

76<sup>th</sup> SPECIAL SESSION - January 11, 2005

Mayor William M. Breichner called this Special Session of the Mayor and City Council to order at 4:00 p.m., Tuesday, January 11, 2005 in the Council Chambers at the City Hall. Present was Mayor Breichner; City Council Members K. B. Aleshire, N. L. Hendershot, L. C. Metzner, C. N. Moller, P. M. Nigh; City Administrator Bruce Zimmerman, City Attorney John Urner, City Attorney William Nairn and City Clerk D. K. Spickler.

**Forest Conservation Ordinance Amendments**

**Action:** Councilmember L. C. Metzner made a motion to adopt an ordinance to amend Chapter 113 of the City Code, Forest Conservation, to increase the payment in lieu rate from 10 cents per square foot to 30 cents per square foot and to modify the language regarding the types of trees which may be planted. Councilmember C. N. Moller seconded the motion.

Motion carried, 4-1 with Councilmember Aleshire voting No.

WORK SESSION - January 11, 2005

Broadband Power Line Update

Michael Spiker, Hagerstown Light Department Manager, reported a Request for Proposal (RFP), and the associated Franchise Agreement, was posted on January 10, 2005 for a Landlord Agreement for Broadband Power Line (BPL) and WIFI services for the residents of the City of Hagerstown. Karl Kohler, Hagerstown Light Department Assistant Manager, was present also.

Bids are due on February 2, 2005 (not February 5<sup>th</sup> as stated in the memo) and the BPL team expects to bring their recommendation for Grantee of a BPL/WIFI Franchise Agreement to the Mayor and City Council during the third week of February. The BPL team that will make the determination consists of Karl Kohler, Scott Nicewarner, Ray Foltz, Al Martin, John Budesky and Mike Spiker. They will use a matrix that is included in the RFP to determine the successful bidder. On February 22, 2005, a Public Hearing will be scheduled, an Ordinance for the Franchise Agreement will be introduced, and after a 30 day period, the Ordinance will be approved and the Franchise awarded to the Grantee.

Issues in regard to the recorded language of easements and rights-of-way surfaced during the research of legal aspects of the RFP and Franchise Agreement. Local counsel worked through this issue with the assistance of the BPL team. As mentioned in earlier memos, BPL radio frequency technology operates in an unlicensed spectrum that will be shared with other entities,

most notably the Amateur Radio Operators. Concerns from individuals will be expected as the BPL initiative is completed.

On October 14, 2004 FCC rules were adopted for Broadband over Power Line systems. Specifically, the Commission has ordered that:

1. Rules are set forth that impose new technical requirements on BPL devices, such as the capability to avoid using any specific frequency and to remotely adjust or shut down any unit.
2. The establishment of “excluded frequency bands: within which BPL must avoid operating entirely to protect aeronautical and aircraft receivers’ communications and exclusion zones in locations close to sensitive operations such as Coast Guard or radio astronomy stations.
3. The establishment of consultation requirements with public safety agencies, federal government sensitive stations and aeronautical stations.
4. The establishment of a publicly available Access BPL notification database to facilitate an organized approach to identification and resolution of harmful interference.
5. The change of equipment authorization for Access BPL systems from verification to certification and to improve measurement procedures for all equipment that use RF (radio frequency) energy to communicate over power lines.

The Grantee will be responsible to follow these rules that have been set forth. In summation, there is room for every entity to exist within the unlicensed frequency spectrum and rules are now in place to allow the expansion of BPL systems within the FCC guidelines.

Councilmember Aleshire asked if there would be interference issues. Mr. Spiker indicated there will be mandated notching of frequencies, which will allow individual frequencies to be removed from the line if there is a problem.

#### Fire Safety Signage

Chief Gary Hawbaker and Mike Weller, Public Fire Education Officer, were present to discuss a fire safety signage program.

Chief Hawbaker stated the Hagerstown Fire Department is one of the most recognizable leaders in fire education and prevention.

Mr. Weller stated the Fire Department is developing a campaign to increase working smoke alarms and decrease the incidence of fire caused by negligence; most specifically kitchen fires. An overall campaign to increase personal responsibility is being planned. As part of that effort, the fire department would like to develop approximately 25 street signs that correspond with the campaign. These signs (about the size of a bus stop sign) would be placed below current non-directional street signs. The signs would be installed and rotated throughout neighborhoods by Public Works. Chief Hawbaker, Rodney Tissue, City Engineer, and Eric Deike, Public Works Manager, are all supportive of this idea.

