

WORK SESSION – January 9, 2007

Mayor R. E. Bruchey, II called this Work Session to order at 4:05 p.m. Present with the Mayor were Councilmembers M. E. Brubaker, K. S. Cromer, L. C. Metzner, P. M. Nigh, and A. Parson-McBean; City Attorney William Nairn, City Administrator Bruce Zimmerman and City Clerk D. K. Spickler.

Mayor Bruchey introduced Michael Johansen, attorney with Rifkin, Livingston, Levitan and Silver, LLC. Mr. Johansen is the lobbyist for the Washington County group. The four legislative priorities that have been identified are: Central Booking, Western Maryland Regional Library, Prisoner Release Reform and Md. Agricultural and Resource-Based Industry Development Corporation (MARBIDCO) Funding Support. A meeting is being scheduled in February with the Washington County Delegation to discuss these priorities.

Introduction of Jim Neville, Washington County Historical Society

Jim Neville, Washington County Historical Society Executive Director, provided information about the Society. The mission of the Washington County Historical Society is to develop interest in and preserve the history of Washington County. There are many historical places in the City and in the County. This makes Hagerstown a popular destination.

Citizens on Patrol (COPS) Vehicle Insurance

Chief Arthur Smith and Lt. Tim Wolford, Hagerstown Citizens on Patrol, submitted a request asking for assistance from the City of Hagerstown in obtaining car insurance for three patrol vehicles COPS has recently acquired and refurbished. COPS members have been patrolling the streets of Hagerstown using their own personal vehicles since August, 2004. COPS has been a successful program in the effort to reduce crime.

A quote of \$ 3,147.00 has been submitted by Wright Gardner Insurance Company for one year of insurance on all three vehicles. The three patrol vehicles will be striped and marked with the Hagerstown Citizens on Patrol logo and will be very visible on the streets of Hagerstown. Insurance coverage is not possible under the City's existing policy because COPS is a separate non-profit organization. Councilmember Nigh stated COPS is supported by the City. She hopes the Gaming Commission will approve the funding request.

Councilmember Metzner stated providing transportation could help boost membership.

Mayor Bruchey stated a discussion needs to be held determining where to house the vehicles.

It was the general consensus of the Mayor and City Council to approve the purchase of insurance for the COPS vehicles.

Wheaton Park Wall

Councilmember Alesia Parson-McBean has requested that the Mayor and City Council consider the reconstruction of the stone retaining wall on the east side of Wheaton Park. The wall was removed in the late 1990's due to concerns it was a site used for drug trafficking.

If approved, replacement of the wall will cost approximately \$ 52,500. This does not include costs for landscaping and walkways. In recent years, the City has made a number of upgrades to Wheaton Park including construction of new restrooms, construction of a second lighted basketball court and the acquisition of a burned structure adjacent to the park.

The recently approved General Fund Bond issue included \$ 50,000 for the replacement of the Wheaton Park Wall. If the Mayor and City Council decide not to proceed with the wall, staff would like to come back with other recommended capital improvement projects for the park.

Councilmember Cromer asked why the wall would be put back if it was removed to eliminate drug trafficking. Councilmember Parson-McBean stated removal of the wall detracted from the beauty of the park and the drug trafficking needs to be dealt with in another manner. Councilmember Parson-McBean stated a promise was made to the residents to replace the wall. It may not be time to reconstruct the wall, but the drug problem needs to be corrected.

Mayor Bruchey indicated there was a difference in the amount of drug dealing eight years ago. Councilmember Parson-McBean stated the problem is still there and people have no respect for Wheaton Park. She suggested that the Hagerstown Housing Authority be urged to monitor their tenants more closely.

Councilmember Metzner suggested carrying the funding for the wall into the CIP budget for 07/08. He asked for recommendations from the community and staff for what should be placed at Wheaton Park. Mayor Bruchey suggested holding a community meeting to discuss this. It was the general consensus to discuss this issue after receiving input from the community.

Golf Cart Rental and Service Extension

The City currently holds a 5-year contract with E-Z-Go to lease 20 gas-powered golf carts for a monthly fee of \$ 724.80 plus \$ 250.00 for full maintenance for a total of \$ 974.80 per month. The current contract is scheduled to expire May 31, 2007.

Junior Mason, Parks Superintendent, stated E-Z-Go has offered to terminate the old contract and start a new 5-year contract beginning March 15, 2007 without a cost increase. They will supply the City with 20 new 2007 replacement golf carts.

Staff recommends starting a new 5-year contract with E-Z-Go at the rate of \$ 974.80 per month, the same rate as the present contract, to include lease and full service of 20 gas-powered golf carts.

It was the general consensus to renew the contract with E-Z-Go.

Fairgrounds Park – Roof Replacement and Long Term Reuse of Grandstand

Rodney Tissue, City Engineer, presented a memo, which reflects the joint efforts of the Engineering and Parks Department staff, for the Mayor and City Council's consideration.

Prior to starting the redevelopment of Fairgrounds Park in 1998, a master plan was prepared to allow for the comprehensive redevelopment of the entire Fairgrounds property. Between contractual work and the efforts of the Parks Department staff, the vast majority of this master plan has been implemented and is available for the community to enjoy. The one major uncompleted improvement at Fairgrounds Park is the renovation and reuse of the former grandstand. This structure is comprised of the clubhouse at the south end and the grandstand on the north end.

No formal decisions were made and the grandstand continues to remain largely an unoccupied, deteriorating structure in the middle of the park. To address this need, staff has developed a conceptual improvement plan.

In the meantime, and prior to a full-scale renovation of the grandstand, the replacement of the large roof needs to be addressed. In 2006, the City was approved for \$ 180,000 in Program Open Space (POS) funds (with a required local match of \$ 20,000) for a total of \$ 200,000 for the replacement of this roof. Staff anticipated that prior to authorizing the replacement of the roof, the Mayor and City Council would desire to know the long term plans for the structure.

Staff requests the following action from the Council:

- A. Review the conceptual improvement plans to the grandstand and provide input on the conceptual plans. Staff recommends that Council eventually adopt a master improvement plan for this structure.
- B. Authorize staff to proceed with bidding a contract to replace the roof on the main grandstand structure.

A booklet entitled "Conceptual Design Fairgrounds Park Sports & Event Center" was presented to the Mayor and City Council. The goal of these concepts are as follows:

- A. Incorporate and utilize as much of the existing structure as possible and,
- B. Provide a facility that would serve different types of functions and be as “multipurpose” as possible

By removing the seating that was originally used by spectators watching the horse races, the existing building is basically an open steel-framed structure that can house numerous activities. By enclosing the front (east wall) with glass, the structure can become an attractive multi-purpose event center.

The concept includes the following uses:

Lower Level (basement)

Addition of batting cages (that could be utilized by local Little Leagues or Pony League) and continued use by the Parks Department and PAL.

Main Floor Level – the open area could be used for any of the following uses:

Craft show area that could accommodate approximately 155 booths

A 980 person banquet or reception room

A 1,200 – 1,300 seat auditorium for concerts or speaking engagements

Sports activities such as two courts for basketball or volleyball

Second floor level – the second floor plan shows a walking and jogging track in the upper level of the auditorium.

The preliminary estimated cost to renovate and develop all three levels of the grandstand is between \$ 7,000,000 and \$ 9,000,000, depending on how elaborate it is finished. This estimate includes \$ 1,000,000 for additional parking development and site work. This is a major project for the City to tackle. However, by having a long term plan for the building, opportunities may arise to fund the project with public or private sources. Portions of the work could be completed over time by City staff. As financial plans take shape, this project could become a tremendous asset to the community.

Mayor Bruchey stated the roof needs to be repaired to prevent further deterioration. Councilmember Metzner asked for an estimated cost for demolition. Mr. Tissue estimated it would cost between \$ 500,000 and \$ 1,000,000 to demolish the grandstand.

It was the general consensus to replace the roof and discuss concepts at a later date.

Mayor Bruchey suggested holding concerts at the Fairgrounds. Councilmember Nigh stated the building needs to be saved.

Fairgrounds Park – Softball Complex Field Lighting

As a follow-up to the discussion the Mayor and Council had on September 19, 2006, Junior Mason, Mike Spiker and Rodney Tissue met with the Hagerstown Softball Association and their electrical engineer. The design of the field lights has commenced.

