

**Aberdeen City Council Meeting
February 26, 2007**

OPENING:

Roll Call: The Aberdeen City Council Meeting roll was called with the following results:

Present: Mayor Simmons, Council President Hiob, Councilwoman Elliott, Councilmen Yensan, and Kupferman

Also Present: Mr. Miller, Ms. Grover, Mr. Lapinsky, Chief Rudy, and Mr. Jack

Mayor Simmons called the meeting to order at 6:00p.m. in the Council Chambers. The prayer was led by Bishop Webster of New Life Ministries and the Pledge of Allegiance was led by Councilman Yensan.

APPROVAL OF MINUTES:

The Minutes of the February 12, 2007, meeting were approved as submitted.

PRESENTATIONS:

1. Mr. Steve McAfee – Proclamation for Unity in the Community

Mayor Simmons presented a Proclamation to Mr. McAfee for his work on Unity in the Community. This project promotes unity for the faith based community in conjunction with the City Council, the police department, fire department, etc. Mayor Simmons noted that this idea is being instituted by other organizations in all parts of the State.

2. Aberdeen Police Department Presentation

An officer from the Police Department presented Mayor Simmons and the Council with a picture of the Rapid Response Team which was taken at the Big Burn on Sunday. Also in the picture was the SUV which was seized in a drug raid.

3. Bethel Apostolic Church Choir led by Ms. Melissa Garcia

The Bethel Apostolic Church Choir sang a gospel hymn for those in attendance. Mayor Simmons thanked them for entertaining at the Mayor's Ball. They were also at the Burn yesterday and were thanked by the Council.

PUBLIC HEARING:

None

PUBLIC COMMENTS:

1. Ms. Sherry Miller, P.O. Box 357

Ms. Miller noted that there was no play area on the Preliminary Site Plan for the Villas at Rock Glen the last time it was presented. Last week a child was hit by a car in this area; safety is a factor that needs to be considered.

2. Ms. Karen Heavey, 634 W. Bel Air Avenue

Ms. Heavey noted the progress which has been made on the City Web-Site. However, the January 16th Special Meeting Minutes are not posted. She mentioned that meeting minutes should not be posted until they are approved.

Ms. Heavey also asked about the duplication of 723-07 and asked if this was correct; she was told the number was incorrect and had been changed to 724-07. She asked the difference between a Resolution and an Ordinance. Should site plans, annexation requests, etc., be returned to the Planning Commission for reconsideration after revisions are made.

Ms. Heavey also mentioned that the City Charter requires an Annual Report be prepared, but none is available for 2006.

3. Mr. Robert Price, P.O. Box 279

Mr. Price asked the status of the credit card issue and who has the authority to use them.

Councilwoman Elliott said there are 6 credit cards with a balance maximum of \$40,000. Those who are authorized to use them are: Mr. Miller, Mayor Simmons, Chief of Police, Captain of the Fire Department, Department of Public Works, and the Maintenance Shop. She noted that there are still no receipts available and accountability is needed.

Mayor Simmons asked Mr. Miller if there was a problem with receipts and he was told there is not a problem currently. Mr. Miller said currently receipts are being attached to memos that list the charge and line items to which they should be charged.

4. Mr. William Young, 445 Doris Circle

Mr. Young said County employees submit a receipt and get reimbursed for their expenses.

5. Mr. Don Kempler, 411 Grace Lake Way

Mr. Kempler said Mr. Miller receives a statement which has each expense itemized; this should alleviate any problems with receipts.

Councilwoman Elliott noted that justification and receipts are necessary to back up the statement.

Councilman Yensan said he previously worked with a logistics officer who spent thousands of dollars to account for pennies and found this to be very wasteful. The City is spending hundreds of dollars to account for a \$20.00 expenditure.

6. Ms. Ruth Ann Young, 445 Doris Circle

Ms. Young referred to Ordinance 722-07 which is on the agenda. In 2005 she heard much testimony regarding BRAC and decisions being made. The word “encroachment” kept coming up. Some areas made promises to purchase development rites because they were closest to the future changes. The Council should think about the closeness to APG with regard to encroachment. Hopefully, current decisions will not impede the development of BRAC down the road. Ms. Young said she also has deep concern with regard to development along the Perryman Peninsula.

LEGISLATIVE SESSION:

1. Preliminary Site Plan for the Villas at Rock Glen

Ms. Grover stated that the property is located off of Rock Glen Boulevard and the area was rezoned from M-1 to R-3. The developer is DBB,LLC. The site consists of 21.58 acres and 87 townhomes are proposed along with open space, a gazebo, walking paths, and sidewalks. Approval has been received from the Planning Commission, the Fire Department, and the Staff. Site issues have been resolved with the developer meeting with all entities involved.

Mr. Lapinsky said the additional 9 ft. of roadway, and parking areas should be designated as being the responsibility of the HOA. The Swan Creek Pumping Station is to be abandoned.

Ms. Grover received notification from the County that as of January school capacity was at 117% and the maximum restriction is 115%. There are plans to enlarge the high school in the future. This Plat will be on the waiting list for accommodation by the high school.

Councilman Kupferman said there is \$600,000 in the County Executive’s Budget for 250 seats in the high school which would drop the APF to 105% or 106%. Ms. Grover said the Plans she received were for 188 seats.

Mr. Snee, attorney for DBB,LLC indicated that this request represents the build out of this parcel over a period of 5 years. The property is located off Robin Hood Road by Rock Glen Boulevard. The zoning was changed to R-3 due to a change in the neighborhood. The development provides 283 parking spaces with only 218 required; 56% of the property is open space, and 6.94 acres are lots for development. The Planning Commission gave their approval on January 17, 2007. The APFO is codified in the City Ordinance, Chapter 80, Section 80-4 allows the Council to approve the request and place it on a waiting list until the expansion of Aberdeen High School takes place. Mr. Snee said the HOA requirements mentioned by Mr. Lapinsky would be addressed.

Mr. Kopec mentioned the 56% open space, a gazebo, a walking trail, public access to the rear of the units, and a play area can be added if requested. The parking issues were addressed as requested by the

Planning Commission. There will be landscape screening, fencing at the rear of the lots, storm water management fencing to promote safety, and signage erected.

Councilwoman Elliott asked the size of the houses; she was told they would be 2 and/or 3 bedrooms. She mentioned additional traffic in the area and was told there was a light at Robin Hood Road and Rt. 40. She asked if the road would be widened and was told there were no plans at this time to widen the road. Councilwoman Elliott said last year there was a problem with PSI and a component was installed. She asked if water pressure would be sufficient. Mr. Steve Nolan of CNA noted that water was being provided by the County and the elevation was sufficient so that there would not be a problem. Councilwoman Elliott asked how high the fence would be and was told it would be 6 ft. She asked the following questions: backyard width – the lots are 2,500 sq.ft.; open space – 56% of the site; exact location – shown by Mr. Kopec on the Plat; distance from the railroad – 125 to 300 ft. to the railroad right of way.

Council President Hiob said the Plan has greatly improved with input from the Planning Commission, the Council, City Staff, the developer, and CNA. These improvements are parking, open space areas, playground equipment to be determined by HOA, and traffic plan. He stated that the current plan looks good.

Councilman Yensan stated that initially the City had concern with the width of the homes; however, since the current width increase presents a better appearance.

A motion was made by Councilman Yensan and seconded by Council President Hiob to approve the Preliminary Site Plan for the Villas at Rock Glen with the following Staff requirements being addressed: the parking lots, roadways, and Swan Creek Pumping Station being the responsibility of the HOA and not the City of Aberdeen.

The motion was passed with a vote of 4 – yes and 1 – no.

Ayes – Mayor Simmons, Council President Hiob, Councilmen Kupferman, and Yensan

Nays – Councilwoman Elliott

2. Introduction of Annexation Resolution No. 724-07; 952 Gilbert Road, LLC

Ms. Grover noted that a Charter Amendment Number was missing and would be placed on the document before the Public Hearing is held. She said this property contains .763 acres of land. The Planning Commission reviewed 952 Gilbert Road, LLC and the Rehrer Property on September 13, 2006. Both properties were recommended for IBD zoning. Tonight, only the 952 Gilbert Road, LLC is being considered. The recommendation is for IBD zoning. The property is located in the City's Comprehensive Plan, Planning Area 11. Ms. Grover distributed a memo which outlines three recommendations. The first is from the adopted 2002 Comprehensive Planning Area, the second is from the Planning Commission, and the third is from the Department of Planning and Community Development. Tonight, this is an Introduction only.

Mr. Dudley Campbell said this is a “clean up” of the original Concept Plan and the Preliminary Site Plan for Stadium Town Center. The property consists of just over .5 acres of land. It is bounded by Long Drive and Gilbert Road. Mr. Campbell pointed out the subject property on the Plat which is one residential site.

Mr. Miller said last week the Council accepted an amended revision to split the two pieces of land. This request is only the beginning of the annexation process. An extension of facilities report must be created which must be sent to the County and State Planning Agencies, advertisement must be done for 4 consecutive weeks for Public Hearings, and wait a minimum of 15 days before the Public Hearing. The Public Hearing is at least 6 weeks away.

A motion was made by Councilman Yensan and seconded by Council President Hiob to approve the Introduction of Annexation Resolution No. 724-07, 952 Gilbert Road, LLC.

Councilwoman Elliott asked what happened to the Rehrer Property which was 4.878 acres? Mr. Campbell said a survey was conducted and this action is a “clean-up” function only. The previous annexation was for two different parcels owned by two different entities. As a result, the annexation request was revised at the request of Mr. Stark. The owner of 952 Gilbert Road, LLC was ready to sign the revised annexation request. The second Rehrer Property request, which was revised, was just submitted this week. Councilwoman Elliott asked if this was a way to “get around” the 5 acre limit and was told it was not.

The motion was passed with a vote of 5 – yes.

3. Ordinance No. 722-07; Amendment to the Aberdeen Comprehensive Plan, Chapter 3, Planning Area 1, Swan Creek

Ms. Grover noted that this Ordinance was introduced January 22, 2007, and a Public Hearing was held on February 12, 2007. This action will amend Planning Area 1, Swan Creek. The new language will read: *“Commercial, Retail and Office uses to be focused on Aberdeen Thruway are appropriate to help meet increased demand for services expected to be created by the Aberdeen Proving Ground expansion plan. That portion of Planning Area 1 without direct access to Aberdeen Thruway is planned for open space and low density residential development which will be consistent with existing agricultural preservation easements and active farmland use.”*

Councilman Yensan asked if the Planning Commission recommended approval. He was told the Planning Commission favors the amendment unanimously.

Council President Hiob said encroachment is a concern but there is much undeveloped land in the area and this action would be good for the City tax base.

Councilman Yensan noted that there was some encroachment in Edgewood but it is not an issue here.

A motion was made by Councilman Yensan and seconded by Councilman Kupferman to approve Ordinance No. 722-007; Amendment to the Aberdeen Comprehensive Plan, Chapter 3, Planning Area 1, Swan Creek.

Councilwoman Elliott asked if Col. Wright has had additional input into this subject. Mayor Simmons said APG planners had some concern that there could be some traffic increase. After a meeting with people involved in the projects those concerns have been alleviated. However, future traffic studies will be done. APG also had concerns regarding possible tenants; they were given a list of possible tenants by COPT. Councilman Kupferman said the old housing development inside the APG gate will be historic and impact will be minimal.

The motion was passed with a vote of 5 – yes.

BUSINESS OF THE COUNCIL:

1. Unfinished Business – None
2. New Business – None
3. Business from the Director of Planning and Zoning

Ms. Grover reported that the next Planning Commission meeting will be held on March 14th. The Agenda items from the February meeting, which was cancelled due to snow, will be on the March agenda.

4. Business from the Chief of Police

Chief Rudy noted that a subject was sentenced to 106 months in prison and 3 years of supervised probation for drug and fire arms violations. The investigation was done jointly with officers from ATF.

The Maryland Law Enforcement organization will honor Aberdeen police officers who helped save the lives of the people trapped in the recent fire.

Chief Rudy announced that DUI stops will be done on St. Patrick's Day.

The awards given to officers will be included in the Annual Report.

5. Business from the Director of Finance – None
6. Business from the Director of Public Works

A) Tree Removal at Deer Creek

Mr. Lapinsky noted that bids had been solicited for clearing trees for the right of way by the Pumping Station. He recommended Fitzpatrick & Sons be awarded the contract in the amount of \$26,250.

Councilman Kupferman asked if there was money in the budget and he was told there was.

A motion was made by Council President Hiob and seconded by Councilman Yensan to approve Fitzpatrick & Sons for the Tree Removal at Deer Creek in the amount of \$26,250.

The motion was passed with a vote of 5 – yes.

B) Installation of a Sewer Line at Building 280

Mr. Lapinsky said the sewer line installation is necessary to support BRAC. Bids were solicited and he recommended awarding the contract to Gross Construction Company in the amount of \$57,516.85.

Councilman Yensan asked the difference in the bid amounts and who would monitor the installation. Mr. Lapinsky said the cost of the pump was the cost difference and the company recommended has a good reputation. Mr. Hank Selke will oversee the project.

A motion was made by Councilman Yensan and seconded by Councilman Kupferman to approve the Installation of a Sewer Line at Building 280.

The motion was passed with a vote of 5 – yes.

C) Relocation of Water and Line and Installation of Sewer Line at Building 400

Mr. Lapinsky has solicited bids for this project and recommends Civil Construction Company in the amount of \$53,565.70.

Councilman Yensan asked if they secure their own escort and was told they will.

A motion was made by Councilman Kupferman and seconded by Councilwoman Elliott to approve the Relocation of a Water Line and Installation of a Sewer Line at Building 400.

The motion was passed with a vote of 5 – yes.

D) Revised Cost of Services FY 07-APG

Mr. Lapinsky said that upon submission of the Cost of Services for 2007 the Army had several issues. They have worked through the problems and everyone involved is satisfied. The following were some of the issues which were addressed: a 10% salary increase, additional over-time for a tanker truck driver, administrative cost increases, and a 4% salary increase for the end of the fiscal year.

Councilman Kupferman asked the actual amount. He was told they were \$1,955,360 for water and \$1,814, 875 for waste.

A motion was made by Council President Hiob and seconded by Councilman Kupferman to approve the Revised Cost of Services FY 07-APG.

The motion was passed with a vote of 5 – yes.

Mayor Simmons thanked Mr. Lapinsky for his success in negotiating with APG.

E) Bush Chapel Road Report

Mr. Ranney said he spoke with Verizon today and was told designs had been completed. BGE reported that their designs are also complete and they will coordinate the schedule with Verizon. The project should begin by the middle of March and be completed by the end of May. Currently, a bid package is being worked on.

Council President Hiob thanked Mr. Ranney for his work and asked the time frame once preliminary arrangements are finished.

Mr. Ranney said the job should take approximately 5 to 6 months and may begin in July.

7. Business from the City Manager – None

8. Business from the Council

Councilwoman Elliott said the credit card issue is not about knives and spoons. She noted that costs have been reduced since she has addressed the problem. Three steps should be followed: spending, receipts submitted, and turned in at the end of the month. Credit card users must be responsible and improvement is needed because this is taxpayers' money.

Councilman Kupferman reported that the Annexation Committee met today, this was the 3rd meeting, and the results were fruitful. They are moving in the right direction. He also noted that he is impressed with the Police Department. The Chief is showing that they will not tolerate gangs, drugs, etc.

Councilman Yensan noted that the property "taken" was sold to Habitat for Humanity. He thanked the entire City Staff and noted that the community is faith based. Councilman Yensan also said he had no complaints regarding snow removal; DPW did a magnificent job.

Council President Hiob commended the Police Department and commented on their recognition at the recent Awards Banquet.

Council President Hiob said Battelle spoke about expansion 12 to 18 months ago. They are again talking about expansion but on a much larger scale. The City welcomes this expansion.

Council President Hiob announced that he will be a guest on Mark Schlottman's Aberdeen Happenings show tomorrow at 7:30a.m. He attended the Burn and thought it was a great event.

Council President Hiob stated that the credit card issue is not knives and forks but politics.

9. Business from the Mayor

Mayor Simmons reported that at a Chamber of Commerce meeting Battelle stated they had taken a one year break because the expansion was being revised and enlarged.

The Police Department is at a full compliment for the first time. He noted that public safety is at an all time high and the cost is also very high. The City Budget is now balanced. The Water Fund is now an Enterprise Fund and the Budget is balanced. The Waste Water Fund is also now an Enterprise Fund and that Budget is also balanced.

Mayor Simmons said there is not much to complain about but the solutions to problems were expensive. Currently, the Council is looking at ways to reduce some costs, i.e., funds for those who cannot pay their expenses, and better ways of using credit cards. Big financial problems are being solved and the City is in good shape.

PUBLIC COMMENT:

1. Bishop Barnes, Highway Holiness Church

Bishop Barnes thanked the Police Officers for doing a good job and congratulated the City on the Burn yesterday. He added thanks to the Mayor and Council for the Burns on Washington Street and Edmund Street. Everyone needs a decent place to live. Bishop Barnes said the house on Edmund Street that the City bought is an eyesore and should have also been burned.

Mayor Simmons said a contract was taken to the owners and the City did not get the house. Bishop Barnes stated that he would inform Aberdeen Bible that it owns an eyesore.

2. Mr. Art Koszura, Doris Circle

Mr. Koszura asked for a estimate on the cost of Ripken Stadium to the City. He also wondered if fees for parking had been revisited.

Mr. Jack will check on the requested figures. Mayor Simmons said these deals were made a long time ago.

3. Mr. Don Kempler, 411 Grace Lake Way

Mr. Kempler suggested that the Villas at Rock Glen have planted center islands at the entrances and exits because they serve a useful purpose. This method could also be used for future projects. Mayor Simmons also likes the idea of planted center islands and suggested that other developments try this method.

Mr. Kempler asked if the property in District 1 has any hazardous material because of APG. He feels that testing may be needed. Mayor Simmons said there was some dumping but the area was primarily used for corn and soybean production. Mr. Lapinsky said there may not be a lot of issues because if any issues were anticipated the bank would ask for an investigation. Mr. Kempler asked the City to stay vigilant so the matter does not slip by.

4. Mr. John Salzer, 2310 Nova Drive

Mr. Salzer is concerned with Rock Glen. The proposed trees will not provide a sound barrier. He lives a mile away and can still hear the trains. Also, there is a steep hill which has washed out and trees are falling. These items should be included in the plans. Med Line operates 6 days a week / 24 hours a day. The 6 ft. fence which is proposed will deteriorate. He is asking that a better barricade between the houses and the railroad tracks be considered.

Mayor Simmons said he will check the erosion, sound barriers, train tracks, and a more substantial fence.

5. Ms. Ruth Ann Young, 445 Doris Circle

Ms. Young said if there is a possibility of selling the Stadium could the neighbors near I-95 be considered.

6. Mr. Robert Price, P.O. Box 279

Mr. Price complimented the choir but does not think this is the proper venue for a religious group. The separation of church and state should be followed.

7. Ms. Louise Costello, 122 William Powell Court

Ms. Costello said the orange plastic fence in her development is still falling down. This has been a safety issue for 3 years. There will be a HOA meeting on February 27th at the Senior Center Building. The residents have had no cooperation from Gem Craft and she is asking for help from the Council in dealing with the builder.

Mr. Lapinsky said this project is on hold until the Spring. Also, the adjacent property owner is holding the project "hostage".

Councilwoman Elliott asked if this is a legal issue and in court. She was told it was not currently in court.

ANNOUNCEMENTS:

- World Day of Prayer 2007, Friday, March 2nd at 1:00p.m., Grove Presbyterian Church

ADJOURNMENT:

The meeting was adjourned at 8:05p.m.