

WORK SESSION AND EXECUTIVE SESSION – February 3, 2009

Mayor R. E. Bruchey, II called this Work Session and Executive Session of the Mayor and City Council to order at 4:05 p.m., Tuesday, February 3, 2009, 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.

WORK SESSION – February 3, 2009

Washington County Museum of Fine Arts Director

Tom Newcomer thanked the City for their continued support of the museum. He introduced the new director, Rebecca Massie Lane.

Ms. Lane also thanked the Mayor and Council. The museum is nationally known. She is working with people in the community to develop long range plans. The book, 100 Stories, was presented to each Mayor and Council member.

Historic District Commission Review and Appeals

Kathleen Maher, Planning Director, was present to discuss the Historic District Commission review and appeals process.

The Mayor and Council discussed this process with staff during the January 13, 2009 Work Session and debated whether changes should be made to the local regulations to provide for more public involvement or local control over the process.

If the Mayor and Council feel that more local control is desirable in consideration of appeals to HDC decisions, the Maryland Historical Trust would recommend utilizing local powers already in place that would allow use of the BZA as the initial appeal body. This option would require an amendment to the City's zoning ordinance and not a change to State law.

Councilmember Brubaker stated the Board of Zoning Appeals is a group of citizens who spend a great deal of time hearing cases already. He indicated the Planning Commission recommends keeping the process the same. He does think the Mayor and Council should approve the guidelines of the HDC.

Councilmember Metzner agrees with keeping the process the same. If an appeal is made about the windows on South Potomac Street it would be to determine if the HDC interpreted the standards correctly, not if the guidelines are correct. The HDC continues to do a good job and nothing should change.

Councilmember Nigh stated the HDC is fair. They will exhaust all avenues to resolve an issue. She does not think a change should be made.

Councilmember Cromer suggested that adding a step in the appeal process may ease the number of cases in the court system. Mr. Nairn pointed out that only one case has been handled by the City Attorney. Councilmember Metzner stated this may be more expensive.

It was the general consensus of the Mayor and Council to keep the appeal process (appeals going to Circuit Court) as it is. They also agreed to not review the HDC guidelines further.

Green Practices for the City of Hagerstown

Kathleen Maher, Planning Director, and Rodney Tissue, City Engineer, were present to discuss more details on possible tax credit for LEED-Certified buildings.

Based on the Mayor and Council' earlier feedback, the task force recommends the following practices be adopted by the City:

1. Require at least the minimum LEED Certification for all new building construction completed by the City. For renovation projects, the City will endeavor to use whatever LEED Green Practices are practical.
2. Provide discounts on all building permit fees for LEED certified buildings as follows: 20% for LEED certified buildings, 30% for silver, 40% for gold, and 50% reduction for platinum.
3. Develop an ordinance to provide a tax credit on commercial projects that are LEED certified. This would be a tax credit applied only to the increase in the assessed value of new construction for a period of three (3) years after the LEED Certification is received. The proposed credits would be 20% for silver, 25% for gold, and 30% for platinum certifications.
4. Council authorizes staff to complete energy audits of all City buildings, provided they are completed by in-house staff as much as practical. The results of this audit will then become future capital improvement projects to reduce energy consumption in the City buildings.
5. Provide bike racks at Fairgrounds Park and Municipal Stadium (bike racks are installed and will be maintained at the Potterfield Pool, University Plaza, Public Square, Hagerstown Ice & Sports Complex, and the North Potomac Street Parking Deck).
6. The City will provide recycling containers at major City facilities including: University Plaza, the concession stands at Fairgrounds Park, Potterfield Pool, and Municipal Stadium.

7. The City will develop an educational brochure to encourage residents in Hagerstown to be cognizant of their consumption of energy and natural resources by outlining a strategy to help reduce such consumption.
8. Management will endeavor to develop training for staff on energy saving practices.

The tax credit would provide an incentive for green buildings. It is not mandatory.

The task force will remain as a standing committee if the Mayor and Council endorse the green practices. A resolution adopting these practices and an ordinance adopting the tax credits will be included on the agenda for February 24, 2009.

Economic Stimulus Package for City Projects

Bruce Zimmerman, City Administrator, informed the Mayor and Council that The Ferguson Group and the US Conference of Mayors prepared summaries of the programs included in the House and Senate versions of the Federal Stimulus Package, which is presently under consideration in Washington, DC.

These summaries show that the programs included in the House and Senate versions of the Stimulus are extensive. The proposals include funding related to: 1) Environment and Energy; 2) Infrastructure; 3) Poverty, Work and Opportunity; 4) Crime; and 5) Arts and Tourism. Both the Senate and House versions include total proposals of \$ 825 Billion, which includes \$ 275 billion in tax cuts.

Presently, it is projected that there may be a final version of the stimulus Bill prepared for President Obama to sign in mid-February.

The stimulus funding will go through the State for distribution. Shovel ready (90 day turnaround) may be funded first. Maryland could receive \$ 1.9 billion in 2009 and \$ 1.9 billion in 2010. Municipalities have a good chance of receiving funding for public safety and infrastructure projects. It appears that infrastructure funding for municipalities is guided more toward water and wastewater projects than transportation. Other funding opportunities could include: energy efficiency block grants, clean water and drinking water revolving funds, economic development funds, training and employment services grants.

The summaries provide useful information, but nothing is definitive at this point. The Engineering Department and the Utilities Departments have developed lists of projects that may qualify for the stimulus funding. A list of shovel ready projects has been submitted to Governor O'Malley's office.

Councilmember Parson-McBean stated the City should aggressively seek the stimulus funding.

Councilmember Metzner indicated the three identified shovel ready projects are: Inflow/Infiltration issues, bridge over Antietam Creek and replacement of water transmission lines. Councilmember Parson-McBean stated other things need to be included to address issues within the City, such as small business needs.

Councilmember Brubaker suggested working toward getting rid of the Light Plant. Mr. Zimmerman stated projects can be added to the list if they fit within the package.

Councilmember Parson-McBean stated the City needs to be ready to submit a list to Senator Cardin when he visits Hagerstown. Mayor Bruchey indicated Senator Cardin is planning to be in town on Friday, March 6, 2009. Councilmember Parson-McBean stated the City should discuss needs with the Senator's staff and have them determine how to meet those needs. Councilmember Metzner stated Senator Cardin appears to be aware of the needs in Western Maryland.

Mr. Zimmerman stated The Ferguson Group will want the Mayor and Council to go to Washington, DC in late February again this year.

Potential Referendum for Election Date

The Mayor and Council discussed the City's election date. Councilmember Metzner stated he believes the Mayor and Council are in agreement to put the question to the voters. The City Attorney has indicated a question on the ballot would be advisory and not binding. It would be a ballot question rather than a referendum.

A draft question will be presented to the Mayor and City Council for their review. The question will allow the voters to decide if the election is changed to the Presidential election in 2012, which would make the next term a 3 year, 8 month term.

Councilmember Metzner stated right now, candidates are not competing with candidates for other offices and campaigning would cost less.

A draft ballot question will be discussed at a future work session.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember A. Parson-McBean had no additional comments.

Councilmember M. E. Brubaker attended the State of the County today. He will be traveling to Annapolis tomorrow to help obtain funding for the library to keep the project moving forward.

Councilmember K. S. Cromer had no additional comments.

Councilmember L. C. Metzner had no additional comments.

Councilmember P. M. Nigh extended sympathy to the family of Wanda Miller, Public Works, who passed away on January 13, 2009. She stated she listens to citizens and relays their concerns.

Mayor R. E. Bruchey, II stated the question to voters about the election date should be on the ballot on May 19, 2009.

EXECUTIVE SESSION – February 3, 2009

On a motion duly made by Councilmember K. S. Cromer and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to meet in closed session at 5:05 p.m. to consider the acquisition of real property for a public purpose and matters directly related thereto, #3. The following people were in attendance: Mayor R. E. Bruchey, II, Councilmember M. E. Brubaker, Councilmember K. S. Cromer, Councilmember L. C. Metzner, Councilmember A. Parson-McBean, Councilmember P. M. Nigh, City Administrator Bruce Zimmerman, Director of Utilities Michael Spiker, Donnie Barton, Wastewater Operations Manager and City Clerk Donna Spickler. The topic was purchase of property for a wastewater pump station. No formal action was taken at the session. The meeting was adjourned at 5:27 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: March 31, 2009