

45th SPECIAL SESSION, WORK SESSION AND EXECUTIVE SESSION – February 6, 2007

Executive Session – February 6, 2007

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 meet in closed session at 4:01 p.m. to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, #4 and to consult with counsel to obtain legal advice, #7. No formal action was taken at the session. The meeting was held in the Council Chambers, 2nd floor at the City Hall. The meeting was adjourned at 5:38 p.m.

45th Special Session – February 6, 2007

Mayor Robert E. Bruchey, II announced that the Special Session is being postponed.

Work Session – February 6, 2007

Mayor Robert E. Bruchey, II called this Work Session of the Mayor and City Council to order at 5:50 p.m., Tuesday, February 6, 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 Mark Boyer, and City Clerk D. K. Spickler.

Update on University System of Maryland Hagerstown

Dr. David Warner, University System of Maryland, provided information showing that the number of Universities involved in the System has increased from 3 in 2005 to 6 in 2007. The number of programs is 17, 11 undergrad and 6 graduate. Full time staff has increased and a scholarship fund has been established. Enrollment has decreased from 382 in January, 2005 to 328 in January, 2007.

Dr. Joellen Barnhart stated the University is considering adding an on-line learning program. Frostburg University is “stepping to the side” so that other institutions have the opportunity to bring new programs to the campus. Registration service for all the universities involved is now on-site. There is a student association and a career planning office. The first graduate honor and awards recognition program is being planned. Commencement for students will be held at the home campus. Bookstore operations are needed.

Mayor Bruchey stated availability of housing for students will need to be addressed.

Councilmember Parson-McBean stated she is a student at the University. She is concerned that only one food vendor has a kiosk located within the building. Dr.

Barnhart indicated this is a pilot program. Dr. Barnhart stated coupons for students from other food vendors would be appreciated.

Councilmember Brubaker stated he is encouraged by the numbers. The City and the University can work through obstacles together.

Sale of the Alms House

Larry Bayer, Community Development Department Manager, stated staff has been working with Hagerstown Restorations, an LLC which was interested in purchasing and rehabilitating the Alms House. This group's intent was to create 3-4 residential and two commercial units in the building. After nearly three months of negotiations, this group has decided not to pursue the project due to the level of financial investment required on their part.

Staff has made contact with another developer who has expressed interest in the project and is working to develop a concept plan acceptable to the City.

Tusing Warehouse Proposal

Deborah Everhart, Director of Economic Development, presented the development plans and contractual agreements for the transfer of the Tusing Warehouse to Milton Stamper, trading as City Theater, LLC. City Attorney Mark Boyer and the developer, Milton Stamper, were also available to answer questions.

A letter was submitted from Jim Bender, Assistant City Engineer, Eric Deike, Public Works Manager and Karen Giffin, Director of Community Affairs, regarding the affect the proposal will have on the Western Maryland Blues Fest and the Augustoberfest. Mr. Deike was present to answer questions. He stated logistic meetings were held with both groups. Changes will be necessary, but he is confident the programs can still be successfully held in the Central Parking Lot.

Mr. Boyer indicated revisions have been made to the contract to include prohibitions against construction during festival times. There is a covenant for protection against any conflict in the future and language is included that the City can "sign off" on the architect that is being used.

Councilmember Metzner stated he feels Mr. Stamper has presented the best proposal and he supports the concept for the Potomac Playmakers and Always Ron's. He would have preferred to have the Arts Council located in this building or to retain the building for the City's use. He asked to hear from representatives of the Blues Fest and the Augustoberfest events that there will be no detrimental affect on the festivals due to this proposal.

Councilmember Nigh stated the City needs the space for additional City operations. She suggested that the Channel 6 operations be housed there. Mayor Bruchey stated that significant renovations would be needed if the City retained ownership of the building.

Councilmember Brubaker pointed out this will become a taxable property if the building is sold to Mr. Stamper.

Mr. Stamper stated they are almost ready to submit building plans for review. The groups that are expected to use the building are very optimistic. He stated they will work with the City and provide assurances that the Blues Fest and Augustoberfest will not be negatively impacted by his purchase of the building. They view the building as a community center.

Councilmember Parson-McBean indicated it was not fair to entertain the idea of keeping the building at this point. Councilmember Cromer asked that it be noted specifically that the City will not be held liable for any damage or injury during construction. Mayor Bruchey indicated this statement is in the agreement.

Charles Sekula, Augustoberfest Charitable Foundation, congratulated Mr. Stamper and his associates for the proposal to turn this building into something viable and decent. He stated there will be changes, but they will not be significant enough to worry about. He thanked the City for supporting the festivals. He supports the revitalization projects in downtown.

Carl Disque, Western Maryland Blues Fest, doesn't know how the use of the building will affect the festival until they work through it. He will do the best he can with what the Mayor and Council decide. He is hopeful the committee can make things work out. He indicated since the Blues Fest is not held under a tent, the activities outside the area do affect the event.

Mayor Bruchey believes Blues Fest and Augustoberfest will continue to be better every year and there will be a reconstructed building downtown. Councilmember Parson-McBean envisions a time when people don't need to purchase tickets to attend these events.

Mr. Zimmerman stated Staff works very hard for both festivals and will continue to do so. The logistics will be worked out.

Councilmember Cromer asked if there is a restriction for Mr. Stamper selling this property. Mr. Boyer indicated there are no restrictions of reconveyance. The covenants in the contract remain with the deed to the property, not with the owner.

It was the general consensus of the Mayor and City Council to move forward with transfer the ownership of the building to Mr. Stamper. A special session will be held on February 13, 2007 to introduce an ordinance.

Heritage Area Grant Application

On December 12, 2006, during the presentation on expanding the Target Investment Zone boundaries in downtown Hagerstown for the Heart of the Civil War Heritage Area, a list of potential future grant projects to the Maryland Heritage Area Authority was provided. One of those potential projects was to catalogue the Doleman Collection of African-American artifacts and/or to study the feasibility of property acquisition for a museum for the collection.

Kathleen Maher, Planning Director, and Deborah Everhart, Economic Development Director, were present to discuss a proposal for a grant application for a project to implement the preparatory steps towards future public access to the Doleman Collection. This plan of action is recommended after discussions with staff at the Maryland Historical Trust's Office of Museum Services. The proposed study would be a necessary preliminary step towards seeking capital grant funding for property acquisition and other expenses associated with establishing a museum. The Plan of Action is as follows:

1. Goal Setting Session (no cost)
2. Review of Collection (estimated cost of \$2,000 to \$3,000 to hire a consultant)
3. Feasibility Study (estimated cost of \$25,000 - \$ 50,000 to hire a consultant)

It was the general consensus to authorize a grant application to the Maryland Heritage Area Authority for \$ 15,000 for a study on the Doleman Collection and to approve the necessary \$ 15,000 match for the grant in the FY 2008 budget. Staff would continue exploration of the possibility of another \$ 15,000 grant to assist with the funding of the proposed project. This State grant could not provide the match for the Maryland Heritage Area Authority grant, but could supplement the budget for the project. If the additional funding is not available, the project budget would be reduced to \$ 30,000.

Removal of Parking Meters – North Side of the “100 Block” of East Franklin Street

The City Treasurer has requested that the existing parking meters be removed from the north side of the “100” block of East Franklin Street (between Locust Street and Mulberry Street). These meters are the old mechanical type that need to be replaced, but the Treasurer's office does not believe it is economically feasible to install new meters.

There are currently 14 parking meters on this side of East Franklin Street. There are no meters on the south side. The cost to replace these 14 meters with digital meters would be \$ 2,380.00. The income from these 14 meters is \$ 288 to \$ 336 per year. It will take 7-8 years to recover the costs of the new meters.

It was the general consensus of the Mayor and City Council to authorize the removal of the parking meters from the 100 block of East Franklin Street.

Rescind Dedication of Pangborn Boulevard

Rodney Tissue, City Engineer, stated the Hagerstown Apartment Partnership made an offer of dedication to the City in January, 1976, for a portion of their property (where the Centre at Antietam now exists) that was designated to be the future public right-of-way of “Pangborn Boulevard.” The road was never built and therefore the transfer and acceptance by the City never occurred. The area has been considered a “paper right-of-way” ever since.

Recently, WASHCO Centre at Antietam Creek, LLC, obtained the property. WASHCO requests that the original 1976 offer of dedication be rescinded so they may develop the parcel, as a bank, as shown on the attached site plan.

An agreement must be approved by the Mayor and City Council to rescind the dedication so this land can be developed. If the Council concurs with rescinding the dedication, the Planning Commission will most likely approve the site plan on February 14, 2007, contingent upon the Council passing the appropriate resolution to approve the agreement at the regular session on February 27, 2007.

It was the general consensus to rescind the dedication. If the Planning Commission has comments, they will be included in the agreement.

City Administrator’s Comments

Bruce Zimmerman, City Administrator, mentioned two memos were given to the Mayor and City Council. The first shows a review of legislation and actions for 2006 and the second looks forward to projects and initiatives for the coming year.

Mayor and City Council Comments

Councilmember P. M. Nigh had no additional comments.

Councilmember L. C. Metzner had no additional comments.

Councilmember K. S. Cromer had no additional comments.

Councilmember M. E. Brubaker had no additional comments.

Councilmember A. Parson-McBean stated the Doleman museum will be a great enhancement for the City of Hagerstown. The Martin Luther King Scholarship dinner has been rescheduled for February 25, 2007.

Mayor R. E. Bruchey, II stated Councilmember Brubaker, Councilmember Cromer and he attended the State of the County this morning. The State of the City will be held on March 6, 2007 at Duffy’s on Potomac. He is glad the Tusing Warehouse transfer will soon be completed and the project can move forward.

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 7:20 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: