

**PROCEEDINGS OF CITY COUNCIL MEETING
DECEMBER 17, 2007
CITY OF HAVRE DE GRACE, MARYLAND
COUNCIL CHAMBERS
7:00 P.M.**

The regular meeting of the Mayor and City Council was called to order on December 17, 2007, at 7:02 p.m. with Mayor Wayne H. Dougherty presiding and the following members present: Council President Stephen Gamatoria, Council Members Garrett Lyttle, James Miller, Randolph Craig, Barbara Ferguson and Joe Kochenderfer.

Mayor Dougherty led the Pledge of Allegiance.

Opening prayer was led by Pastor Lonna Smith (Webster United Church of Christ) followed by the Youth Choir from Pastor Smith's Church presenting a Christmas Choral Arrangement.

On motion by Councilmember Kochenderfer, seconded by Councilmember Lyttle, and, on six affirmative votes, the Minutes of December 3, 2007 were approved.

At this time, Council President Gamatoria requested an Amendment to the Agenda; he made a motion to add under New Business Item # 13 (D-1) Budget Transfer #2008-13 and then Budget Transfer Amendment # 2008-14 will become #13 (D-2). This was a friendly amendment and passed 6-0.

PRESENTATIONS/PROCLAMATIONS (To: Students of the Month)

- A. Krista Jamison – Havre de Grace Elementary School**
- B. Jenna Michelle Kitts – Meadowvale Elementary School**
- C. Madison Bauld – Meadowvale Elementary School**
- D. Annam A. Sidik – Havre de Grace Middle School**
- E. David Beck – Havre de Grace Middle School (not present)**
- F. Nicole Cook – Havre de Grace High School**
- G. Anastasia Owens – Havre de Grace High School (not present)**

APPOINTMENTS:

- A. Boehly, Al – Appoint as Full Member from Alternate on Board of Appeals – Council President Gamatoria made a motion, seconded by Councilmember Miller to approve this action – was voted on and passed 6-0.**
- B. Lambert, Adrian Jr. – Appointment to the Arts Commission. Motion made by Councilmember Craig, seconded by Councilmember Lyttle, voted on and approved 6-0.**
- C. Boehly, Mary M. – Appointment to Traffic and Street Safety Committee - Motion was made by Councilmember Ferguson, seconded by Councilmember Kochenderfer, voted on and approved 6-0.**

OATHS:

The Mayor administered the Oath of Office to Mr. Adrian Lambert, Jr. to serve on the Arts Commission and to Ms. Mary M. Boehly to serve on the Traffic and Street Safety Committee.

COMMENTS FROM CITIZENS ON AGENDA ITEMS:

A. Mr. Mark Hemler – President of Havre de Grace Ambulance Corps:

Mr. Hemler along with the current Chief and Assistant Chief provided information for Budget Amendment #2008-14 to be discussed later on the Agenda. They explained the importance of these cardiac monitors and expressed their wish that these additional monies be approved.

B. Mr. Dave Guldenzopf: 706 Market Street:

Mr. Guldenzopf expressed his concern with the upcoming item on the Agenda for the Presentation by the USS Forrest Sherman Foundation. Mr. Golding asked that the Mayor and Council review a study that Calvert County did on this; based on this study, Mr. Guldenzopf has some concerns regarding this request.

C. Mr. Allen Fair – 3 Concord Place:

Thanked the Mayor and Council for moving ahead so quickly on the proposal to support a possible Horse Park in the Havre de Grace area. He then distributed calendars to the Mayor and Councilmembers from L.S.H.G.

D. Chief Scott Hurst, Susquehanna Hose Company and Mr. Charles Packard, President of Susquehanna Hose Company: Both Chief Hurst and Mr. Packard thanked the Mayor and City Council for the consideration being given later in the meeting with the Proposed Charter Resolution for additional tax exemptions for Approved Fire Department and Ambulance Corps members.

RESOLUTIONS:

A. A Resolution of the Mayor and City Council of Havre de Grace Maryland Municipal Corporation to support the establishment of a Horse Park in the Greater Havre de Grace Area of Harford County was introduced in motion form by Council President Gamatoria, seconded by Councilmember Miller, voted on and passed 6-0. Resolution # 2007-20 was assigned in order to make this active; the Resolution was then read in its entirety. Motion was then made by Councilmember Lytle, seconded by Councilmember Miller to adopt this Resolution, voted on and passed 6-0 on a roll call vote.

B. Councilmember Lytle introduced in motion form a Resolution, which will require a change to our Charter pertaining to Section 60, Tax Exemptions for Approved Fire Department and Ambulance Corps members – this was seconded by Councilmember Craig. At this time, Council President Gamatoria asked to be recused from any participation in voting due to the fact that he is currently the Vice President of the Fire Company. Also, Councilmember Miller recused himself from participating being a 30-year plus member of the Fire Company. It was requested that the Resolution be read in its entirety – it was voted on 4-0 with two members recusing themselves to have the Resolution read. Charter Resolution #266 was assigned to this Resolution to make it active. Mayor Dougherty then noted that City Attorney Paul Ishak also recused himself from being involved in this Resolution because of his active membership in the Fire Department. The Mayor assigned this Resolution to Special Legal Counsel Robert Carson. A motion was then made by

Councilmember Lyttle to adopt this Resolution, seconded by Councilmember Ferguson to adopt this Resolution. A roll call vote was taken, passed 4-0, two abstaining, and motion was adopted. Mayor Dougherty then explained the procedure for this Charter Resolution.

ORDINANCES:

A. Ordinance #893 (Water Quality Bond, Series 2007) Council President Gamatoria made a motion to have Ordinance #893 read for the second time, this was seconded by Councilmember Kochenderfer, voted on and passed 6-0. Following reading of the Ordinance, a motion was made by Council President Gamatoria to adopt Ordinance #893, seconded by Councilmember Miller, a roll call was asked for, voted on and passed 6-0.

Mayor Dougherty adjourned the meeting at this time (8:20 P.M.) for 10 minutes. This meeting was called back to order at 8:30 P.M.

UNFINISHED BUSINESS: (None)

NEW BUSINESS

A. Councilmember Lyttle introduced a City Council/Planning Committee Recommendation to lease a small portion of City right-of-way for a Façade enclosure at Office Centre located at 309 North Union Avenue. A motion to adopt this request was made by Councilmember Lyttle, seconded by Councilmember Kochenderfer, voted on and passed 6-0.

B. Mayor Wayne Dougherty then introduced a request to grant Administrative Leave to the City employees for December 24, 2007. It was explained that this request will not incur any overtime costs and any essential personnel required to work that day will be given another day off when scheduling permits. Councilmember Miller made a motion to approve this request, seconded by Councilmember Ferguson, voted on and passed 5-1 with Councilmember Kochenderfer opposed.

C. A presentation was then given by Mr. Kurt Wagemann, President of the USS Forrest Sherman DD-931 Foundation, Inc. regarding a request to have the USS Forrest ship docked here as museum type attraction. Following the presentation, several questions were asked. Because of the volume of information and interest in this matter, it was decided it would be prudent to hold two (2) Public Hearings on this matter – the first will be held at 7:00 P.M. on Monday, January 7, 2008 and the second at 7:00 P.M. on Monday, February 4, 2008, both just prior to the City Council meeting.

D. (1) Budget Transfer # 2008-13 presented by Councilmember Kochenderfer. A motion to introduce this Transfer was made by Councilmember Kochenderfer, seconded by Councilmember Miller and passed 6-0. Prior to passing the resolution, Councilmember Kochenderfer made a motion to amend the request as presented. In summary, the amendment would require that \$100,000 (rather than \$150,000) be set aside from prior year earning (Acct. #09-4-0001-4901), and the additional \$50,000 come from Slip Users Fee Fund (Acct. #09-4-001-4900), and the transfer of funding from three (3) currently approved projects. There is sufficient un-allotted prior year fund balance in Fund 9 (\$4,480,000) to accommodate funding these priorities. Secondly, Councilmember

Kochenderfer requested under the Erie Street Pump Station Improvements for \$50,000 to be taken from prior year retained earnings (Account #09-4-0001-4901) instead be taken from the Slip Users Fee Fund (Fund 7 – Account # 09-4-0001-4900). Those projects are: Upgrade Finished Water Pumping Capacity at Water Treatment Plant (Acct. #09-9-1231-9020); Van Buren Street Booster Pump (Acct. #09-9-1232-9027); and Erie Street Pump Station Improvements (Acct. #09-9-1245-9034) Councilmember Craig expressed some concern with taking funding from the Slip Users Fee Fund as he believes there are plans in the making for those funds to be used for projects falling under marina/yacht basin, etc. **Councilmember Kochenderfer then made a motion to accept the Amendment, seconded by Council President Gamatoria, voted on and passed 5-0, with Councilmember Craig opposing. Back to the motion for Budget Transfer as amended, a roll call was taken and passed 6-0.**

D. (2) Budget Transfer #2008-14 – To contribute an additional amount to the Havre de Grace Ambulance Corps, above that required by resolution, equal to the additional contribution made to the Susquehanna Hose Company. The additional funds to be used towards the purchase of three (3) Lifepack Cardiac Monitor Defibrillators. Source of Funds on this Amendment would be: Account # 01-4-0001-4900 – Fund Transfers in the amount of \$22,200.00 and then Use of Funds would be Account # 01-5-1125-6290 – Havre de Grace Ambulance Corps in the amount of \$22,200. A motion to adopt this transfer was made by Councilmember Miller, seconded by Councilmember Ferguson, voted on and passed 6-0.

E. Surplus Property: (Presented by Council President Gamatoria) the following two (2) projects – 1. Franklin Street near MacGregors and 2. Union Avenue near the Riverside Flower Shop has been discussed by the Admin Committee and will be passed onto the Planning Committee with a favorable recommendation. There is no action required on these two items at the present time – just for reporting purposes.

BUSINESS FROM THE MAYOR

Due to lateness in time, the Mayor kept his comments brief but wished everyone the best of holiday greetings.

BUSINESS FROM COUNCIL

Councilmembers also kept their comments brief and also wished everyone a happy holiday season.

COMMENTS FROM CITIZENS

A. Becky Fitzgerald – 5 Paradise Drive:

Ms. Fitzgerald presented some very positive comments on the City Services that she receives both as a citizen and in her capacity with the Susquehanna Museum of Havre de Grace. All comments were appreciated.

Council President Gamatoria made a motion to adjourn with Mayor Dougherty officially adjourning the meeting at 10:24 P.M.

Immediately following adjournment of the regular City Council meeting, the Mayor and Council went into a special session for an appeal for a Taxi Driver Permit for Mr. Donald Drolet, Jr. It was noted that Mr. Drolet had requested this appeal process, however, he was not present nor was there any legal representation for him. It was noted that Mr. Drolet had definitely been notified of the meeting. Discussion then followed as to whether Council should uphold the decision of the Chief or acknowledge the appeal. Council President Gamatoria noted that he believes the existing Taxi Cab Ordinance should go to the Administrative Committee for review and possible revision. City Attorney Paul Ishak stressed that although time is an issue, there is also a safety concern – his suggestion was to ask the party to bring a current alcohol evaluation or proof of an alcohol screening. Chief Walter noted that whatever is decided based on advice of the Council, she would like the Council to act very quickly on this issue.

Following discussion, Councilmember Miller suggested that this issue be remanded back to the Chief with no required test. Councilmember Lyttle stated he would like to grant the appeal with the alcohol test. Council President Gamatoria and Councilmembers Kochenderfer, Ferguson and Craig agreed with Councilmember Lyttle's opinion.

Mayor Dougherty then noted that the City should go ahead and issue the permit based on the results of an alcohol test. He further noted that we need to move quickly on updating the Ordinance to support the Chief so this does not happen again. Councilmember Lyttle asked that it be stressed to Mr. Drolet that he needs to take the necessary action to have this offense removed from his record. He was assured by the Chief that the Police Department had already made that information available to him.

It was determined that "due process" had been followed in this proceeding and the closed session was adjourned at 10:47 P.M.