

**Aberdeen City Council Meeting
January 28, 2008**

OPENING:

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

Present: Mayor Michael E. Bennett
Councilman Michael Hiob
Councilman Ronald Kupferman
Councilwoman Ruth Ann Young

Absent: Council President Ruth Elliott

Also Present: Douglas Miller, City Manager
Phyllis Grover, Director of Planning & Community Development
Opiribo Jack, Director of Finance
Matthew Lapinsky, Director of Public Works
Randy Rudy, Chief of Police
Monica Correll, City Clerk
Doris Manner, Recording Secretary

Mayor Bennett called the meeting to order in the Council Chambers at 7:00 p.m. The prayer was led by Pastor Irwin Wainwright of Thy Kingdom Come Ministry and the Pledge of Allegiance was led by Councilman Kupferman.

The Minutes of the January 14, 2008 meeting were approved as submitted.

PRESENTATIONS:

1. Advocates for Children and Youth, Cameron Miles, Community Outreach Coordinator

Mr. Miles provided a handout for the Council and Staff. His group is based at the Inner Harbor Area. They are asking the City to make a pledge to help this organization realize their goals. They have many objectives, i.e., keeping children safe in their neighborhoods, and providing new facilities. Eventually, Mr. Miles would like the entire State to become involved. He noted that the educational system is failing the children. The children need: permanent homes, better trained case workers, self sufficient and independent families, mental health facilities available, and access to health care. Racial disparity should be reduced; everyone should receive services regardless of race.

Councilwoman Young feels that this is a worthwhile endeavor. Efforts should be coordinated with Harford County. Mr. Miles said they are trying to branch out into surrounding counties. They are a policy organization, not a service organization.

Mayor Bennett thanked Mr. Miles for his presentation.

2. Proclamation – In Recognition of Jacqueline C. Haas, Superintendent of Harford County Public Schools

Ms. Haas was attending a Board of Education meeting. Mayor Bennett read the Proclamation from Aberdeen recognizing her for her efforts in the education field. Councilwoman Young will deliver the document to Ms. Haas.

PUBLIC HEARING:

1. Ordinance No. 736-08, Annexation Procedures Incorporated into the Development Code

Ms. Correll, read letters from Curtis Coon, Esq. dated January 28, 2008 [Exhibit A], and Mr. Charles Waldron dated January 25, 2008 [Exhibit B] into the record.

Ms. Grover said this is an Ordinance to repeal and reenact Chapter 142, Section 14 (Zoning of Advanced Areas). It was introduced on January 14, 2008 and was brought forward by the Mayor and City Council and the Annexation Subcommittee. The Planning Committee has reviewed the document and public comment will be received tonight. The comment made at the last meeting regarding Section 9, eliminating the word “may” and replacing it with “shall” is in place.

Ms. Grover stated that this document will replace what is currently in the Development Code under that Section. It will provide policy and principles to govern annexation and procedures to govern annexation petitions as presented to the City Staff, Planning Commission, Mayor, and City Council.

PUBLIC COMMENT ON THE ORDINANCE:

1. Mr. Art Koszura, Doris Circle;

Mr. Koszura said only one annexation petition should be considered at a time. If an application is not approved, there should be a waiting period before it can be reconsidered. He noted that there is nothing in the State to preclude the City from using this procedure.

He stated that the Mayor of Havre de Grace has two concerns regarding bonding time frames. If there are problems with developers and buyers, no satisfactory methods are in place to help solve problems. Aberdeen should have an arbitration process.

Annexation in the City is wonderful; 40% of the population are renters and 60% are owners. Mr. Koszura would like some property set aside for low and moderate income military families because there are few housing opportunities.

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

Ms. Heavey noted numerous sections of the subject Ordinance: Sections B-1, A150, B1(C), B1(K), B1(J), and B1(K). She stated that the Annexation Policy does not address time limits and multiple requests. There should be a waiting period. Additionally, the City Charter should be amended. Ms. Heavey asked that suggestions and comments be considered. [Exhibit C]

3. Mr. Curtis Coon, Hickory Avenue;

Mr. Coon noted that he is not speaking for any specific clients. He supports the proposed annexation legislation. He made reference to the following: Zoning of annexed areas – 142-14, Section 14(A)3), Section 14 (B)1)a)2), Section 14 (B)1)b)1), Section 14(B)1)e), Section 14(B)1)i), Section 14(B)1)k), Section 14(B)3)a), Section 14(B)2)c), and Section 14(B)3)c). Several additional comments were listed in the letter which was submitted to the Mayor and Council.

4. Mr. Carl Corse, 35 Hillman Court;

Mr. Corse referred to the mechanisms of the Committee, the balance of interests, the quality of life, and a good balance. He asked that a copy of Mr. Coon's letter be e-mailed to him.

Mr. Corse noted that Havre de Grace was not previously diligent with their bonding process and is feeling the backlash now. Aberdeen has stayed on top of their bonding process and has protected the bonded money. Annexation fees are set aside during the process. The MATRIX was to have set guidelines but no final report has been distributed. An Annexation Agreement vs an Annexation Plan could be a solution.

Mayor Bennet said the Council will consider all comments submitted. There will be a Work Session on February 4th and the earliest a vote could be taken is February 11th.

PUBLIC COMMENTS:

1. Mr. Bob Hartman, 226 Paradise Road;

Mr. Hartman's question referred to the cost of drilling under I-95 for water to the Stadium which was noted at the December 10, 2007, meeting. He also mentioned that the City home page needs updating. The agenda was mentioned regarding salary changes. Mr. Hartman asked what the salary adjustments were.

2. Mr. Art Koszura, Doris Circle;

Mr. Koszura said the City Staff is excellent and is on top of the bonding situation. However, there should be some wording in the Annexation Agreement on the subject. Although the Annexation Agreements are between the City and the developer, the residents should have a time frame for reviewing the requests.

3. Mr. Mark Skinner, 8 Morning Dove Court;

Mr. Skinner moved to the area from out of state. The new development in the City is targeted to the lowest 20% of the residents. Drug stores are not desired. The City should target upscale development. He noted that there are homeless people living in the woods near City Hall. Since the Council can approve or deny development, there should be more upscale and more expensive housing. Better development is definitely needed.

LEGISLATIVE SESSION:

1. FY 08 Budget Amendment (for Adoption) [Exhibit D][Exhibit E]

Mr. Miller said it was decided last year to come back to the Mayor and Council with changes, when and if, any were required.

Mr. Jack distributed a handout outlining the original budget amounts and the revised changes as follows:

REVENUES

Fund	Original	Revised	Change
General Fund			
Operating	11,290,423	12,362,688	1,072,265
Capital	1,066,133	1,554,061	487,928
Total General Fund	<u>12,356,556</u>	<u>13,916,749</u>	<u>1,560,193</u>
Water Fund	5,716,990	5,665,573	(51,417)
Sewer Fund	2,624,246	2,712,246	88,000
Stadium Fund	776,164	776,164	-
Grand Total	<u>21,473,956</u>	<u>23,070,732</u>	<u>1,596,776</u>

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Councilman Kupferman asked about the \$192,000 for salaries. Mr. Jack said this was necessitated by Department of Public Works Street employees working in the General Fund and not in the Water Fund. Mr. Miller noted that Mr. Hall and Mr. Benner worked between funds and APG was always an estimate. Councilman Kupferman questioned the benefit cost. Mr. Miller said 27% of salaries are comprised of benefits.

Councilman Kupferman questioned the use of the \$728,000. Initially, \$500,000 was designated for the Rainy Day Fund. He asked if the remaining amount was being used. Mr. Miller stated that it would be used if necessary. Mr. Miller said the chance of hiring a new engineer was not good. Councilman Kupferman asked what would have happened without this “windfall”. Mr. Miller said it would have been taken from other areas or another fund balance. The Rainy Day Fund should receive additional funds for emergency use only.

Councilwoman Young questioned the \$25,000 for legal fees. Mr. Miller said the two law suits were not anticipated in the budget. Councilwoman Young noted that Harford County contributed money for a Resource Officer in the amount of \$110,000 - \$111,000. Approximately \$30,000 was identified. Where is the remaining money? Mr. Jack said the money has not been received. She asked where the \$228,000 difference went from the \$728,000; Mr. Jack indicated that it was going to be used to fund some of the budget increases.

Councilman Kupferman asked about the law suits. Mr. Miller said they were for the Wetlands Annexation case.

A motion was made by Councilman Hiob and seconded by Councilwoman Young to adopt a Budget Amendment for the FY 08 Budget for Operating and Capital Expenses as presented.

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

Ayes - Mayor Bennett, Councilwoman Young, Councilmen Kupferman, and Hiob

Absent - Council President Elliott

2 FY 07 Budget Correction [Exhibit F]

Mr. Miller stated that the Budget line items are incorrect on the ledger. The following were some issues which necessitated the changes: Wetlands Annexation issue, Public Works salary issue, Medical Insurance, the SAKS judgment. This minute detail was requested by the new auditing firm. Mr. Miller said there is actually a surplus of \$213,854. Councilman Kupferman asked where this money was. He was told it was in the bank.

Councilwoman Young asked if this was more “housekeeping”. Mr. Miller stated that this was information requested by the auditors.

Mayor Bennett said the new auditors want the process changed for the future. He noted that he must vote on action which was taken before his tenure in office.

A motion was made by Councilman Hiob and seconded by Councilman Kupferman to approve the FY 07 Budget Correction as submitted.

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

Ayes - Mayor Bennett, Councilwoman Young, Councilmen Kupferman, and Hiob

Absent - Council President Elliott

BUSINESS OF THE COUNCIL:

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

Ms. Grover reported that the Heritage Trust Lecture is being rescheduled for Thursday, January 31st at 7:00 p.m. in the Council Chambers. The speaker will be Ms. Mary Helen Marsh.

4. Business from the Chief of Police

Chief Rudy noted that the building housing the Police Department is seven years old; but, because it is used 24 hours a day it receives some hard use. He thanked Mr. Lapinsky and his staff for repairing the wall and repainting it.

5. Business from the Director of Finance – None

6. Business from the Director of Public Works

Mr. Lapinsky said the Plater Street Pumping Station Work Session was held last week and a finish date of June, 2008 was reported. The other two projects are being held up by the land acquisition problems.

Bush Chapel Road is being rebid. Various water and sewer replacement materials are also going out for bid.

The Old Knights Inn project has been approved and the City is anticipating a wait of six to eight weeks for bonding and fees to be paid.

The sewer review of the areas between Parke and Edmund, and West Bel Air and James is almost complete. Specifications are ready to go out for I&I issues in that area. To date, fifty potential illegal sump pump connections have been found. Warning letters will be sent out in the near future.

Work conferences have just been held for Dunkin Donuts in Beards Hill Plaza, the Walgreens at Windy Hills Business Park, McDonald's, and several other projects which are under consideration.

7. Business from the City Manager

In response to Mr. Hartman's comment, Mr. Miller said the City web page is currently being revamped.

February 18th is President's Day. Thus, the Work Session is being rescheduled for February 4th, at 6:00 p.m. Some of the items on the agenda are: the Transition Advisory Report, a Preliminary Report on the next Budget, and Annexation Comments.

The March 10th Council Meeting is being rescheduled to March 3rd. This will enable everyone to attend the County Executive's Town Hall Meeting on BRAC on March 10th at Aberdeen High School.

8. Business from the Council

Councilman Hiob noted the rebidding for Bush Chapel Road and asked what the start date would be. Mr. Lapinsky said a March – April time frame was anticipated and the City will be ready. Councilman Hiob said that at a Planning Commission Meeting a WaWa was mentioned. Mr. Lapinsky noted that site work must be completed before WaWa construction could begin. He thanked Mr. Lapinsky for attempting to reduce the I&I "load" on the City. Councilman Hiob noted that he, too, would like to see upscale restaurants, etc. However, if a developer meets all requirements, the Council cannot stop development. Ms. Grover said desire and demand are not always possible. Councilman Hiob noted that the Retreat at the Marriott was a very positive experience and he thanked Mr. Miller for his work on this issue.

Councilwoman Young said the Retreat was informative, educational and showed good skills for those involved. She noted an article in the New York Times on LEED, involving green buildings. A meeting was held on Tuesday, January 29th on proposals for the Beech Tree Golf Course development. The project is slated to have 975 townhomes. Councilwoman Young attended a hearing last week at the Senior Center on environmental issues on the transfer from Ft. Monmouth. The proposal will bring 7,400 people to the area and everyone should be informed. She also attended a meeting at Bakerfield Elementary School regarding the intersection at Rt. 715 which is within the City limits. There will be a meeting on February 13th at 6:00 p.m. at the Senior Center regarding helicopters near Phillips Air Field. Councilwoman Young asked for some time for Mr. Lapinsky, Mr. Miller, or Mayor Bennett to speak on the situation with the Water Treatment Plant.

Mr. Miller noted that the Ehrlich Administration initiated the Flush Tax for bringing E & R Waste Water technology to sixty-six major plants in the State. The City was told the money would be used for plant upgrades and operating costs. Aberdeen has had the preliminary design of its plant and MDE has assigned a cost share to the City of 9.6 million dollars. The Mayor, City Council, and City Administration will fight this assessment vigorously.

Mayor Bennett said the State was initially going to totally fund this project. Now, the City is told it will owe 9.6 million dollars. The City will vigorously fight this assessment.

Councilman Kupferman said the Budget will be considered in the upcoming months and he is really excited about next Monday. He would like to have another engineer hired. Additionally, he would like to have the money which was taken from the Economic Development Committee replaced.

9. Business from the Mayor

Mayor Bennett attended the Local Government Service BRAC Subcommittee and was elected Co-Chairman of the Committee. Councilman Hiob, Councilwoman Young, and Mayor Bennett attended a news conference with Governor O'Malley and Congressman Ruppertsburger in Edgewood on gang issues. Mr. Ruppertsburger has received 2.8 million dollars to work on gang information for States on the East coast. Mayor Bennett said the Retreat was outstanding. Everyone learned a lot and some planning was accomplished for the future.

PUBLIC COMMENT:

1. Mr. Bob Hartman, 226 Paradise Road;

Mr. Hartman asked if the surplus from last year would go into the Rainy Day Fund.

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

Ms. Heavey is concerned with the concept of what could come into the City if the development request meets Code. There should be some restrictions in place to deal with this situation. Maybe the City Charter and/or the Zoning Code should be reviewed again. The Annexation Policy, No. 10(b) states “the City Council may reject the petition for any reason or for no reason. The City Council is not required to make any finding a fact in the event it rejects the petition”. If this can be done for annexations, why not for development?

ANNOUNCEMENTS:

Meetings for February

Work Session: February 4th at 6:00 p.m.
Council Meetings: February 11th and 25th at 7:00 p.m.

ADJOURNMENT:

The meeting was adjourned at 9:00 p.m.

<p style="text-align: center;">ABBREVIATIONS:</p> <p style="text-align: center;"><i>COA = City of Aberdeen</i> <i>I&I = Inflow and Infiltration</i></p>
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EXHIBITS

- Exhibit A:** Public Comment on Annexation Legislation, E- mail from Curtis C. Coon, Esq., January 28, 2008 (*For review at City Hall.*)
- Exhibit B:** Public Comment on Proposed Annexation Procedures, Letter from Charles J. Waldron, January 25, 2008 (*For review at City Hall.*)
- Exhibit C:** Public Comment on Ordinance #736-08, Karen Heavey, January 28, 2008 (*For review at City Hall.*)
- Exhibit D:** City of Aberdeen FY 2008 Budget Amendment
- Exhibit E:** City of Aberdeen, Budget Amendment, Operating and Capital Budgets, FY 2008, (July1, 2007 – June 30, 2008) (*For review at City Hall.*)
- Exhibit F:** Budget Amendment FY 2007 General Fund