The street signage will be a very small part of a large-scale campaign to increase responsible fire safety behavior on behalf of citizens. The campaign is scheduled to begin in April and remain an on-going effort of the fire department. The effort will involve an equal combination of education, engineering and enforcement initiatives.

The Mayor and City Council agreed to allow these signs to be placed throughout Hagerstown.

#### Suggested Modifications to the Hagerstown Revolving Loan Fund

Deborah Everhart, Director of Economic Development, and Lauren Bayer, Manager, Department of Community Development, were present to provide further information on the Hagerstown Revolving Loan Fund (HRLF).

The HRLF was discussed in November, 2004 and the Mayor and City Council asked for a clarification of the procedures for loan decisions. At the present time, the HRLF is designed to be a source of “gap financing”, not a primary lender. This gap is the difference between the total cost of a project and amount of the applicants equity plus what they are able to secure from a private lender. HRLF guidelines require applicants to make a good faith attempt to secure private financing prior to looking to the City for assistance.

Staff is recommending that the “gap financing only” policy be changed to allow the fund to be used as primary financing. The necessity of having private funding in all cases prevents the City from being able to assist worthy projects in an expeditious manner. With over \$ 350,000 now available, plus an additional \$ 250,000 which has been committed by the State, the City is in a position to be able to take on the role of primary lender. Being able to offer low cost financing with a minimum of “red tape” is a great incentive for businesses to locate or expand in the city.

Staff believes the present policy is sufficiently detailed and adequate safeguards are in place for making decisions. There are inherent risks with “gap financing.” Ms. Everhart stated there would be greater security on the property if the City was the primary lender. As the program exists now, the City would be the second mortgagor or lower. Loans made under the HRLF are

for businesses which are expanding and hiring new employees or to assist businesses to be able to retain employees. In addition, the public benefit component needs to be addressed in the loan approval process.

Applicants first meet with Ms. Everhart for a preliminary discussion about their business. The applicant next meets with the staff of the Community Development Department to begin the application process. When the completed application and supporting documentation has been received, the Community Development staff underwrites the request. If the applicant meets the qualifications of the program, the request is presented to the Hagerstown Redevelopment Authority (HRA) for approval. The HRA makes its decision based upon a review of the application, supporting documentation and other pertinent information.

In cases where the applicant is requesting a deviation from the program guidelines (usually funding in excess of program guidelines), the HRA does not make the final decision on the loan. The request is forwarded to the Mayor and City Council with a recommendation as to the terms of the loan.

Councilmember Aleshire stated he thinks the concern was noted due to loan accountability for non-profit organizations. He hopes accountability is there in the future. Mr. Bayer stated the reason the loan failed that Councilmember Aleshire is referring to, is because the loan approval decision was not based on sound business decisions. Councilmember Aleshire will submit an outline of his suggested criteria to Mr. Bayer.

Bruce Zimmerman, City Administrator, stated Staff is asking the Mayor and Council to approve changing the HRLF to allow an option to change from GAP financing to primary lender financing.

Ms. Everhart stated the original funding for the program (in 1988-89) came from Community Betterment funds and from UDAG funds. Alfred Martin, Finance Director, indicated funding also was from the Department of Business and Economic Development and it has served its purpose in creating a revolving pool of new funds. No general fund money or local tax dollars are involved in this program.

Councilmember Moller stated the members of the HRA are very knowledgeable and very cautious.

Mr. Zimmerman stated the program could be revised to create incentive for downtown redevelopment by offering a lower interest rate. Ms. Everhart stated interest rates for businesses in the downtown would be prime, plus 1. Interest rates outside the downtown would be prime, plus 2.

It was the general consensus of the Mayor and City Council to modify the HRLF.

### Neighborhood College

Lauren Bayer, Manager, Community Development Department, introduced the new Neighborhoods First Coordinator, Shelli Dronsfield, to the Mayor and City Council.

Ms. Dronsfield stated the second session of the Neighborhood College will begin on January 19, 2005 and conclude with graduation on May 24, 2005. At this time, there are 20 applicants. The college is being expanding from eight session to ten this year. One of the additional meetings will be a Saturday morning tour of the Farmers Market followed by a trolley tour of the downtown.

### Planning Department Fees

Kathleen Maher, Planning Director, was present to discuss a change to the Planning Department's fees which have an advertisement requirement.

In the FY 2005 budget process, the Mayor and City Council amended the Planning Department's fee schedule to attach reimbursement for advertising fees to those activities which require advertisement. The process of following up with applicants to transmit a bill for advertisement (in most cases after they have received, or been denied, the zoning request subject to the fee) has created an administrative burden for the Planning Department. Ms. Maher asked the Mayor and City Council to consider authorizing an immediate change to the Planning Department's fee schedule to increase those fees which involve advertisement by \$ 75.00 per ad, the average cost per case experienced in FY 2005.

It was the general consensus of the Mayor and City Council to move forward with changing the fees.

### Discussion of Zoning Map Amendment - Blue Ridge Beginnings Rezoning

Stuart Bass, Comprehensive Planner, presented a staff analysis for a zoning reclassification request made by Blue Ridge Beginnings. The property owner is requesting a zoning change from R1 (Residential) to C2 (Commercial General). The property is located at 1009-1011 Pennsylvania Avenue. The structure on the property is listed on the Maryland Inventory of Historic Properties and is eligible for the National Register.

The Planning Commission recommended approval of the rezoning request based on change in the character of the neighborhood, but only if a preservation Landmark Overlay is approved prior to the rezoning. Their concern was that general C2 zoning on this lot could create an adverse

impact on this historic property, designated in the Comprehensive Plan as a Potential Landmark, and also effect the R1 property to the north. They feel the landmark overlay is necessary to preserve the house and ensure that commercial modifications to the property would be respectful of the house and the adjacent residential neighborhood.

Councilmember Aleshire asked if additional review would be required for any proposed commercial modifications. Mr. Bass indicated there would be. Councilmember Aleshire stated he doesn't see where changes have occurred in the neighborhood.

The next steps in the process (and tentative dates) would be as follows:

1. Review of landmark proposal and recommendation by the Preservation Commission - January 13, 2005
2. Public Review Meeting on landmark Overlay by the Planning Commission - February 23, 2005
3. Public Hearings by the City Council, one on the Landmark overlay, and on the rezoning - March 22, 2005

Councilmember Aleshire stated again he finds it difficult to see any change in the neighborhood at all. Mayor Breichner stated he understood, but it is a recommendation from the Planning Commission.

It was the general consensus of the Mayor and City Council to continue with the outlined process, on the respective dates.

#### Softball Lease/Pony League Lease

John Budesky, Director of Administrative Services, submitted a memorandum providing additional information for the Mayor and Council to consider as the use of the Fairgrounds Park complex and softball fields is reviewed.

In review, at the December 14, 2004 Work Session, staff presented a request from the Hagerstown Fairgrounds Softball Association to renew their lease beyond their current term. Their existing lease expires December 31, 2005. At the December 21, 2004 Regular Session, during citizen comments, the Washington County Pony League requested that the Mayor and Council postpone the decision to renew the lease with the Hagerstown Softball Association for six months.

The Mayor and City Council asked that this issue be discussed during a Work Session.

Included in the memo is a letter and synopsis of the planning and development process for Fairgrounds Park prepared by City Planning Director Kathleen Maher. During the extensive planning and development process the need for softball fields was established as a priority for the community. Fields outside of softball, with the exception of soccer fields, were not identified as a need and, thus, it was determined to develop the Park into a softball and soccer complex.

The following facts were provided for Mayor and Council consideration:

1. Both the Hagerstown Fairgrounds Softball Association and the Washington County Pony League have been valuable tenants of existing facilities.
2. The Pony League currently utilizes facilities located at Funkhouser Park on Jefferson Boulevard.
3. Softball is played on a dirt infield. Other leagues generally utilize a grass infield.
4. The current fields are designed for softball and would need to be upgraded for baseball. It is estimated the cost for these upgrades could exceed \$ 100,000.
5. The Hagerstown Fairgrounds Softball Association has a current loan with the City, in the amount of \$ 34,000. This loan would have to assumed by a new tenant to the facility.
6. Mayor and Council will need to determine if they will budget and fund the changes to the complex or if they will pass the associated costs and existing loan on to a new tenant.
7. Even with fencing, balls from any league will leave the general fields of play. Baseballs tend to go further and faster when hit than softballs.
8. If the fields are changed from their current use, the softball tournament held by CITI, the largest financial contributor to Fairgrounds Park, would probably be displaced.

Mr. Budesky suggested issuing a Request for Proposals, if changes are considered.

Councilmember Metzner commended Staff for compiling a good packet that provides a good history. He commended the softball league for being astute enough to request an extension with enough lead time. He is willing to give the Pony League time to make a proposal. He believes the ultimate answer is for the Pony League and the softball league to develop a solution to share the facility. He thinks the softball league acted responsibly.

Councilmember Nigh stated she feels that Pony League should have been at Fairgrounds Park from the beginning. She thinks having the Pony League at Fairgrounds Park would draw a large crowd of local people. Many youth from the community participate in Pony League. She noted the correct name is the Hagerstown Pony League, not Washington County Pony League. She asked if all the members of the softball league are members of a Hagerstown church. She also asked where the league started.

Mr. Budesky indicated when it began, there were three leagues - a church league, a tavern league and a ladies league. The church league now has a fall season.

Councilmember Nigh stated she is concerned that the concession stands are not open as much as they should be.

Councilmember Hendershot asked how many people participate. Mike Kelbaugh, Hagerstown Softball League, indicated there are more than 700 participants (counting both seasons). Steve Cromer, Hagerstown Pony League, stated there are over 500 children that participate.

Councilmember Hendershot asked what the limitations are for Pony League at Funkhouser Park.. Mr. Miller stated the league is outgrowing the facility. They need larger dimension fields to meet requirements. Mr. Cromer indicated they have to turn kids away because there is only one field. He stated the league could be twice as big with larger and more fields.

Councilmember Hendershot asked about the Colt league. Mr. Cromer stated the Colt league is basically a junior varsity baseball team from each high school. They have 15 kids on each team, but the ideal number would be 12 on the team. Councilmember Hendershot stated both groups are important and the Council needs to find a way to work everyone in. Mr. Cromer stated the Pony league does not want to be enemies with the softball league. Councilmember Hendershot stated the kids need to be covered and maybe Funkhouser Park should be upgraded.

Mike Kelbaugh, Hagerstown Softball League, thanked the City for the vision of Fairgrounds Park. Many families enjoy the park who participate in the league. He expressed his concern that softball would be safer than baseball at the park. He stated softballs don't go over the fences. He suggested looking for a new location for the Pony league. He doesn't know why the soccer field concession stand isn't open. If the Mayor and City Council want the softball concession stand open more, they will do that. More people would be drawn to the park if they were open more.

It was pointed out that if the use is changed to baseball, the layout of the fields would be changed and the Hagerstown Area Youth Soccer League (HAYSL) would be affected.



Councilmember Aleshire stated the last thing this political body needs is to be involved in a dispute over use of fields. He sees two issues being presented. Neither league has the funding to build fields. As a public body, the Mayor and City Council cannot provide a field for every group. There is the necessity for long term viability. There is only a limited amount of time in which to make this decision. He would agree to a proposal from the Pony league, showing how they would make the facility usable for baseball.

Councilmember Nigh stated it concerns her when she hears the City sought softball for the park, and not baseball. Councilmember Metzner stated that is not accurate. He stated there was a public outcry for softball facilities. The three major requests were for an equestrian facility, softball fields and soccer fields. Requests were made for these uses, the City did not seek requests. He is not saying the Pony league doesn't have valid needs. He doesn't think this is a one win, one lose situation and that something can be worked out.

Councilmember Aleshire stated he would be more inclined to spend \$ 100,000 on a new facility for Pony rather than changing the fields. He is concerned that the softball league is being given things and the American Little League has had to pay.

Mayor Breichner asked how the Council wanted to proceed from this point. He asked if a majority the Council would like to accommodate the Pony league and find a solution.

Councilmember Aleshire stated that facility is a good basis for looking at the Pony league's needs. Councilmember Nigh asked why the YMCA doesn't use the fields at their facility.

Mr. Miller asked if the Mayor and City Council are asking the Pony league to make their proposal and then have the City decide if the league moves to Fairgrounds Park. Councilmember Aleshire indicated he doesn't think Fairgrounds Park is a viable facility to meet the long term needs for both groups.

Councilmember Hendershot stated he thought it would be counter-productive to move the softball league, but community needs have to be reviewed.

It was the general consensus of the Mayor and City Council to renew the lease with the Hagerstown Softball League and to work with the Pony League to address their needs.

#### Update on Code Compliance - Rental Licensing Report

Rodney Tissue, City Engineer, John Lestitian, Chief Inspector and Amanda Miller, Program Manager, were present to provide a status report of the Rental Licensing Program.

Ms. Miller reported the following goals have been achieved:

1. 100% Rental Registration Compliance (7948 units billed, 46 new rental units since initial billing)
2. Fine-tuned list of rental properties for next year's billing
3. Exterior inspection schedule that dovetails with the Community Enhancement Program
4. Higher percentage of reported tenant turnover
5. Continued education outreach

Mayor Breichner asked if there was a decrease in the overall number of rental units due to units becoming owner occupied. Ms. Miller stated the ratio is remaining steady.

The Community Enhancement Program covers everything that is not included in the rental licensing program. In the downtown area, every single structure will be inspected each year. In the areas outside of the downtown, inspections will occur once every three years.

Councilmember Nigh asked if commercial properties were also inspected. Mr. Lestitian stated they are as part of the Community Enhancement Program. The Property Maintenance Code applies to all structures, whether they are residential or commercial.

The educational outreach efforts include landlord education classes, inspectors attending community meetings, education forums for landlords, real estate agents and property management companies.

Lead Based Paint laws will create a new challenge for the rental licensing program. HB 1245, passed on October 1, 2004, prohibits local governments from issuing rental licenses without collecting lead paint information. Staff will be providing further information at a Work Session.

Councilmember Nigh asked about the status of exterior inspections for rental properties. Ms. Miller stated the office is ahead of schedule. Mr. Lestitian pointed out that the inspection occurs but compliance of violations takes longer. Councilmember Nigh stated some people may find it difficult to find a contractor until the summer. She asked how long it will take for all commercial properties to be inspected. Mr. Lestitian stated all will be inspected in the downtown area by the end of 2005. It will take three years to conduct a complete inspection. He commended the Code Compliance Staff for the work they are doing.

Councilmember Nigh asked if the Department of Social Services can report housing problems to the Office of Code Compliance. Mr. Lestitian stated they could and Staff works in partnership with organizations like Social Services.

Bruce Zimmerman, City Administrator, also recognized the good work of the Office of Code Compliance. He expects there will be work going on all over the downtown area this summer.

Councilmember Nigh asked how long owners have to burn off paint. Mr. Lestitian stated the inspector would be happy to work out a schedule if the owner is working on the project.

#### MDE Financing Plan

Alfred Martin, Finance Director, discussed the planned 2005 bond financing for the Waste Water Treatment Plant - Phase II Improvement Project. When the Mayor and Council approved this contract last June, it was done with the understanding that the financing for it would come from a future bond financing through the Maryland Department of the Environment (MDE). At that time, the bond issue was anticipated to be \$ 6,831,686 to cover the cost of the project. Since that time, modifications have been made to the project to include required upgrades to the plant's electrical switch gear increasing the project cost to approximately \$ 7,100,000. This is now the recommended MDE bond financing amount.

The planned financing is included as part of the 2004/05 Sewer Fund budget and is included in the financial projections for the fund. Interest rates through the MDE program continue to be exceptional. The current subsidized rate through their water quality improvement program is 0.40% and even with their 0.50% administration charge, is still less than 1%. We can not find better financing rates anywhere.

Councilmember Aleshire asked how this interest rate will affect the rate model. Mr. Martin stated interest rates of 4 to 5% were used, so there will be no affect.

It was the general consensus of the Mayor and City Council to proceed with the bond financing. The Enabling Bond Ordinance will be scheduled for introduction on January 18, 2005, with approval scheduled for January 25, 2005. The Bond Ordinance would become effective on February 25, 2005. A detailed MDE Bond Resolution will be presented on March 8, 2005. Closing on MDE Bond Financing and draw down reimbursement for project expenditures to date would occur after March 8, 2005.

#### City Administrator's Comments

*Bruce Zimmerman, City Administrator*, reported there will be no change in the refuse collection schedule due to the Martin Luther King holiday on January 17, 2005. The next Thursday Night Out will be held January 13, 2005. A new program for Channel 6 to provide general information on city finances is being developed. Staff will continue to look for ways to provide meaningful programs for citizens.

#### Mayor and Council Comments

*Councilmember C. N. Moller* suggested doing a program on the Hagerstown Home Store for Channel 6. She stated she had first hand experience with the problems the library has been experiencing with the homeless. People were sitting around the front of the library and these people are on camera and can be identified.

*Councilmember K. B. Aleshire* questioned whether or not three recent Board of Zoning Appeals requests are eligible for variances from the set back requirements. The requests were from David Shaool for recorded lots at Pangborn Park. He doesn't think they would be eligible because the applicant cannot create a hardship for him/herself.

Councilmember Aleshire found it interesting that Hagerstown's water and sewer rates are low in a regional rate comparison.

He stated the weekly report shows that arrests were made at Barracudas. He hopes this establishment is not moving back to where it was 18 months ago. He congratulated the mechanics in the Public Works Department, who have been certified.

The Maryland Health Care Commission issued a letter to the hospital extending the deadline for their response. He hopes that a letter from Blue Cross/Blue Shield will appear in the newspaper.

Councilmember Aleshire stated the governing bodies in Washington County need to push for affordable housing. In a recent survey, there were only two homes listed for sale in the County that were under \$ 100,000.

Councilmember Aleshire reviewed the 10 year outlook memorandum from last year. He pointed out that many of the issues and concerns on that list have been addressed in the past year. Some of those are the Arts and Entertainment Deck, the Comprehensive Plan, the tax differential, the hospital relocation, downtown cameras.

*Councilmember N. L. Hendershot* stated he agrees with Councilmember Aleshire, it is amazing what has been accomplished in the last twelve months. He noted January 7, 2005 was a special day - the University System of Maryland Key Turning took place. He stated the renaissance of downtown has truly begun.

Councilmember Hendershot noted the hospital was originally asking for a 13.4% rate increase. The Health Care Commission has approved an increase of 4.7%, which is a more realistic number.

*Councilmember P. M. Nigh* stated the Public Safety Committee would like to discuss Central Booking with the Mayor and City Council. She noted crime is increasing and Sheriff Mades is

now supportive of Central Booking. She asked that a meeting be held with the County Commissioners to discuss Central Booking and communications.

She asked when the signs were going to be changed at the golf course, indicating the name change. Mr. Zimmerman will check with the Parks Department. She asked if there are any plans for the entrance building at Fairgrounds Park. Mr. Zimmerman stated there is nothing in the proposed budget at this point but it is being reviewed. She asked if Community Development money could be used for fixing the building. An update will be presented at a work session.

Councilmember Nigh stated turn out gear has been received and will be placed in the September 11 memorial display. She asked if anyone would be able to get a poster from the Port Authority.

She asked for an update on the Delta Hosiery building. This will be scheduled. She responded to a letter from Cory Stottlemeyer regarding sewer allocation for the hospital. She stated everyone needs to realize there is a limited amount of sewer allocation and it can't all be given to the hospital. She is concerned that the property at Hope VI will be owned by Penrose Corporation for 20 years and then ownership will transfer to the Hagerstown Housing Authority. Her concern is that the City will end up being responsible to maintain the easement with the railroad.

*Councilmember L. C. Metzner* stated the 2+2 Committee is discussing inclusionary zoning and affordable housing. He believes the County is beginning to realize this is a County problem as well as a City problem. He indicated he was one of the first to say sewer was going to be a limited resource and it will be a major topic. He is concerned about the reality of what allocation is available and how to work with the County under the limited allocation. He is concerned about the involvement MDE will have. He commended Mayor Breichner in his efforts to involve the County in negotiations with the MDE. There is a closer working relationship with the County now. He stated one of the steady things over the past, productive ten years is the City Administrator. The renewal has begin. The School for the Arts is a necessity. He indicated now a major issue is managing growth.

*Mayor W. M. Breichner* stated inclusionary zoning is important. A unified government in Wheeling, West Virginia was successful. He thanked everyone for attending the Key Turning Ceremony at the University System of Maryland on Friday. The transfer of the Armory property is moving forward.

#### EXECUTIVE SESSION - JANUARY 11, 2005

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember N. L. Hendershot, the Mayor and City Council unanimously agreed by voice vote to meet in

76<sup>th</sup> Special Session, Work Session and Executive Session  
Mayor & City Council

January 11, 2005  
Hagerstown, Maryland

closed session at 6:15 p.m. in accordance with the provisions of the Annotated Code of Maryland, State Government Article, Section 10-508(a) #7 To consult with counsel to obtain legal advice and #4 To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State. No formal action was taken at the session. The meeting was held in the Council Chambers, 2<sup>nd</sup> Floor at the City Hall. The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: \_\_\_\_\_