

WORK SESSION AND 68TH SPECIAL SESSION – JANUARY 8, 2008

WORK SESSION – January 8, 2008

Mayor R. E. Bruchey, II called this Work Session and 68th Special Session of the Mayor and City Council to order at 4:03 p.m., Tuesday, January 8, 2008, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers M. E. Brubaker, K. S. Cromer, L. C. Metzner, A. Parson-McBean and P. M. Nigh; City Administrator Bruce Zimmerman, and D. K. Spickler, City Clerk.

Gridiron Classic MVP Presentation

Mayor Bruchey presented the Gridiron Classic MVP award to Diez Johnson, North Hagerstown High School. Mr. Diez was presented with a \$ 250.00 check from The First National Bank of Greencastle.

Ferguson Group – Federal Lobbying Services

During the 2005 National League of Cities Conference some of the Councilmembers had the opportunity to meet Rod Autrey of The Ferguson Group. Subsequent to this conference Mr. Autrey has discussed with Bruce Zimmerman his firm's specialty in lobbying for the interests and projects of local governments in Washington, DC.

Mr. Autrey provided information in regard to the Federal Government lobbying and appropriation process and also status reports on the firm's work on appropriation requests for a sample of their local government clients. Mr. Autrey has indicated the Ferguson Group has 180 clients, of which 130 are local governments.

Rod Autrey, Kareem Murphy and Bill Ferguson from the Ferguson Group were present to provide further information about The Ferguson Group.

Mr. Autrey stated 75% to 80% of their time is spent working with and assisting local governments. Mr. Ferguson indicated the company has been in business for more than 25 years and their first client is still a client. They are very interested in working with Hagerstown. They currently have no clients in Maryland.

Mr. Murphy is a specialist in homeland security, transportation and economic development, among other subjects. The Ferguson Group meets with communities in the fall and early winter to identify priorities. Their core philosophy is to work as an extension of their clients' staff. They use the list of priorities as a baseline and determine where federal resources are available. He stated it appears there will be many opportunities for federal assistance during the session this year.

Councilmember Brubaker asked if The Ferguson Group works with state governments. Mr. Murphy stated the ideal situation is when state projects and city projects match up. Mr. Ferguson stated traditionally the federal funds are in addition to

state funding. He stated they often discover ways to benefit the state as well. Mr. Autrey indicated they have to be aware of how each state operates.

Councilmember Metzner asked if funding for a contract with The Ferguson Group could be from the enterprise funds for projects that would be utility based. Alfred Martin, Finance Director, stated it would be similar to bond counsel and underwriting fees.

Councilmember Nigh asked if upgrades to the sewer treatment plant would be eligible for federal assistance. Mr. Martin indicated alternatives for funding have to be determined in order to keep rates reasonable.

Councilmember Nigh stated the public needs to realize there could be large costs to secure large amounts of money.

Councilmember Cromer asked what the minimum cost to the city would be. She also asked what the City may receive in return. Mr. Murphy indicated The Ferguson Group cannot guarantee results. The normal retainer is \$ 10,000 per month and there is typically a 12 month contract.

Mr. Autrey indicated they usually work on four or five projects, based on the size of the community and the size of the congressional delegation. He stated the appropriation committees will begin meeting in February and a project list should be compiled prior to these meetings. If the Mayor and Council want to pursue federal funding this year, a decision on a contract with The Ferguson Group needs to be made within two weeks. The Ferguson Group could meet this deadline. The fee to the City would be discounted because it would be the first client in Maryland. They usually do a two step invoice. The first is for the first two months. After that time, the Council could decide whether to continue.

Councilmember Parson-McBean stated The Ferguson Group has been interested in talking to the Mayor and Council for quite some time. She has discussed successes of the Ferguson Group with many municipalities throughout the country.

The existing CIP list would be a viable beginning point for identifying projects. If a contract is approved, the City could expect to receive federal funding next year. A two month contract is an option. The Ferguson Group would develop a federal agenda while working with staff. At that point, the Council could decide whether or not to move forward.

Councilmember Brubaker would be interested in projects that have immediate feed back. Funding would have to be reallocated to cover the cost of a contract with The Ferguson Group.

Councilmember Metzner stated it would be fiscally responsible to pursue projects using the enterprise funds. He supports an agreement to work with The Ferguson Group and seek federal funding for water and sewer projects.

The Ferguson Group will provide a draft contract, cost information and a list of funding priorities to the Mayor and City Council for further consideration.

Review of Draft 2007 Comprehensive Plan – Economic Development, Downtown and Land Use

This item was postponed until January 15, 2008.

Community Lobbyist

Brien Poffenberger, Executive Director of the Chamber of Commerce, congratulated Councilmember Alesia Parson-McBean and Councilmember Penny Nigh for their efforts with the Utility Relief Benefit Concert.

Mr. Poffenberger discussed the City's participation with the Community Lobbyist partnership again this year. The scope of this year's program is similar to last year's. The most recent success of the Community Lobbyist was saving the gaming revenue for Washington County that was discussed during the Legislative Special Session in November.

There are five priorities the Community Coalition has identified for this year:

1. Library – the next step is to secure 58% of state funding for the project.
2. Adaptive Reuse of Infrastructure – to propose a program that provides tax credits for reuse of vacant buildings
3. Full support for Hagerstown Community College
4. BRAC (Base Relocation and Closure) – widespread concern for opportunities and threats
5. Gaming revenue – continue to monitor proposed legislation and ensure revenue stays in place

There are seven partners in the coalition, including the City. The Coalition is asking for a \$ 10,000 commitment to the partnership. The City contributed \$ 3,000 last year.

Councilmember Nigh stated the only item on the list that affects the City of Hagerstown is the library. She believes the Washington County Delegation should be aware of the gaming revenue and ensure it remains intact.

Councilmember Brubaker stated the library has the most direct benefit for the City; however, he believes regional issues do affect the City.

Councilmember Parson-McBean stated she believes the impact of BRAC is really gentrification.

Councilmember Brubaker proposed contributing \$ 5,000 to the coalition. Councilmember Cromer, Councilmember Nigh and Councilmember Parson-McBean suggested a contribution of \$ 3,000.

Councilmember Metzner stated the City is the only municipality that provides funding for a library. He thinks it would be beneficial to the community to join the coalition. He believes an amount between \$ 3,000 and \$ 5,000 would be appropriate.

Mayor Bruchey stated he agrees that BRAC will have a larger impact than the Council realizes. He is concerned a base closure would be a drain on City resources. He suggested contributing \$ 4,001 to the partnership.

It was the general consensus of the Mayor and City Council to contribute \$ 3,000 to the Community Coalition.

Proposed Fountain in Park Circle

Rodney Tissue, City Engineer, stated a request was received from the Hagerstown Garden Club indicating they would like the City to partner with them to install a fountain in the current grass circle at Park Circle. To facilitate this proposal, Staff has met with the Garden Club representatives to obtain specifics on their proposal.

Chris Tischer and Maria Gilroy were present from the Garden Club. The Garden Club has a 60-year history of working to help beautify the Washington County Museum of Fine Arts. When an antique bronze fountain became available to them from an anonymous donor, they immediately thought of the circle that directs traffic around the lake and seems to serve as a “front door” to the beautiful park. Although the city has at various times had gardens of perennials planted, it has needed something strong and permanent to represent the great pride that they take in the park and museum. They are prepared to give the fountain, in excellent condition, to the City and to pay for the landscaping surrounding it, providing this amount does not exceed \$ 4,000.

The Greek muses on this fountain are right at home as they pour water, find beauty in water, and use the fish and wild life found in and on water to nourish. They would inspire art (museum) and music, which are from the root word for muse.

At this point in time, no approvals are needed from City Council, only an endorsement of the project. If the Council endorses the project, staff will endeavor to obtain as much funding and assistance on the project as possible, and include it in the 2008 Capital Improvement Project requests. The total project cost is estimated at \$ 53,000, assuming the fountain itself is donated. Letters of support have been submitted by the Hagerstown Beautification Advisory Committee and from the Historic Heights neighborhood group.

It was the general consensus of the Mayor and Council to accept the donation and to proceed with seeking funding for the project.

Demolition of Two Outbuildings – Rear of 239 North Locust Street (former Alm’s House)

Rodney Tissue, City Engineer, and Eric Deike, Public Works Manager, were present to discuss the demolition of buildings to the rear of 239 North Locust Street.

To address property maintenance issues and to remove the blighting influence, staff prepared a contract to remove the structures behind the former Alm’s House. The project includes demolishing two garage/outbuildings, installation of a fence for safety reasons, and minor improvements to the front “yard” of the house.

As a follow-up to Council’s discussion on November 20, 2007, Staff understands that Council would like to review this project. Specifically, Council asked if Public Works could complete the demolition and all the related work on this City-owned property.

To address Council’s request, the Department of Public Works provided a cost estimate for City staff to remove the structures, and complete the full scope-of-work. Mr. Deike’s estimate is \$ 21,719.00. This includes over \$ 6,300.00 in allocated staff labor. The low bid submitted by Alleghany Wrecking & Salvage is \$ 17,700.00.

The advantage of using Public Works staff is that, although the total cost is higher, the cash expenditures by the City are actually lower. This is also a good time of year to take on such work. The advantages of using a contractor is the work will likely be completed sooner, (as Public Works would be pulled off to plow snow, collect Christmas trees, etc.), and Public Works staff can continue to work on other projects (such as storm drains, bridge repairs, sidewalks, etc.).

Bruce Zimmerman, City Administrator, stated these buildings were not built in the late 1700’s.

It was the general consensus to have the Department of Public Works demolish the buildings.

Request for Carnival

The Funkstown Rod and Gun Club, Inc. and the Downsville Ruritan Club are again requesting the use of the City owned vacant lot at the corner of Potomac Street and Memorial Boulevard for their annual carnival. The carnival at this location has been an asset to the fund raising of both non-profit organizations.

William Blair was present to discuss this request with the Mayor and City Council.

The dates for the carnival are Friday, April 25, 2008 through Saturday, May 3, 2008. Set up would begin no earlier than Tuesday, April 22, 2008 and clean up would be

completed by Sunday, May 4, 2008. If the Mayor and City Council grant permission to hold the carnival in this location, both groups will sign a hold harmless agreement.

It is understood this would be the last year for the carnival at this location because of the plans for Bester Place. It was the general consensus of the Mayor and City Council to grant permission to hold the carnival.

The Work Session was adjourned at 5:44 p.m., until the Special Session at 6:00 p.m.

SPECIAL SESSION

On a motion duly made by Councilmember A. Parson-McBean and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to meet in Special Session at 6:00 p.m.

Public Hearing: Annexation – Jones Homes, LLC, A-2007-05

Stuart Bass, Comprehensive Planner, stated the subject property is located on the southwestern side corner of the City, at 1004 Linwood Road. The area of annexation is 13,321 square feet. The proposed zoning district is R1 (Residential). The current County Zoning is RU (Residential Urban).

The Land Use Plan, as described in the 2002 Washington County Comprehensive Plan, designates the property as Low Density Residential. The City's Draft Comprehensive Plan proposes Medium Density Residential.

There were two published notices advertising the annexation hearing at no less than weekly intervals pursuant to State Law.

The development of one house will have minimal impact on Washington County Board of Education facilities with respect to school capacity. There will be no impacts to the Washington County Free Library as a result of this proposed annexation.

Any necessary upgrades to accommodate the project shall be at the expense of the developer. The sanitary sewer on this parcel's Linwood Road frontage is part of the County Department of Water Quality's system. The City's sewer terminates at the common property line of the two properties north of this parcel. The practical service provider would appear to be the existing County facilities. Sufficient capacity exists to serve this site.

Water service to this site will be provided by existing City water mains. The service extension will be at the cost of the developer subject to the Water Department's standards, policies, procedures and payment of the applicable fees. Any extension of water lines to provide additional water service will be at the sole cost of the owner or developer of the property. Sufficient capacity exists to serve this area.

The Electric Distribution System is external to the Hagerstown Light Department operating territory. Electrical service will be provided by Allegheny Power. The City of Hagerstown (HLD) normally supplies street light services to public streets and supplies the manpower and equipment to serve a new area once the developer builds the infrastructure. The developer is responsible for the purchase and installation, to approved HLD specifications, of the street light system. The HLD then assumes ownership of the street light system twelve months after the City of Hagerstown assumes ownership of the street(s).

No significant impact on emergency service delivery is expected. Any necessary improvements to existing public roads shall be completed at the direction of the City Engineer at the developer's expense and constructed per the City's Public Ways Construction Standards by the developer. However, none are anticipated.

No significant impacts are anticipated for police protection or maintenance of City streets and right-of-ways.

Mr. Bass entered the following as Exhibits:

- Exhibit 1: Annexation Plan
- Exhibit 2: Notice of Annexation to County and Regional Planning Agencies
- Exhibit 3: Certificate of Advertisement
- Exhibit 4: Annexation Resolution

There was no testimony presented.

The hearing was then closed. The record will remain open for ten days for written comments.

Introduction of an Ordinance: Acquisition of 333 S. Mulberry Street

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance to consider the acquisition, rehabilitation and resale of property known as 333 South Mulberry Street under the City's Single Family Home Ownership Program, with an acquisition cost of \$ 52,575.00 to be funded by the City's Community Development Block Grant Fund.

The special session was closed at 6:05 p.m.

City Administrator's Comments

Bruce Zimmerman, City Administrator, asked Rodney Tissue, City Engineer, to discuss the US 40/Edgewood Drive project. Mr. Tissue stated the County Commissioners approved a memorandum of understanding (MOU) with the State Highway Administration for funding the improvements to the US 40/Edgewood Drive

intersection. The County will be providing support in the form of funding for a portion of the water line replacement on Edgewood Drive. He believes the MOU could be ready for the Mayor and City Council's approval for next week's meeting.

Mr. Zimmerman informed the Mayor and Council the next few meetings have full agendas and may last until 7:30 p.m. or 8:00 p.m.

Mayor and City Council Comments

Councilmember L. C. Metzner wished everyone a happy new year.

Councilmember K. S. Cromer stated that recycling bins were not collected in Zone B for the past two weeks. Mr. Tissue stated they received telephone calls regarding this. He doesn't think the whole zone was missed but some streets may have been. This week should be on a normal cycle. Calendars showing the pick up schedule are available.

Councilmember P. M. Nigh has been told the traffic situation at Winter Street School is being worked out. Mr. Tissue stated the Board of Traffic and Parking made a recommendation to stripe the left lane as a turning lane. A request will be sent to the State Highway Administration asking them to implement this.

Councilmember Nigh stated the traffic pattern on Potomac Avenue is very confusing. She asked that residents report graffiti when they see it.

The Office of Code Compliance has been scheduled to present their annual report. Suggestions for amendments to the graffiti law will be presented at a later date.

Councilmember Nigh thanked all who donated and contributed to the Utility Relief Benefit Concert.

Councilmember M. E. Brubaker had no additional comments.

Councilmember A. Parson-McBean proudly reported that a net amount of \$ 14,385.00 has been collected to date for utility relief. Hagerstown is a government that cares for its residents. Staff worked hard to make the Utility Relief Benefit Concert a success. She extended special thanks to Karen Giffin, Director of Community Affairs, Donna Spickler, City Clerk, and the members of the IAFF 1605 Professional Firefighters Union. A press conference will be held to provide a full report. The Maryland Theater will be hosting a Frederick Douglas show on February 1, 2008. She thanked the Mayor and Council for finally hearing the presentation by The Ferguson Group.

Mayor R. E. Bruchey, II reminded everyone there will be an Eggs and Issues meeting on January 9, 2008 to provide information on Charter Home Rule for Washington County. Jenny Singer, Charter Home Rule Board, will make a presentation at the January 28, 2008 Washington County Municipal League meeting. A public forum

featuring the candidates for Washington County School Board will be held at Robinwood on Thursday, January 10, 2008.

Property owners who have utilized the Homestead Tax Credit must now file a one time application to continue receiving the credit. Information will be provided on Channel 6.

Mayor Bruchey stated this Council agreed to change the rules of procedure to have citizen comments at the beginning of the Regular Session. They also adopted a five minute limit on comments. He asked that citizens adhere to that five minute limit.

The Mayor extended condolences from the City of Hagerstown to the family of Smithsburg Police Officer Christopher Nicholson, who was killed in the line of duty in December, 2007.

There being no further business to come before the Mayor and City Council, on a motion duly made, seconded and passed, the meeting was adjourned at 6:24 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: February 26, 2008