. Ordinance No. 17-O-01, Development Code Revision

A motion was made by Mayor McGrady and seconded by Councilwoman Landbeck to introduce Ordinance No. 17-O-01, Development Code Revision. **The motion passed by a vote of 5 – yes; 0 – no.**

Ayes: Mayor McGrady, Councilman Goodin, Councilwoman Landbeck,
Councilman Lindecamp, and Councilman Taylor.

Nays: None.

A public hearing would be held at the October 23, 2017 Council Meeting.

2. Ordinance No. 17-O-15, Code Enforcement - Height of Vegetation

A motion was made by Mayor McGrady and seconded by Councilman Goodin to introduce Ordinance No. 17-O-15, Code Enforcement - Height of Vegetation. **The motion passed by a vote of 5 – yes; 0 – no.**

Ayes: Mayor McGrady, Councilman Goodin, Councilwoman Landbeck,
Councilman Lindecamp, and Councilman Taylor.

Nays: None.

A public hearing would be held at the October 23, 2017 Council Meeting.

UNFINISHED BUSINESS: None.

NEW BUSINESS: None.

UPDATES FROM CITY MANAGER AND STAFF

1. City Manager Report: Mr. Robertson introduced Mr. Ryan Harrah, who was recently hired as the City's Procurement Officer. He discussed plans for the dog park grand opening and frisbee golf in the City.
2. Preliminary Subdivision Plan for the Manekin/Pomeroy Property

A motion was made by Councilman Taylor and seconded by Councilman Lindecamp to approve Preliminary Subdivision Plan for the Manekin/Pomeroy Property. **The motion passed by a vote of 5 – yes; 0 – no.**

Ayes: Mayor McGrady, Councilman Goodin, Councilwoman Landbeck,
Councilman Lindecamp, and Councilman Taylor.

Nays: None.

3. Preliminary Site Plan for the Manekin/Pomeroy Property

Mr. Gerry Powell, Project Manager at Frederick Ward Associates, Inc., discussed the site specifics and development for the Manekin/Pomeroy property under consideration.

A motion was made by Councilman Goodin and seconded by Councilman Taylor to approve Preliminary Site Plan for the Manekin/Pomeroy Property. **The motion passed by a vote of 5 – yes; 0 – no.**

Ayes: Mayor McGrady, Councilman Goodin, Councilwoman Landbeck,
Councilman Lindecamp, and Councilman Taylor.

Nays: None.

4. Bid No 18-01 Wastewater Treatment Plant Screen Replacement

A motion was made by Councilman Lindecamp and seconded by Councilwoman Landbeck to approve the bid for Wastewater Treatment Plant Screen Replacement to the lowest competitive bidder, Heisey Mechanical Ltd, located in Columbia, PA, in the amount of \$498,987.00. **The motion passed by a vote of 5 – yes; 0 – no.**

Ayes: Mayor McGrady, Councilman Goodin, Councilwoman Landbeck,
Councilman Lindecamp, and Councilman Taylor.

Nays: None.

5. Bid 18-04A, Sanitary Sewer Main Replacement, James Avenue & Edmund Street Manhole

A motion was made by Councilman Goodin and seconded by Councilman Lindecamp to approve the contract award for Sanitary Sewer Main Replacement, James Avenue and Edmund Street Manhole to the lowest competitive bidder, Dixie Construction Company, Inc. located in Churchville, MD, in the amount of \$502,251.00. **The motion passed by a vote of 5 – yes; 0 – no.**

Ayes: Mayor McGrady, Councilman Goodin, Councilwoman Landbeck,
Councilman Lindecamp, and Councilman Taylor.

Nays: None.

PUBLIC COMMENT:

1. Mr. Robert Hartman, Paradise Road: Mr. Hartman commented on the recent newspaper articles and that the Aberdeen community should work together.

BUSINESS OF THE COUNCIL:

1. Business from the Council Members: Councilman Taylor commented on recent City events and on his recent birthday celebration. Councilman Lindecamp remarked on the number of closed meetings held by the Council, the Stadium negotiations, an Ethics Commission decision, and the status of Middleton Road and bus shelters.
2. Business from the Mayor:

The Mayor made the announcements. He read the following letter, dated October 9, 2017, addressed to the citizens and businesses of Aberdeen. It was signed by Mayor McGrady, Councilwoman Landbeck, Councilman Goodin, and Councilman Taylor.

To the Citizens and Businesses of Aberdeen:

There's been a string of recent statements in the local and Baltimore newspapers regarding what has been described as a dispute over Ripken Stadium. While this statement is not intended to further fuel a perception of a dispute, it is offered to provide the majority of the Aberdeen City Council's position and thought processes related to the status of discussions with the Tufton Professional Baseball Organization. Tufton manages the IronBirds and works with the City of Aberdeen on Stadium matters.

Let's begin by noting that over the last couple months, this Council has repeatedly invited the owners of Tufton, Cal and Bill Ripken, to meet with us. This hasn't happened.

Perhaps the message isn't getting from our points of contact to the owners, or perhaps they would rather not meet with this Council. Since we've not spoken with the Ripkens and since we were not invited to their press conference last Monday, this statement cannot be based on firsthand communications and meetings, but instead is oriented around the items mentioned in the newspaper stories we have read.

Since this Council was elected, the message was clear and transparent from the City to Tufton -- we want to see greater use of this expensive but underutilized City-owned facility. We also want those who primarily use the Stadium to share more of the expenses of paying for and maintaining it. Last December, the City signed another one year License Agreement with Tufton. As noted in the Aegis, one year was agreed to in order provide both parties time to examine options during 2017 for the future. In 2017 discussions with Tufton continued, again with the City's goal to expand uses of the Stadium and to provide a measure of financial relief to the citizens of Aberdeen who are bearing the brunt of the costs.

Earlier this year, the City Council contracted with SMG -- a world-class organization that manages stadiums all over the world, including the Royal Farms Arena in Baltimore. SMG representatives met with our Council and with Tufton representatives to attempt to achieve the City's goals of shared success -- we want Tufton to be successful in getting people into

the seats at their baseball games, we want more people to be able to take advantage of a variety of public events held at the Stadium, and we want the burden on our taxpayers to be minimized, to the greatest extent possible.

After several meetings with Tufton, SMG declined further engagement due to the inability to make sufficient progress in negotiations with Tufton.

Over the course of the past 5 years, the City of Aberdeen has spent more than \$5,000,000 on the debt and maintenance of Ripken Stadium. Last year, \$1,000,000 alone was spent on replacing the handrails. The debt on the Stadium bond is about \$600,000 per year, and approximately \$2,300,000 of that debt is still outstanding over the next four years.

The City's Finance Director advises this essentially equates to every Aberdeen home-owning taxpayer in a moderately-valued house contributing approximately \$200 per year directly to the Stadium. For those higher-tax assessed homes, the figures go to \$400 or higher per year.

The City of Aberdeen cares tremendously about the success of the IronBirds. It's our contention that there's millions of dollars of evidence that we value the IronBirds like no other Aberdeen-based business. There's no other business in Aberdeen where tax dollars are used to pay off debt and maintain a facility.

In virtually every letter sent between this Council and Tufton, there's acknowledgment and appreciation expressed to the value and contributions the IronBirds bring to our City and region. Yet the question with which this Council must grapple and the basis for our negotiations with Tufton over the last two years is, at what cost?

Despite repeated encouragement to Tufton, who already manage weddings, luncheons, church services and other events, to do more community-wide activities, they have repeatedly declined, stating they're in the baseball business.

For far too long the people of Aberdeen have not been given a full story of the costs of the Stadium to them. That story also includes the tale of being saddled with the most challenging, convoluted and obtusely developed 2002 Concession Agreement governing the terms of engagement between Tufton and the City. There's a copy in City Hall for anyone who would like to read it; but we'll bet once you have, you'll have a much better appreciation for how unfavorable it is towards the City. We've not encountered anyone who has expressed sentiments otherwise.

As this Council has consistently and will continuously echo, we absolutely want the IronBirds to be successful; we want baseball in Aberdeen, and we recognize and commend their many worthwhile community activities. At the same time, the costs to pay for and maintain an aging facility almost exclusively used for a short thirty-eight game minor league season, absent of significant revenue enhancing events, and more equitable cost sharing by the primary users must be actively examined and discussed by this Council and this community.

On that note, it is very important to understand that the “Ripken Experience,” the 9 youth-sports fields located near the Stadium, is completely separate and distinct from the City-owned Stadium. The “Ripken Experience” and the IronBirds are separate businesses. We recognize and agree that patrons of the “Ripken Experience” often come from out of town. They stay in Aberdeen hotels, eat in Aberdeen and Harford County restaurants, and fill their cars from local gas stations.

It is easy to confuse that these businesses are separate -- they are both baseball related and both located in the same area of town -- but they are separate and distinct.

The City does not desire to be in the events management business; we’ve continuously and strongly voiced that to Tufton representatives. We can only assume they recognized that when, between August and September sending two separate offers to the Council. Both essentially preserved the status quo in terms of non-baseball activities through the year 2022. The Aegis article outlines their second offer.

It reflects next year Tufton would provide the City 10% of non-baseball related revenue. Over the next five years, the payments would increase with a top license fee in 2022 of \$200,000. This Council unanimously told Tufton they would accept the offer but the conditions of payment would have to remain as outlined throughout the five year term.

When this Council asked for clarification on the “initial investment” item, Tufton representatives, for the first time, raised a provision of the original 2002 Concession Agreement specifying when the City would “recoup its initial investment.”

Ironically, while Tufton was offering an agreement that in one aspect would last through 2022, in the same letter they attached a spreadsheet reflecting their opinion that less than \$300,000 remained until the recoupment would be complete. Suffice to note, they had never raised that issue in all previous discussions nor never provided a previous estimate of recoupment.

The basis of most City/Tufton disagreements is rooted in the previously mentioned 2002 Concession Agreement. Every request to Tufton to renegotiate some or all of those terms have been denied. Suffice to say, 15 years into what everyone acknowledges is a horribly one-sided arrangement, we understand why Tufton wouldn't want to open the door to making the deal any better for the City.

However, this City Council cannot and will not let that archaic and unfair document continue influencing so much of the City’s finances. The previously mentioned over \$5,000,000 tax dollars in five years represent a sizeable portion of Aberdeen’s annual budget.

Five million dollars would go a long way toward fixing Aberdeen potholes, replacing broken water lines, building recreation facilities that are really lacking in Aberdeen and caring for our citizens. We have lots of wants and needs that are going unmet while we have a Stadium and contract that are very, very expensive to maintain.

Recognizing the status quo is unsustainable; that despite repeated requests, Tufton representatives will not share their financials; that the conditions outlined in the 2002 Concession Agreement are egregious to the City and its citizens, and with Tufton's demonstrated unwillingness to discuss that Agreement, last week the entire Aberdeen City Council agreed to present Tufton with an opportunity to own Ripken Stadium.

We made an offer to Tufton, in writing, to sell Ripken Stadium to Tufton for \$1.00. To sweeten the offer, we offered to effectively waive the first 5 years of property taxes from the Aberdeen government to make the transition from private to public smoother for Tufton -- we want them to be successful. In addition, we offered to lobby our County government officials to offer the same temporary tax relief for 5 years. And to top all this off, we offered the property free and clear -- the City would pay off the remaining \$2.3MM debt the Stadium.

Every member of this Council felt that over the long run providing Tufton with the ability to own and manage the Stadium would outweigh these expenses to Aberdeen. The plan centered was formulated on applying Aberdeen's full share of the Harford County Hotel/Motel Tax to pay the Stadium debt. This would allow the City financial ledger to be balanced in a few years.

At the same time the IronBirds and Tufton would be unencumbered by debt or dealing with the City. These factors would encourage greater use of the Stadium, which in the long run would generate more City revenue and bring more quality events to our community. While the offer was and is contingent on several issues, including confirmation of the City's bond counsel of the ability to do early payment, we felt this was a win/win for Tufton and the City. Tufton representatives declined our offer.

Now, the path forward: the City will appoint staff and will manage events at the Stadium in 2018, while concurrently looking for an interested party to purchase the Stadium. We are unable to say for sure that the enhancements offered to Tufton would be the same to another party. The intent was for Tufton to have first rights; but they declined and as repeatedly stated, we feel the status quo is no longer an option.

ANNOUNCEMENTS:

- Planning Commission Meeting, Wednesday, October 11, 7 PM, Council Chambers
- Aberdeen Dog Park Grand Opening, Thurs., October 12, 12 Noon, Victory Street Park
- Farmers Market, Thursday, October 19, 4-7 PM, Festival Park
- APG Centennial Gala, Fri., October 20, 7-11 PM, Aberdeen Corporate Park
- Council Work Session, Monday, October 23, 5:30 PM, 2nd Floor Conf. Room (Tentative)
- Council Meeting, Monday, October 23, 7 PM, Council Chambers
- Aberdeen Chamber of Commerce Luncheon, Tues., Oct. 24, 11:30 AM, Holiday Inn Express
- Bus Shelter Ribbon Cutting, Thurs., Oct. 26, 10 AM, MARC Station, 18 E. Bel Air Ave.

CLOSED MEETING: The Mayor announced that a closed meeting would not be held.

ADJOURNMENT: Being there was no further business, the meeting was adjourned at 8:30 p.m.