

**Aberdeen City Council Meeting
October 1, 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 Kupferman, and Yensan

Absent: None

Also Present: Doug Miller, City Manager
Phyllis Grover, Director of Planning & Community Development
Matthew Lapinsky, Director of Public Works
Opiribo Jack, Director of Finance
Randy Rudy, Chief of Police

Mayor Simmons called the meeting to order at 6:00 p.m. in the Council Chambers. The prayer was led by Pastor Gregory Scruggs of the Kingdom of Praise Church and the Pledge of Allegiance was led by cadets from the Freestate Challenge Academy.

Mayor Simmons noted the good relationship the City has with the cadets at the Academy.

The Minutes of the September 17, 2007, Council Meeting were approved as submitted.

The Statement of Closed Session was read into the Minutes as follows: "On September 17, 2007, at 5:00 p.m. in City Hall, a Closed Session was held by the Mayor and Council. The session was held pursuant to the Open Meetings Act, Section 10-508 (a)(1) to review the appointment, removal, resignation, and acceptance of appointees for the Volunteer Committees. In addition to the Mayor and Council, Douglas Miller, City Manager and Monica Correll, City Clerk were in attendance. The Mayor and Council agreed to make appointments of certain committee members and delay appointments for others."

PRESENTATIONS:

1. Skate Board Park

Ben Aull mentioned that some people do not like the Skate Board Park. However, it keeps kids off of the street and gives them a place to "hang out". He said ignorant people are destroying the facility, not those using the facility.

Mayor Simmons noted that there is an ongoing problem with destruction and graffiti. This issue must be addressed and eliminated.

Mr. Lapinsky thanked the skate boarders for coming to the Council meeting. He said Havre deGrace has a skate board park which is monitored by adults and a nominal fee is charged for use of the facility. The City would like to have volunteers to help keep the skate board park open. He asked that anyone witnessing vandalism or any other type of crime call the City Police.

Chief Rudy said it is not necessarily the skate boarders causing problems and he supports the efforts to keep the facility open.

Mayor Simmons noted that the next step is to get responsible adult volunteers to help with those using the park. He said locking the facility will not stop abuse and is not an option.

Mr. Miller and Ms. Grover have met with County Recreation representatives to clarify the liability issues.

Mr. Lapinsky said Havre de Grace locks their facility and has minimal problems.

Councilman Yensan feels that closing the park is not an option; a plan must be devised to make use of the facility work.

Councilwoman Elliott noted that a few make it rough for others.

Councilman Kupferman said this would be a prime location for camera installation.

2. Presentation – Maryland Chief’s Challenge Results – Sgt. Albert Severn

Sgt. Severn presented the plaque for the 2007 Chief’s Challenge Award for Safety Belt Use to the Mayor and Council. He noted that the award really belongs to the residents of the City. Seat belt use has increased from 91.1% to 93.1%. Chief Rudy noted that Sgt. Severn is the organizer and is responsible for the success of this endeavor.

3. Presentation – Appearance & Preservation Committee/Most Beautiful Yard – Ms. Mary Law and Mayor Simmons

*Brenda, Matthew & Lesley Williams, 139 Baltimore Street

*Ursula Schotz, 476 West Bel Air Avenue

*Charles Woodard & Jeraline Taylor, 407 Paradise Road

*David & Mary Lynn Myers, 606 Aberdeen Parkway

4. Presentation – APG Maintenance Building – Mr. Hank Selke

Mr. Selke listed the following needs for a Replacement Maintenance Building:

- COA had to vacate its Maintenance Building on Base because of BRAC initiatives.
- Equipment and materials are currently being stored at the APG WWTP.
- APG gave COA approval to build a new building on Base.
- The building will be funded with monies received for projects that are, currently, on hold.
- Bids were solicited from contractors based on COA requirements.

- Three bids were received.
- It is recommended that the contract be placed with Grose Construction which was the low bidder. The bid amount is \$299,365.

Mayor Simmons asked what projects were on hold. Mr. Selke said one project is for a roof for the Chapel Hill Water Treatment Plant.

A motion was made by Councilman Yensan and seconded by Councilman Kupferman to approve the bid from Grose Construction Company in the amount of \$299,365 for a Replacement Maintenance Building at APG.

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

5. Board of Education Priorities – Mr. Thomas Fidler, Jr., President, Board of Education of Harford County

Mr. Fidler noted that the Harford County Board of Education has decided to come to the citizens and give them information on its plans. In the spring of 2007, a Strategic Plan was completed for the next 5 years. Listed are some of the items being considered:

- Evaluations on school uniforms.
- A Capital Improvement Program of 1.2 billion dollars in the next 9 years; 1/3 of the schools are over 35 years old and many are over capacity.
- Processes discussed for constructing new schools.
- Construction costs escalate annually.
- The school system is healthy.
- Tests, on the whole, are positive.
- The SAGE report necessitates many more seats in schools.
- School openings have been successful.
- Patterson Mill is a state of the art school.

Councilman Kupferman asked who would pay for the uniforms. He was told this was part of the discussion.

Councilman Kupferman asked Mr. Fidler his thoughts on the Aberdeen High School North Building. Mr. Fidler said seats are definitely needed and the decision should be whether to tear it down and rebuild or salvage the existing facility.

Mr. Fidler said there will be a Public Work Session on Capital Improvements on October 30th at 7:00 p.m. in the Roberty Building.

PUBLIC HEARING:

None

PUBLIC COMMENT:

1. Ms. Elizabeth Nordell, 207 Baltimore Street;

Ms. Nordell purchased a house which was formerly a foreclosure and is very proud of its current condition. The house next door is a rental and is a nuisance. Since November 6, 2006, there has been excessive traffic at that home. The residents are working on vehicles with loud mufflers, and using foul language late at night. She called the police and asked to remain anonymous. The neighbors somehow found out she called the police and have continued using foul language, and other methods of retaliation. She needs help, but wishes to remain anonymous because of the harassment.

Mayor Simmons said he and Chief Rudy will be at the other residence and her name will not be given out.

2. Ms. Ruth Ann Smith, 319 Graceford Drive;

Ms. Smith asked if the 26 acres by the wetlands near Graceford Drive had been rezoned. She noted that Council President Hiob said all of the residents favored closing Graceford Drive and Roberts Way. Ms. Smith contacted residents in 22 houses and not one wanted the streets closed.

Council President Hiob said the Planning Commission recommended rezoning the entire area from R-3 to B-3. The newspapers get statements wrong sometimes. He said that every neighbor who attended the meeting thought it was a good idea to close these streets as suggested by the developer.

3. Ms. Lillian Eyler, 311 Graceford Drive;

Ms. Eyler does not want the streets closed because a truck comes to the water pump 3 times a day. Large trucks of any kind have a hard time turning around on these streets.

4. Mr. Bob Hartman, 226 Paradise Road;

Mr. Hartman asked where the Revitalization money came from.

Ms. Grover said \$100,000 came from the Community Legacy Fund as Grant with matching amounts and a revolving loan for facade improvements.

5. Ms. Ruth Ann Young, 445 Doris Circle;

Ms. Young said recent newspaper articles say the Mayor does not favor parking fees for Ripken. Additionally, the hotel tax is not coming. He asked about what other methods can be used to cover budget deficiencies if fees are not implemented.

Mayor Simmons has been studying the contracts now in force. Revenue streams anticipated have not arrived, i.e., projects around Ripken Stadium like Presbyterian Homes, and others. When these are in place, new taxes will help fund the budget and the long term maintenance fund. The parking fee could be a problem with the sold-out seasons and would not be worth the risk.

6. Mr. Curtis Koon, Attorney;

Mr. Koon said he was also an Eagle Scout. To be successful, the uniform implementation must conform or a cost problem could result. Redistricting is not being done properly; the School Board needs to review redistricting methods. The Council should ask the School Board to consider economics, feasibility, etc. and locate schools inside or outside of the growth envelope.

Resolution No. 735-07, Item 3A regarding Rejection of Provisional Ballots is an issue in Aberdeen because elections could be decided by a few votes. Item 3A Requires Unanimous Rejection of a Provisional Ballot. Unless this is at odds with the Charter a 2/3 vote is more appropriate.

Item V should have one more Item added – the City Charter requires one more thing and this Resolution may not be intended to overrule the City Charter but there was one example where this certification was omitted in the Referendum Election concerning the Annexation for the Wetlands. A new Item L could require conformity with the Charter within 48 hours of the close of the polls that there be a certification by the Board of Elections as to the outcome of the election.

7. Mr. Art Koszura, 424 Doris Circle;

Mr. Koszura asked the time frame for the Tufton contract. It appears that two masters are being served. He also questioned the number of dates reserved for the City's use. These questions will be addressed at a later date.

Mr. Koszura suggested that areas be set aside in annexed areas for schools. He was told this was being considered by the City.

8. Mr. William Young, 445 Doris Circle;

Mr. Young asked where the money from the Stadium was designated. He was told there was no involvement with the Enterprise Fund, it came from the General Fund. The question was raised as to this fund being self-supporting.

LEGISLATIVE SESSION:

1. Ordinance No. 734-07 – Infrastructure Loan Bonds to include Form of Bond and to include Specific Adoption Language (For Introduction)

Mr. Miller noted that this ordinance was back before the Council because an attachment was needed for the document's final form. The State requires specific language requiring the process to be revisited. There will be a Public Hearing on October 15th. The issue is the attachment (Form of the Bond).

A motion was made by Councilman Yensan and seconded by Council President Hiob to approve the Introduction of Ordinance No. 734-07 Infrastructure Loan Bonds to include the Form of Bond and to include Specific Adoption Language. This motion includes "The form of Bond, together with all of the covenants and conditions therein contained, is hereby adopted by the City as the form of obligation to be incurred and such covenants and conditions are hereby made binding upon the City of Aberdeen, including the promise to pay contained therein".

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

2. Ordinance No. 731-07 – Cameras (For Adoption)

Ms. Grover said this is an Amendment to the Aberdeen Development Code. This provides for “E) Provisions for security cameras shall be installed at strategic locations in all commercial and industrial developments and in any residential developments deemed appropriate by the Aberdeen Police Department and Department of Planning and Community Development. Coordination between the Aberdeen Police Department, Department of Public Works and the property owner will be required prior to the approval of any development permits.”

Councilwoman Elliott would like to have an internal operating policy because she is concerned with privacy of non-criminals. Police or City personnel could release information and violate an individual’s privacy. The general public should be protected.

A motion was made by Council President Hiob and seconded by Councilman Yensan to approve Ordinance No. 731-07 – Cameras which is an Amendment to Ordinance No. 711-06 of the Development Code regarding Cameras.

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

3. Ordinance No. 733-07 – Assisted Living Facility (For Introduction)

Ms. Grover said this Ordinance, for introduction tonight, is defined in the Development Code but is not detailed in the Table of Uses.

Councilman Yensan asked why assisted living facilities were not permitted in R-1 zoning. He was told because R-1 permitted low density and assisted living facilities usually have 8 to 10 clients in the dwelling. The Planning Commission did not agree with R-1 because of the character and nature of the business.

Council President Hiob said the Planning Commission gave a favorable recommendation to this request.

There will be a Public Hearing on this issue in 2 weeks.

A motion was made by Councilman Kupferman and seconded by Council President Hiob to approve Ordinance No. 733-07 – Assisted Living Facility (For Introduction) with the addition of the following statement “The facility must meet the standards and licensing requirements of the Annotated Code of Maryland and any other regulatory agencies.” Additions were also made to Chapter 142, Attachment I, Appendix A. Table of Use Regulations.

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

4. Ordinance No. 735-07 – Supplemental Election Procedures – (For Introduction)

Mr. Miller noted that the Election Procedures in the City Charter and City Code need updating. The City Clerk and the Election Board wish to have all of the rules established prior to the election. The Charter allows the Council to include Supplemental Election Procedures by Ordinance, the memorandum received from the Harford County Board of Elections identify some of the areas needing updating. The City appreciates Mr. Koon’s suggestions and any additional suggestions are welcome before adoption on October 15th.

Mayor Simmons asked if there would be time to include Mr. Koon’s suggestions. He was told there was.

A motion was made by Council President Hiob and seconded by Councilwoman Elliott to approve Ordinance No. 735-07 – Supplemental Election Procedures (For Introduction).

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

5. Resolution No. 07-7, Community Legacy Program Application (For Adoption)

Ms. Grover said this is a Resolution requesting support for submission of an application for Community Legacy funding with the Department of Housing and Community Development of the State of Maryland. A Grant is being requested in the amount of \$100,000. An agreement will be entered into with businesses on a one-third basis for businesses in the City Downtown area. This is being done to try to encourage them to improve their buildings and facades.

Ms. Grover thanked Ms. McDonough for her work on this project.

A motion was made by Councilman Kupferman and seconded by Councilman Yensan to approve Resolution No. 07-7, Community Legacy Program Application (For Adoption).

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

BUSINESS OF THE COUNCIL:

1. Unfinished Business – None
2. New Business

A. Preliminary Site Plan, Lloyd Reed Properties, LLC, - Ms. Grover

Ms. Grover said this request is for the development of 5 single family lots located at Baltimore Street Extended, the address of the property is 542 Baltimore Street. Several representatives were present from Lloyd Reed Properties, LLC. The zoning is R-2 and single family dwellings are being proposed. One lot has received a variance from the Board of Appeals for a setback. The Planning Commission gave approval with comments regarding road improvements, sidewalks, road widening, etc.

Mr. Greg Reed said his organization has been working with the Staff on this project. The Plan shows 5 lots on Baltimore Street and the property is located very close to the City line. There is a 9 ft. gravel road which is a dead end. One-third of the property will be designated for a paved road and right of way. Sidewalks can't be fitted into the right of way; grass will be a better fit because there is very little pedestrian traffic.

Councilwoman Elliott asked why there will be no sidewalks. She was told they would have to be put on private property with easements.

Councilman Yensan said he is opposed to sidewalks which go nowhere.

Council President Hiob said this is a good road improvement; sidewalks are not necessary.

Councilman Kupferman noted that this is a common sense issue; and cul-de-sacs are a good addition.

Councilwoman Elliott is concerned with the beginning of Baltimore Street being left alone because it is a "country road". The street should not have been left as it is. A right-of-way can be obtained. She said there is no road or sidewalks and the hydrant is covered in brush. The current condition of the area is appalling. Those living in the area need help. She asked the developer to construct the road. He said he is doing all he can with giving 1/3 of a lot, extending the road, and creating open space. This is a small development.

Council President Hiob noted rights of way are hard to obtain. The prior City Administration made an error and the City should try to get right of ways to help this developer while the project is under construction.

Chief Rudy said the road is narrow and no parking should be permitted in this area.

Councilwoman Elliott did not agree that the roads and sidewalks lead to nowhere. She cannot approve a project where 5 homes have no sidewalks. All developments should have amenities such as new roads and sidewalks.

A motion was made by Council President Hiob and seconded by Councilman Yensan to approve the Preliminary Site Plan, Lloyd Reed Properties, LLC.

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

3. Business from the Director of Planning and Community Development

None

4. Business from the Chief of Police

None

5. Business from the Director of Finance

None

6. Business from the Director of Public Works

A. Truck Bid Approval

Mr. Lapinsky said the City has a utility bed and requested bids for a service truck. The utility bed will be installed in the new truck. The bid includes the truck and installation of the utility bed. The low bid was for 31,605.00. Mr. Lapinsky is asking for approval of \$31,821.00 so delivery can be accomplished in 20 days. All of the funds have been included in the Budget.

A motion was made by Councilman Yensan and seconded by Councilman Kupferman to approve the bid for a Service Truck in the amount of \$31,821.00 from Plaza Ford.

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

Mr. Lapinsky thanked the skaters for coming to the meeting. He feels that progress can be made in the future.

Mayor Simmons also noted that there are 21 Boy Scouts in the audience tonight.

7. Business from the City Manager

Mr. Miller said the meeting next week will be held on Columbus Day and will be a Work Session format. Mr. Lapinsky will present some safety issues and Councilman Kupferman will report on Annexation procedures.

8. Business of the Council

Councilman Kupferman polled residents of Graceford Drive and none of the residents contacted want the road closed. He asked if the project was contingent on access and egress off of Rt. 22. He was told it was.

Councilman Kupferman said townhouse widths before the Planning Commission should be 28 ft. to 30 ft. and have quality construction. Houses costing \$400,000 to \$500,000 will be marketable.

Councilman Kupferman feels the Council could insist on a \$1.00 increase per seat. This would result in ¼ million dollars for the City. A parking situation would be cumbersome; people do not want to spend time in line to pay a “parking fee”. This increase would come to the Council to offset the Stadium expenses.

Councilman Yensan mentioned that the new park benches are now in place; new trash cans are on order.

Councilman Yensan has contacted the City Clerk and the City Manager regarding two organizations which are demonstrating traits of being political action committees. He asks that the City notify both organizations that they are in fact political action committees and are required to conform to the City's Election Laws. This notification should take place very quickly.

Council President Hiob had a photograph of a park bench in Atlantic City.

Council President Hiob attended Harford Live at Ripken Stadium last Saturday. The event was very well attended.

Council President Hiob said residents are concerned about a "No Left Turn" sign at W. Bel Air Avenue and Howard Street. This sign is not enforced so they think it should be removed.

9. Business from the Mayor

Mayor Simmons thanked the Boy Scouts and students from the Freestate Challenge Academy for attending the meeting. He would like to speak to the Cadets if a time can be scheduled.

PUBLIC COMMENT:

1. Ms. Karen Heavey, 634 W. Bel Air Avenue;

Ms. Heavey is concerned on the rezoning for the old Mews project. The Planning Commission has recommended rezoning almost all of the property to B-3 and the residents object to this recommendation.

Ms. Heavey asked the status of the water situation in the City. Water issues are being mentioned at the Planning Commission meetings. Is water available? Will OPUS get water from the City or APG?

Mayor Simmons said APG has an Enhanced Use Lease inside APG. The Corps of Engineers has leased land for 50 years to OPUS and the Army will provide water because it is inside the gate. Eventually, the Deer Creek water supply will be eliminated. There is some water available in the delta.

Council President Hiob noted that the Planning Commission recommended rezoning the upper half of the old Mews project to B-3 from R-3. The Planning Commission Chairman does not like split zoning. However, the wetlands near West Bel Air Avenue cannot be developed. At the Planning Commission meeting, Council President Hiob asked if there was any tax impact on the zoning change and was told there was not.

2. Mr. Bob Hartman, 226 Paradise Road;

Mr. Hartman asked if signs were required to inform the people of cameras being used as monitors. He was told none were needed.

Mr. Hartman mentioned that one of the new police officers has returned to military service.

Mr. Hartman asked how the child was who was in the accident. Mayor Simmons said he and Chief Rudy went to the hospital and were told the condition report was private and would only be released to the investigating officer.

3. Mr. Curtis Koon, Attorney;

Mr. Koon has read about the City Police philosophy. A call to County Police from the Wetlands Golf Course took 20 minutes for a response. He is encouraging other municipalities to follow the example of the Aberdeen Police Department.

Mr. Koon said the requirements for townhome widths needs to be studied further. The market will govern pricing. The types of construction should be considered; width is only one variable to be determined.

4. Ms. Ruth Ann Smith, Graceford Drive;

Ms. Smith asked if anyone from the 300 block of Graceford Drive mentioned that there is a water problem in the homes and multiple sump pumps are needed to address the situation.

Council President Hiob said his sump pump runs every 5 minutes, so he understands the issue. The proposed development is only conceptual at this time and potential problems will be addressed.

5. Ms. Ruth Ann Young, 445 Doris Circle;

Ms. Young would like details of the financial situation at Ripken including parking and fees. She asked that the fact that others park there be taken into account. The fee should also be collected by anyone using the lot.

Mayor Simmons said the City charges \$1,100 per day for Stadium events if no lights are needed. Councilman Kupferman will provide more details in the future.

ANNOUNCEMENTS:

- City Appreciation Day, Breath of God Christian Fellowship Church, Saturday, October 6th in Festival Park, 11:00 a.m. – 3:00 p.m.

ADJOURNMENT:

The meeting was adjourned at 8:15 p.m.