In September, Council agreed to allow the Softball Association to raise funds to install the lighting equipment and fixtures on the three softball diamonds beginning with one field in 2007 and the completion of the remaining two as fund raising permits. This decision was based on the electric transformers and panels in the grandstand being upgraded to feed the entire Fairgrounds Park. The cost of this upgrade was estimated at \$ 150,000. The wires and conduits would run from this electric equipment to the softball complex. Council supported this plan, provided that the funding of the \$ 150,000 would be received from Maryland Program Open Space (POS).

As staff entered into the design phase, an alternative route for the electric service has been found. There is an alternate route that provides electric feed from Cleveland Avenue. The cost of this installation to feed the lights would be significantly less than the grandstand option. The estimated cost is \$ 40,000. Therefore, staff is recommending that the City allow for the feed from the Cleveland Avenue system. The upgrade of the electric system in the grandstand can be delayed until the grandstand is renovated.

The Softball Association is requesting permission to proceed with the design and construction of the field lights on the City's property and staff is recommending requesting \$ 40,000 in POS funds for the electric service equipment.

Mike Kelbaugh, Hagerstown Softball Association, stated the league will raise the funds for the poles and the lights. The estimated cost is \$ 200,000.00.

Councilmember Nigh expressed concern that the Program Open Space money that is awarded to the City is limited. She asked if the league has approached the County for funding. She doesn't think a POS request for the lights should be included on the City's list, unless the County awards an additional \$ 40,000.00 to the City. She is concerned that including this request in the POS list would take money away from other projects, such as those for the little league groups. Councilmember Nigh stated most of the members of the league are County residents.

Mr. Kelbaugh indicated he had discussed funding with Jim Sterling of the County Parks Department. The City would have to apply for POS funding. The league could not. Councilmember Cromer stated the league should ask the County for funding, rather than through a POS request.

Councilmember Brubaker asked if the County has provided any funding for Fairgrounds Park. Funding has only been provided through POS. Councilmember Brubaker thinks this is a worthwhile project. He recommended that the Mayor and City Council discuss this with the County Commissioners.

Mr. Tissue stated the POS request is larger than in previous years, which would cover the request for \$ 40,000.00.

Mayor Bruchey and Councilmember Brubaker stated they are not dismissing the request. Councilmember Metzner thinks the County should provide some funding, but the project includes providing electric service to a City facility.

It was the general consensus of the Mayor and City Council to talk to the County Commissioners about assistance in funding this project.

Program Open Space (POS) Proposed Projects for FY 2008

In June 2006, the Board of County Commissioners approved the following projects as part of the POS Program for FY 2007:

Fairgrounds Park – Roof Repair	\$ 180,000 (waiting for direction)
Fairgrounds Park – Trail Lighting	\$ 126,000 (approved by POS)
Wheaton Park – New Restrooms	\$ 67,860 (approved by POS)

In December 2006, the following projects were submitted for consideration of POS funding for FY 2008. This list includes three projects that were previously submitted for Community Parks & Playgrounds (CP&P) funding – Fairgrounds Park irrigation, City Park play equipment, and Wheaton Park play equipment. Notice of award from CP&P will not be made until February, 2007.

The following projects are being submitted for the Mayor and City Council's review and for submission for consideration of POS funding:

Fairgrounds Park	
Prep for field lighting for all three softball fields	\$ 40,000
Irrigation for all three soccer fields	\$ 75,400
Barrier free modular play system	\$ 30,400
City Park	
Barrier free modular play system	\$ 30,400
Addition of second lighted tennis court	\$ 70,000
Wheaton Park	
Barrier free modular play system	\$ 30,000

Councilmember Brubaker would like to review the original list to determine which projects to include on the POS list. Councilmember Metzner and Councilmember Nigh agreed. Councilmember Nigh stated something should be done for the Little League groups.

Mayor Bruchey stated the POS funding list will be discussed at a future work session.

Request for Waiver of Permit Fees – Antietam Workcamp 2007

Periodically, the Engineering Department receives requests to waive building permit fees, site permit fees and development review fees. Council last discussed permit fee waivers in August of 2002.

