

92ND SPECIAL SESSION AND WORK SESSION – January 13, 2009

Mayor R. E. Bruchey, II called this 92nd Special Session and Work Session of the Mayor and City Council to order at 4:08 p.m., Tuesday, January 13, 2009, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers M. E. Brubaker, K. S. Cromer, L. C. Metzner, P. M. Nigh and A. Parson-McBean; City Administrator Bruce Zimmerman, City Attorney William Nairn and D. K. Spickler, City Clerk.

92nd Special Session – January 13, 2009

On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember K. S. Cromer, the Mayor and City Council unanimously agreed by voice vote to meet in Special Session.

Public Hearing: Community Development Block Grant Annual Needs Hearing

Community Development Block Grant program regulations require that Hagerstown conduct an annual public hearing to obtain the views and comments of individuals and organizations concerning the City's housing and community development needs, including project recommendations from organizations and individuals for FY 2009/2010 CDBG funds. This information is then to be taken into consideration when establishing the City's Annual Action Plan.

In addition to testimony received at the public hearing, written comments, including project recommendations, will be received until January 30, 2009.

The following testimony was presented:

Fanny Crawford, Apples for Children, Inc., 6 W. Washington Street, Suite 210, Hagerstown, Maryland, stated they have received 150 applications for licensed child care. APPLES for Children, Inc. offers family child care providers and center-based programs a no-cost means of publicizing child care services by providing program information to families needing child care. They assist residents with the application process. APPLES for Children, Inc. proposes to increase the number of infant care facilities within the City so more parents can work.

Sharon Disque, Hagerstown Home Store and Hagerstown Neighborhood Development Partnership (HNDP), 21 E. Franklin Street, Hagerstown, Maryland, thanked the City for the continued support. Housing and foreclosure counseling cases are increasing and funding is crucial. HNDP is moving forward with redevelopment of downtown properties and funding is needed to continue. She pointed out that HNDP owns the Barbara Ingram School for the Arts building.

There was no further testimony presented. The record will remain open until January 30, 2009 for additional comments. The hearing was closed at 4:16 p.m.

Public Hearing: Maryland Neighborhood Conservation Initiative Application

The City of Hagerstown will be making application to the Maryland Department of Housing and Community Development for funding under the Maryland Neighborhood Conservation Initiative program. The purpose of this hearing is to obtain the views and comments of individuals and organizations concerning the City's application.

The City will be submitting an application in the amount of \$ 2,000,000 for three projects: \$ 175,000 to assist the County in construction of a County commuter transit station on W. Franklin Street; \$ 400,000 for Bester Place to replace HUD funds which were unexpectedly removed from the project; and, \$ 1,425,000 for a program to purchase foreclosed homes, rehabilitate them and resell them to persons earning up to 120% of area median income.

The following testimony was presented:

Sharon Disque, Hagerstown Home Store and Hagerstown Neighborhood Development Partnership (HNDP), 21 E. Franklin Street, Hagerstown, Maryland, stated there has been a coordinated team between the City and County governments who developed a strategy to address foreclosure. Goals include regaining a presence in unoccupied homes and stemming devaluation of property. Green initiatives will also be reviewed.

Larry Bayer, Community Development Department Manager, thanked Ms. Disque for collecting the data that is used to submit complete applications. An application has been prepared that conveys the content and scope of the program.

There was no further testimony presented. The record will remain open until January 30, 2009 for additional comments. The hearing was closed at 4:24 p.m.

Approval of a Resolution: Maryland Neighborhood Conservation Initiative

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve a resolution authorizing staff to submit a Maryland Neighborhood Conservation Initiative application to the Maryland Department of Housing and Community Development for \$ 2,000,000 for three proposed projects: Transit Center for Washington County Transportation, Bester Place, and Single Family Acquisition, Rehabilitation and Resale Program.

Approval for Extension of Professional Services Contract With The Ferguson Group

Action: Councilmember L. C. Metzner made a motion to approve of the extension of the service agreement between the City of Hagerstown and The Ferguson Group, LLC. In accordance with Paragraph 2, Subparagraph C of the existing contract, this action of the Mayor and Council will extend

the contract period for an additional twelve months for the period starting on January 15, 2009 and ending on January 15, 2010, with a fixed fee of \$ 9,000 per month. Councilmember A. Parson-McBean seconded the motion..

Discussion: Councilmember Cromer asked if the term of the contract could be reduced. Councilmember Metzner pointed out that either party can end the contract with a 30 day notice. Councilmember Cromer stated if this administration extends the contract for six months, the new administration could decide if they wanted to renew the contract.

Councilmember Metzner stated the lobbying efforts seem appropriate for what is occurring with the incoming presidential administration. It is important that the Mayor and Council know how to structure the projects in order to receive part of the stimulus money.

Mayor Bruchey asked if any travel expenses had been reimbursed, as permitted under the contract. Mr. Zimmerman indicated there has not, but other minimal expenses, such as printing, have been.

Councilmember Brubaker thinks the next administration should review the contract. He proposed reviewing the progress quarterly. Having this source in Washington is helpful, especially at this time.

Mayor Bruchey asked that Mr. Zimmerman be copied on every email between The Ferguson Group and the legislators. Councilmember Parson-McBean is not willing to micromanage TFG's way of business. Copies of the reports are provided to Mr. Zimmerman and he distributes copies to the Mayor and City Council.

Councilmember Cromer does not credit TFG with bringing \$ 4 million to the City for Eastern Boulevard. She credits this elected body for speaking before Senator Mikulski and Congressman Bartlett. Councilmember Parson-McBean stated if TFG had not approached Senator Cardin's staff, the funding would not have been secured. Neither Senator Mikulski nor Congressman Bartlett realized there was a bill, with funding attached, that was not used. Senator Cardin's office found the funding and freed it for the Eastern Boulevard project.

Councilmember Brubaker stated TFG was able to speak with the staff in a different way than the Mayor and City Council were. He would like to monitor the progress more closely.

Mayor Bruchey asked if other lobbyists could provide the same service for less money. Councilmember Parson-McBean indicated she had looked and had not found anyone.

Councilmember Metzner stated the community was responsible for securing the funding, first through the elected body hiring a lobbyist and then traveling to Washington to speak.

Motion carried, 4-1 with Councilmember K. S. Cromer voting No.

The Special Session was closed at 4:43 p.m.

WORK SESSION – January 13, 2009

Colt League Request

Junior Mason, Parks and Recreation Supervisor, and Doug Stottlemeyer, Hagerstown Colt League, were present to discuss a request for funding from the City of Hagerstown to replace light poles and fixtures at Hellane Park. This past summer, the old poles and fixtures were removed due to deterioration and unsafe conditions.

The Colt League obtained a quote from MUSCO (who installed the lights at Fairgrounds Park, Municipal Stadium and other park facilities) in the amount of \$ 195,000. A quote was also obtained from Techline in the amount of \$ 147,500. They are asking that the City replace the lights at the field.

Mr. Stottlemeyer stated the Hagerstown Colt League was formed in 1966. All fundraising is done with volunteer help. The Colt League borrowed money from the City last year and is paying the money back. They would like to have the County involved in their funding because the Colt League serves 15 and 16 year olds throughout the County.

Councilmember Cromer asked if lights have been installed by the City at other locations. Alfred Martin, Finance Director, informed the Mayor and City Council that lights have been installed and the respective leagues have paid for the installation. Councilmember Cromer suggested that the Colt League approach the County for funding.

Councilmember Brubaker asked if this project is eligible for Program Open Space (POS) funding. Mr. Mason stated POS money has not been used for loans.

Councilmember Metzner asked staff to explore other options for funding. Councilmember Parson-McBean suggested that the Colt League contact the national affiliation for assistance.

Michael Spiker, Director of Utilities, stated the project could be scaled back to reduce the cost and still provide lighting to the field.

It was the general consensus of the Mayor and City Council to have staff review the project to see if the cost could be reduced.

Norfolk Southern Annexation Discussion, Case No. A-08-08

Stuart Bass, Comprehensive Planner, was present to seek direction to staff on whether the proposed Terms & Conditions as introduced in the Annexation Resolution are acceptable and ready for a vote for adoption on January 27, 2009.

The subject property is located on the southern side of the City off of Oak Ridge Drive. The area of annexation is 95.2 acres. This is a resubmission of a previous petition, which was withdrawn. The proposed development proposal has not changed, plans call for an automotive distribution rail facility. Basically, it is an area for off-loading and storage of new motor vehicles, a rail-to-truck transfer facility.

The terms and conditions document was drafted as a response to the comments previously received and to those anticipated from the Public Hearing and the County. The terms and conditions are as follows:

1. Provide a 50-foot landscaped buffer along the western property boundary, next to existing residences at the northern end and the remaining residentially zoned property boundary, and along the southern boundary next to Oak Ridge Drive. The buffer shall meet or exceed the standards enumerated in the City of Hagerstown's LAND MANAGEMENT CODE.
2. Lights illuminating off-street parking, storage, or loading areas shall be arranged to direct down, and installed so that no material glare or direct light shall spill over into adjacent parcels. Light standards shall not exceed 100 feet in height and shall be of a directional type capable of fully shielding the light source from direct view. Light shall not trespass and fall outside the boundaries of the property on which the installation is sited.

Formal construction details will be addressed and ultimately approved by the Planning Commission during site plan review.

Access is proposed off Oak Ridge Drive. The County and the SHA are currently reviewing the Traffic Study. The access permit will be contingent upon receiving approvals from the County and SHA, as well as any necessary off-site road improvements they might require.

Mayor Bruchey stated he thinks this is a viable project and he suggested that representatives of Norfolk Southern meet with the residents in the neighborhood to discuss the project.

Councilmember Metzner asked if these conditions could be imposed as part of the annexation agreement. He asked how the County will regulate the hours of operation. He wants to make sure the City's approval provides the county residents at least what they would have expected from the County.

Councilmember Cromer asked if representatives of Norfolk/Southern have met with the residents. Mr. Bass indicated they have not and are not planning to.

Mayor Bruchey asked Staff to find out from Michael Thompson, Washington County Planning Director, how the County will handle the hours of operation.

Downtown Parking Master Plan

Kathleen Maher, Planning Director, and Shelby Penn, Chair of the Downtown Task Force (DTF), were present to discuss downtown parking needs. The Downtown Task Force of the Chamber of Commerce has embraced the City Comprehensive Plan's recommendation that a Downtown Parking Master Plan be undertaken to guide management of downtown parking needs and plan for future parking facility needs. The Downtown Task Force has made implementation of this Comp Plan recommendation a priority and is offering to assist the City in raising the necessary funds through a public/private partnership to undertake such a project.

The goals of a downtown parking master plan include analyzing existing parking resources and recommend potential management solutions to improve efficiency; identify any unmet parking needs of existing businesses and government offices; identify parking demands related to adaptive re-use of vacant and under-utilized buildings; and plan for future construction of new facilities. A quick analysis undertaken by staff indicated potential demand for parking in the southwest quadrant of Public Square to be 2290 spaces.

The DTF researched, with input from the City of Hagerstown's Economic Development Director and Planning Director, an approach to tackle this important project for the downtown. Such a plan will be crucial to assist with the planning for the next parking deck for the downtown. A few locations have been identified as potential locations for another parking deck downtown: 1) the Hagerstown Trust Company parking lot on West Antietam Street; 2) land behind the Antietam Paper building on West Antietam Street; and, 3) land owned by Washington County on West Franklin Street.

A Letter of Intent has been obtained stating the willingness of officials at Hagerstown Trust Company to enter into a joint public/private partnership offering this land as one of the proposed sites, subject to further terms and conditions to be outlined and approved as the project planning begins.

A public/private development partnership would be created to pull together the ultimate completion of this project. As development costs estimate \$ 20k per space, some private money would be contributed to secure spaces or offer to tenants, or retail customers. A TIF (Tax Increment Financing) arrangement could be researched and designed to capture the tax dollars from an increase in an area's property value thanks to public investment.

An in depth study was completed for Downtown Frederick. Representatives estimated a similar in depth study for a long range parking plan for the City of Hagerstown would be in the range of \$ 30,000 to \$ 75,000, depending on the data available and the scope of

work. The DTF recommends the following two alternative approaches for a Downtown Parking Plan:

1. A Southwest Quadrant Parking Deck Analysis – evaluate the amount of demand in the immediate area to determine the correct sizing of Deck #3 with no long range study needed. An estimated cost for this analysis of site feasibility, supply/demand, project capital costs, and ongoing revenue/costs, is estimated to be \$ 45,000. Proposed funding for this study would be approved as follows: City - \$ 11,000, County - \$ 11,000, ARC - \$ 12,000, Private - \$ 11,000. The ARC is currently accepting applications, and the Executive Director of the Tri-County Council stating this project would stand a good chance of receiving funding.
2. A Downtown Parking Master Plan – prepare an RFP and contract a firm to develop a more comprehensive long range plan for the positioning of Deck #3 and future decks, site studies, supply/demand analysis for approximately an eight block area, future surplus/deficit conditions, development/evaluation of Hagerstown parking management, timelines, sizing, etc. The proposed funding, estimated at \$ 60,000, for this study is as follows: City - \$ 15,000, County - \$ 15,000, ARC - \$ 18,000, Private - \$ 12,000

Ms. Penn stated they all agree the market is now challenging but Hagerstown presents some unique opportunities with the unique building inventory and pricing as compared to neighbors to the east. A strong city center helps the low-income neighborhoods around it, by bringing in not only jobs but also by the attention and eventual support for these downtrodden areas.

Mayor Bruchey stated another deck has been discussed for the last 15 years. He knows there is a current need for parking.

Councilmember Metzner stated buildings won't be filled if parking is not available. He would like to have input from the County. He is still waiting to see how the County is going to fund their part of the completion of the existing deck. He can't discuss another deck until the County's involvement is secured and the A & E Deck is completed. He expressed disappointment that the building on E. Washington Street has not been demolished yet.

Councilmember Brubaker stated the City is not holding up the demolition project.

Councilmember Cromer is pleased the DTF is suggesting a public/private partnership. She agrees a parking deck is needed in this area. She is concerned that Hagerstown Trust is now beginning to improve the parking lot where a deck location was noted. Ms. Penn indicated Hagerstown Trust is only making superficial improvements to the lot.

Councilmember Cromer would ask the County to contribute more than the City. She asked who would own and operate a new deck. She asked if there is money available in the budget. Mr. Martin stated there is approximately \$ 10,000 left from a previous study.

Councilmember Brubaker suggested completing a parking study of the entire downtown area. He asked if commitments could be obtained from the partners prior to beginning a study.

Bruce Zimmerman, City Administrator, stated a comprehensive parking plan should be considered. The study should include all parking needs, not just for an additional deck.

Ms. Penn indicated there is good support for the study from Hagerstown Trust. She stated there is enough funding to do a master plan and start work on the deck analysis.

Mayor Bruchey suggested that the City send a letter of interest to the DTF. The letter would include a statement of the City's willingness to participate in a merged study/analysis and that funding is available from a previous study.

Councilmember Metzner is not willing to commit to the funding until the County Commissioners provides funding for the A & E Deck. He wants to talk with the Commissioners. Mayor Bruchey indicated the City asked the County for \$ 900,000 toward the construction of the A & E Deck. The County has provided \$ 600,000 so far. The City has also requested \$ 300,000 from the County for improvements to Cramer Alley. He stated the Commissioners have indicated they are willing to provide the funding.

A recess was taken.

Elizabeth Hager Center Mural Replacement Proposal

Kathleen Maher, Planning Director, Alex Rohrbaugh, Planner, and George Newman, III, Hagerstown Beautification Advisory Committee (HBAC), were present to request authorization for staff to apply for a grant to install large scale reproductions of historic photos on the wall of the Elizabeth Hager Center.

With the existing mural on the north facing wall of the Elizabeth Hager Center slated to be removed by Public Works this spring, the HBAC offered a proposal that would beautify and aesthetically enhance the wall. The HBAC proposed to install several enlarged, framed historic photos on the wall. Each photo could be of a theme pertaining to Hagerstown's historical and cultural resources. Such themes could include the aviation industry, Pangborn Park, the downtown, etc. The HBAC would also consult city staff as well as the Historic District Commission on what other themes could be appropriate.

The photos would be made of a waterproof, UV laminate material that would have a maximum size of 4' x 8'. Each photo could be inserted into an aluminum frame

approximately 10 feet in length that mounts to the wall. The photos could be changed fairly easily.

Planning Department staff and HBAC members initially discussed the proposal with Public Works Manager Eric Deike at their regular meeting on August 6, 2008 to determine the feasibility of installing large, framed photos on the wall.

The HBAC received a quote for \$ 1,060 per photo for the frame, picture, and installation. Staff recommends pursuing a mini-grant application to the Heart of the Civil War Heritage Area for one-half of the cost, while using the Downtown Beautification account from the General Fund to cover the remaining cost. The deadline for the grant application is March 2, 2009.

Mr. Deike indicated the low bid for removal of the mural is \$ 4,300.00. He stated staff has attempted to contact the artist in Arizona that was suggested during a previous discussion.

Councilmember Parson-McBean stated bags, created from old billboards, were handed out at the National League of Cities conference in Orlando, Florida. She stated they don't keep the same billboards up forever.

Councilmember Metzner doesn't think the size of the pictures is large enough for the wall.

Councilmember Cromer suggested exploring the photo panel idea as well as the billboard idea mentioned by Councilmember Parson-McBean.

Councilmember Nigh asked for more information about the artist from Arizona. Gordon Bartels, 139 S. Mulberry Street, Hagerstown, Maryland, stated he knows the artist who has designed murals on canvas for other people to paint. The cost would depend on how many times the artist had to travel to Hagerstown. The existing mural could be covered with the canvas. It would be something unique to Hagerstown. He stated he would be willing to work with the HBAC and the artist on the mural.

Staff will provide further information for the Mayor and City Council's consideration in February.

Jonathan Street Utility Reconstruction Project – Proposed Contract Re-Bid

Rodney Tissue, City Engineer, and Michael Spiker, Director of Utilities, were present to discuss rebidding the Jonathan Street contract in its entirety, due to the changed condition of the underground rock and a favorable bidding climate. If a new contract is awarded, it would only be done after the termination of the current contract with Ardent Company by the Mayor and City Council.

In August, staff reported to the Mayor and Council regarding the changed condition where the sanitary sewer was originally constructed by tunneling through massive underground limestone bedrock. What was thought to be a straight forward utility

replacement turned out to be far more difficult. In September, staff recommended to Council that the City delete all waterline and sanitary sewer construction from the contract with Ardent Company and direct City staff to complete the work. The staff from the Water and Sewer Departments immediately began to replace the existing main and successfully installed over 600' of water and sewer main. The management of the Water & Sewer Department has had time to evaluate the cost of utilizing the City's own forces versus potential prices if the contract were rebid.

Staff proposed that the current winter shutdown time be used to rebid the contract and review the results with Council in late February or early March. Work could commence in mid-March (since the City has all the materials purchased for the sewer and water lines), and the contract can be written so all work is completed by the end of the 2009 construction season.

By bidding the project including the rock condition, the City can avoid non-competitive change orders, and anticipate obtaining a contractor that is better prepared to deal with the field conditions.

It is widely known that the current economic recession has left a lot of contractors searching for work. Staff believes there will be strong interest in this project. However, staff is not guaranteeing that the bids will stay under the \$ 3,700,000 that was originally authorized by Council, due to the fact that the rock tunnel has changed the scope of the project. Staff will also develop a qualification in the bid. Bidders will be required to provide a written statement of work history on projects of a similar scope and size to ensure that the work is completed in this construction season.

Mr. Spiker stated staff would review the cost and determine if the wastewater component would be more economical if completed by the contractor. The water work will be completed by City staff.

Councilmember Parson-McBean asked if a provision could be included in the contract that a pre-determined percentage of employees be local people (if the contractor needs to hire workers).

Mr. Tissue indicated he has not seen such a provision in a contract. He does expect that local contractors will bid on the project.

It was the general consensus of the Mayor and City Council to rebid the project.

Historic District Commission Review Process

Kathleen Maher, Planning Director, stated questions have recently been raised regarding the Historic District Commission's (HDC) review process as a result of the denial of the metal-clad replacement windows which were installed at 32 S. Potomac Street (formerly known as the Joe Walker building). In this particular case, the windows were replaced without the approval of the HDC and then were subsequently denied when approval was requested after they had been installed. The reason for the denial was that replacement of the historic wood windows with the metal-clad replacement windows on

the front façade of the building was contrary to the Commission's design review guidelines.

Because of the debate in the community over the appropriateness of this decision, staff would like to take this opportunity to attempt to give the Mayor and City Council a better understanding of the authority of the Historic District Commission and how they arrive at their decisions.

The following members of the HDC were present: Robert Hershey, Carl Sanford, Mike Gehr, Vicky Hrabl and Paula Reed (consultant). Pat Schooley, local historian, was also present.

The City's LAND MANAGEMENT CODE outlines the authority, purpose, powers and duties, and make-up of the Historic District Commission. This authority is passed down to the City of Hagerstown by State law in Article 66B of the State Code. As outlined in the City's LMC, which was adopted by the Mayor and City Council in August, 2008, the purpose of the HDC is to:

1. provide for the identification, designation and regulation, for purposes of protection, preservation and continued use and enhancement, of those sites, structures, and districts which reflect elements of archaeological, political, cultural, social, economic or architectural history; and
2. preserve and enhance the quality of life and to safeguard the historical and cultural heritage of Hagerstown; to strengthen the local economy; to stabilize and improve property values of such sites, structures, or districts; to foster civic beauty; and to preserve and promote the preservation and appreciation of the sites, structures and districts for the education and welfare of the citizens of the City of Hagerstown, the County of Washington, the State of Maryland, and the United States of America.

As outlined in Section T of the Zoning Article, the primary responsibility of the HDC is to review and act upon applications to alter the exterior of properties in the historic districts, to demolish properties in the historic districts, and/or to build new structures or buildings in the historic districts. As prescribed in State law, appeals of the HDC's decisions are made to Circuit Court.

In December, 2003, the Mayor and City Council adopted code amendments that expanded the Commission's powers from strictly building permit review to review and approval of all exterior alterations, regardless of whether a permit is required or not. This change was made due to concerns over these significant changes that can be made to architectural features without the necessity of a building permit, which can seriously jeopardize the historic significance of district resources. Since revision of the ordinance in 2003, the most difficult issue the Commission faces on a fairly regular basis involves requests to replace historic wood windows with alternative window materials and designs. In the past five years, the HDC has reviewed 463 applications and only denied 23 – an 85% approval rating.

The members of the HDC are appointed by the Mayor and City Council. Members are required to be City residents and have a demonstrated special interest, specific knowledge or professional or academic training in such fields as history, architecture, architectural history, planning, archeology, anthropology, curation, conservation, landscape architecture, historic preservation, urban design or related disciplines.

As a means of assisting the HDC to arrive at predictable and consistent decisions regarding the appropriateness of proposed applications, the LMC authorizes the HDC to adopt architectural and design guidelines which shall specify such characteristics as materials, signage, landscaping, and other design-related considerations that will be permitted, encouraged, limited, or excluded from landmarks and historic districts. The LMC states that these guidelines shall be based on the Secretary of the Interior's Standards for Rehabilitation. These standards are used by historic district commissions throughout the nation as the basis for their local design guidelines. After a lengthy review process, the Commission adopted updated Architectural Guidelines for the City's Downtown and Residential Districts in July and December 2007.

At present, there is no requirement in the LMC for the Commission's design review guidelines to be approved by the Mayor and City Council. In contrast, all written development standards used by the Planning Commission are a part of the LMC and are therefore reviewed and approved by the Mayor and City Council. If the Mayor and City Council wish to review and approve the Commission's guidelines, staff would recommend amending the LMC.

The LMC would be amended to provide Mayor and City Council approval of the HDC's design review guidelines. This would be preferable to inserting the design review guidelines into the LMC. If the Mayor and City Council wish to take this approach, staff recommends the following steps:

1. Preparation of an ordinance to amend the LMC and submit the ordinance to the Planning Commission for a public hearing. Any amendments to the LMC must go through the Planning Commission for a public hearing and then recommendation to the Mayor and City Council for review and adoption.
2. Following adoption of this ordinance, schedule a work session for Mayor and City Council review of the guidelines which would subsequently be adopted at a regular meeting.

Councilmember Nigh stated the HDC has been effective and what is in place is sufficient. Councilmember Cromer stated she appreciates staff's recommendation. She thinks the Mayor and City Council needs to review the guidelines and be responsive to things that occur in the City. Councilmember Nigh stated the windows mentioned were part of a project that was to be completed in 2006.

Councilmember Brubaker stated he appreciates the work the HDC does. A lot of time and effort is put forth in reviewing the applications. He suggested pursuing amending the LMC to include Council approval of the HDC's design review guidelines. He supports historic preservation and has struggled with how to get buildings downtown rehabilitated.

Councilmember Nigh asked if doing this would affect the City's ability to receive funding. Ms. Maher indicated she did not think so.

Councilmember Parson-McBean asked if the window requirements increase the cost for developers. Ms. Maher stated the goal is to repair historic material, if it can be repaired. If it cannot, the next standard is to replace them in kind.

Councilmember Parson-McBean asked if the requirements are becoming a barrier for development. Ms. Maher stated a program is being developed for Channel 6 that would provide information to homeowners about the HDC requirements.

Councilmember Metzner has not heard anyone say the HDC is unreasonable. He can't look at these experts and tell them what their criteria should be.

Mayor Bruchey indicated the appeal process states appeals are reviewed by the Board of Zoning Appeals. He stated the HDC is fair and consistent.

Councilmember Metzner stated they should discuss the concession that has been made. He stated it is not fair that Barnwood Books has not been required to repair the obvious code violations. He stated it is a difficult issue to try to preserve heritage and property values and at the same time allow development to occur. He doesn't think there is a problem with the HDC.

Mayor Bruchey stated this issue will be discussed again in February.

A recess was taken.

Charter Review

The Mayor and City Council reviewed the proposed amendments to the City Charter. Councilmember Metzner stated a number of the amendments clear up ambiguous language and corrects typographical errors. Councilmember Cromer stated there are no substantive changes.

Approval of resolutions will be included on the agenda for January 27, 2009.

Mayor Bruchey stated there will be a budget retreat held on January 27, 2009 at 4:00 p.m. The City's Board of Election Supervisors has asked to address the Council during a work session on January 27, 2009. The Work Session will begin at 6:15 p.m. The Regular Session will be held on January 27, 2009 at 7:00 p.m. A joint meeting with the Board of Education will be held on January 20, 2009.

City Administrator's Comments

Bruce Zimmerman, City Administrator, had no additional comments.

Mayor and Council Comments

Councilmember M. E. Brubaker had no additional comments.

Councilmember K. S. Cromer had no additional comments.

Councilmember L. C. Metzner thanked the Fire Department for their quick response to a house fire on Calvert Terrace.

Councilmember P. M. Nigh asked if the two A & E Deck delinquent accounts have been paid. She asked if the police department has received payment for a private downtown event.

Councilmember A. Parson-McBean stated she will be attending the inauguration of President Barack Obama. She also thanked the Fire Department for their quick response to the fire. She commended the Police Department for their efforts to curb underage drinking.

Mayor R. E. Bruchey, II stated The Ferguson Group does a good job but the \$ 4 million for Eastern Boulevard was secured through a conversation with Congressman Bartlett's staff.

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 7:33 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: February 24, 2009