

WORK SESSION AND EXECUTIVE SESSION – January 20, 2009

Mayor R. E. Bruchey, II called this Work Session and Executive Session of the Mayor and City Council to order at 4:06 p.m., Tuesday, January 20, 2009, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers M. E. Brubaker, K. S. Cromer, L. C. Metzner, and P. M. Nigh; City Administrator Bruce Zimmerman, City Attorney Mark Boyer, and D. K. Spickler, City Clerk. Councilmember A. Parson-McBean was not present.

Work Session – January 20, 2009

Preliminary Agenda Review

Consent Agenda

A. Engineering: Approval of 2009 & 2010 Pavement Preservation Program

Rodney Tissue, City Engineer, stated the 2008 annual program list was reduced due to significantly increasing asphalt prices. The 2009 list includes roads from the 2008 list in order to catch up. The list for 2010 is closer to a normal number of road repairs. It was the general consensus of the Mayor and Council to approve the 2010 list. The Engineering Department will notify property owners on the affected streets for sidewalk repairs.

B. Fire Department: Portable Radios – Washington County Radio Communications Maintenance (Hagerstown, MD) \$ 173,394.00

Chief Gary Hawbaker, Hagerstown Fire Department, stated the radios are part of the County wide system and are 90% grant funded. The remaining 10% of the funding will be provided by the County.

C. Community Affairs: Open Container Exemptions

1. Western Maryland BluesFest (Thursday, May 28, Friday, May 29 and Saturday, May 30, 2009)
2. Augustoberfest Event (August 22 and August 23, 2009)
3. Thursday Concert Series at University Plaza (June 4, June 11, June 18, June 25 and July 2, 2009)

D. Public Works: Contract for Heating System for Market House – Beaver Mechanical (Hagerstown, MD) \$ 101,485.00

Eric Deike, Public Works Manager, stated the two boilers at the Market House are approximately 35 years old. The new system will be a more efficient system.

E. Parks Department: 2009 Chevy Silverado Pickup – Criswell Chevrolet, Inc. (Gaithersburg, MD) \$ 38,768.00

- F. Water/Wastewater Department:
1. SCADA Software Annual Renewal – ABB, Inc. (Wickliffe, OH)
\$ 18,072.00
 2. Effluent Flow Valve and Actuator – JB Controls, Inc. (Warminster, PA) \$ 14,580.00
 3. Water Pipe for Tammany Manor Main Replacement – HD Supply (Martinsburg, WV) \$ 23,437.40
 4. Meter Transceiver Units – L/B Water Service, Inc. (Chambersburg, PA) \$ 21,870.00
 5. Miscellaneous Inventory – HD Supply (Martinsburg, WV)
\$ 41,961.07
 6. Flow Meter – ABB, Inc. (Wickliffe, OH) \$ 28,097.00
 7. Check Valve for Pump 5 – Gardner, O’Conner, Inc. (Pasadena, MD) \$ 27,837.00
 8. Street Patching/Repair – Arthur Construction, Inc. (Dulles, VA)
\$ 254,425.00

It was the general consensus to include these items for approval on the January 27, 2009 agenda.

This completed the preliminary agenda review.

2009 Sewer Capacity Allocation Program (SCAP) – Proposed Amendments

Kathleen Maher, Planning Director, and Michael Spiker, Director of Utilities, were present to discuss proposed amendments to the Sewer Capacity Allocation Program (SCAP) for 2009.

Changes are proposed to allocations to reflect declining demand in the “existing development” category, the economic slowdown for “new residential development,” and the continued demand for “new non-residential development.” An Administrative Process change is proposed to reflect slowdown in demand for allocation for “new residential development.” The draft SCAP has been forwarded to the Maryland Department of the Environment. Comments are expected soon.

The proposed amendments include:

1. Reduce Allocation for Existing Development – As pre-2005 subdivision finish up with allocation requests, the demand declines. This category still includes allocation for infill lots of record and changes and additions to existing buildings in the city.
2. Adjust Allocation for New Development – The demand from the residential side has declined due to the economy, while the non-residential demand has remained strong. Shifting some allocation from the lower demand category to the higher demand category seems reasonable for 2009.

3. Master List Process for New Residential Development in the City – for Master List award requests, removed 50 unit cap per development project. With this change, a developer could request as much as needed for consideration in the Master List process. With the reduction in the number of projects requesting allocation from this category, the cap is not necessary for 2009 and its removal would allow a project to request as much as needed to allow for approval of a site plan by the Planning Commission.
4. Roll-over of Unused Allocation for New Development in the City – Instead of having any unused allocation from 2008 for residential development rolling over to 2009 for residential development, an unused allocation from 2008 will roll over into the non-residential allocation for 2009. The demand from the residential side has declined due to the economy, while the non-residential demand has remained strong. Shifting the rollover from a lower demand category to a high demand category seems reasonable for 2009.

It was the general consensus of the Mayor and Council to include approval of the 2009 SCAP on the agenda for the regular session.

Joint Meeting with Washington County Board of Education

Wayne Ridenour, Ruth Anne Callahan, Donna Brightman, William Staley, Justin Chartings, Paul Bailey and Dr. Elizabeth Morgan were present from the Board of Education. Boyd Michael, Deputy Superintendent, was also present.

City Elections

Boyd Michael, Deputy Superintendent, reported the City of Hagerstown Board of Elections and Washington County Public Schools (WCPS) staff met on January 14, 2009 to discuss logistics and concerns regarding the use of WCPS facilities for the upcoming spring primary and general city elections. Based on the results of that meeting, the following accommodations were agreed upon:

Voting Sites

- Bester Elementary School (traditional location)
- North Hagerstown High School (location moved to wrestling room)
- Northern Middle School (traditional location)
- Pangborn Elementary School (located on the stage)
- Potomac Heights Elementary School (traditional location)
- South Hagerstown High School (moved from Emma K. Doub Elementary School)
- Western Heights Middle School (traditional location)
- Winter Street Elementary School (location moved to a portable classroom)

The City of Hagerstown Board of Elections Supervisors will provide additional security personnel to ensure citizens will enter and exit polling places in an orderly

fashion without interruption to school activities. Election officials and volunteers must register and wear WCPS visitor badges at all times and remain in approved locations.

Due to the increased security measures at the schools, WCPS staff recommends scheduling elections on days when students are not scheduled to be in attendance. If primary and general election dates are to continue to be scheduled on days when students are in attendance, WCPS staff recommends moving all polling locations to non-school sites.

Councilmember Metzner stated the City Charter governs election dates. He asked if the City election days could be scheduled as professional days so students would not be in the schools.

Mr. Michael indicated it would be difficult to schedule additional days because there are a limited number of professional days.

Councilmember Metzner stated it is premature to discuss the recommendations since this administration has decided to not change the election dates.

The polling places have been set for this year's election and the recommendations need to be discussed for future elections.

City CIP Projects

There are 15 schools located within the City limits with a student population of 8,300. Current CIP projects include Pangborn Elementary and the Barbara Ingram School for the Arts (BISFA).

Pangborn Elementary has been completed and it includes a gym for the community. The BISFA construction is well under way. The Board of Education thanked the City for their support of the project.

Projects are being planned at Antietam Academy and Eastern Primary. Eastern Primary will serve grades Pre-K through second grade. It will be located across the street from the existing Eastern Elementary.

The Bester Elementary Replacement School will create a replacement school within the existing community. The seating capacity will be 608. Plans are made to have the project completed for opening in August, 2013.

Future CIP requests include "East City" High School, a new community based high school to address growth, and "West City" Elementary, a new school to replace the aging Conococheague Elementary and Winter Street Elementary while addressing growth.

Dr. Morgan indicated these projects are the ones pertinent to City schools. There are other projects throughout the County.

Ms. Callaham indicated the Board may ask the City to help figure out what to do with the old Bester Elementary. The portion of the school in 1965 may have to be demolished. The new school could be built at the back of the property.

EXECUTIVE SESSION – January 20, 2009

William Staley made a motion to meet in executive session. Justin Hartings seconded the motion.

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to meet in closed session at 5:02 p.m. to consider the acquisition of real property for a public purpose and matters directly related thereto, #3 and to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, #4. The following people were present: Mayor R. E. Bruchey, II, Councilmember M. E. Brubaker, Councilmember K. S. Cromer, Councilmember L. C. Metzner, Councilmember P. M. Nigh, Wayne Ridenour, Ruth Anne Callaham, Donna Brightman, William Staley, Justin Hartings, Paul Bailey, Dr. Elizabeth Morgan, Boyd Michael, ???, City Administrator Bruce Zimmerman, Larry Bayer, Community Development Director, Deborah Everhart, Economic Development Director, Kathleen Maher, Planning Director, Michael Spiker, Director of Utilities, and City Clerk D. K. Spickler. The issues discussed were an acquisition proposal and annexation incentives. No formal action was taken. The meeting was adjourned at 6:00 p.m.

Work Session continued

Pool Operations for the 2009 Season

Lewie Thomas, Recreation Facilities Manager, Karen Meinelschmidt, YMCA, and Michael Flicheck, Executive Director of the YMCA, were present to discuss a contractual agreement for the Claude M. Potterfield Pool. The agreement with the YMCA would enhance the pool and its operation. Highlights of the agreement are:

1. The YMCA will provide the Manager and/or Assistant Manager for the pool. These individuals would be employees of the YMCA. They will provide on site supervision of all pool employees during hours of operation.
2. The YMCA will offer advice and recommendations in the hiring of all Head Lifeguards, Lifeguards and Pool Attendants. They will screen all applications to make sure all certifications are in order. These positions, along with the Cashier positions, will be employees of the City, who will work under the supervision of the YMCA's Manager and/or Assistant Manager.
3. YMCA management will schedule, evaluate, and provide on-site supervision of Guards and Attendants.

4. The YMCA will train Guards and Attendants in accordance with Red Cross certifications and City policies and procedures.
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6. The YMCA will conduct swim lessons and have practice time allocated to the YMCA Summer Swim Team. The City will retain a portion of the revenue derived from lesson fees.
7. The YMCA will schedule COP and guards during swim instruction periods and will reimburse the City for guards used during swim lessons.
8. The YMCA will provide evidence of insurance of \$ 1,000,000.

The cost of the contract would be \$ 12,000 to \$ 15,000, depending on the number of pool parties and other activities at the pool. After analyzing the budget history of the pool, this amount would balance out for the City not hiring and paying a manager and/or assistant manager. This would provide more coverage for the pool for the same amount of money.

The City would continue to establish the fee schedule for pool patrons and would continue to market the pool.

It was the general consensus to move forward with the agreement. Mark Boyer, City Attorney, and the attorney for the YMCA are to work on finalizing the contract. It is anticipated the agreement would be ready for approval at the February 24, 2009 meeting.

Modification to the FY 2009-10 Community Development Budget

Larry Bayer, Manager of Community Development, reported there is an anticipated shortfall of \$ 1,050,000 in program income in Community Development funding. It is necessary to modify the current year's Community Development Budget due to the shortfall. This shortfall is due to three main reasons: reduction in loan repayments due to an aging loan portfolio, drop in sales of Single Family Homeownership homes, and an unresolved zoning issue at Bester Place.

To counteract the shortfall, budget modifications include:

1. Job sharing of employee with utilities
2. In conjunction with managers, delaying the undertaking of several projects
3. Lowering asking price of houses to attract buyers
4. In preparing public services budget, eliminated funding for some activities, lower funding some and excluded any new activities from funding.

The HNBP and Home Store funding of \$ 50,000 has been eliminated.

Support of non-profit service providers is not affected. There will be an impact on the general fund budget because of the elimination of the administrative allocation portion of the CDBG funding. The City will absorb the impact of the elimination of this

\$ 73,000.00.

It was the general consensus to include approval of the modifications on the agenda for February 24, 2009.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, informed the Mayor and Council a budget retreat is scheduled for January 27, 2009 at 4:00 p.m. The Finance Department is gathering the information to answer Councilmember Nigh's question about the amount owed by parking deck users.

MAYOR AND COUNCIL COMMENTS

Councilmember M. E. Brubaker had no additional comments.

Councilmember K. S. Cromer stated an attorney from Annapolis commented to her how nice the first block of South Potomac Street is. He was impressed with the efforts made to locate the Barbara Ingram School for the Arts in Hagerstown.

Councilmember L. C. Metzner commended staff for responding to a water line break at his home. He was one of 2,000,000 million people who attempted to attend the inauguration of President Barack Obama today.

Councilmember P. M. Nigh thanked the police officer who reported a water break on Burhans Boulevard. She urged residents to leave a faucet drip to prevent frozen lines.

Mayor R. E. Bruchey, II was moved by President Obama's inauguration speech. He hopes the City will benefit from the stimulus program.

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 6:25 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: March 31, 2009