

WORK SESSION AND EXECUTIVE SESSION - January 23, 2007

Work Session – January 23, 2007

Mayor Robert E. Bruchey, II called this Work Session and Executive Session of the Mayor and City Council to order at 4:02 p.m., Tuesday, January 23, 2007 in the Council Chambers at the City Hall. Present with the Mayor were City Council Members M. E. Brubaker, K. S. Cromer, L. C. Metzner, P. M. Nigh, and A. Parson-McBean, City Administrator Bruce Zimmerman, City Attorney John Urner, City Attorney William Nairn, and City Clerk D. K. Spickler.

Preliminary Agenda Review

The preliminary agenda was then reviewed.

The annual tax set-off meeting with the Washington County Commissioners is scheduled for January 30, 2007. Councilmember Metzner expressed concern that the meeting would not be productive if the tax set-off is the only issue discussed. He stated the 2+2 Committee setting is more beneficial than joint meetings with all members of the elected bodies. Councilmember Cromer and Councilmember Metzner are the two City members of the 2+2 Committee. Councilmember Nigh stated the meetings should be held with all members of the groups so that everyone is aware of what is being discussed. Councilmember Metzner suggested discussing the 2+2 Committee and quarterly joint meetings.

Councilmember Parson-McBean wants to be certain the full Council's view is being represented by the 2+2 Committee members. Councilmember Cromer pointed out that no decisions are made by the 2+2 Committee. The meetings are an open exchange of information. Councilmember Brubaker stated he believes the two City members will provide reports. If the committee is not working, changes can be made.

**Public Hearings**

The following public hearings will be held:

1. Zoning Ordinance – Cluster Development Text Amendment #2
2. ZT-2006-05 – Professional Office/Mixed District
3. Proposed Zoning Text Amendments

**Consent Agenda**

A. Community Affairs

1. Open Container Law Exemption
  - a. Western Maryland Blues Fest (June 1, June 2 and June 3, 2007)
  - b. Augustoberfest Event (August 25 and August 26, 2007)
2. Chemicals for Pool: Sodium Hypochlorite - Univar USA, Inc.

(Middletown, PA) \$ 17,820.00

B. Purchasing:

1. 87 Octane - Transport - Petroleum Traders (Fort Wayne, IN) Oil Price

Information Service (OPIS) +\$0.153

2. 87 Octane - Tank Wagon - A. C. & T. Co., Inc. (Hagerstown, MD) OPIS

+\$0.1695

3. Diesel - Transport - Petroleum Traders (Fort Wayne, IN) OPIS +\$0.212

4. Diesel - Tank Wagon - A. C. & T. Co., Inc. (Hagerstown, MD) OPIS

+\$0.1595

5. Heating Oil - Transport - Petroleum Traders (Fort Wayne, IN) OPIS

+\$0.212

6. Heating Oil - Tank Wagon - A. C. & T. Co., Inc. (Hagerstown, MD) OPIS

+\$0.1494

To assist in determining the actual price of delivered fuel and gasoline, information was provided showing prices as of January 17, 2007. Councilmember Metzner stated he would be interested in knowing what other municipalities are paying for fuel and gasoline and if there would be an advantage in requesting a fixed price. Alfred Martin, Finance Director, indicated fixed pricing would probably not be advantageous for this purchase.

C. HPD: Renovations to Crime Laboratory - W. Harley Miller Contractors, Inc.

(Martinsburg, WV) \$ 146,653.00

This bid price is higher than the budgeted amount. Mayor Bruchey stated the Narcotics Task Force (NTF) may provide the additional funding for the project. NFT funding must be used for drug enforcement efforts. This will be discussed at the NFT meeting on January 30, 2007.

D. Parks and Recreation

1. Golf Cart Agreement Extension
2. Stadium Improvements - Relamp Field Lights - Musco Lighting  
(Oskaloosa, IA) \$ 11,980.00

E. Water/Sewer:

1. Street Patching/Repair - Henson and Sons (Hagerstown, MD)  
\$ 323,890.00

Michael Spiker, Director of Utilities, stated they will continue to do as much patching and repair as possible in house.

