

44th REGULAR SESSION AND WORK SESSION

WORK SESSION – JANUARY 30, 2007

Mayor Robert E. Bruchey, II called this Work Session of the Mayor and City Council to order at 4:00 p.m., Tuesday, January 30, 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, and City Clerk D. K. Spickler. Also present were the following County Commissioners: President John Barr, Vice-President Terry Baker, Kristin Aleshire, James Kercheval and William Wivell.

2+2 Committee: Continuation

The 2+2 Committee will continue. The members will be Councilmember Kelly Cromer, Councilmember Lewis Metzner, Commissioner John Barr and Commissioner James Kercheval. Mayor Bruchey suggested holding quarterly meetings of the Mayor and Council and County Commissioners.

Councilmember Metzner suggested providing weekly reports to the full Mayor and Council members and County Commissioners. Commissioner Wivell would like to have a more active role in setting the agenda for 2+2. Councilmember Parson-McBean agreed. Commissioner Kercheval and Councilmember Cromer expressed that the sharing of information in an informal setting has been beneficial. Mayor Bruchey is agreeable to providing guidance to the members but he doesn't think the discussion items should be limited.

Commissioner Aleshire stated the discussions of the 2+2 Committee have provided results for things such as the Adequate Public Facilities Ordinance and the Excise Tax. Councilmember Nigh stated it should be all members of both groups discussing these things. Councilmember Cromer stated the members of the 2+2 Committee have always said they have to discuss the items with the members of the governing bodies.

Quarterly Meetings: Joint Meetings with Full Elected Bodies

The next joint meeting will be scheduled in April. Mayor Bruchey and Commissioner Barr will develop an agenda, with the assistance of the County and City Administrator.

Hunters Green PILOT Agreement

Mayor Bruchey would like to develop a package to assist the Economic Development Commission with marketing Washington County. Councilmember Metzner stated a policy was developed that did not include revenue sharing for the Hunters Green area. He indicated the policy includes a requirement for an average wage and the incentives increase as wage rates increased.

Individual requests have been considered by the Mayor and City Council. A standard policy for the area would be beneficial.

Commissioner Aleshire and Commissioner Kercheval have been working on such a policy. There was discussion about what would be a reasonable PILOT and what the legalities would be of a broad based PILOT. Mayor Bruchey suggested that this be discussed in the 2+2 Committee meetings and then at the quarterly joint meetings.

Revenue Sharing

The Washington County Commissioners would prefer to hold the annual Tax Set Off meeting with all the municipalities at the same time. They are considering attending the next Washington County Chapter of MML. They will also meet with each municipality separately.

Mayor Bruchey indicated there are revenue sharing possibilities with the Title Transfer Tax, Recordation Tax and the Hotel/Motel Tax.

Commissioner Kercheval disagrees with the concept of revenue sharing because the County provides every household with services, including those within the city. As a County Commissioner, he tries to look at whether services are being provided fairly to all the citizens he represents. The County spends approximately \$ 8,000,000 more for services within the City limits than it receives. The City only represents 22% of the assessable base for the County. He stated City taxpayers would probably see an increase in their County tax bill if revenue sharing occurs. The shortfall would have to be made up in another way. The City does not provide all the services the County does. Those additional services are funded through taxes. The hotel/motel tax is to be used to improve the community. He stated the formula for the tax set off was based on the model for Anne Arundel County. Factors such as education dollars vs. population in city limits were considered.

Councilmember Metzner stated taxpayers who do not live within the city limits of a municipality only pay one real estate tax bill. If revenue sharing isn't an option, he suggested discussing expense sharing, i.e. the Eastern Boulevard improvement, since city taxpayers pay the same rate of taxes as non-city residents. He stated there are problems with the model used for the tax set off. The City has more people to serve with a lower assessable base.

Mayor Bruchey stated city residents do not use the services of the County permits office or the planning, engineering or information technology department. The City receives no revenue from title transfer or recordation taxes for the transactions within the city limits.

Commissioner Kercheval stated the County Commuter operates bus routes predominantly within the city and half the bookings at the detention center are city residents. Councilmember Metzner pointed out those city residents are also county

taxpayers. If the city taxpayers did not pay county taxes, the county would have to raise the tax rate to make up the deficit.

Commissioner Wivell stated a full cost analysis was completed and it was determined that more services are being provided within the municipalities. They owe it to the residents to find ways to save money and combine services and efforts. Councilmember Metzner stated if they want to talk about combining services, they should talk about the ones that would have the most impact, such as fire and police. Commissioner Wivell stated it would be easier to tackle smaller departments first. Mayor Bruchey stated if the County took over planning and permits, someone would have to pay for it. If not, the departments would be downsized and the customer would suffer.

Councilmember Brubaker stated he would like to discuss this further after he reviews the numbers.

Central Booking

The operation details of a Central Booking facility will have to be worked out. Commissioner Wivell stated there is a difference of opinion as to whether it should be solely operated by the county or shared with the City. Councilmember Cromer suggested using the Frederick County facility as a model.

Mayor Bruchey indicated funding is included in the State budget.

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 5:25 p.m.

44TH REGULAR SESSION – JANUARY 30, 2007

Mayor R. E. Bruchey, II called this 44th Session of the Mayor and City Council to order at 7:04 p.m., Tuesday, January 30, 2007, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers M. E. Brubaker, K. S. Cromer, L. C. Metzner, P. M. Nigh and A. Parson-McBean; City Administrator Bruce Zimmerman, City Attorney William Nairn and D. K. Spickler, City Clerk.

The invocation was offered by Councilmember Martin E. Brubaker. The Pledge of Allegiance was then recited.

Mayor Bruchey announced the Rules of Procedure for this meeting will be followed as adopted March 28, 2006. 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 6, 2007, Tuesday, February 13, 2007, Tuesday, February 20, 2007, and the Regular Session on Tuesday, February 27, 2007 at 7:00 p.m.

PRESENTATION – GRIDIRON CLASSIC MVP AWARDS

Mayor Bruchey welcomed Marcellus Sumlin, North Hagerstown High School, to the meeting. Mr. Sumlin was voted MVP during the annual Gridiron Classic Football Game. He was presented a \$ 250.00 check for the school by Carl Galligan, First National Bank of Greencastle.

APPOINTMENTS

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 appoint Denise Smith to the Hagerstown Housing Authority as the Resident Commissioner.

PUBLIC HEARINGS

Zoning Ordinance – Cluster Development Text Amendment #2

Stuart Bass, Comprehensive Planner, stated the language in this text amendment is a further refinement of the most recent Cluster text amendment, which was approved by the Mayor and City Council on July 25, 2006. This language limits the amount of open space which can be used for forest conservation area to fifty (50%) percent of designated open space, provided that one hundred (100%) percent of the Forest Conservation requirement is being met within the proposed development.

Mr. Bass entered the following as Exhibits:

Exhibit 1 – Certificate of Advertisement

Exhibit 2 – Planning Commission file by record

There was no testimony presented. The record will remain open for 10 days for comment.

The ordinance will be presented for introduction at the next regular session of the Mayor and City Council.

The hearing was closed at 7:12 p.m.

ZT-2006-05 – Professional Office/Mixed District

Stuart Bass, Comprehensive Planner, stated this is a new zoning district based on the new Business-Employment land use category as discussed in the Comprehensive Plan

update. It is intended to be an employment district which encourages non-retail, non-manufacturing uses (e.g. office and research), reflecting the national shift to a service-based economy.

When the Comprehensive Plan is adopted, staff will follow up with comprehensive rezonings and the intention is to establish this district in some areas of the City, where office development would be preferred to more retail, industrial, or residential development.

Mr. Bass entered the following as Exhibits:
Exhibit 1 – Certificate of Advertisement
Exhibit 2 – Planning Commission file by record

There was no testimony presented. The record will remain open for 10 days for comment. The hearing was closed at 7:14 p.m.

