

**Aberdeen City Council Meeting  
January 22, 2007**

**OPENING:**

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

**Present:** Mayor Simmons, Councilwoman Elliott, Councilmen Kupferman, and Yensan

**Absent:** Council President Hiob

**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 Pastor Marguerite Windley and the Pledge of Allegiance was led by Councilman Yensan.

**APPROVAL OF MINUTES:**

The minutes of the January 8, 2007, meeting were approved as submitted. The minutes of the January 16, 2007, Special Council meeting were also approved as submitted.

**PRESENTATIONS:**

None

**PUBLIC HEARINGS:**

None

**PUBLIC COMMENT:**

1. Ms. Ruth Ann Young, 445 Doris Circle

Ms. Young stated that she was unable to obtain a copy of Resolution 721-06. She asked who represents the City at periodic meetings on the transportation issues. Mayor Simmons said the City representatives are Mr. Ranney, a member of the Police Department, and a DPW employee. The main item for consideration is BRAC and resulting studies.

Ms. Young also inquired about the progress on the Matrix by the University of Maryland. Mr. Miller said the study should be complete by late March or early April.

Ms. Young noted an article in the Record on November 4, 2005, regarding water choices and asked if there were any further studies. Councilman Kupferman said there were several options on the table then and more have been added. The Annexation Committee is being organized and will look at zoning, annexation and water requirements. A meeting is being held next week with the County Executive regarding BRAC and water issues. He noted that the City is moving forward. Mr. Lapinsky cited a study by CNA on water sources and usage of Building 250 at APG. A final draft is currently being prepared on this and other issues.

2. Mr. John Feroli, Mt. Royal Avenue

Mr. Feroli referred to the rights of Federal employees to run for election being covered by the Hatch Act. He stated that they should only be able to run in non-partisan elections. The City candidates avoid this issue regarding donations. In the 2005 election candidate party designations were obvious. Mr. Feroli read excerpts from the Hatch Act. He questioned whether the people from Ft. Monmouth would be able to vote in subsequent elections. He said the July 2006 Charter shows no reference to elections being partisan or non-partisan. The Charter should be amended to have elections be non-partisan. Newspapers should not be asking the candidates their party affiliation. Mayor Simmons said the newspapers get the candidate parties from the Voter Registration Office.

3. Mr. Bob Hartman, 226 Paradise Road

Mr. Hartman noted that Aberdeen High School is at 115% capacity and this issue should stop growth in the City. Mayor Simmons indicated that annexation has nothing to do with the schools.

Mr. Hartman has heard that the Stadium needs repairs, i.e., a wall sinking. The residents should be informed of these issues. Mr. Miller said the Stadium Management Board is submitting a long term report on projected repairs and needs. The projected cost is approximately 2 million dollars over a period of 10 years. Mayor Simmons noted that previously a \$75,000 repair was done to the wall.

**LEGISLATIVE SESSION:**

1. Introduction to Ordinance No. 722-07; Amendment to Ordinance No. 612-02, Aberdeen Comprehensive Plan, Chapter 3, Planning Area 1, Swan Creek

Ms. Grover noted that Planning Area 1: Swan Creek consists of 454 acres and is located East of the City Corporate Limits. There is a very large storm water drainage pond located in the Planning Area. She distributed a memorandum which outlines two recommendations. The Planning Commission recommends a change to the Comprehensive Plan for Planning Area 1 to B-3 Highway Commercial and/or Office/Research/Education. B-3 is a zoning designation as is ORE. The second recommendation is from the Department of Planning for the language that is in the proposed Ordinance be adopted as amended which is as follows:

BE IT ORDAINED AND ENACTED that Chapter 3 – The Plan, Planning Area 1: Swan Creek, Recommendations of the 2002 Aberdeen Comprehensive Plan is hereby deleted in its entirety and the following enacted in lieu thereof:

*“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.”*

Councilwoman Elliott said Col. Wright at APG should be kept informed of this and any other actions being considered by the Council to further good relations. Mayor Simmons agreed.

Mr. Kahoe is present at this Council meeting to answer any questions.

A motion was made by Councilman Yensan and seconded by Councilwoman Elliott to approve Ordinance No. 722-07; Amendment to Ordinance No. 612-02, Aberdeen Comprehensive Plan, Chapter 3, Planning Area 1, Swan Creek.

**The motion was passed with a vote of 4 – yes and 1 – absent.**

2. Consideration of Adoption: Resolution No. 721-06; of the City of Aberdeen to Cease and Postpone the Processing of Annexation Petitions until a Preliminary Study of Future Water Supply Sources is Completed

Mr. Miller asked that this action be delayed for further discussion and review by the City Attorney.

