

69TH SPECIAL SESSION, WORK SESSION AND EXECUTIVE SESSION –
JANUARY 15, 2008

69TH Special Session – January 15, 2008

Mayor R. E. Bruchey, II called this 69th Special Session and Work Session of the Mayor and City Council to order at 4:05 p.m., Tuesday, January 15, 2008, 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 Attorney John Uner, City Administrator Bruce Zimmerman, and D. K. Spickler, City Clerk.

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 meet in Special Session.

Approval of a Memorandum of Understanding (MOU) for the Construction of US40/Edgewood Drive Intersection Improvements

Action: Councilmember M. E. Brubaker made a motion to approve the Memorandum of Understanding with the State Highway Administration of the Maryland Department of Transportation and the Board of Commissioners for Washington County, for the construction of improvements to the US 40/Edgewood Drive Intersection. Through this agreement the City is committing to fund 20% of the right-of-way acquisition, general construction, and non sewer/water costs (estimated by the State Highway Administration to total \$2,380,292) plus the balance of the waterline betterment costs (estimated at \$103,147). The sources of the City's funding shall be \$650,000 from the Water and Sewer Funds in the FY 07/08 budget, along with an estimated \$1,833,439 from the Excise Tax Revenue and General Fund supported bond proceeds. Based upon current projections, it is anticipated that the \$1,833,439 will be from an estimated \$1,062,000 in Excise Tax Revenue and \$771,439 from future General Fund-supported bond issue.

In addition to the funding support for the MOU, the Mayor and Council further authorize the Water Department to fund the replacement of the water main in the "County-only" portion (Langley Drive to Mt. Aetna Road) of the project. This main replacement is estimated to cost \$259,115 and the City's funding shall come from the Water Fund's "Distribution System Rehabilitation" Account.

Councilmember L. C. Metzner seconded the motion.

Motion carried, 4-1 with Councilmember P. M. Nigh voting No.

The Special Session was ended at 4:10 p.m.

Work Session – January 15, 2008

Pool Rates for 2008

Karen Giffin, Director of Community Affairs, and Lewie Thomas, Recreation Facilities Coordinator, were present to discuss pool rates.

The Department of Community Affairs is not recommending any rate changes for the 2008 pool season. However, a season pass rate has been added for Non-City Residents. These rates are comparable to regular rates of other area pools. The proposed rates for Non-City residents are as follows:

	City Residents	Non-City Residents
Preschool (Age 3 & 4)	\$ 25	\$ 30
Youth (Age 5 -12)	\$ 55	\$ 65
Adult (13 -61)	\$ 75	\$ 90
Seniors (62 +)	\$ 50	\$ 60
Family (up to 5 members)	\$125	\$150

It was the general consensus of the Mayor and City Council to approve the addition of a season pass rate for Non-City Residents.

June 30, 2007 City Audit Presentation

Alfred Martin, Finance Director, and Michael Manspeaker, Smith Elliott, Kearns & Company, LLC, presented the June 30, 2007 audit.

Mr. Martin thanked Kerry Krite, Smith Elliott, Kearns & Company, LLC, Elaine Stookey, Accounting Manager, and Ray Foltz, Assistant Finance Director, and the members of the City's Finance Department for their work in completing the audit.

Mr. Manspeaker indicated the financial statements are fairly stated and the audit was performed according to government auditing standards.

Mr. Martin acknowledged the Department of Community Affairs for providing the photographs for the report. Financial highlights include:

1. The City's assets exceeded its liabilities at the close of the most recent fiscal year by \$208.9 million. Approximately 63.3% of this amount is attributable to the City's three utilities (Light, Water and Sewer). Of the total net assets, \$18.0 million may be used to meet ongoing obligations to citizens and creditors (74.0% of this amount is attributable to the City's three utilities), \$13.8 million is restricted for specific purposes, and \$177.1 million is invested in capital assets, net of related debt.

2. As of the close of the current fiscal year, the City's governmental funds reported combined ending fund balances of \$21.0 million. Of this total amount \$6.8 million is unreserved and represents working capital available to support governmental operating needs and future years' expenditures.
3. The City's total bonded debt increased by \$8.2 during the fiscal year from \$31.8 million to \$40.0 million. In fiscal year 2006/2007, the City issued \$10.0 million in public facilities bonds - \$7.5 million for governmental fund related projects and \$2.5 million for the three utility funds and the Parking Facilities Fund. In fiscal year 2004/2005, the City authorized \$7.1 million in Maryland Water Quality Revolving Loan Fund Debt of which \$1.6 million was drawn in 2006/2007. The City's adherence to its amortization schedules for other debt further reduced its debt by \$3.4 million in 2006/2007.
4. The General Fund on a current financial resource basis, reported revenues in excess of expenditures and other financial sources and uses by \$694,202 after making a \$985,262 transfer to the Capital Projects Fund and operating transfers of \$1,100,000 to the Health Insurance Fund, \$174,631 to the Golf Course Fund, \$125,000 to the Economic Redevelopment Fund and \$8,644 to the Grant Revenue Fund.
5. At the end of the current fiscal year, unreserved fund balance for the General Fund was \$6,812,830 or 21.2% of total General Fund expenditures (excluding the transfers to other funds described above). This represents over two and a half months of General Fund expenditures and complies with the City financial policy requiring a minimum undesignated fund balance of 10% of the General Fund operating expenditures.

The fund balance of the city of Hagerstown's General Fund increased by \$694,202 during the current fiscal year. The key elements in this small increase are as follows:

1. Revenues fell short of budgeted projections by \$150,060
 - a. Property taxes, licenses and permits, and charges for services fell short of budgeted projections by \$371,966, \$91,395 and \$96,477 respectively
 - b. State shared highway user revenues exceeded budgeted projections by \$124,891 due to higher than expected receipts of state shared income taxes (\$93,127) and County tax differential (\$86,086)
 - c. Administrative allocation of shared costs to utility and other funds exceeded budgeted projections by \$249,456 due to a roll forward adjustment from the prior year due to under estimated costs

2. Expenditures were held in check and kept below budgeted projections by \$826,272
 - a. Net vacancy savings in wages and benefits kept actual expenditures below budget projections by \$340,823
 - b. Delaying the level of projected bond financing resulted in keeping actual expenditures below budget by \$307,974

Questions concerning any of the information provided in the report should be addressed to the Department of Finance, City of Hagerstown.

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

Kathleen Maher, Planning Director, Deborah Everhart, Director of Economic Development, Stuart Bass, Comprehensive Planner, and Doug Wright, Planning Commission Chairman, were present to discuss the 2007 Draft Comprehensive Plan.

A major goal is to manage economic development and growth to guide the location of higher-wage employers and high quality new residential development, enhance the City's fiscal foundation, revitalize the downtown, and broaden the City's economic base. Staff believes the recommendation in the Plan provides a reasonable solution to balance the issues of growth from infill development, redevelopment and annexation with the goals for protection of the quality of life in the City's neighborhoods.

Goals for economic development, downtown and land use include:

1. Attract higher-wage employment to the City.
2. Promote development and redevelopment of vacant and under-utilized land in a way that contributes to the City's fiscal base.
3. Capture a larger share of the region's retail and tourism spending.
4. Reinforce the downtown's position as the economic, institutional, and cultural center of the region.
5. Grow the City's fiscal base to support capital improvements, programs, and staffing needs.
6. Channel future growth in a way that strengthens the City's role as the provider of urban services to the Hagerstown Urban Growth Area.
7. Enlarge the City's corporate boundaries in order to become a stronger City, increase economic development, deliver urban services in an efficient manner, and promote fiscal stability.
8. Physically integrate the proposed growth area with the existing developed areas of the City.

Strategies for city-wide recruitment and retention strategies include: facilitate redevelopment of vacant and under utilized sites, facilitate creation of small lot business parks, consider comprehensive redevelopment strategies for specific areas and revitalize older retail centers.

Particular emphasis is placed on revitalization of downtown through the attraction of: arts and entertainment enterprises, market new businesses and provide incentives and a Smart Growth A&E District. Opportunities can be created by facilitating expansions, providing venues for new arts and cultural institutions, providing incentives for technology businesses and concentrating unique and entertaining enterprises.

The Plan analyzes the adequacy of existing land use categories in the city to serve modern commercial and industrial development needs, to protect the quality of life in the City's residential neighborhoods and to provide for future growth.

The Plan analyzes the adequacy of existing land use categories to serve modern development needs while protecting the quality of life in the City's neighborhoods. Like most established cities, Hagerstown is predominantly residential, with a distinct downtown, major commercial corridors, and large areas designated for industrial uses. Undeveloped or underutilized industrial land accounts for more than 13% of the City's land area. The presence of so much vacant industrial land reflects the decline of heavy industry in the City. In addition to being a national trend, the location and character of the developed vacant tracts within the City contribute to this decline within the City. General commercial zoned land allows for continued saturation of the market with retail development and mini-warehousing, when more office and service sector development with higher paying jobs and property values is preferred. The downtown has a commercial zoning classification which does not capture the character of the downtown as a high-intensity, mixed-use area with a large residential presence. Land Use categories in the 1997 Plan are inadequate to support growth, economic development, and other goals in the 2007 Draft Plan.

The Plan recommends new land use categories, zoning districts and rezonings to provide flexibility and guidance to attract economic development and investment to the City's aging buildings and scattered infill properties, while removing land use conflicts for existing neighborhoods. The Plan makes use change recommendations for various sites outside the city in the MRGA and discussions have occurred with the County Commissioners on those recommendations. They have determined that these differences can be addressed at the time of annexation or when the County undertakes a Comp Plan update.

A new downtown category recognizes the unique mixed use character of Hagerstown's downtown. The intent is to promote the presence of high density residential uses in the downtown, not just commercial, and to encourage the continuing mixing of uses in the downtown. The new zoning district should contemplate elimination of certain general commercial uses currently allowed in the C3 zone which can adversely affect the quality of life for downtown residents.

The new business-employment category is intended to attract non-retail, non-manufacturing uses that generate significant amounts of employment. The goal is for offices, office parks, light industrial parks, and research activities. The City has already

adopted the Professional Office Mixed-Use zoning district to implement this Plan recommendation.

The new mixed-use category will enable innovate development and redevelopment of certain vacant and under-utilized areas in the City. The goal is to attract businesses that are naturally attracted to urban settings where they benefit from retail, residential, and government functions in close proximity to each other and to allow for the incorporation of residential units in a mixed-use setting.

The new Special Planning Area is a designation for portions of the City where more in-depth study is needed to determine the final land use.

The recommended comprehensive rezonings are as follows:

1. Business Employment
 - a. Eastern Boulevard area south of Jefferson and north of Dual Highway
 - b. Harrison land-holdings along the Antietam Creek and across Edgewood
 - c. Hagerstown Business Park and nearby area
 - d. Mitchell Avenue and Florida Avenue areas
 - e. Frederick Street near the railroad
 - f. Wilson Boulevard near the railroad
 - g. East side of Emmert Road
 - h. South side of Mt. Aetna
 - i. Maryland Avenue south of Doub
2. Mixed Use with Special Planning Area
 - a. Lee and Sycamore Street
 - b. Pangborn Corporation
 - c. Jefferson Boulevard near Cleveland
3. Other Special Planning Areas
 - a. East End Area
 - b. Jonathan neighborhood
 - c. Northeast of Downtown
 - d. Old Roundhouse site
4. Industrial
 - a. Wesel Boulevard east of commercial area
5. General Commercial
 - a. S. Burhans Boulevard across from Wesel
 - b. West side of Hebb Road
 - c. Pope Avenue

Annexation strategies to benefit the community include:

1. Annex land on the City's borders to ensure that new development benefits the City and as another means of attracting businesses and industries into the City.
2. Develop annexation incentives to encourage existing development, already served by schools and using City roadways and parks, to annex

into the City as a means of increasing revenues for the city, improving demographic diversification in the city, and relieving the County from the costs of providing urban services in those areas.

3. To facilitate economic development, explore with Washington County cost-sharing strategies to provide revenue to the City in exchange for not requiring annexation in certain economic development target areas and as a condition of providing public water service outside the MRGA.

The Draft Comprehensive Plan is broad and addresses major areas and major goals. Ms. Everhart stated staff would like to discuss details of economic development during a February work session.

After the plan is adopted, all property owners affected by the comprehensive rezoning will be contacted and a public hearing will be held.

Mayor Bruchey thanked the Planning Department and the Planning Commission for the hours they have spent reviewing the comprehensive plan.

Zoning Text Amendments – Front Yard Fences

Kathleen Maher, Planning Director, stated a property owner in the City has submitted a proposed amendment to the Zoning Ordinance to allow for front yard fences anywhere in the City. The following is a summary of the proposed circumstances in which front yard fences would be permitted:

1. The lot is 150 feet or greater in width
2. If in a residential district, the fence is setback at least five feet from the sidewalk
3. The fence is transparent, and of an ornamental type, either picket or iron, with at least a three inch gap between the pickets

Already provided for in the Zoning Ordinance is the requirement that front yard fences (if a front yard fence is approved by the Board of Zoning Appeals) shall not be chain link on residential properties in residential districts. The existing text sets a maximum height limitation for fences in residential districts at six feet.

At the Mayor and City Council's public hearing on December 8, 2007, the applicant, Karin Anderson, and her tenant, Roy Grady, spoke in favor of the proposed amendment. The reason stated by the applicant for why such an amendment would be justified is that property owners should be allowed the use of their front yards, including installation of fenced enclosures for pets, and that if lots are wide enough, such enclosures should not have adverse impact on the aesthetics of the neighborhood.

Since the public hearing, no additional public testimony either in favor of or against the proposed text amendment has been submitted. On January 2, 2008, the City attorney provided an opinion stating that he does "not believe that the record supports any finding that this amendment promotes any policy of the Comprehensive Plan, is needed to

promote some City wide need or circumstance, or will promote orderly growth and development in the City.”

At the Mayor and City Council’s public hearing, much of the discussion of the merits of the proposed text amendment were focused on its application at one property within the City, as well as statements about the history of this fence with City staff and the Board of Zoning Appeals. The front yard fence at 820 Marion Street was constructed without a permit.

The applicant is naturally concerned about the impact of City regulations on her property at 820 Marion Street, the proposed text amendments would have city-wide ramifications and as such the Mayor and City Council should refocus attention towards whether the proposed amendments would be appropriate for all properties within the City and not just 820 Marion Street. To date, no input has been received, either in favor of or against the application of the proposed amendments throughout the City.

Staff concurs with the Planning Commission’s recommendation against the proposed amendment given the Commission’s concerns associated with negative impacts of front yard fences on a city-wide basis, the lack of significant public interest in the proposed amendments, and the City Attorney’s opinion. If the provisions remain in place, front yard fences would be allowed only if approved by the Board of Zoning Appeals through the variance process.

If the Mayor and City Council has an interest in allowing front yard fences in certain circumstances, staff would offer the following considerations:

1. The proposed 150 foot lot width provision is an arbitrary measurement which will create unequal treatment of properties in the City and thus ensuring considerable administrative conflicts.
2. The proposed amendments do not set a lowered height maximum for front yard fences which would thus allow a six foot fence to be constructed within five feet of the sidewalk

The Planning Commission indicated that they were not in favor of an amendment to change the provisions associated with front yard fences. Reasons cited included: the “toothed affect” that would be created if not everyone on the block constructs a front yard fence; there has been no overpowering need expressed by the public for this type of amendment; and that the Board of Zoning Appeals is the appropriate agency if front yard fences would be acceptable on a case by case basis.

Ms. Anderson stated she believes the variance for the fence was not granted because the previous property owner had received a number of variances. The contractor installed the fence within the front yard setback. If the fence would be installed at the permitted setback, they would not be able to use part of the property.

Councilmember Brubaker indicated this particular property isn’t the issue. The issue is whether or not an amendment would be approved, which would be applied city wide.

He stated procedures exist to permit a front yard fence, when the Board of Zoning Appeals feels there are ample grounds for a variance. He concurs with the Planning Commission's recommendation.

Councilmember Parson-McBean asked if the Housing Authority had received a variance for a front yard fence.

Mayor Bruchey believes a hedge is the same as a fence in the front yard. He doesn't see how a white picket fence instead of a hedge would negatively impact the city. Property owners should be able to do what they want with their property.

Councilmember Metzner stated the Planning Commission members are volunteers and they consider many recommendations. The Mayor and City Council should consider their recommendations. The fence on Marion Street is not offensive to him, but he is concerned about allowing front yard fences city wide. To approve this amendment would be opposite of the Planning Commission's and City Attorney's opinion.

Councilmember Parson-McBean asked if there is a way to satisfy both parties. Mr. Urner stated there is not in this case.

Councilmember Cromer supports the Planning Commission's recommendation.

It was the general consensus to not approve the proposed amendment.

Mr. Urner stated the Mayor and City Council must take some sort of action. A motion to approve the amendment can either be defeated or it could die for lack of a second.

Enforcement of the Zoning Ordinance is the responsibility of the Zoning Administrator's office.

Councilmember Nigh is concerned that the variance for this fence was denied. There are guidelines that have to be followed and she knows a building was built that does not adhere to those guidelines.

Mr. Urner stated the Board of Zoning Appeals denied the variance because the property did not contain any unique quality to allow for the variance. After the fence was installed, another hearing was held because there was now a unique circumstance. The Board of Zoning Appeals determined that an owner could not affect a change in a unique situation by building something illegal. The applicant chose to not appeal either decision.

This item will be included on the agenda for the January 29, 2008 meeting.

Councilmember Nigh asked what the property owner does about the fence now. Mr. Urner stated the property owner may challenge the Mayor and City Council's decision on

the text amendment in Circuit Court. She may also reapply to the Board of Zoning Appeals after a one year waiting period.

Councilmember Metzner suggested to staff that no enforcement take place on this property and the Mayor and Council will consider other options after the Comprehensive Plan and the budget is adopted. It was the general consensus to review this amendment later in the year.

Discussion of Zoning Map Amendment ZM-2007-02, Salem Avenue/Collegiate Acres

Stuart Bass, Comprehensive Planner, stated the subject property is located off of Salem Avenue, west of I-81. The applicant is proposing a rearrangement of the exiting zoning district to better utilize the property. This request is somewhat unique, in that it involves the reconfiguration of existing zoning districts in an effort to draw more logical and efficient boundaries. The resulting district lines would have no net change or effect in acreage of any one particular district.

The public review meeting with the Planning Commission for this proposal was held on Wednesday, May 22, 2006 at 7:00 p.m. There were no additional comments received during the 10 day period that the record was held open.

On November 17, 2007, the Planning Commission evaluated the information and recommended approval of the proposed rezoning. A Public Hearing was held before the Mayor and City Council on December 18, 2007. There were no additional comments received during the 10 day period that the record was held open.

It was the general consensus of the Mayor and City Council to approve the zoning map amendment, as proposed.

Proposed Bottle Club Ordinance

The proposed ordinance will be discussed at a later date. Chief Smith was injured and will be out for a short time. This will be discussed when he returns.

Jonathan Street Reconstruction and Utility Replacement Project

Rodney Tissue, City Engineer, stated the construction plans are complete for the Jonathan Street project and the project is presently scheduled for advertisement on January 25, 2008. The schedule for this project is contingent upon funding by the City Council.

Due to the size and complexity of this project, the City should only advertise the construction bids with a commitment to fully fund the project, unless bids come in significantly beyond project estimates.

The schedule for this project is contingent upon funding by the City Council. Assuming the project is fully funded, then staff believes that this project could be

advertised for bid on January 25th. The bidding process would continue through February and the award of the construction contract would be at the March regular session. Work would commence as soon thereafter as possible and be complete by the middle of 2009.

The latest design engineer's cost estimate for the project is \$ 4,475,000. This estimate assumes that the road could be closed to thru traffic. To fund this project, Water and Sewer utilities will fund their respective line replacement. The Light Department will fund the new street lights. The utilities will also pay a prorated share of the pavement restoration, traffic control, mobilization, etc. This yields the following estimate of funding from the various sources:

1.	General Funds (storm drain, streetscape)	\$2,400,000
2.	Water Funds (water line replacement)	\$ 900,000
3.	Sewer Funds (sewer line replacement)	\$ 900,000
4.	City Light (street lights)	\$ 275,000
Total		\$4,475,000

It was the general consensus of the Mayor and City Council to move forward with bidding the project.

Budget Discussion: Property Tax Base/Assessed Property Values

Alfred Martin, Director of Finance, stated residents have received notices as part of the triennial reassessment process which the State Department of Assessments and Taxation does every three years for all real property in the State of Maryland. The assessments are then used by the State, County and municipal governments to set tax rates to support government services.

The State Department of Assessments and Taxation is independent of the local governments. They spend a great deal of time and effort to ensure that the assessments are fair and reflect actual comparable fair market values for similar types of real property. Property owners have 45 days to review their assessments and if they don't feel they reflect the current fair market value of their properties, can appeal their assessments through administrative processes with the State. Most people will be seeing an increase in their property assessments in spite of the recent down turn in the real estate market. The primary reason is that the assessments three years ago were done in 2004, before the large gains in market value that occurred in 2005 and 2006. While some of those gains have been lost in 2007, market values are still significantly higher than they were three years ago.

From a budgetary standpoint, the good news is that based on the preliminary compilation of the reassessment numbers for the City, residential real estate market values are up 44% from three years ago and non-residential real estate is up 29%. Of the residential real estate, it is estimated that approximately one half or 50% of the assessed value represents owner occupied residential real estate is up 29%. The increases for

owner occupied residential real estate are capped at a maximum of 5% growth per year for the City and County tax purposes and 10% for State tax purposes. These increases will be phased in evenly over the next three years starting with FY 2008/09.

Real estate assessments make up about \$ 20 million of the overall property tax revenues of \$ 22.5 million. Therefore each 1% increase is worth about \$ 200,000. Business personal property makes up the bulk of the rest. Total property tax revenues make up about 60% of the General Fund's revenues, with the remaining revenues coming about equally from State shared taxes and other local user charges. The challenge next year will be to deal with the drop in developmental activity and the related drop in revenues from it and the uncertainty of the other State and County shared revenues.

The General Fund revenue projections for this year and next are being updated. Staff will be working with the State Department of Assessments and Taxation in getting the word out to property owners of a change in State law that requires them to take action this year to certify that the Department's records are correct about whether their residential property is their principal residence and they qualify for the assessment caps under the Homeowners Tax Credit program.

Annual Code Administration Division Review

Rodney Tissue, City Engineer, John Lestitian, Director of Code Administration, and Mike Heyser, Building Inspector, were present to review the progress achieved by the Code Administration staff and to discuss the current trends and challenges, and the future actions required to continue revitalization and steps towards a more livable city.

The former Office of Code Compliance and the permits office have been combined into Code Administration. The are functional areas of Code Compliance are: permits office, programs office and compliance office. The new structure lends itself to efficient communication, cross-training and consistency.

Current trends show:

1. The volume of vacant structures is increasing.
2. The volume of rental units is increasing.
3. The volume of permitted work is decreasing. A slight increase is expected in the Spring.
4. The voluntary compliance rate remains flat.

Foreclosed/vacant residential structures have an impact on the community and the assessable base. To address this trend, noted as Hot Topic #1, staff is using the nuisance abatement ordinance, developing a vacant structure program and holding mortgage companies responsible.

Hot Topic #2 is the permitting process. The requirements for accepting a permit application are being revised. Applicants will be required to have secure water and sewer allocation and related fees will be paid prior to applying for a building permit. This will

close an existing loophole in the process and eliminate the perception of permits taking excess periods of time for issuance.

The Property Maintenance Code will be revised. This is noted as Hot Topic #3. A draft ordinance will be presented to the Mayor and City Council for their review. The revision includes smoke alarm requirements, premise identification to the rear of properties, control of weeds throughout the growing season, requiring efficiency units to have 150 square feet. Mr. Lestitian stated one person will be permitted to occupy a unit that is 150 square feet. Councilmember Cromer asked if a tenant who is pregnant would have to move after the baby is born. Mr. Lestitian stated she would have to move. The revisions will also include penalties for interference with Code Administration officers.

Mr. Lestitian thanked the Landlord Association for working with the Code Administration office in reviewing the property maintenance code with staff. He stated the landlords' concerns have been addressed. If other concerns are expressed, they will be addressed prior to recommending introduction of an ordinance to revise the code.

Hot Topic #4 is the graffiti problem. A comprehensive program will be coordinated. The program will include education, investigation, reward for preventing, prosecution and abatement. Mr. Lestitian would like to develop a proposal with the Hagerstown Police Department for addressing graffiti and present the proposal to the Mayor and City Council in March.

Efforts are continuing to address rubbish and garbage in the City. Efforts are continuing to change the culture through education, enforcement and new initiatives. Mark Boyer, City Attorney, is reviewing the set out requirement for tenant set-outs.

Updates to the property maintenance, building, plumbing, electrical, mechanical and residential codes will be presented to the Mayor and City Council for introduction on January 29, 2008.

Future plans include consolidation of offices, revisions to the habitual offender ordinance, implementation of streamlined procedures, staff training and development, the assessable base and the MELP building.

Councilmember Cromer suggested using people who have been given community service hours by the court to help remove graffiti and other things.

License Agreement in Library Alley (Alley 2-98) - Secured Sally Port for Prisoner Transport

Rodney Tissue, City Engineer, stated the Washington County Sheriff's office recently studied the security at the Washington County Courthouse. The October 2006 study produced recommendations, among those that the County create "an enclosed security sally port" at the Courthouse in order to "protect, transport officers, and ensure the safe and secure delivery of prisoners". The Washington County Courthouse is located at the

corner of Summit Avenue and West Washington Street and it extends back eastward to the Court Place and south to Library Alley separating the Courthouse from the former Shockey Piano building.

In connection to the ongoing renovation of the Courthouse, the County is proposing to create a secure entrance for prisoner transport along Library Alley to drop off and pick up prisoners. The use of Library Alley for such transport of prisoners without the creations of a secure sally port, leaves a physical environment that could put those utilizing the prison delivery entrance (and the general public at large) at risk.

In order to create a new sally port recommended by the study, the County proposes that Library Alley between Court Place and Summit Avenue be closed to thru traffic. This would allow the Sheriff's office to construct a secure sally port with gates at either end of the alley and would integrate their function and the integrity of the secure alley into the day-to-day responsibilities of Courthouse security.

Council is requested to review and approve a License Agreement to allow Washington County to implement the secure sally port as described above. The License Agreement was prepared by the City Attorney. It is anticipated that this agreement would be approved by Resolution by City Council on January 29, 2008.

Staff reviewed the best legal means to allow the County to achieve their goal for a secure sally port. Staff is not recommending that the alley be conveyed to the County, because in the future there is a remote possibility that the alley will be reopened. A License Agreement is appropriate.

The City Light Department has a three phase underground distribution line in the alley and access to this line must be maintained. The Preservation Design District Commission reviewed and approved the request in December and the County must abide by the requirements placed on them by the Commission.

Councilmember Cromer was told razor wire would not be part of the structure. Mr. Tissue stated it will be there but placed on the inside of the sally port. Councilmember Cromer also understood this would be a solid structure, with no fencing. Mr. Tissue stated that is not what is being proposed.

Mayor Bruchey asked why there has to be enclosure so far into the alley. The entrance to the rear of the building is being moved further back. Mr. Tissue stated the proposed sally port is 40 feet long.

John Urner, City Attorney, stated the license agreement does not regulate any of this. The agreement indicated the County can put together what is required for courthouses that are under-secured at the present time and allows them to bring the courthouse security up to date.

Councilmember Cromer does not support approving the license agreement because of the aesthetics of the sally port.

Mr. Urner stated the agreement is not structured to give the City any say in what the County does within the confines of the alley. It does preserve the City's rights for easements for underground electric lines.

Councilmember Brubaker stated the Council needs to state specific objections. From the street side, the sally port won't be easily seen but from the back it is not attractive.

Councilmember Cromer asked if there is a fee for the license agreement. Mr. Urner stated there is not.

Councilmember Brubaker stated the only issue he has with the aesthetics is the visibility of the razor wire.

These concerns will be discussed with the Sheriff's Department and discussed again with the Mayor and Council next week.

City Administrator's Comments

Bruce Zimmerman, City Administrator, stated the contract with The Ferguson Group has been reviewed by the City Attorney. Approval of the contract will be scheduled for January 22, 2008.

Mayor and City Council Comments

Councilmember P. M. Nigh thanked the utility workers of Allegheny Power for their contribution to the Utility Relief Benefit.

Councilmember A. Parson-McBean stated the criteria for the utility relief benefit funds will be available for Mayor and City Council review and approval next week. A final wrap-up press conference for the Utility Relief Benefit is scheduled for January 28, 2008. She asked for permission to have a program run on Channel 6 in recognition of Black History Month. She expressed sympathy to the family of Senator Gwendolyn Britt. Senator Britt was a Rawlings Fellow and a friend of the City.

Councilmember L. C. Metzner had no further comments.

Councilmember M. E. Brubaker participated in the opening of the Maryland Access Point at the Commission on Aging. People can call the Commission about services available.

Councilmember K. S. Cromer asked that an update be provided on the Delta and Shockey buildings. This will be scheduled for January 22, 2008. She asked that the

Hopewell Valley area be included in the Medium Growth Area in the Draft Comprehensive Plan.

Mayor R. E. Bruchey, II expressed condolences to the family of Leonard Krapoff. Mr. Krapoff worked seasonally at the Steam Engine Museum. Events are continuing each week at the City Farmer's Market. The City of Hagerstown Department of Economic Development will host an informational public meeting on Thursday, January 24, 2008 from 8:15 a.m. to 9:45 a.m. The City of Hagerstown Code Administration Division and Hagerstown Community College are sponsoring a rental properties and property code update seminar on Wednesday, January 23, 2008 from 6:00 p.m. to 9:00 p.m. at the HCC Valley Mall Training Center.

Executive Session – January 15, 2008

On a motion duly made by Councilmember K. S. Cromer and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to meet in closed session at 7:26 p.m. to consult with counsel to obtain legal advice, #7 and to consider the acquisition of real property for a public purpose and matters directly related thereto, #3. No formal action was taken at the session. The meeting was held in the Council Chambers, 2nd floor at the City Hall. The meeting was adjourned at 8:39 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: March 25, 2008