Proposed Zoning Text Amendments

Stuart Bass, Comprehensive Planner, stated former Councilmember Aleshire initiated a discussion on potential Zoning Ordinance amendments with the City Council in March and October of 2005. Further refinement of this discussion was provided to the Planning Commission as a series of possible text amendments under a March 31, 2006 memo. Mr. Bass indicated the amendments would be considered “housekeeping” type of changes. A recommendation for revisions to the description and treatment of fences is included. This is in an effort to reduce the number of Board of Zoning Appeals hearings that are requested. Wording to further clarify the requirement of a zoning permit is included.

Mr. Bass entered the following as Exhibits:
Exhibit 1 – Certificate of Advertisement
Exhibit 2 – Planning Commission file by record

There was no testimony presented. The record will remain open for 10 days for comment. The hearing was closed at 7:16 p.m.

CITIZEN COMMENTS

Ron Lytle, Contemporary School of the Arts & Gallery, Inc., presented membership and sponsor information for the school to the Mayor and City Council. He asked for the Mayor and Council’s support. He also requested permission to place a collection can in City Hall for donations. Mayor Bruchey stated this request would have to be discussed at a work session.

Jack Miller, 11905 Sycamore Drive, Hagerstown, Maryland, is a representative of the Hagerstown Pony League. Jim Bess and Russ Robinson were also in attendance. Mr. Miller stated the minutes from January 11, 2005 indicated the Mayor and Council agreed to meet with the Pony League to discuss the need for a new location. He asked when this

discussion would occur. Mayor Bruchey stated this discussion will be placed on a work session agenda in the near future

Diane Eves, Hagerstown, Maryland, is grateful for the lower assessment cap on real estate taxes approved by the Mayor and City Council last year. City residents need a greater tax relief. Many people live from paycheck to paycheck. Renters are also affected by tax increases. She asked the Mayor and City Council to limit spending and to accept the constant yield tax rate.

MINUTES

On a motion duly made by Councilmember K. S. Cromer and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously approved a motion to approve the minutes, as presented, for Mayor and Council meetings held on December 5, 2006, December 12, 2006, December 19, December 20, 2006 and January 9, 2007. Councilmember Brubaker abstained from the motion for the minutes December 5, 2006.

CONSENT AGENDA

Mayor Bruchey stated the Golf Cart Agreement Extension with E-Z-Go/Textron Financial Corporation will be discussed under New Business. 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 approve the consent agenda, as amended, as follows:

- 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) +\$0.0153
 - 2. 87 Octane – Tank Wagon – A.C. & T. Co., Inc. (Hagerstown, MD) OPIS +\$0.1695
 - 3. Diesel – Transport – Petroleum Traders (Fort Wayne, IN) OPIS +\$0.0212
 - 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

- C. HPD: Renovations to Crime Laboratory – W. Harley Miller Contractors, Inc. (Martinsburg, WV) \$ 146,653.00
- D. Parks and Recreation: 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
 - 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

UNFINISHED BUSINESS

A. Approval of an Ordinance: To Amend the Mechanical Codes

Action: 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 approve an ordinance to amend the Code of the City of Hagerstown, Chapter 64, Article VI, entitled “Mechanical Standards” to delete the *1990 BOCA National Mechanical Code* and adopt the *2003 International Mechanical Code* with local amendments.

B. Approval of an Ordinance: To Amend the Electrical Codes

Action: 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 approve an ordinance to amend the Code of the City of Hagerstown, Chapter 64, Article IV, entitled “Electrical Standards” to delete the *1990 International Electrical Code* and adopt the *2005 National Electrical Code* with local amendments.

C. Approval of an Ordinance: To Amend the Plumbing Codes

Action: On a motion duly made by Councilmember K. S. Cromer and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance to amend the Code of the City of Hagerstown, Chapter 64, Article V, entitled “Plumbing Standards” to delete the 1990 BOCA National Plumbing Code and adopt the 2003 International Plumbing Code with local amendments.