#### **BUSINESS OF THE COUNCIL:**

1. Unfinished Business

None

2. New Business

None

3. Business from the Director of Planning & Zoning

None

#### 4. Business from the Chief of Police

Chief Rudy said officers who responded to the fire on Rogers Street received awards at the Volunteer Fire Department Banquet. The Police Department was thanked for their effort and cooperation at the site.

Chief Rudy reported that one additional officer, Todd Duncan from the Baltimore City Police Department, reported for duty today. Due to his current assignment, the Chief was unable to introduce him to the residents today. This will take place at a later date. On February 5<sup>th</sup>, the last two recruits will be on duty.

Mayor Simmons noted that the City is benefiting by getting experienced officers from other jurisdictions. This is cost effective for the City. He referred to a purse snatching at Wal Mart and because of the prompt action of the Police, the offenders were apprehended.

#### 5. Business from the Director of Finance

Mr. Jack distributed a report on the City of Aberdeen Financial Activities for the Fiscal Year 2007 – Report Period July through December 2006 with a Report Percentage of 50%. The report indicates the City is in a positive financial situation at this point. Last year at time, the City had a deficit of 1.6 million dollars.

Mayor Simmons thanked Mr. Jack and his department for a fine job. Councilman Yensan commented on the clarity of the report.

#### 6. Business from the Director of Public Works

##### A. Sewer Use Code Amendment – Pre Treatment

Mr. Lapinsky said this Amendment would help the City fulfill the requirements of the Maryland Department of Environment Pre-Treatment Program. As the result of a study conducted, some changes are necessary in the system. Local limits for industrial users will be removed.

Mayor Simmons and the Council will make copies of this Amendment available to the City residents.

##### B. Hydrant Use Policy

Mr. Lapinsky stated that, currently, hydrants are being used by construction companies, pool companies, and landscapers. This Policy will reduce damages to the hydrants and reduce water usage. In the future, to use a hydrant, a deposit will be required, there will be a cost for use, and a penalty for non-conforming use. There will be a list of locations where water can be obtained. Mr. Lapinsky informed the Council that this document would be attached to those used by the County.

Councilman Yensan agreed that outside entities can still use the hydrants if they comply with the requirements. He noted that Elkton has capped their hydrants.

Mayor Simmons congratulated Mr. Lapinsky and his Department on establishing this Policy. He also commented on the insignia and fine refurbishing of the water tower. Mr. Lapinsky said the tower is now on line and ready to be used.

A motion was made by Councilman Yensan and seconded by Councilman Kupferman to approve the Hydrant Use Policy.

**The motion was passed with a vote of 4 – yes and 1 – absent.**

7. Business from the City Manager

None

8. Business from the Council

Councilwoman Elliott noted that asphalt was replaced behind the Senior Center with the help of Mr. Helton. Signs are still needed and the parking lot is striped. She said parking stickers have been requested to identify members but this request has not yet been approved by the Council.

Mayor Simmons said Council President Hiob suggested another approach and would like this issue discussed before any action is taken. Councilwoman Elliott sees no reason to delay the sticker purchase and would like a vote taken by the Council. Councilman Kupferman agreed with Councilwoman Elliott. Councilman Yensan would like to have the other opinion before a vote.

Councilwoman Elliott noted that Department Heads have not yet been sworn in yet. This is part of the City Charter and Constitution and should be done.

Councilwoman Elliott said the Joint Use Feasibility Study dated August, 2006 – OOU should be released to the public.

Councilwoman Elliott reported that Ms. Darlene Ostroski, a valued employee, is on extended sick leave. The entire Council wishes her well.

Councilwoman Elliott said she has heard that the City is looking into purchasing a church on Bel Air Avenue and Law Street to give to another church. She noted that State and Church do not go together. There is no information on this action available.

Councilwoman Elliott wished Mr. Benner well in the future.

Councilwoman Elliott stated that receipts from credit cards used for expenditures are needed for reimbursements.

Councilman Kupferman asked what was happening with the swim club contract. Mr. Miller said a new contract has been received and is being reviewed by the City Attorney. After this review it will be presented to the Council.

Mayor Simmons said the pool is a huge amenity to the quality of life and the City would like to keep it, but, it drains resources.

Councilman Kupferman noted that the Mayor and Chief Rudy speak about public safety but Citizens don't realize the danger in some situations and positive results that have taken place. He congratulated the Mayor and Police Department Task Force for reducing drug presence in the City. They were urged to keep the pressure on the offenders.

Councilman Kupferman presented a list of Action Items for the Council; this list was revised last July. He would like the Council to refocus and proceed with meaningful business and put things in proper perspective. The issues of the swim club, annexation, the Matrix, Water Plan, etc, will be addressed.

Councilman Kupferman said regarding the APF, the County Executive has put \$600,000 in his budget this year to address the Aberdeen School Area. This would increase seats by 250. The Plan for School Growth needs to be clarified and a meeting should be held for all parties involved. In a few months, taxes will be discussed; the Council is working on all of these issues.

Councilman Yensan stated that the APFO figure is an example that figures lie; they project the bad but not the good. The figures reflect a percentage of students being bused from APG to City schools. This number will be reduced when the base closes; this should be considered. Annexation is the expansion of boundaries only.

Councilman Yensan said the Charter Amendment covers a two year cycle.

## 9. Business from the Mayor

Mayor Simmons agrees with Councilman Kupferman that the Council needs to refocus.

Mayor Simmons said the City would embrace any community organization that would desire to come together with the common goal to increase stability in their communities. He noted that it is not unusual in a drug bust for a house to be taken, cars taken, and money taken, but then the Judicial System fails. The faith based community has people who have hit bottom and are provided with a way to reclaim their lives and help the City with helping other people. The City has come a long way in the last year. Local churches have blessed the Police Department and the Officers are overwhelmed by their appreciation.

Mayor Simmons stated that the Matrix is proceeding slowly because the City is being paid in part by Government.

Mayor Simmons held a meeting with Sheriff Bane on the prognosis of the Rt. 40 Corridor; this was a very productive meeting. It was noted that Rapid Response is becoming a regional solution.

Mayor Simmons indicated that a wall in the Training Room is being outfitted for sixteen 40" flat screens for the cameras to be used.

Mayor Simmons attended the Fire Awards Banquet which was attended by many elected officials. Ms. Judy Hinch was the leading responder with 350 EMS responses in one year. This was in addition to other duties and fire calls.

Mayor Simmons said there are many houses which will be burned because of revitalization. There will be positive developments from Minister DeWitts church, Habitat, etc.

Councilman Kupferman noted that Mr. Bennett Smith received a 50 year pin for his service.

#### **PUBLIC COMMENT:**

1. Bishop Barnes, Highway Holiness Church

Bishop Barnes said a wonderful job is being done by the Mayor, and Chief of Police in making the City a safer place to live. He noted that without the people there would be no State. Citizens were encouraged to stop killing each other; enough is enough.

2. Mr. Curtis Coon, attorney for Wetlands, said Senior Center parking stickers could be used by criminals to target the elderly.

Mr. Coon would like a copy of Resolution No. 721-06 before the next meeting. The concept to postpone and stop annexation is not a good business decision. He said nothing would be added to schools, water, hospitals, etc. by annexation, but by development. This request is a long and large process. Annexation is the wrong place for a stop sign. Mr. Coon feels that opponents to Wetlands are not opposed to annexation but to the way it's being done. The City petition requires that requests be considered within 60 days. The State laws allow citizens to petition government for annexation. A moratorium needs unique characteristics to be considered.

3. Ms. Louise Costello, William Powell Court

Ms. Costello said the fence erected around the storm water management pond was only plastic, and not the type of fence as stated at the last meeting. There is a HOA meeting in the near future and she would like to know the plans.

Mr. Lapinsky said the plastic fence was constructed before the chain fence. The permanent fence is being held up because of the adjoining landowner.

Mayor Simmons said a DPW representative will come to the meeting if needed.

4. Mr. Robert Price, P.O. Box 279, Aberdeen

Mr. Price said the referendum was held because of impact on water, roads, etc. If annexation takes place, it would be for residential and/or commercial development.

5. Ms. Ruth Ann Young, 445 Doris Circle

Ms. Young asked if there should be a change in neighborhood or a mistake resulting in consideration of Ordinance No. 722-07.

Ms. Grover said this is not rezoning.

Ms. Young asked the number of people and their charge who are being considered for the Committee for Annexation.

Councilman Kupferman said 10 people were invited to the Committee, but to date, not all have responded. They will be discussing annexation, the City water situation, APF and the umbrella of BRAC, and is R-1 or R-2 zoning more acceptable. The Committee will consist of invited local residents in opposition to annexation, a member of the Planning Commission, a member of the Zoning Commission and 3 Staff members.

Mr. Miller stated that a by-product of the Annexation Committee will be recommendations to be included in the revision of the Comprehensive Plan.

Mayor Simmons noted that Ms. Grover is getting Grants for the City in the hundreds of thousands of dollars to study BRAC.

**ANNOUNCEMENTS:**

None

**ADJOURNMENT:**

The meeting was adjourned at 7:45p.m.