2. Radio Read Meter System: Transceiver Units - L/B Water Service South

(Chambersburg, PA) \$ 52,000.00

3. 2007 Chevrolet Trailblazer and 2007 Chevrolet Silverado - Criswell Chevrolet (Gaithersburg, MD) Trailblazer \$ 19,909.00; Silverado \$ 20,613.00

4. Engineering Services for Edgemont Reservoir Improvements - Triad Engineering, Inc. (Hagerstown, MD) \$ 73,000.00

F. Light:

1. 2007 Chevrolet Trailblazer - Criswell Chevrolet (Gaithersburg, MD) \$ 19,909.00

2. Lighting Upgrades at Fairgrounds Park for Walkways - Union Metal Corporation (Manassas, VA) \$ 47,110.00

G. Fire Department: Furnishings for Emergency Operations Center (EOC) - Office

Suppliers, Inc. (Hagerstown, MD) \$ 33,525.35

**Introduction of an Ordinance: Acceptance of Tangible Personal Property located at the Hagerstown Railroad Museum at City Park from Jane B. Long**

The heirs of John Long wish to make a gift of the locomotives and other railroad cars as well as equipment and personal property of a similar nature that Mr. Long and/or the Locomotive 202 Foundation, Inc. had loaned to the City for use at the Hagerstown Railroad Museum at City Park. The ordinance provides acceptance of the gift of the property, as set forth in the incorporated Quit Claim Deed of Gift.

Karen Giffin, Director of Community Affairs, indicated there would be no additional expense at this time for acceptance of the gift. She noted that Mr. Long provided funding for advertising and funding to construct a pavilion while working with the Railroad Museum.

It was the general consensus of the Mayor and City Council to accept the gift.

**Resolution: Lease Renewal for Hagerstown Neighborhood Development Partnership, Inc. Property at 21-23 East Franklin Street**

This resolution is a lease renewal for the property known as Hagerstown Home Store. The current term of lease will expire on January 31, 2007. Staff is proposing to extend the lease for an additional one year term.

It was the general consensus to approve the lease renewal.

**Resolution: Consolidated General Services Agreement #9 - Antares**

The resolution would amend the CGSA to include Lot 2, Parcel 888, Tax Map 38, located on the North side of the Leitersburg Pike, containing 3.12 acres, in the Joint Sewer Service Area. This will be discussed later during the work session.

### **Approval of 2007 Pool Rates**

Karen Giffin, Director of Community Affairs, and Lewie Thomas, Recreation Facilities Coordinator, stated the Department of Community Affairs is proposing the following rate changes for the Claude M. Potterfield Pool, effective for the Summer of 2007:

	<u>Current</u>	<u>Proposed</u>
2 and under	Free	Same
Student (5-12)	\$ 50	\$ 55
Adult (13-61)	\$ 70	\$ 75
Senior (62+)	\$ 50	Same
Family	\$ 125	\$ 140

### **Increase Swim Lesson Rates**

Preschool	\$ 25	\$ 28
Level 1-7	\$ 35	\$ 38

Lewie Thomas, Recreational Facilities Coordinator, stated these rates are lower than the rates at the Marty Snook Park pool. Councilmember Parson-McBean stated the City's rates should be drastically less. She is concerned that people will not be able to afford season passes at the increased rates. Information will be provided about the number of season passes sold last year

### **Approval of License Agreement – 1101 N. Potomac Avenue**

The owner of 1101 Potomac Avenue, F. Howard Cost, Jr. constructed a fence in front of his dwelling along West Irvin Avenue. The fence encroaches into the public right-of-way by approximately six (6) feet, and it was installed without a City Zoning Certificate. On January 17, 2007, the City's Board of Zoning Appeals (BZA) considered a variance request by Mr. Cost to decrease the front yard setback distance, which would allow the fence to remain in its current location. The BZA indicated that they would approve the variance and allow the fence to remain, on the condition that Mr. Cost was able to obtain a License Agreement from the City Council for the encroachment into the right-of-way.

It was the general consensus to approve the license agreement.

Mayor Bruchey stated approval of a Safe Grant will be added to the consent agenda. Mike Weller, Public Fire Education Officer, stated the City has been awarded a \$ 25,000 grant from the Department of Mental Health and Hygiene to address fire risks of low

income families. Meghan O'Brien will be working with the program. It was the general consensus to formally accept the grant.

This completed the review of the preliminary agenda.

#### Request for New Grant Funded Anti-Gang Position

The Hagerstown Police Department has been awarded an 18 month grant for a gang officer from the Department of Justice, payment for which is effective 01/01/07. This grant pays for salary, benefits and some overtime for an 18 month period. Chief Arthur Smith stated to his knowledge, there will be no extension of this grant possible and as such, one police officer position would thus be eliminated effective 07/01/08. This was a Washington County grant application on which the City collaborated. The Sheriff's Department had also applied for a similar position which was not awarded.

Duties of this officer will include working with the Washington County Gang Prevention Task Force, educational presentations, enforcement activities via grant funded overtime, home visitation of known gang members coming out of the Department of Corrections, etc. This grant additionally provides some gang prevention monies which will go to assorted community based agencies to include some C-Safe activities.

Councilmember Cromer stated she understands the position would be filled from within the department, in a lateral move. Chief Smith indicated, due to time constraints, the person has been chosen to fill the position. An officer will be hired to fill the vacant patrol position. At the end of the grant, the position will be eliminated through attrition.