NEW BUSINESS

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

Action: 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 introduce an ordinance, pursuant to Section 401 of the Charter, authorizing the acceptance of gifts on behalf of the City for any public purpose, to accept for its use at the Hagerstown Railroad Museum the gift of property from the Estate of John Long and his heirs as set forth in the Quitclaim Deed of Gift including: the Locomotive 202 and its tender and all attachments; all eight cabooses and their contents and attachments; all static exhibits located on the grounds of the City Park; and all of the contents of the museum building and the metal storage building now located at City Park.

Councilmember Metzner thanked John Long and his family for this gift.

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

Action: 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 approve a resolution for a one year extension of the existing lease for the Hagerstown Neighborhood Development Partnership, Inc. located on the first floor of 21-23 East Franklin Street. Rent will continue at an annual rate of one dollar (\$1.00) payable in advance on the first day of this yearly term.

The following items were removed from the agenda: C. Resolution: Consolidated General Services Agreement #9 – Antares and D. Acceptance of a Memorandum of Understanding between the City of Hagerstown and Antares Properties, LLC in Regard to a Special Assessment for Road Improvements.

E. Authorization to Accept a Grant from the Maryland Department of Justice for a “Law Enforcement Criminal Gang Enforcement and Suppression Project: to Combat Gang Activity in the Area

Action: On a motion duly made by Councilmember P. M. Nigh and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve acceptance of a grant from the Maryland Department of Justice for a “Law Enforcement Criminal Gang Enforcement and Suppression Project” to combat gang activity in the area. The amount of the grant is \$ 111,919.72 and requires no matching funds from the City of Hagerstown. This is a Washington County grant and the City will be receiving the portion of the grant for the salary, benefits and overtime for one police officer. The term of the grant is from January 1, 2007 until July 1, 2008. There will be no extension of the grant.

This grant additionally provides some gang prevention monies which will go to assorted community based agencies to include some C-Safe.

F. Authorization to Accept a Grant from the Maryland Department of Health and Mental Hygiene to increase Fire Safety Measures Among High-Risk Populations

Action: On a motion duly made by Councilmember K. S. Cromer and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve acceptance of a grant from the Maryland Department of Health and Mental Hygiene to increase fire safety measures among high-risk populations. The amount of the grant is \$ 25,000.00 and requires no matching funds from the City of Hagerstown. The term of the grant is from mid-February through October, 2007. Funding may be extended up to five years, based upon community need and proven impact.

G. Approval of 2007 Pool Rates

Action: 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 approve the following rate changes at Potterfield Pool for the Summer of 2007:

<u>Season Pool Rates</u>	<u>Current</u>	<u>New</u>
2& under	Free	Free
Student (5-12)	\$ 50	\$ 55
Adult (13-61)	\$ 70	\$ 75
Senior (62+)	\$ 50	\$ 50
Family	\$ 125	Same

<u>Swim Lessons</u>	<u>Current</u>	<u>New</u>
Preschool	\$ 25 (plus \$2)	\$ 28
Level 1-7	\$ 35 (plus \$2)	\$ 38

Discussion: The original proposal included raising the Family Season Pool Rate. Councilmember Parson-McBean stated many parents are struggling with the utility increases and raising the family pass rate would cause an additional hardship. Councilmember Brubaker pointed out this will make a difference in the projected income but he would support it.

H. Approval of Application for Program Open Space Projects

Action: On a motion duly made by Councilmember K. S. Cromer and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed to approve an application to Washington County requesting Program Open Space funding of improvements to the City's recreational facilities as follows:

1. Fairgrounds Park – Barrier free modular play system
2. Fairgrounds Park – Permanent park benches and picnic tables
3. City Park – Barrier free modular play system (West Pavilion)
4. City Park – Barrier free modular play system (North Pavilion)
5. City Park – Permanent park benches and picnic tables
6. Wheaton Park – Barrier free modular play system
7. Potterfield Pool – Amenities for baby pool
8. Potterfield Pool – Tot Lot play equipment
9. Hellane Park – Overlay existing parking lot
10. Hellane Park – Barrier free modular play system
11. Pangborn Park – Add a fountain lake
12. Staley Park – Barrier free modular play system
13. Fairgrounds Park – Relocation of electric service for softball league lights

Discussion: Councilmember Cromer stated she discussed the electric service project with the County Commissioners and the Washington County Parks Board. The City can make the \$ 40,000 funding contingent upon the softball league raising enough money to install the lights on one field. If the money has not been secured at the end of two years, the City could ask that the funding for the project be reassigned for a different project.

Councilmember Nigh is concerned the \$ 40,000 funding for this will cause other projects to be delayed. Mayor Bruchey is in favor of adding the request for the \$ 40,000. Councilmember Parson-McBean stated her first concern was that other projects would not be funded. That concern has been addressed for her. Councilmember Brubaker asked what impact being awarded funding through the Community Parks and Playgrounds program would have on the request for POS. Junior Mason, Parks and Recreation Superintendent, stated the POS request would be reduced by that amount.

Mr. Zimmerman asked for clarification on the terms of the contingency. The softball league would have to raise enough money to complete one field within two seasons.

I. Approval of License Agreement – 1101 N. Potomac Avenue

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember A. Parson-McBean, the Mayor and City Council

unanimously agreed by voice vote to execute a License Agreement between the City of Hagerstown and F. Howard Cost, Jr. for the installation of a fence in the public right-of-way of West Irvin Avenue.

J. Resolution: Golf Cart Agreement Extension

Action: 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 approve a resolution to terminate the existing 5-year golf cart agreement and start a new 5-year agreement with E-Z-Go/Textron Financial Corporation, to include lease and full service of (20) new 2007 gas-powered golf carts. The monthly lease payment shall be \$ 724.80 plus \$ 250.00 for maintenance for a total of \$ 974.80 per month.

K. Bond Bill for Barbara Ingram School for the Arts

Action: On a motion duly made by Councilmember K. S. Cromer and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to authorize staff to submit the necessary paperwork in support of Senator Munson's and Delegate Myers' bond bill proposal for \$ 300,000 for the Barbra Ingram School for the Arts. While the City of Hagerstown will be the applicant for the bond, the Washington County School System will be responsible for complying with the matching requirement if the bond is awarded.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, reported the Narcotics Task Force has approved funding \$ 46,000.00 of the crime lab cost and there is now sufficient funding for the project.

MAYOR AND COUNCIL COMMENTS

Councilmember P. M. Nigh thanked the Washington County Sheriff's Department for their efforts in apprehending a shooting suspect at a Washington County apartment complex. She stated the original request for funding for a Central Booking facility was not made through a lobbyist. The request was from Senator Donald Munson and the Washington County Delegation. She thanked Officer Todd Dunkle for making a presentation in Annapolis concerning gangs.

Councilmember K. S. Cromer thanked the County Commissioners for meeting with the Mayor and City Council earlier today and she is looking forward to quarterly meetings. She suggested that legislature making Washington County a "shall" county be included on an agenda with the Commissioners. She thanked the fire department for their prompt response to her neighbor's vehicle fire.

Councilmember L. C. Metzner also thanked the County Commissioners. He believes there is potential to continue with a good working relationship. He is optimistic that the revenue sharing and tax set off issues can be resolved. The final draft of the emergency services plan has been published. There will be a public meeting held on February 3, 2007 to discuss the plan.

Councilmember A. Parson-McBean thanked her colleagues for working together on the issue of the pool season pass rates.

Councilmember M. E. Brubaker attended the Hagerstown Eastern Panhandle Metropolitan meeting recently. This is another area where the City and the County can work together. He enjoyed meeting the Mayor of Laren, Holland and discussing the issues facing cities in Europe as well as in the United States. He looks forward to working with the County Commissioners.

Mayor R. E. Bruchey, II thanked the Long family for all their donations over many years. He congratulated the nine firefighters and one training officer who will be graduating on February 2, 2007. He suggested seriously discussing a paint ball park. He enjoyed visiting with the Mayor of Laren, Holland.

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 8:07 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: