

**PROCEEDINGS OF CITY COUNCIL MEETING**  
**January 5, 2009**  
**CITY OF HAVRE DE GRACE, MARYLAND**

The regular meeting of the Mayor and City Council was called to order on January 5, 2009 at 7:00 p.m. with Mayor Wayne H. Dougherty presiding and the following members present: Council President Fred Cullum, Councilmembers Joe Kochenderfer, Jim Miller, Randolph Craig and William Martin. (Councilmember Barbara Ferguson was absent.)

The Pledge of Allegiance was led by Mayor Dougherty. The opening prayer was led by Father John Elledge from St. John's Episcopal Church.

**On motion by Councilmember Martin seconded by Councilmember Kochenderfer, and on five affirmative votes, the minutes of December 15, 2008 were approved. Additionally, on motion by Council President Cullum, seconded by Councilmember Kochenderfer, the minutes from the Closed Session held on December 15, 2008 were approved. At this time, Council President Cullum made a public announcement that the Council had taken action by motion to extend the Director of Finance's term by three (3) years according to the Mayor's recommendation.**

**UPDATE OF ORDINANCE #901 STATUS:**

Mayor Dougherty read into the record a letter he had submitted dated December 30, 2008 to City Attorney Paul Ishak basically noting the following: "In exchange for the Council conducting two (2) Public Work Sessions in February of 2009 to receive citizen comments on Ordinance #901, specifically from the neighborhoods surrounding the MOE District, and in exchange for the Council President's promise to introduce any proposed amendments to Ordinance #901, I am inclined to withdraw my veto." The Mayor further acknowledged that this letter had been approved for legal sufficiency and had been signed in concurrence by Council President Cullum as well as City Attorney Ishak. **At this time, the Mayor signed the original copy of Ordinance #901 into law which will take affect on January 15, 2009. This action did not in any way infringe on the 45 day time limit set in this Ordinance and this will also give the Council time to take action on the amendments the Mayor is suggesting.** Mayor Dougherty thanked the Council President and other Councilmembers on the cooperation they have shown on this issue. **Council President Cullum made a motion to accept the withdrawal of the Mayor's veto on Ordinance #901; Councilmember Miller seconded the motion. Before voting, Councilmember Craig noted that he believes the action being taken this evening is "out of order" and since the Ordinance was passed by Council, it needs to be either signed or vetoed. He further stated that he does not understand the "motion on the floor" – he believes the proper procedure would be to "over-ride the veto" and that he would support a motion to "over-ride the veto". After conferring with City Attorney Ishak, he noted that over-riding the veto is certainly an option, however, the motion to accept the withdrawal is also an option. Council President Cullum added his opinion that the Ordinance has been signed and he believes this action for withdrawing the veto is in order. A roll call vote was taken and passed 4-1 with Councilmember Craig voting against.**

Council President Cullum expressed his thanks to the Mayor for the cooperation he exhibited in withdrawing his veto. He then requested the Council's assistance at this time to schedule the two (2) requested Public Work Sessions. After discussion on dates, location, etc., the following dates and

time were established: **Wednesday, February 4, 2009 at 7:00 P.M. and Wednesday, February 11, 2009 at 7:00 P.M.** Council President Cullum asked that these meetings be held here at City Hall, then should number of attendees be above the number allowed for Council Chambers, the meeting will be moved to the Community Center. The purpose of these meetings is to take public comments and for Council to discuss possible amendments. Council President Cullum then directed the Director of Administration to do the following:

1. **Make certain a copy of the final version of Ordinance #901 goes in the Public Read File.**
2. **Place a Public Announcement in “The Record” and “The Aegis” for two (2) consecutive weeks prior to the Sessions.**
3. **Place an Announcement of the meetings outside City Hall and on the Website.**
4. **Lastly, have the Community Center ready, should it be necessary to move the meeting to that location.**

#### **PRESENTATIONS/RECOGNITIONS:**

**A. Mayor Dougherty then presented Student of the Month Johnathen Blevins, a senior from the Havre de Grace High School a recognition for his achievements.** Johnathen was present with family members, Principal Pat Walling and the teacher who recommended him, Mr. Mark Cummins.

(A friendly amendment to the Agenda had been noted earlier in the meeting removing the name of Dylan Schantz as Middle School student of the month and having him present at the February Council meeting.)

**B. Mr. Lyle Sheldon, from Upper Chesapeake Health, presented a very thorough and informative overview of prior achievements and the current status of the two (2) hospitals here in Harford County. (Harford Memorial Hospital here in Havre de Grace and the Upper Chesapeake Health Center in Bel Air)** He touched on the recent purchase of approximately 25 acres in the Bulle Rock area assuring Havre de Grace residents that this purchase was just for flexibility purposes – growth, if and when needed. He further assured all Harford County residents that Upper Chesapeake’s goal is to continue to provide optimal services to the citizens. Mayor Dougherty thanked Mr. Sheldon for the relationship between the City of Havre de Grace and Upper Chesapeake. Councilmember Craig and Council President Cullum particularly thanked and congratulated Mr. Sheldon for the improvement of numbers he had discussed in conjunction with Red and Yellow Alert hours.

**APPOINTMENTS: (None)**

**OATHS OF OFFICE: (None)**

#### **COMMENTS FROM CITIZENS ON AGENDA ITEMS:**

**A. Ms. Mary Anne Spurlin – 429 St. John Street, Havre de Grace, Maryland 21078:**

Ms. Spurlin shared a letter she had written to Mayor Dougherty (which had not yet been sent) asking him to reconsider withdrawing his veto of the Bay River Project. Basically, her letter expressed her opinion of the needs and concerns of the business district in the downtown area. She noted she is not against development but feels strongly the needs of the downtown area should be addressed before embarking on new projects.

**B. Ms. Debbie Leadore – Old Robin Hood Road, Havre de Grace, Maryland 21078:**

Ms. Leadore has been the Chairperson of the Annual Relay for Life Event held here in Havre de Grace the past number of years and she noticed that this event which is scheduled for June 10, 2009, is

not included on the list of Special Events to be approved this evening by Council. After checking and realizing there was an error in having this event included under Mayor Approved events, due to the fact that a “road closure” is involved, Director of Administration assured her this would be moved to the listing for Council approval and would be on the Agenda for our February meeting.

**RESOLUTIONS: (None)**

**ORDINANCES: (None)**

**UNFINISHED BUSINESS/OLD BUSINESS:**

**A. At this time, Mayor Dougherty asked for a motion to accept the Auditor’s Report presented at the last Council Meeting of 12/15/2008. Councilmember Miller made a motion to approve this Report, seconded by Councilmember Martin, voted on and approved 5-0 by voice vote.**

**NEW BUSINESS:**

**A. Fence in Road Right-of-Way at 703 Tydings Road.** As Council Liaison for Planning Committee, Councilmember Kochenderfer was asked to present this request. Due to the fact that this particular request is in his immediate neighborhood, he asked Councilmember Miller to present. **Councilmember Miller made a motion to approve this License Agreement Request, seconded by Councilmember Martin, voted on and approved 4-0 with Councilmember Kochenderfer abstaining.**

**A. Request for Special Events:** (Presented by: Director of Administration Carol Mathis) A listing of 13 individual events that will be held throughout the Year of 2009 and that require City Services was presented. **Immediately prior to this, Councilmember Martin made a motion that Item #10 (which is the 29<sup>th</sup> Annual HdG Seafood Festival scheduled for August 8, and 9, 2009) be removed from this list for the present time in order for Council to give further consideration prior to approval. This motion was seconded by Councilmember Craig, voted on and approved 5-0 by voice.**

**Ms. Mathis then proceeded with a Request for Approval of the following events:**

1. Annual Easter Egg Hunt – 4/12/2009 – (Tydings Park) – 10:00 a.m.-1:00 p.m. (Karen Green)
2. River Sweep – 4/18/2009 – (Tydings Park & HdG Shoreline & Tributaries) 8:30 a.m.-1:00 p.m. (Peter Green)
3. Skip Jack Bull and Oyster Roast - 4/25/2009 (Hutchins Park) 6:00 p.m.-10:00 p.m. (Cindi Beane)
4. Women’s 5K By the Bay – 4/26/2009 (Tydings Park) 8:00 a.m.-10:00 a.m. (Nikki Zander)
5. First Fridays (May through December) (1/2 of Pennington from Visitors Center to St. John) 6:00 p.m. – 9:00 p.m. - (William Price)
6. HdeG High School 5<sup>th</sup> Annual 5K Run/W – 5/16/2009 (700 Congress Avenue – in front of the School) 7:00 a.m. – 11:30 a.m. (Julie Quimby)
7. Farmers Markets (Saturdays – May through October) – 9:00 a.m.- 12:00 Noon (450 Pennington Avenue) (Cathy Vincenti)
8. Friday Concerts in the Park (June 5, 12, 19 & 26, and July 10, 17, 24, and 31, 2009)- 7:30 p.m.- 9:00 p.m. (Tydings Park) (Carolyn Foley)
9. HdeG Independence Day Celebration – (July 1-5, 2009) – Various Areas in HdG (Charles Mike)

- 11.45<sup>th</sup> Annual Art Show – August 16-17, 2009 – (Tydings Park) (Cynthia Height-Soroptimist International of Havre de Grace)
12. 21<sup>st</sup> Annual Children’s Arts Festival – 9/12/2009 – 10:00 a.m.-2:00 p.m. (Tydings Park) (Ruth Hendericksen)
13. Graw Days – 10/10/2009 – 6:30 a.m.-7:00 p.m. (Downtown HdG) (William Price)

**Discussion followed noting that on Item #5 (First Fridays) the 400 Block of Franklin Street should also be included on Location. A question was also raised as to why a Liquor License was included under Item #9 (Independence Day Celebration). Ms. Mathis assured Council this information will be validated and corrected. Based on this assurance, Councilmember Miller made a motion to approve these Special Events, seconded by Councilmember Craig, voted on and passed 5-0 by voice.**

**BUSINESS FROM THE MAYOR:**

- A. The Mayor highlighted briefly on the following topics: Current economic status of the City, upcoming activities to be held at Young at Heart, as well as the numerous other activities that will be taking place at the Senior Activity Center. He further commented on the Fire Works/Duck Drop event held on New Year’s Eve, noting that unfortunately, it did not go as planned due to weather and an emergency heart attack victim during the fireworks. However, he stressed his thanks and appreciation to the Susquehanna Hose Company for their efforts in assisting with this event and making it possible.

**BUSINESS FROM COUNCIL:**

**Council President Cullum** wished everyone a Happy New Year. He then noted that it is necessary for the Council to hold a Public Work Session to review the proposed Ethics Code. **The date of Wednesday, February 18, 2009 at 7:00 P.M. was established for this Session. He then asked Director of Administration to adhere to the same requests as far as notification as had been requested for the Public Work Sessions scheduled for Ordinance #901. Additionally, he asked the City employees be given notice of this Work Session. Mayor Dougherty assured him that a Notice will go out with paychecks to all City employees prior to this date.**

Council President Cullum noted he will be spending an entire day in Annapolis on January 14<sup>th</sup> – related to MML business issues. Then, on January 21<sup>st</sup>, Harford County Night will be held in Annapolis with the Mayor, Councilmembers and City Directors in attendance.

**Councilmember Craig:** Offered some birthday and anniversary congratulations to Councilmembers. He noted the next Public Safety Meeting will be rescheduled due to a holiday. He also thanked the Council President for moving forward on the Ethics Commission.

**Councilmember Kochenderfer:** Noted dates and times for upcoming Committee meetings: January 9<sup>th</sup> – Planning Commission, Water/Sewer Commission on January 16<sup>th</sup> and 30<sup>th</sup>, Tree Commission meeting next Monday, January 12<sup>th</sup>. He invited any interested persons to attend the Annual Frostbite Walk scheduled at the Lock House this coming Saturday, January 10<sup>th</sup>.

**Councilmember Martin:** Announced the Ellsworth Shank Lecture Series will begin this coming Thursday evening at 7:00 P.M. here at City Hall with Mr. Bob McGee being the speaker. Councilmember Martin clarified his motion to remove the approval of the Seafood Festival – noting he is definitely not asking to have this event cancelled but would like Council to have an opportunity to review this request more thoroughly. He also commended the Mayor on his recent veto of Ordinance #901 and now for being fair enough to withdraw his veto with stipulations and for “sticking to what he believes in”.

**Councilmember Miller:** Announced the “Christmas Light Judging” in Havre de Grace took place on the 26<sup>th</sup> of December. A list of winners is being compiled and hopefully presented at the February

meeting. The D.P.W. Committee will meet on Friday, January 9<sup>th</sup> at 1:00 P.M. Councilmember Miller further announced that on Saturday, January 17<sup>th</sup>, President-Elect Obama will be passing through Havre de Grace on the AMTRAK Train. People will be meeting at the Middle School as a group to recognize this event. The Mayor suggested at this time that any information/questions regarding this event should go through the Police Department.

Prior to adjournment, Chief Walter spoke on the upcoming Polar Bear Plunge to be held on January 24, 2009 at Sandy Point Park. The Havre de Grace Police Department is participating in this very worthwhile event which benefits Special Olympics. Anyone wanting to contribute is encouraged to contact the Police Department.

**COMMENTS FROM CITIZENS: (None)**

Councilmember Miller made a motion to adjourn the meeting, seconded by Councilmember Craig. Mayor Dougherty adjourned the meeting at 8:37 P.M.