

WORK SESSION, EXECUTIVE SESSION AND 36TH REGULAR SESSION –
JANUARY 25, 2011

The executive session scheduled with the Washington County Commissioners for January 25, 2011 was postponed to a later date.

JOINT WORK SESSION – January 25, 2011

Mayor R. E. Bruchey, II called this joint Work Session with the Washington County Commissioners and the Mayor and City Council to order at 4:15 p.m., Tuesday, January 25, 2011, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers W. M. Breichner, M. E. Brubaker, F. W. Easton, A. C. Haywood, L. C. Metzner, City Administrator Bruce Zimmerman, and D. K. Spickler, City Clerk. The following County Commissioners were present: Terry Baker, John Barr, Ruth Anne Callahan, Jeff Cline, William McKinley and Greg Murray, County Administrator.

Professional Court/Yale Drive Extension Traffic Impact Study

Rodney Tissue, City Engineer, Joe Kroboth, III, Director of (County) Public Works, and Paul Silverman, Sabra, Wang and Associates, discussed the Professional Court/Yale Drive Extension Traffic Impact Study. Mr. Kroboth stated the County and the City collaborated to develop a traffic impact study to evaluate the extensions of Professional Court and Yale Drive into the undeveloped lands known as Mt. Aetna Farms.

The study was prepared with assistance from the consulting firm Sabra, Wang & Associates, Inc. The study area was bounded on the north by Jefferson Boulevard, on the west by Eastern Boulevard, on the east by Robinwood Drive and on the south by Dual Highway. The study evaluates the effects on traffic operations due to the extension of Professional Court and Yale Drive, including a bridge across the Antietam Creek. The objectives of the study were:

1. Evaluate existing roadway network traffic operations.
2. Evaluate the roadway network with traffic projected 5 years into the future, considering existing approved and anticipated traffic growth, with and without the bridge.
3. Evaluate the roadway network with traffic projected 25 years into the future, considering existing approved and anticipated traffic growth, with and without the bridge.

Mr. Kroboth indicated roundabouts are being proposed to aid in traffic flow. Some of the benefits of a roundabout include less severe accidents and no energy required for signals. The estimated cost, using City street standards, to improve the roadways identified would be \$ 27.4 million. No funding program has been designated at this time. He indicated the cost could be reduced if the Mayor and Council would waive the standards and not require curbs and sidewalks on these roads.

The findings of the study indicate planned development in the area will add 31,000 new daily vehicle trips by 2015 and 114,000 new daily vehicle trips by 2035. Regional growth on principal roadways during the peak hours will add 4,600 vehicles per day by 2015 and 23,300 vehicles per day by 2035. Constructing the bridge will distribute traffic throughout the network, reduce traffic on US Rt. 40 by 20,000 vehicles per day, reduce traffic on Eastern Boulevard by 11,000 vehicles per day and reduce the average intersection delay by 23%.

Mr. Silverman stated building a bridge over the Antietam Creek allows traffic to be alleviated and changes the in house transportation flow review. There was no linkage to Paul Smith Boulevard considered in this review.

Mr. Tissue stated he believes the bridge is a good idea. It does not have to be built in the next couple of years. It will have to be developed with other access points. Mr. Kroboth indicated it would take 3 to 5 years to complete construction of a bridge. Councilmember Easton asked if there is any portion of the study that does not include the bridge. Mr. Silverman indicated all the simulations include the bridge. Other studies could be completed taking the bridge out of the simulation.

Next steps include State Highway Administration/Developer coordination, programming of funds, establishing desirable community zoning/architecture standards and continue more detailed analysis.

Councilmember Breichner asked if the road will be widened at the YMCA. Mr. Kroboth stated the road would be widened in phases. One of the later phases would include the YMCA area. The cost estimate includes the full scale build out.

Commissioner President Terry Baker asked that the executive session be rescheduled, as the Commissioners had another meeting to attend. He indicated he would like to have more joint meetings.

This portion of the meeting was adjourned at 5:12 p.m.

EXECTUVE SESSION – January 25, 2011

On a motion duly made by Councilmember F. W. Easton and seconded by Councilmember W. M. Breichner, the Mayor and City Council unanimously agreed by voice vote to meet in closed session 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 at 5:56 p.m. in Room 407, 4th Floor, City Hall, Hagerstown, Maryland. The following people were in attendance: Mayor R. E. Bruchey, II, Councilmember W. M. Breichner, Councilmember M. E. Brubaker, Councilmember F. W. Easton, Councilmember A. C. Haywood, Councilmember L. C. Metzner, City Administrator Bruce Zimmerman, Donna Frazier, Human Resources Director and City Clerk D. K. Spickler. The meeting was held

to discuss various personnel issues. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the meeting was adjourned at 6:53 p.m.

36TH REGULAR SESSION – January 25, 2011

Mayor R. E. Bruchey, II called this 36th Session of the Mayor and City Council to order at 7:09 p.m., Tuesday, January 25, 2011, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers W. M. Breichner, M. E. Brubaker, F. W. Easton, A. C. Haywood, L. C. Metzner; City Administrator Bruce Zimmerman, City Attorney William Nairn and D. K. Spickler, City Clerk.

The invocation was offered by Councilmember William M. Breichner. The Pledge of Allegiance was then recited.

Mayor Bruchey announced the Rules of Procedure for this meeting will be followed as adopted June 23, 2009. It was announced that the use of cell phones and electronic devices during meetings is restricted and that all correspondence for distribution to elected officials should be provided to the City Clerk and should include a copy for the City Clerk for inclusion in the official record.

The next scheduled meetings are: Work Sessions beginning at 4:00 p.m. on Tuesday, February 1, 2011, Tuesday, February 8, 2011, Tuesday, February 15, 2011 and the Regular Session on Tuesday, February 22, 2011 at 7:00 p.m.

Mayor Bruchey welcomed Chad Shoemaker and Sam Plasterer, from Boy Scout Troop 252, to the meeting.

APPOINTMENT

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 appoint Gary Hawbaker, Retired Fire Chief, to the Police and Fire Retirement Committee.

CITIZEN COMMENTS

Jessie Unger, 20908 Leitersburg Pike, Hagerstown, Maryland, stated she owns the property where the Greyhound bus stop is located. She did not give permission for this bus stop. She indicated this area is not suitable for a bus stop because there is not enough room for the buses. She stated the City issued a zoning certificate to Greyhound, who is not the owner of the property. She understands her tenant at that location allowed Greyhound to use part of the property. The lease with the tenant prohibits subletting. She stated, as owner, she should have been notified that a zoning request had been made.

Mayor Bruchey stated this is an issue between the owner and the tenant. The zoning district does not prohibit a bus stop in this location. Ms. Unger indicated her tenant told her Greyhound and the City wanted the stop at this location.

Councilmember Haywood asked for a copy of zoning certificate. She agreed this seems to be a landlord/tenant issue.

Councilmember Easton has spoken with Ms. Unger. He does not believe this is a safe area for a bus stop, for customers or motorists. He stated it needs to be looked into further.

Councilmember Brubaker agrees this is not a safe location. It should be worked out with Greyhound.

Robert Colvin, 113 Moller Avenue, Hagerstown, Maryland, stated he has electric service with Allegheny Power, even though his property is in the City limits. When he purchased the lot in 1993, he found there are many properties in Hagerstown that are in the Allegheny Power service area. He does not have the option to have service from the Hagerstown Light Department. He would like to have City light because the rates are lower. He has been paying higher prices for many years. He is also concerned about the number of foreclosures. He asked that the Mayor and Council consider homeowners when they approve spending.

Gordon Bartels, 139 S. Mulberry Street, Hagerstown, Maryland, expressed his concern about the use of the old hospital site and about the appearance of a hands off attitude from the Mayor and Council. He suggested that the City take some responsibility for the future use of the site. The City should not have to pay for the study but they should insist that certain amenities are included, i.e. grass and sidewalks. He is concerned the property is now surrounded by a fence. He does not think the parking deck should be torn down. It will provide needed parking in the area.

Janet Bartels, 139 S. Mulberry Street, Hagerstown, Maryland, stated she is concerned about the neighborhood (Elizabethtown East), which is within the CSAFE area. People in this neighborhood used to be able to walk to their health care providers. This is not possible now. There are many foreclosed properties in this neighborhood. She and her husband (Gordon) work with children in the neighborhood and work with the community garden at Bester Elementary. They have ideas of ways to bring neighborhoods together. They have been working on an edible school program. Food that is grown in a garden at school is used in the cafeteria. She suggested using the hospital site as a farm/garden until some other use is determined. This would help bring healthy food to the inner city areas of Hagerstown.

J. W. Brlecic, 445 Cannon Avenue, Hagerstown, Maryland, lives across from the old hospital. He is concerned the building is being demolished and that the area may become a gravel lot. Taxpayers should not have to pay for maintenance of the site. He suggested preserving the architecture of the canopy. He thinks Ms. Bartel's idea for a garden or

orchard on the lot is a good one. He suggested placing a memorial park or dog park there. Hagerstown could become known as the dog friendliest City in the world. Pets could be allowed in stores. He believes Hagerstown will become a bedroom community for Washington, DC commuters. He asked what the price is for the hospital property.

Councilmember Easton stated no price has been given.

Councilmember Metzner stated other considerations include the expense to maintain the site and that it is prime, taxable real estate. If the City owned it, it would be removed from the tax roll. Parking revenue was lost when the hospital moved. The Task Force stated the cost would be neutral, which is not true. The City's obligation for the site is through zoning. The Mayor and Council have an obligation to do what is right for the citizens.

Mr. Brlecic suggested using the property to bring economic viability back to the City. He stated they need to talk about whether the City can afford the property and put a memorial park on the site.

Councilmember Brubaker stated it would be difficult to make the entire site a public park because of the potential tax revenue if it is not owned by the City or a non-profit group.

Councilmember Haywood stated she is intrigued by the idea of a dog park.

MINUTES

On a motion duly made by Councilmember A. C. Haywood and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve the minutes, as presented, for the Mayor and Council meetings held on December 7, 2010, December 14, 2010 and December 21, 2010.

CONSENT AGENDA

On a motion duly made by Councilmember F. W. Easton and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve the Consent Agenda as follows:

- A. Hagerstown Police Department: Training Ammo – Lawmen Supply Company (Dover, DE) \$ 10,008.00
- B. Wastewater Department: 2011 Chevrolet Panel Truck – Criswell Chevrolet, Inc. (Gaithersburg, MD) \$ 15,597.00
- C. Water Department: Water Meters – L/B Water Service, Inc. (Chambersburg, PA) \$ 59,673.60

- D. Department of Community and Economic Development: Open Containers Law Exemption for Western Maryland Blues Fest (June 2, June 3, and June 4, 2011) and Augustoberfest (August 27 and August 28, 2011)

UNFINISHED BUSINESS

A. Approval of an Ordinance: Authorizing the Execution of an Agreement and Deed for a City Water Line to Serve the Long Meadow Shopping Center

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance authorizing the execution of an agreement and deed of waterline easement to allow for the installation of a new waterline to service the Long Meadow Shopping Center owned by FB Hagerstown, LLC and involves the crossing of land of Advertising, Inc. on the east side of Maryland Route 60.

NEW BUSINESS

A. Introduction of an Ordinance: Land Management Code Amendments for Wind and Solar

Action: On a motion duly made by Councilmember A. C. Haywood and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance to amend the Land Management Code to create provisions for wind energy systems and solar collection systems.

B. Introduction of an Ordinance: Conveyance of City Property along Osborne Avenue

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember F. W. Easton, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance authorizing the conveyance of City property along Osborne Avenue that is no longer needed for a public purpose. The property will be conveyed to Robert and Irene Petrie, the adjoining land owners.

C. Introduction of a Resolution: State Highway Administration (SHA) Right-of-Way (North of Interstate 70) Case No. A-2010-03

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember W. M. Breichner, the Mayor and City Council unanimously agreed by voice vote to introduce an Annexation Resolution known as the Maryland State Highway Administration Right-of-Way for property located to the north of Interstate 70. The portion of property to

be annexed is approximately 5.32 acres in size and is intended to be added to and made part of the adjacent municipal lands.

D. Approval of an Annexation Plan: State Highway Administration (SHA) Right-of-Way (North of Interstate 70) Case No. A-2010-03

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember W. M. Breichner, the Mayor and City Council unanimously agreed by voice vote to approve an annexation plan for the State Highway Administration Right-of-Way (A-2010-03) Annexation.

E. Introduction of a Resolution: Beltway Properties V LLC Case No. A-2010-05

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to introduce an annexation resolution known as Beltway Properties V LLC for property located at 12835 Salem Avenue. The portion of property to be annexed is approximately 1.41 acres in size and is intended to be added to and made part of the adjacent municipal lands.

F. Approval of an Annexation Plan: Beltway Properties V LLC Case No. A-2010-05

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve an annexation plan for the Beltway Properties V LLC (A-2010-05) Annexation.

G. Approval of a Resolution: Acceptance of Dedication Offer for Various Streets in Hager's Crossing

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember A. C. Haywood, the Mayor and City Council unanimously agreed by voice vote to approve a resolution to accept the offer of dedication of Buell Court, a portion of Hagers Crossing Drive, Capstone Drive, Cobb Court, and a portion of Fallen Timbers Circle. The City shall commence maintenance of these streets upon the developer submitting the proper one-year maintenance bond, and the developer shall be responsible for replacing any damaged or deteriorated curbs and sidewalks during that period.

H. Approval to Remove Motel Units at the Venice Hotel

Action: On a motion duly made by Councilmember A. C. Haywood and seconded by Councilmember F. W. Easton, the Mayor and City Council

unanimously agreed by voice vote to grant approval for the owners to remove the motel units located within the City's easement for the Town Run Storm Drain, in accordance with the May 30, 1989 Deed of Easement and General Agreement between the City and the owners of the Venice Hotel. This action does not change the terms of the 1989 Agreement or the requirements placed upon the owner in regard to the protection of the storm drain and any future construction within the easement area.

I. Approval of Hagerstown Suns Fireworks Schedule 2011 and Exemption from the City's Noise Ordinance

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember F. W. Easton, the Mayor and City Council unanimously agreed by voice vote to approve the twelve fireworks shows, including the opening day of Friday, April 15, 2011 through the September 2, 2011 event, scheduled to be held at Hagerstown Suns baseball games during the 2011 season and that the Mayor and Council's approval will exempt these twelve shows from the City of Hagerstown's Noise Ordinance under section 155-3 of the City Code.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember L. C. Metzner acknowledged that former Councilmember Penny Nigh was in attendance. He is ready to hold a work session discussion regarding possible uses of the old hospital site. The Mayor and Council have obligations to the citizens. He thinks the zoning should be discussed now, rather than later.

Councilmember A. C. Haywood encouraged people to participate in the Dig In Hagerstown garden program. She is hoping a larger program can be developed.

Councilmember F. W. Easton encouraged people to visit Vito's Restaurant on Burhans Boulevard.

Councilmember M. E. Brubaker clarified that neither the Council nor staff intended to "rubber stamp" a zoning classification on the hospital site. This area, as well as two others, are particularly challenging in zoning determination. He stated they would take into consideration any requests, as was done for previous comprehensive rezonings.

Councilmember W. M. Breichner had no additional comments.

Mayor R. E. Bruchey, II appreciated the comments submitted during this meeting.

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 8:04 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: February 22, 2011