Councilmember Parson-McBean stated she is still looking for something for the City's youth to do.

It was the general consensus of the Mayor and City Council to accept the grant for this position.

#### Program Open Space (POS) Funding History and Project Proposals

At the January 9, 2007 Mayor and City Council Work Session, some of the Councilmembers inquired if the City has been receiving its fair share of POS monies and how the POS proposed Project List was derived.

Junior Mason, Parks Superintendent, presented a chart showing how the POS monies have been distributed to various municipalities. Over the past eight years, the City of Hagerstown has received \$1,013,600 for development plus \$303,300 for acquisition equaling a total of \$1,316,900.

In reference to how the POS Proposed Project List is determined, Mr. Mason stated, on a periodic basis, the Parks Department works with the various User groups and updates the list accordingly. There are 18 park and recreational facilities to consider.

As the revised list is being reviewed and prioritized by Mayor and Council to submit for possible POS funding, staff encourages including the irrigation for the soccer fields at Fairgrounds Park. The soccer fields are heavily utilized by various youth organizations and, although the User groups take excellent care of the grounds by fertilizing, seeding, aerating and watering manually, the fields are starting to deteriorate due to lack of water.

The Project List includes three projects that were submitted for consideration through the Community Parks and Playgrounds (CP&P) funding – Fairgrounds Park irrigation, City Park play equipment, and Wheaton Park play equipment. Notice of any award is not expected until February, 2007.

Councilmember Nigh does not believe the \$ 40,000 for electric work at Fairgrounds Park should be included on the list because it may cause other projects to be delayed.

The list presented is not in priority order. Councilmember Parson-McBean agrees that playground equipment should be a priority.

Councilmember Brubaker stated the City has received approximately 35% of the total amount of POS funding available, even though the City has 75% of all the municipal population.

Mr. Zimmerman stated there may be some funding awarded for playground equipment through the Community Parks and Playgrounds program.

Councilmember Brubaker asked if the request for \$ 40,000 for electric service could be made contingent upon the softball league securing a portion of their funding before the installation is authorized.

A representative of the softball league indicated they would need an assurance that the electric service would be available for the lighting if they hold a fund raising campaign. Mike Kelbaugh, Hagerstown Softball League, stated the money they make at the concession stand is used to take care of the field. They do not make a profit. The lighting would be a \$ 200,000 capital investment in City property. The league would like to hold the first game on a lighted field in May, 2007.

Mr. Zimmerman stated the POS funding is not awarded until October. Councilmember Metzner suggested the league hold a fund raising campaign and secure pledges. Councilmember Brubaker suggested asking the County to use a portion of the \$ 500,000 they have in reserve. Mr. Zimmerman stated requests have been made to POS in the past to reschedule the funding if a project has changed.

Mr. Kelbaugh has spoken with the County and was informed the softball league cannot request POS funding. The request must come from the City of Hagerstown. Mayor Bruchey will discuss this situation with the County Commissioners.

The Mayor and City Council members will get a priority list to Mr. Mason before next week's meeting. Councilmember Metzner stated the Hagerstown Area Youth Soccer League (HAYSL) is asking for \$ 75,000 to irrigate the field. Mr. Mason indicated this is not a request from HAYSL. This is a staff requested project. Councilmember Metzner expressed concern that groups using Fairgrounds Park are not contributing equally for the use. He stated the request from the softball league should not be viewed as a request for funding from the league, it is a funding request for improvements to City property.

Councilmember Brubaker stated he will not approve a list for submission to POS without assurances that the \$ 200,000 is guaranteed from the softball league. Councilmember Cromer would also need that assurance.

After considerable discussion, it was the general consensus to remove the electric service at Fairgrounds Park and the irrigation for the soccer field from the list. In place of these projects, the funding for playground equipment at Hellane Park – North Pavilion and Staley Park will be included.

Joint Service Area (JSA) Expansion Request and Consolidated General Services Agreement (CGSA) #9 for Antares Properties, LLC

Michael Spiker, Director of Utilities, stated the Washington County Department of Water Quality has requested to modify the boundary of the Maugansville/Orchard Hills Joint Service Area for the purpose of supplying wastewater services at 19638 Leitersburg Pike for Antares Properties, LLC. This property contains approximately 3.12 acres. As reference, this property is in close proximity to the Halterman Property, which in 2006 was added into the JSA as Amendment #7 to the CGSA. Jason Divelbiss, attorney for the applicant, has indicated that the property will be developed for use as professional offices. Typically, this type of development does not require large quantities of allocation.

Councilmember Brubaker is concerned that contributions are not being made for improvements to Eastern Boulevard. The owners of the Halterman property had agreed to pay \$ 1,250.00 per unit toward the improvements. A similar agreement will be drafted for the owners of the Antares Property.