Group WorkCamp has submitted a request to waive permit fees, if required, for their “Antietam Workcamp 2007.” Antietam WorkCamp will be bringing 300 to 400 youth and their adult leaders to Washington County for one week to perform home repairs such as painting, repairing porches, building wheelchair ramps, etc. at the homes of elderly and disabled homeowners. Most of the activities will not require building permits. However in those rare cases when a permit is required, they are asking that the fee be waived. No estimate is available at this time of the cost for permits.

The City’s legal counsel has cautioned waiving fees for private projects, since this would be in violation of both Maryland and City law prohibiting the expenditure of public funds for other than public purposes.

Furthermore, waiving fees for one entity, and not for others is a violation of the “equal protection of the law” in that we are not treating entities equally, nor is there always a clear rational basis for why the distinction is made. To waive fees for some groups and not others can be considered “arbitrary” and “capricious” and therefore illegal.

Staff and the City Attorney recommend that the City Council should not waive building, site or review fees for any entity that does not fall in one of these categories:

- A. City-owned projects
- B. State, County and Board of Education facility projects
- C. Temporary structures for special events or fund raisers

Staff further recommends that if Council wishes to support the “Antietam Workcamp 2007”, the process of choice would be to donate to the organization funds to offset permit fees. Furthermore, this allows the normal construction and/or review fee process to be completed so the exact cost to the organization is tallied and available for Council consideration.

Kevin Collins, Project Manager, and Dave Jordan, Executive Director of Community Action Council, were also present.

Councilmember Metzner stated when the extent of the impact of the projects is known, he thinks the Mayor and City Council would be willing to consider waiving the fees.

Mr. Jordan stated most of the work would be cleaning, painting and general “fixing up” for home owners who don’t have the means to complete this work. Callas Contractors would be applying for any required building permits.

Mr. Collins stated they discourage local youth from participating in their own communities. Councilmember Parson-McBean would like to find a way to have local youth involved.

Pastor Weatherholtz stated the kids pay tuition to attend the workcamp. She hopes to revive a Christian workcamp for local youth next year.

It was the general consensus of the Mayor and City Council to find a way to offset the cost of any required building permits.

A fifteen minute recess was taken.

Annual Code Compliance Review

Each year since the creation of the Office of Code Compliance staff have requested to review with the Mayor and Council the progress achieved, the current trends and challenges, and the future actions required to continue the revitalization and steps towards a more livable city.

John Lestitian, Code Compliance Chief Inspector, thanked Amanda Miller for her service to the City. He introduced the new program manager, Gary Lambert.

The Code Compliance Mission is to actively invite all citizens to join the City's efforts to improve the quality of the housing stock, to seek out properties in violation, work with the responsible parties to ensure abatement of violations and hold firmly accountable those who do not comply with the City Code.

The key to the success of the Office of Code Compliance is how they manage conflict. The largest focus is rental licensing. The nuisance abatement ordinance is working well.

Mayor Bruchey asked if people are notified of a violation for weeds that are growing in the curb. Mr. Lestitian stated if the weeds are between the street and the curb, it is the City's responsibility to remove them.

Interior inspections are done at tenant turnover. Only one inspection is required every 36 months. A trend analysis indicates that in four years, approximately 90% of all units will have been inspected. Nearly 5,000 inspections were completed in 2006. The most difficult issues arise with owner occupied units.

Mayor Bruchey pointed out that the inspections also benefit the landlord, especially if there have been significant changes from a previous inspection.

Councilmember Cromer asked if property management companies pay an employees wages if they are subpoenaed to appear in court. Mayor Bruchey stated if someone is subpoenaed, they must appear.

Mr. Lestitian stated a difficult are is going to be occupancy issues. The Office of Code Compliance would not recommend defining what a family is. He stated occupancy issues relate to workforce housing and create economic issues.

Mayor Bruchey is not in favor of occupancy requirements. Councilmember Metzner stated there are already requirements, but they are not enforced. The conditions Mr. Lestitian is referring to are the ones pictured in the presentation.

Review of City Charter

The Mayor and Council have expressed interest in establishing a process for reviewing the City's Charter. This matter was initially discussed during a work session in 2006.

The appointment of a review committee and areas of the Charter to be reviewed have both been initially discussed by Mayor and Council. The Mayor and Council have previously discussed the appointment of a committee to review the City's Charter, with membership including some combination of City elected officials, the City Attorneys, and possibly one or more citizens. There was a consensus that a committee should be established, but the structure and membership of the committee would require further discussion.

A number of issues were identified as examples of areas that should receive attention during the review of the charter. These examples included:

- A. The timing of the administering the oath of office to newly elected administrations, especially in reference to the Memorial Day Weekend..
- B. Should there be a required minimum number of votes for the office of Mayor?
- C. Allowing a primary election to be held for one party if there are only five people running for office in that party.
- D. Should a person be allowed to hold elected office if convicted of certain crimes?
- E. The length of time required for being a member of a political party prior to running for office.

During the prior discussion on the Charter, the Mayor and Council also expressed interest in updating the City's Code of Ethics. It was noted that the City's Code was developed from a template provided by the State of Maryland and there is a need for more specific provisions in the City's Code of Ethics.

Bruce Zimmerman has met with the City Attorneys to request they draft an updated Code of Ethics. An updated draft is being finalized and can be brought to Mayor and Council for review and input during a work session in early February.

It was acknowledged during the discussions that the Mayor and Council's Rules of Procedures may also require review during the course of the Charter.

Councilmember Metzner stated a Blue Ribbon Committee should be established to review the charter. The Committee would review the charter in depth and make recommendations for revisions to the Mayor and City Council. He stated this review is not as important as it was when he first suggested it.

Councilmember Brubaker asked what the committee would be asked to do. Councilmember Metzner suggested having the committee review the entire City Charter and the Mayor and City Council would ask them to review their specific concerns. He stated there should be two members of the Council on the committee.

Mayor Bruchey suggested that each Mayor and City Council member be allowed to appoint one person to the committee and have two councilmembers serve on the committee.

Councilmember Cromer volunteered to be a member. She asked if applications for membership would be accepted. Mayor Bruchey indicated that would be acceptable.

Councilmember Metzner suggested the committee address the issue of at-large councilmembers or councilmembers by ward. Councilmember Brubaker suggested that the committee not be limited to the items listed in the memo presented.

Mayor Bruchey asked Councilmember Metzner to be the other council representative.

The committee will consist of eight members. Mayor Bruchey asked that Councilmembers submit their recommendation for membership by March 15, 2007. If there are less than six names submitted, applications will be reviewed. Applications should be submitted by February 9, 2007. All members must be City residents.

City Administrator's Comments

Bruce Zimmerman, City Administrator, had no additional comments.

Mayor and City Council Comments

Councilmember A. Parson-McBean had no additional comments.

Councilmember M. E. Brubaker stated the visit to the Central Booking facility in Frederick was very informative. Mayor Bruchey stated no municipality in Maryland has been asked to fund either construction or operation of a county facility.

Councilmember K. S. Cromer agreed about the visit to the Central Booking facility. She attended a New Year's Eve party at Duffy's that was very nice. She stated Demcore is pioneering the revival of downtown. She asked if grants were available to help a family install a bathroom in their home. She asked for assistance from the community.

Councilmember L. C. Metzner complimented city employees for the Christmas decorations. He wants to include funding for more decorations in next year's budget. Good things are happening in the City, such as the Jonathan Street project and Eastern Boulevard improvements.

Councilmember P. M. Nigh stated the hospital has been experiencing red alerts, yellow alerts and bypass trauma status. The new hospital will have fewer beds and she wonders how many patients will be sent to other facilities. She believes it is time to look at the possibility of a second hospital in Hagerstown. Councilmember Cromer stated the State determines the number of hospitals allowed in an area. The State has indicated this community is not large enough to have two hospitals.

Mayor R. E. Bruchey, II congratulated Mary Baykan for being named the national Librarian of the Year. He estimates if all the double taxation amounts were paid back to the City, the City would receive an additional \$ 2.9 million. With this funding, new programs could be instituted, taxes could be lowered and grant and low-interest loan programs could be implemented to assist developers in renovating downtown.

There being no further business to come before the Mayor and City Council, on a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember M. E. Brubaker, the meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: