

78th SPECIAL SESSION - January 18, 2005

Mayor William M. Breichner called this Special Session of the Mayor and City Council to order at 4:04 p.m., Tuesday, January 18, 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 Mark Boyer and City Clerk D. K. Spickler.

Mayor Breichner welcomed several boy scouts from Troop 8.

Public Hearing: CDBG Needs

A Public Hearing was held to obtain the views and comments of individuals and organizations concerning the City's housing and community development needs, including project recommendations. Community Development Needs include requests from organizations for FY 2005/2006 CDBG funds.

The following testimony was presented:

Gordon Bartels, 1120 Kenly Avenue, Apartment 5, Hagerstown, Maryland, asked the Mayor and City Council to continue supporting the C-Safe Program. He indicated this is an important program for the youth in Hagerstown.

Kathy Saxman, Community Action Council, 101 Summit Avenue, Hagerstown, Maryland, thanked the City for their support of the comprehensive housing program in the area. Pre-purchase counseling is provided for people in the community.

Melinda Propst, Easter Seals Adult Day Services, 101 E. Baltimore St., Hagerstown, Maryland, stated they have received Community Development support for the last three years. They provide low income residents with nursing services in a therapeutic setting so they can remain in their own homes and avoid nursing home care.

Fay Kilmer Smith, Potomac Case Management Services, 12 S. Walnut St., Hagerstown, Maryland, stated their mission is to assist the chronically and persistently mentally ill so they may stay independent or to become independent from systems. They have been working with Christ Reformed Church to offer services to the homeless. Many of the homeless are mentally ill and many of the mentally ill are homeless. Community Development funding allows them to offer more services.

Doug Wright, 911 Potomac Avenue, Hagerstown, Maryland was representing Holly Place.

Holly Place has two facilities located in the second block of S. Potomac Street. Each houses 13 senior citizens who need assisted living care but cannot afford it. Holly Place offers housing, personal care, meals and medication dispensing. Initially, many of the residents received Medicare waivers and the costs to provide these services were covered. The amount of the waivers has been reduced, putting a drastic strain on Holly Place to provide the services needed for each of the 30 residents. Only 11 are receiving the full payment of the waiver. Mr. Wright stated they are asking for \$28,300. These people have no place to go besides Holly Place

Dave Jordan, CAC, 101 Summit Avenue, Hagerstown, Maryland, is the Executive Director. He stated CAC appreciates the support provided through the Community Development program. This support has allowed CAC to work closely with the Code Compliance Office to develop housing counseling services. The money they receive is often matched from other sources.

There was no further testimony. The record will remain open until January 28, 2005 for written comments.

Councilmember Nigh asked what the process is for determining what organizations receive the money. Mr. Bayer indicated the requests are reviewed to determine if they meet the guidelines for the Community Development funding. Further review determines which organization would cease without this funding and which received money in the past. The final review uses the provisions established by the Mayor and City Council to determine how the remaining ones fit in to the categories.

Councilmember Aleshire asked if the City would be able to support any of these programs if the funding is substantially reduced. Mr. Bayer stated the Department is making contingencies for the possibility of reduced funding.

Introduction of an Ordinance: City of Hagerstown Water Quality Bonds

Alfred Martin, Finance Director, stated bank qualification is not an issue with this bond. The expected interest rate is .087%.

Action: On a motion duly made by Councilmember C. N. Moller and seconded by Councilmember N. L. Hendershot, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance authorizing the City of Hagerstown to issue and sell upon its full faith and credit, general obligation bonds to the Maryland Water Quality Administration in one or more series in an aggregate principal amount not to exceed \$ 7,1000,000. Proceeds from the sale of the bonds will be used for the public purpose of enhancing and improving the City's waste water treatment plant as more fully described in the ordinance

together with related expenses and costs of issuance. Staff is hereby also directed to proceed with developing the necessary detailed resolutions and other documents to proceed with the sale of the bonds as directed by this ordinance. The detailed resolution will be presented to this body for approval at a future date prior to the issuance of the bonds as specified in the ordinance.

Discussion: Mayor Breichner indicated some of this bond financing will be used for the improvements that have been started and are required through the Consent Order from the Maryland Department of the Environment.

Introduction of an Ordinance: Authorizing the Acquisition and Transfer of 328 North Potomac Street

Action: 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 introduce an ordinance authorizing the acquisition and transfer of 328 North Potomac Street. The Mayor and City Council have determined that the Armory is not needed for a public purpose and it is in the best interest of the citizens to transfer the Armory from the City to Cumberland Valley Chapter Associated Builders and Contractors, Inc. (ABC). The Mayor is hereby authorized to accept delivery of a Deed from the State of Maryland to the City of Hagerstown for the Armory and to execute and deliver a Deed from the city of Hagerstown to Cumberland Valley Chapter Associated Builders and Contractors, Inc. for the Armory immediately thereafter.

City Attorney Mark Boyer left at this time.

WORK SESSION - January 18, 2005

Preliminary Agenda Review

Marshall Street Sidewalk Installation

Concrete Central, LLC submitted a low bid of \$ 49,087.00 for the construction of curb, sidewalk, inlets, storm drains, etc. along Marshall Street.

Councilmember Hendershot stated it was difficult for students to walk in this area and installation of sidewalks will make it much safer for them. The State of Maryland, the Washington County Board of Education and the City of Hagerstown have agreed to share the

cost. The City's share will be \$ 12,271.88.

Councilmember Aleshire asked who would be responsible for the maintenance of the sidewalk. Rodney Tissue, City Engineer, indicated the adjacent property owners would be.

The Mayor and City Council agreed to award the contract to Concrete Central, LLC.

Citywide Street Tree Planting

Antietam Tree Service, Inc. submitted the low bid for planting street trees within the public right of way on Broadway, Garland Groh Boulevard, Commonwealth Avenue, Bowman Avenue, Eldridge Drive and West Washington Street. The bid price is \$ 32,800.00. The source of funds is the Forest Conservation Fund.

It was the general consensus of the Mayor and City Council to accept the bid from Antietam Tree Service, Inc.

Purchase of Compact Pickup Truck (Vehicle Replacement of Unit 712)

Rodney Tissue, City Engineer, stated Unit 712 is scheduled to be replaced after July 1, 2005. The vehicle requires repair work that is not feasible based on the replacement plan. Under the State of Maryland contract, a replacement vehicle can be purchased from Hertech Fleet Services, Inc. for \$ 10,398.00.

It was the general consensus of the Mayor and City Council to approve the purchase.

Purchase of Compact Utility Vehicle

Hertech Fleet Services, Inc. submitted a price of \$ 18,049.00 for a four wheel drive compact utility vehicle. Mr. Tissue stated this vehicle is to be used by the employee in the new position recently authorized by the Mayor and City Council. This bid is through the State of Maryland contract.

It was the general consensus of the Mayor and City Council to approve the purchase.

Lights at Pangborn Tennis Courts

John Budesky, Director of Administrative Services, stated bids were received for lights at the Pangborn Park tennis courts. The bids were opened today and will be reviewed. Funding for the lights is through Program Open Space (POS). The apparent low bid is \$ 14,000.00. The amount

budgeted is \$ 22,000.00. More information will follow.

Fairgrounds Park - Deck Hockey Rink

Bids were received for a Deck Hockey Rink at Fairgrounds Park. A POS grant of \$ 34,000 has been awarded. The bids were opened today and will be reviewed. The apparent low bid is \$ 29,000.00, leaving a surplus of \$ 16,000.00. Mr. Budesky stated the City will ask for approval from POS to use the surplus for other eligible projects.

Mr. Martin indicated that the required local match for both of these grants is in the CIP budget.

Fire Department

Chief Gary Hawbaker reported MES-Allsafe Fire Equipment is the sole source for Scott Air Packs. A price of \$ 45,267.75 was submitted by Allsafe. The funding for this purchase is from the Homeland Security grant.

It was the general consensus of the Mayor and City Council to approve the purchase.

Councilmember Aleshire asked Chief Hawbaker to explain the ISO rating. Chief Hawbaker explained the rating is based on how quickly and efficiently a fire department responds to calls. This rating is given to insurance companies who then offer insurance rates based on the ISO rating. The Water Department operation is also part of the calculation.

Paratech Rescue Equipment

Fire and Rescue Products submitted a price of \$ 21,905.40 for Paratech Air Bags and Rescue Struts. Chief Hawbaker indicated funding for this purchase is also from the Homeland Security grant.

The Mayor and City Council agreed to approve the purchase.

Phase II Change Order - Replace Roof

Chris Bordlemay, Water and Sewer Department Assistant Manager, stated the roofs need to be repaired in two buildings at the Waste Water Treatment Plant. The repairs can be completed by Ulliman Schutte through a change order for the Phase II Improvements project. The cost will be \$ 32,119.00.

The Mayor and City Council agreed to approve the change order for the work.

Banner Requests

The following requests for banners on the railroad overpass have been received:

February 21 -27, 2005: Washington County health Department Colon Cancer Awareness
February 28 - March 13, 2005: Home Show
March 28, - April 3, 2005: Multiple Sclerosis Walk
April 4 - 17, 2005: Hagerstown Suns 25th Anniversary & Home Opener
May 23 - June 5, 2005: Western Maryland BluesFest

It was the general consensus of the Mayor and City Council to approve these banner requests.

Introduction of an Ordinance: Administrative Search Warrants for Code Compliance

Rodney Tissue, City Engineer, and John Lestitian, Chief Inspector, presented a proposed code amendment to the Mayor and City Council. The amendment would be to the Property Maintenance Code. The amendment would provide more specific authority and procedure for the issuance of Administrative Search Warrants.

The Mayor and City Council agreed to place the introduction of this ordinance on the agenda.

Resolution: Lease Extension with Community Housing Resource Board, 21/23 East Franklin Street

Lauren Bayer, Community Development Department Manager, presented a lease extension agreement with the Washington County Community Housing Resource Board, 21-23 East Franklin Street, to the Mayor and City Council for review. If approved, the lease would continue at the rate of \$ 1.00 per year. The Community Housing Resource Board and the Community Development Corporation have indicated their intent to merge.

It was the general consensus of the Mayor and City Council to approve the lease extension.

Resolution: HAYSL Lease Extension at Fairgrounds Park

John Budesky, Director of Administrative Services, stated the Hagerstown Area Youth Soccer League (HAYSL) and the YMCA have historically held a combined lease and jointly operated a concession stand. The leases are being separated this year and HAYSL will be the primary operator of the concession stand. The City will no longer provide storage facilities to HAYSL.

The lease extension is for a five year period. The Parks and Recreation Department is working toward having more scheduling control.

Councilmember Nigh asked if the YMCA uses the fields at their facility. Mr. Budesky indicated they use the fields at Fairgrounds Park more often. She asked if the City gets a percentage of the concession stand profit. Mr. Budesky stated the City does not receive any money.

Mr. Budesky indicated the users have been asked to provide a list of capital improvements they would like to make, at their expense.

Resolution: YMCA Lease Extension at Fairgrounds Park

John Budesky, Director of Administrative Services, presented a five year lease extension with the YMCA for the Mayor and City Council's review.

It was the general consensus of the Mayor and City Council to approve the lease extension.

Resolution: American Little League Extension at Fairgrounds park

A lease extension with American Little League was presented to the Mayor and City Council for their review. The lease is for a five year period and includes a first right of refusal clause.

The Mayor and City Council agreed to renew the lease with American Little League.

Councilmember Nigh stated she is concerned that the requirements of receiving POS money are not being met by the users of the facilities at Fairgrounds Park. She asked that a sign stating the Fairgrounds Park is funded through POS be placed at the park. Mr. Budesky stated there is a requirement that facilities be open for public access.

This concluded the review of the Preliminary Agenda.

Request to Hold an African-American Heritage Parade

Karen Giffin, Public Information Manager, stated a group of citizens led by Ombudsman International, Inc. would like to have an African-American Heritage Parade on Monday, February 21, 2005 at 11:00 a.m. The parade would begin at Wheaton Park and end at University Plaza.

The group is asking the Mayor and City Council to underwrite City services for the event. The cost of services would be \$ 2,852.00.

A representative of Ombudsman International is scheduled to attend this meeting, but has not arrived. The Mayor and City Council agreed to move this item later in the agenda.

2004 and 2005 City of Hagerstown Projects

Bruce Zimmerman, City Administrator, reported the Department Managers met and compiled a list of 2004 City projects which they believe will have the most visible and positive impact on Hagerstown in the future. As the Mayor and City Council are aware, the City has accomplished much during 2004 that will benefit the community for many years. Fifty projects are listed and include the following:

- Completion of University Plaza
- Creation of School Impact Fee Policy
- Summit on City Vitality with David Rusk
- Installation of Downtown Camera System
- Approval of A & E Parking Deck
- Opening of Hope Six Elgin Station Community Center
- Enhanced Bill Payment Options for City Residents and Customers
- Increased and Expanded Channel Six Programming
- Initiation of Electric Broadband Project
- Completion of Two Bond Issues to Expand the Capital Improvement Program

The Department Managers also compiled a list of 2005 Projects that will have significant and positive impact on Hagerstown. The City is moving forward on a large number of projects, reflecting the priorities and goals the Mayor and City Council have established since taking office in May, 2001. The Staff asked for feedback from the Mayor and Council on whether there are any other projects they wish to see highlighted for 2005. The 2005 Project list includes the following:

- Plan and Support the Opening Gala for the New University Center
- Construct the Eastern Boulevard Street Widening
- Complete Hamilton Run Sewer Rehabilitation Project
- Implementation of Hansen Permit Software Program
- Establish Taxi Driver Licensing Program
- Support Efforts of Washington County Free Library to Expand and Upgrade the Central Library
- Support Expanding the County's Excise Tax to Increase School Funding
- Recruit Antique Mall to Downtown
- Facilitate Additional Annexation of Property Into Hagerstown
- Support the CDC's Downtown Housing Project on East Baltimore Street

City Wide Employee Life Insurance

Donna Messina, Director of Human Resources, stated the City of Hagerstown provides a flat life insurance benefit of \$ 15,000 per employee. A benefit comparison over the past three years consistently indicated that employers in the area typically provide at least one year of annual salary as the life insurance benefit. The cost for this benefit is fifteen centers per thousand dollars of base pay.

Staff supports implementing an increase to the current life insurance benefit of a flat \$ 15,000 per employee to one year of annual salary, city-wide, effective February 1, 2005. This was added to the IAFF contract and the next logical step is to make that benefit City-wide to take advantage of the current low rate. Financial impact city-wide is less than \$ 9,000 for the remainder of FY 04/05, with about \$ 6,000 from the general fund. The full annual cost city-wide for this benefit would be about \$ 35,000, with approximately \$ 25,000 of that coming from the general fund.

Councilmember Metzner asked why the City would be willing to spend \$ 6,000 or \$ 25,000 for something that a bargaining unit has not asked for. Ms. Messina stated this appears to be a benefit that could be provided to all employees with minimal cost. Councilmember Metzner questioned why it should be given to everyone because of one bargaining unit. He would be in favor of providing the additional benefit to non-union employees, who seem to get fewer benefits. He feels the Mayor and City Council is getting mixed signals from Staff about what is affordable and what is not.

Mr. Zimmerman stated the funding for bargaining is what is budgeted for employee groups. There is still an on ongoing issue of equity in benefits. The benefit package needs to be reviewed. Councilmember Aleshire indicated various employee groups have pointed out what they see as inequities.

Councilmember Metzner stated it would have been nice to be able to offer this added benefit to the firefighters. Ms. Messina stated IAFF has this benefit in their contract. If quotes for only one employee group were obtained, the cost would not be as affordable. The premium costs have not increased in many years.

It was the general consensus of the Mayor and Council to move forward with adding this benefit.

Community Development Consolidated Plan

Lauren Bayer, Community Development Department Manager, stated the Community Development Department will start the process of developing the 2005-2009 Consolidated Plan

for Hagerstown. The Consolidated Plan is designed to be a collaborative process whereby a community establishes a unified vision for community development actions for the next five years. It offers local jurisdictions the opportunity to shape the various housing and community development programs into effective, coordinated neighborhood and community development strategies. It also creates the opportunity for strategic planning and citizen participation to take place in a comprehensive context, and to reduce duplication of effort at the local level.

The statutes for the Community Development Block Grant (CDBG) program sets forth three basic goals against which the plan will be evaluated by HUD. Each jurisdiction's plan must state how it will pursue these goals for all community development programs, as well as all housing programs. These statutory program goals are:

1. Decent Housing
2. A Suitable Living Environment
3. Expanded Economic Opportunities

A draft plan will be presented to the Mayor and Council in early April and the final version will be submitted for approval at the April 26, 2005 Regular Session.

Eastern Boulevard Widening Project Status Report

Jim Bender, Assistant City Engineer, provided a status report on the Eastern Boulevard Widening project.

Johnson, Mirmiran & Thompson, Inc. (JMT) has nearly completed the final design phase of the project. This project basically involves adding one northbound and one southbound lane to Eastern Blvd. between Conrad Court and Jefferson Blvd., along with a partial traffic signal at Opal Court and turning lanes near various street intersections. Raised medians will be installed between the northbound and southbound lanes for much of the project's length to separate opposing traffic and control access to Eastern Blvd. New sidewalks will also be added along much of the project's length to enhance pedestrian connectivity between the MKS Business Park and the existing shopping center to the south.

The design of the project is approximately 95% complete. JMT is making final adjustment to the storm drainage design, and is working to coordinate the road widening design with existing and proposed utility lines. It is anticipated that the plans and specifications will be completed in the next few weeks and that the project will be advertised for bid in February 2005.

The widening of Eastern Blvd. will require the City to acquire additional right-of-ways from a few select property owners, and will require the acquisition of both temporary and permanent

easements at various locations along the route. Staff is making preliminary contact with the affected property owners to begin the acquisition process.

Councilmember Aleshire asked if any costs have been estimated for the necessary right-of-ways. Mr. Bender stated the discussions are only in the preliminary stages and no price has been discussed. Councilmember Aleshire stated he hopes the property owners realize the City is trying to work with them and hopes they will continue to work with the City.

Mr. Bender indicated several developments have been approved but none have paid in to the improvement fund. It is anticipated fund contributions will be \$ 1.2 million.

Request to Hold an African-American Heritage Parade (continued)

The request to hold an African-American Heritage Parade was discussed again at this time.

Councilmember Aleshire stated more information is needed before further discussion occurs. He is concerned about the level of organizational effort for the parade, especially since no one from the group was present at this meeting. The following is his list of questions:

- What is the anticipated ending time of the parade?
- Has a State Highway permit been obtained?
- How many units are expected?
- Is there a snow contingency plan?
- Is there a sponsor for the parade and is there a theme?
- Is there a list of potential conflicts due to the parade?

Councilmember Metzner stated he would like to see a flyer about the parade so he would know what the City is being asked to underwrite. Councilmember Nigh expressed her concern that the City underwrites the services for many parades.

The discussion will be rescheduled for February 1, 2005, with a representative of Ombudsman International.

Interim Sewer Capacity Allocation Program

Kathleen Maher, Planning Director, and David Shindle, Water & Sewer Department Manager, were present to discuss an Interim Sewer Capacity Allocation Program.

To address the stipulations of the Consent Judgement that was approved January 12, 2005, Staff has been working to develop recommendations for the use of the allocation granted by

MDE. The judgement requires that beginning on January 12, 2005, and until the City's sewer system is upgraded to 10 mgd, we shall "limit new connections to the sewer system." As part of the City fulfilling this stipulation, prior to July 11, 2005, a "Capacity Allocation" plan must be submitted to MDE.

There are numerous parameters and parties' of interest input to consider for development of this plan, and it will, therefore, most likely take several months to develop. In the meantime, Staff believes a need exists for a program to prioritize the use of the limited allocation. Therefore, an Interim Sewer Capacity Allocation Program is being proposed.

The Consent Judgement provides the City with 120,000 gallons per day (represents 600 homes) per year for "new residential lot plat approvals or non-residential site plan approvals." It is proposed that the interim program incorporate limitations for various categories of new sewer connections and a means for preserving a portion of the allocation for projects of special interest as the year progresses. It is also designed to consider the managed allocation of plats and site plans that have already received approval.

Under the Consent Judgement, all existing final plats and site plans approved by the Water and Sewer Department before January 12, 2005, are permitted to connect to the sewer system and are not part of the 120,000 gallon limit. This would also include existing structures that are not currently used or are underutilized.

Ms. Maher stated there are several steps in obtaining approval for a residential lot. Those steps are:

1. Concept Plan
2. Preliminary Plat (includes detailed infrastructure plans)
3. Construction of sewer infrastructure
4. Final Plat (includes simplified plats)
5. Building Permit application/approval
6. Application/approval for sewer service
7. Construction and occupancy of home

Once a final plat is approved by the Water and Sewer Department, it must still be approved by the Planning Commission and recorded at the court house. After recording, the lot can be sold. There are 2,428 residential projects at various stages in the review/approval process at this time. There are twelve non-residential projects that have indicated interest for development in the City. Additionally, there are five site plans already approved. Ms. Maher stated it must be determined how to manage growth in the developments that have been approved and are not subject to the 120,000 gpd limit.

Mr. Shindle listed the following objectives of the Interim Sewer Capacity Allocation Program:

1. Move towards fulfilling the requirement of the Consent Judgement to create a Capacity Management Plan.
2. Institute a user-friendly short-term program to sensibly manage a portion of this year's annual allocation until the final program is developed.
3. Provide the community with a planning tool for more predictable growth.

Mr. Zimmerman indicated this interim plan is being developed in order to deal with the growth, even though an interim plan is not required under the Consent Order.

Councilmember Aleshire asked why the City would approve something subject to the 120,000 gpd for new development. Mr. Shindle stated approval will be in a limited amount so there would not be a void in the construction industry.

Councilmember Metzner stated we used to talk about capacity, and now its about allocation. He personally doesn't have a good feel for the Inflow and Infiltration (I/I) program. He stated the odds are there will be more spills until the plant is upgraded to where it needs to be. He would expect if 5 inches of rain fell, the plant wouldn't be able to handle it. Mr. Shindle stated that is not necessarily the case.

Councilmember Metzner stated his concern about finding out that we are getting ahead of the problem, not that the problem is getting ahead of us. He is concerned the I/I situation will be forgotten. Mr. Shindle stated that during 2003 (which was one of the wettest years on record) the water table stayed at elevated levels and that was very unusual.

Mr. Shindle indicated the idea of the plan is not necessarily to slow things down but to make sure it doesn't get out of control. He asked the Mayor and Council to keep in mind this is only the interim plan to be used until the final plan is in place.

Councilmember Aleshire asked how the 90,000 gallons allowance for additional flow would be affected after the Capacity Allocation plan is presented. Mr. Shindle stated this will allow connections to occur at a manageable rate. He can't predict how the numbers will change, but it will limit the pace and get people thinking that it can't continue like it had been before.

Councilmember Metzner stated he is not as concerned with making sure growth occurs but that it occurs in a managed way. It seems the numbers presented are high. Councilmember

Aleshire stated he sees this plan as above and beyond what has been done in previous years. Councilmember Metzner stated he would rather be very conservative with an interim policy. He is concerned this is too generous, even for a permanent policy. He is concerned people will try to get developments approved in order to meet the deadline of the allocation plan and staff will be overwhelmed.

Mr. Zimmerman stated Staff is not expecting a decision from the Mayor and City Council at this meeting. Staff is struggling with the numbers. He feels it is good management to develop an interim plan (even though it is not required). The interim plan needs to be approved within the next two weeks. Staff wanted to get information to the Mayor and Council for their review at this meeting.

It was the general consensus of the Mayor and Council to discuss the plan at a work session on January 25, 2005 at 5:00 p.m.

Councilmember Nigh asked where the 2 + 2 Committee is on this issue. Councilmember Metzner indicated they have discussed this issue and they have no problems with it, except to determine how to allocate the sewer in a fair way. Councilmember Aleshire indicated this plan provides a calculated way to prioritize for planning and sewer issues.

Councilmember Aleshire wants to make sure development is not short changed in one area and over compensated in another.

The following criteria are not intended to be considered for the interim program but may be expected to be considered for the Final Sewer Capacity Allocation Program:

1. Allocation that can be gained from flow transfer
2. Developer agreements and reserving of allocation
3. Any allocation we, or a third party, can recover from I/I remediation
4. Improvements to the plant that increase its capacity
5. Increased or decreased demands of existing customers
6. Re-utilization of existing vacant structures
7. Additional capacity used by existing non-residential customers above previous year's average daily usage
8. Criteria for the Discretionary Reserve

Information from the City of Frederick's Water Allocation Ordinance was presented for the Mayor and City Council's review.

In summary, the Sewer Capacity Allocation Program will allow the City to permit growth in

the Hagerstown Urban Growth Area at a manageable pace while meeting the constraints of the Consent judgement. It is intended that all projects will be given consideration for sewer service. When those projects occur will be planned. As proposed in the Interim Capacity Allocation Program, the City would be able to approve sewer connections for a total of 387 residential units in the City and the equivalent of 213 residential units in the County while the final program is developed and approved. As the City undertakes I/I corrections, flow transfers, and other system improvements, it will have the ability to gain additional capacity for new development.

City Administrator's Comments

Bruce Zimmerman, City Administrator, informed the Mayor and City Council that Police Chief Arthur Smith has been accepted for a potential assignment to develop security programs in Afghanistan or Iraq. Captain Summers will be acting as chief in his absence. There is a two week assessment period, during which time Chief Smith will be using vacation time. If he sent on assignment, he will be on unpaid leave from the City.

Mayor and Council Comments

Councilmember P. M. Nigh stated people are needed for the Citizens on Patrol program. She expressed concern that some of the homes in Hager's Crossing are being rented. She stated more homeownership is needed, not rentals.

Councilmember Nigh stated citizens needs to know snow removal won't be done in the alleys because the equipment is too large. She asked people to make sure they don't block the ends of the alleys.

She discussed the requests made by the Hagerstown Softball League and the Hagerstown Pony League. She stated she understand that when Fairgrounds Park was being established, softball leagues were approached and surveys were being done by Frostburg students. The survey showed there was more interest in soccer, softball and a BMX track. She asked why the City didn't pursue baseball. She has been told there are softball fields available through the County. She expressed concern that a Delegate called two Councilmembers to discuss keeping the softball league at Fairgrounds Park. She has called the same Delegate and is still waiting for a return call. She is very concerned the City did not even consider the Pony League in the initial planning stages.

Councilmember Metzner stated no one from the Pony League asked to be considered. He stated the entire community knew what the City was doing with Fairgrounds Park and they were seeking input from everyone. The only baseball group that made a request was American Little League.

Councilmember Nigh asked how there can be leagues located at Fairgrounds that are not from Washington County.

She thanked everyone for their continued prayers for her daughter, Danielle. Danielle starts chemotherapy treatment tomorrow.

Councilmember L. C. Metzner extended his prayers to Councilmember Nigh's family.

He stated it was very exciting to see so many people at the Neighborhoods 1st meeting. He commended the Gourmet Goat for catering the wonderful meal.

He thanked Ms. Maher and Mr. Shindle for their difficult work in dealing with the Interim Sewer Capacity Allocation Program.

Councilmember C. N. Moller stated many clever ideas were presented at the Neighborhoods 1st meeting. She recommended listing some of these ideas on Channel 6.

Councilmember K. B. Aleshire stated he appreciates the donation of the retaining wall for the BMX track.

He stated the Preservation Design District Commission has experienced an increase in cases. He hopes there are guidelines for the Commission to follow so that everyone is reviewing the same issues.

Councilmember Aleshire stated he indicated he had not received a telephone call from Delegate Myers. He stated he received a call about three weeks ago, but he did not talk with Delegate Myers. Councilmember Nigh expressed her concern that a delegate could use a lobbying tactic like this. Councilmember Aleshire stated he thinks Staff was making a recommendation to accept RFP for other user groups at Fairgrounds Park. He feels the Mayor and City Council should meet the needs of the ball teams. He suggested looking at shortening the length of time covered under the lease agreement.

Councilmember N. L. Hendershot thanked Ms. Maher and Mr. Shindle for their efforts in developing an Interim Sewer Capacity Allocation Program.

Councilmember Hendershot thanked Rodney Tissue, City Engineer, for his response to the need for sidewalks on Marshall Street.

Mayor W. M. Breichner stated when the Mayor and City Council met with the Washington County Delegation, an increase in the hotel room tax was discussed. The amount discussed for

rooms inside the City limits was 2%. The Delegation has asked if this is a request/proposal from the City. It was the general consensus of the Mayor and City Council to pursue imposing a 2% City hotel room tax for hotels inside the City limits. Councilmember Aleshire stated he has reservations about the intended use for the money. Councilmember Metzner stated he hopes it will be a revenue source with no stipulations.

EXECUTIVE SESSION - JANUARY 18, 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 closed session at 6:55 p.m. in accordance with the provisions of the Annotated Code of Maryland, State Government Article, Section 10-508(a), to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, #1; to consult with counsel to obtain legal advice, #7; and to conduct collective bargaining negotiations or consider matters that relate to the negotiations, #9. 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 7:18 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: _____