Approval of the CGSA Amendment and a Memorandum of Understanding (MOU) will be scheduled for January 30, 2007.

Eastern Blvd Annexation (Shaoool) Annexation A-2006-03

Rodney Tissue, City Engineer, John Urner, City Attorney, and Stuart Bass, Comprehensive Planner, were present to discuss the Eastern Boulevard Annexation.

A list of proposed Terms and Conditions was presented to the Mayor and City Council for their review.

The Introduction of the Resolution was passed on July 25, 2006. A Public Hearing was held on August 22, 2006. No additional comments were received during the period the record was open.

The applicant is requesting annexation into the City because he desires City water service and the City's Annexation Policy requires annexation as a condition of water service. If the City Council decides not to accept his annexation request, the property owner will have met his obligation under the Annexation Policy and he will be approved for City water service for development out in the County.

Whether the property is annexed into the City or remains outside the City, approval of a residential project for this property will be contingent upon the project meeting subdivision and zoning ordinance requirements for the development design and Adequate Public Facilities Ordinance requirements for schools and for roads. Any stormwater issues would be addressed through the development review process. If the property is annexed into the City, a fee will also be collected from the developer to contribute to the widening of Eastern Boulevard. The County has indicated to City staff that an access onto Eastern Boulevard is not desirable.

If site plan or subdivision plat approval is secured from the City or the County, any development project's pace of development will be affected by its ability to receive sewer allocation from a limited supply through the City's Sewer Capacity Allocation Program for the Hagerstown Waste Water Treatment Plant.

Any residential development project, whether inside or outside the City, must comply with the Adequate Public Facilities Ordinance since Paramount elementary school is over capacity and Eastern Boulevard is intended to be a limited access roadway.

Staff recommends that the City annex the property with whatever conditions the Mayor and City Council feel are appropriate concerning the site development issues. Issues raised include: stormwater management, access to Eastern Boulevard, donation of right-of-way along Eastern Boulevard, financial contribution to the Eastern Boulevard assessment district, and orientation or buffering of units from Eastern Boulevard. Denial of the annexation will not prevent the proposed development project from moving forward, but would ensure that the City would receive all of the traffic impacts with none of the revenue from taxes.

The subject property is adjacent to other vacant lands on the east side of Eastern Boulevard. Annexation of this property will provide the City with control over the development of this tract, with the resulting property tax revenues. It will also place the City in a position to be able to annex other lands in this vicinity.

Mr. Tissue asked the Mayor and City Council to consider if taking on some of the improvements means taking on some of the responsibility. Councilmember Metzner agrees that if the City starts annexing property on the other side of Eastern Boulevard they may be implying responsibility.



Mr. Urner stated the annexation doesn't legally impose any obligations on the City with respect to Eastern Boulevard. This property is landlocked and has no access to Eastern Boulevard. The issue of access is not a consideration for the annexation. It is up to the owner to determine how they will be able to use their property. He stated the City can legally annex the property without taking on any responsibility for Eastern Boulevard.

Councilmember Brubaker cautioned the Council about departing from the annexation policy. He is concerned that only a portion of Eastern Boulevard is going to be improved.

Councilmember Metzner stated the Board of Traffic and Parking will be holding a public information session on February 22, 2007 to discuss the improvements to Eastern Boulevard and the public needs to realize this is not a city road.

Councilmember Brubaker stated there needs to be a cooperative effort between the City and the County to make the improvements to Eastern Boulevard.

Mr. Tissue recommended developing a policy for properties in this area, as there will be other requests for annexation.

Mayor Bruchey stated this issue will be discussed later, after determining what improvements the County is planning for Eastern and Jefferson Boulevards.

#### City Administrator's Comments

*Bruce Zimmerman, City Administrator*, stated staff is tracking legislation concerning growth and development and zoning issues. Kathleen Maher, Planning Director, is planning to attend a hearing tomorrow.

#### Mayor and City Council Comments

*Councilmember A. Parson-McBean* attended the Black Achievers dinner on Saturday. The Martin Luther King, Jr. scholarship dinner, which was postponed in January, will be held on Sunday, February 25, 2007.

*Councilmember M. E. Brubaker* will be attending the Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEMPO) meeting tomorrow.

*Councilmember K. S. Cromer* attended the inaugural gala for Governor Martin O'Malley.

*Councilmember L. C. Metzner* expressed condolences to the family of Fred Cromer, who passed away recently. Mr. Cromer was a longtime member of Community Rescue Service.

*Councilmember P. M. Nigh* had no additional comments.

*Mayor R. E. Bruchey, II* had no additional comments.

EXECUTIVE SESSION – January 23, 2007

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. S. Cromer, the Mayor and City Council unanimously agreed by voice vote to meet in closed session at 6:58 p.m. 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, 2<sup>nd</sup> floor at the City Hall. The meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: