

WORK SESSION – February 14, 2006

City Clerk Donna K. Spickler called this Work Session to order at 4:02 p.m., Tuesday, February 14, 2006 in the Council Chambers at the City Hall. Present were City Council Members K. B. Aleshire, K. S. Cromer, P. M. Nigh, L. C. Metzner and A. Parson-McBean, City Engineer Rodney Tissue, City Attorney William Nairn, and City Clerk D. K. Spickler. City Administrator Bruce Zimmerman was not present at the meeting. On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember K. S. Cromer, the Council unanimously agreed by voice vote of all members present to elect Councilmember L. C. Metzner to act as the Chairman of the meeting.

The following Washington County Commissioners were present: Commissioner President Gregory Snook, Commissioner Vice President William Wivell, Commissioner Doris Nipps, Commissioner James Kercheval and Commissioner John Munson.

Joint Meeting with Washington County Commissioners

Annual Tax Differential Presentation

Commissioner Snook presented the annual report of the Tax Set-Off Allocation. There are three allocation categories included in the tax set-off. They are Highway, Police and Parks. The City of Hagerstown will be receiving \$ 1,108,797 for the current fiscal year. This is \$ 90,374 or 8.87% more than the \$ 1,018,423 received in 2005.

Alfred Martin, Director of Finance, had presented a summary of the report for the Council's review. The existing tax differential formula has been in use by the County since 1986. The payment has grown from \$ 341,835 in 1986/87 to \$ 1,108,797 for 2005/06. While the increase or decrease in the amount has varied from year to year, the average increase over this 19 year period has been 11.8% per year.

In reviewing the tax differential calculation for 2006 and comparing it to the last two years, there are several areas of concern noted by Mr. Martin. A key component of the tax differential formula is where the County's revenue base is coming from. It looks at assessable base, personal taxable income and population within each municipality and in the unincorporated areas of the County. In the past, the City's share of the total county population and revenue base had been consistently falling. While the City's assessable base, population and taxable income per personal tax returns had grown, it had been growing at a slower rate than other towns like Boonsboro and Smithsburg and the unincorporated areas of the County. This caused the CAP percentage to decrease in prior years from over a third of the County's population and wealth to 28.27% in 2004/05.

For the first time in recent memory, this negative trend was reversed in 2005/06 and the CAP percentage increased slightly. Assessable base grew at a faster rate within the City than in the unincorporated areas of the County outside the City. This has caused the amount of County revenue contributed from within the municipalities as a percentage of its total revenues to increase slightly.

If the City does not share proportionately in the overall growth in the metropolitan Hagerstown area in assessable base, population and personal taxable income, it will find itself increasingly constrained in its ability to generate the revenues needed to fund its operations and public service needs. The new annexation policy, property maintenance standards, and code enforcement policies are very positive steps in the right direction for the City. It appears that they are beginning to pay off. They will help ensure that the City shares in the growth occurring in the metropolitan area. They were the key factors in the City's bond rating agency, Moody's, giving the City a positive financial outlook along with the County.

Recognition by the County – City of Hagerstown Curbside Recycling Program

Commissioner Snook presented the City Council and the City staff with a certificate of merit for the efforts they have taken to provide curbside recycling. Councilmember Metzner indicated this is a step in a positive direction.

City Adequate Public Facilities Ordinance (APFO)

Councilmember Metzner stated the members of the 2+2 Committee have been meeting to address the issues surrounding the City's APFO. He reported at a recent forum presented by the League of Women Voters it was obvious that the City was very close to drafting an acceptable APFO. He believes there will be an APFO presented that the County agrees meets the school test requirement. The City will receive income and will ensure that development won't occur where schools are overcrowded. Discussions were held on February 12, 2006 to work out further details of an APFO. He stated it is not legally possible to have an APFO approved and adopted by March 1, 2006, which is the deadline set by the County Commissioners.

Commissioner Kercheval stated they discussed the exemption provided in the County's APFO for small lot subdivisions. The City does not have this type of subdivision and they are looking for a similar number of exemptions by school district. The Council was concerned that one formula for student generation rates is being used "across the board." The County and the Board of Education have been looking at developing generation rates by region. The City has expressed a concern for the revitalization efforts for old buildings. One way to address this concern is to not be too heavy handed for mitigation in an area where there is an overcrowded school. During the mitigation process planning, the Council would be consulted after the developer presents a mitigation program to the Board of Education. The Commissioners, in general, support this type of revitalization. This process will be reviewed as specific properties are considered.

Councilmember Aleshire stated there is a section that refers to when development plans are counted. In the County's APFO, a development is given a count during a preliminary consultation and a final count when the final plat is approved. The City allows development to begin after the preliminary consultation. It will not be feasible to issue a final count after the development begins. The development plan stage would be a

more appropriate measuring point for the City. Councilmember Aleshire stated there is no time limit in the APFO for the validity of the school test. The City cannot have a developer sitting on an approval for six months with no development. He suggested setting the time at two years. If development does not occur within that time, the project would be placed back in the queue. He is concerned because there are a number of exemptions the City would like to have but will be losing. There won't be exemptions, but there will be mitigation issues. He stated if there is an element of unreasonableness, the City should withdraw from the APFO. He gave the following examples of projects that would be considered mitigation issues: redevelopment of the Pangborn site, Antietam School and vacant floors of existing structures near the County office building.

Commissioner Snook indicated the County has expanded the boundaries of downtown to exclude some of these things from the excise tax. He asked if there is a time limitation for sewer allocation. Kathleen Maher, Planning Director, stated the time is 18 months.

Councilmember Aleshire stated there are some developments that will be caught in the middle of the approval of times. The City is using the approval date of February 6, 2006 and the County is using July 1, 2005.

Councilmember Metzner asked that City staff meet with Councilmember Aleshire and Commissioner Kercheval to draft a final APFO. Councilmember Aleshire stated the document should be drafted and reviewed with the full Council and legal counsel so that all members understand the APFO. Commissioner Kercheval stated the City should draft the document and submit it to the County, after it has been reviewed by the Council.

Councilmember Metzner stated the APFO is based on trust between the City Council and the County Commissioners. Both groups are looking for the same end result.

Commissioner Snook indicated he believed the deadline could be extended.

Other Issues

Councilmember Nigh stated she is concerned that trash from outside the County is being dumped at the landfill. Commissioner Munson indicated the employees at the landfill watch closely for this situation. He stated no trash from outside the County is hauled to the landfill. Commissioner Snook stated this is policed but if there is a specific incident, it should be reported.

Councilmember Nigh stated the comments from Councilmember Metzner at the League of Women Voters made it appear that Council members and Commissioner members who are not on the 2+2 Committee as if they weren't aware of what was being discussed. She expressed her concern that the Council does not receive reports of the 2+2 Committee discussions. The original discussion was regarding the "green areas" for development and sewer allocation in order to bring jobs to Washington County. She stated she understands that it may be easier to discuss these issues with smaller groups, but all members of both groups need to be involved. She suggested having regular

meetings with the County Commissioners. Councilmember Cromer suggested quarterly meetings. Councilmember Metzner asked the Commissioners to consider this suggestion.

Commissioner Kercheval pointed out that Councilmember Nigh and Commissioner Wivell have been discussing the issue of Central Booking.

Councilmember Nigh stated it appears as if it is being implied that five Councilmembers and five Commissioners cannot get along. There were five members of each group elected and they should all be included in the discussions. Councilmember Cromer stated the members of the 2+2 Committee do not make decisions.

Councilmember Nigh stated when an issue is discussed before the full groups, there is not a great deal of discussion because things have already been discussed and decided. She stated it is up to the Councilmembers and the Commissioners to protect the City and the County and they all need to be involved. She asked if the 2+2 Committee discussed hiring a lobbyist. Councilmember Metzner stated the 2+2 Committee has not met since before Christmas. There was not any discussion of a lobbyist. Councilmember Nigh stated a lobbyist has been hired and he is with the firm that is representing Washington County Hospital. She stated there are things that are big concerns that the City needs to know about. The business of the City and County should not be done by select groups. She stated there should be a written report for all the Councilmembers from the 2+2 Committee.

Commissioner Munson stated he doesn't think the formation of the 2+2 Committee was meant to hurt anyone. He stated the Commissioners receive a report from the 2+2 Committee. Commissioner Wivell stated he is not sure the Commissioners have all the information. Councilmember Metzner stated there are no secrets and providing reports will not be a problem. He stated being a member of the 2+2 Committee is very time consuming and is an extremely thankless job. There has been public and private criticism. He stated they need to hear the concerns from fellow government members.

Commissioner Nipps stated even though the 2+2 Committee members were asked to serve on the committee by the Economic Development Commission for a specific reason, it has turned out to be an educational experience about the issues facing the City. She stated Commissioner Wivell and Councilmember Hendershot met to discuss issues and Councilmember Nigh and Commissioner Wivell have discussed Central Booking. Mayor Breichner and Commissioner Snook also met regularly. She stated they are all trying very hard to make sure both groups work together and the animosity that existed is gone.

It was noted that the County Commissioners adopted a resolution to support the City in providing tax credits for redevelopment. There will be a meeting held on March 14, 2006 between the County Commissioners, the Mayor and City Council and the State Highway Administration to discuss improvements to Edgewood Drive. Commissioner Snook commented that the fountain in University Plaza is a nice addition.

This portion of the meeting was adjourned at 4:52 p.m.

Councilmember Aleshire was ill and left the meeting.

The meeting was reopened at 5:10 p.m.

Initial Discussion: Mayor and Council Rules of Procedure, City's Code of Ethics and City Charter

Councilmember Metzner stated this would be an initial discussion on three different issues. He stated the process of how things are done will be discussed.

Councilmember Cromer stated Councilmember Aleshire has many ideas regarding this and she recommended postponing this discussion until he is able to be present.

It was agreed that this discussion would be postponed until next week.

Tusing Warehouse

The Mayor and Council have been considering an acceptable reuse plan for the Tusing Warehouse since the City purchased the building in 1997 as part of the expansion of the Central Parking Lot. The building is continuing to deteriorate as it sits vacant and is in need of maintenance and repairs. The City needs to take action to either sell or renovate the building for an approved reuse plan. The Tusing Warehouse is not a large building. It is a 10,800 square foot, three story building, situated on a proposed land area of 9,099.57 square feet.

Deborah Everhart, Director of Economic Development, stated Staff feels there are a number of reuse options which would be suitable for consideration which could benefit the City and the downtown. The following ideas were presented for consideration:

1. Health Club
2. Civil War Museum
3. African American History Museum – (Doleman)
4. Channel 6/Public Access
5. School for the Arts
6. Downtown Recreation Center
7. Art Center
8. Specialty Grocery Store
9. Restaurant/Night Club
10. Antique Mall
11. Residential

Several questions need to be considered during the process of determining a reuse strategy. They are as follows:

1. Should the City of Hagerstown retain ownership?

2. Should the City of Hagerstown subsidize a portion of the renovation costs?
3. Should the City of Hagerstown consider the use by a non-profit organization?
4. How can the future use of the building best contribute to downtown vitality?

Councilmember Nigh stated the City needs to bring the building up to code, at a minimum. No cost estimates are available at this time.

Councilmember Cromer suggested issuing another RFP and listing the things the City would be interested in placing in the building. Only people willing to do those things should submit an RFP. Ms. Everhart stated Staff would support that type of approach.

Councilmember Parson-McBean stated the only thing she is interested in receiving proposals for is an African-American History Museum. She would support a proposal from a non-profit organization for this. She stated this would be a good addition to downtown and would help diversify downtown.

Councilmember Cromer stated the building is not large enough for a Civil War Museum. It was the general consensus of the Council to remove residential from the list. Councilmember Cromer stated she would agree to reviewing proposals from non-profit groups for an arts and entertainment use.

The list of acceptable uses is:

1. African-American History Museum
2. Channel 6/Public Access (as an accessory use) – explore need for additional space
3. School for the Arts – partner with the Board of Education for additional space requirements needed for visual arts programming
4. Art Center – develop into an art center with studios, classrooms, and/or studio/galleries

Councilmember Metzner suggested contacting the people who may be interested for proposals.

Staff was asked to provide cost estimates to bring the building up to code. Ms. Everhart asked if the Council is still looking to sell the building. Councilmember Metzner stated all options would be kept open.

Recycling Program Update

Rodney Tissue, City Engineer, was present to discuss the recycling program. In December, City Council authorized the expansion of the recycling program to include co-mingled glass, plastic and aluminum. Mr. Tissue provided an update to the Council to

advise them on how the program is developing and to get their final input before the campaign to advise the public of the program.

The bins are now in the City's possession and will be distributed to the public in March and April. An order form for residents to obtain recycling bins is available on the City's website.

A very important part of the program is the adjustment of the collection times. Refuse collection and yard waste will not change from the current program except for a very small area around West Washington Street where the area has been shifted from the north to the south zone. In lieu of a City-wide collection completed in one night (as is the current process), there will now be five collection nights for recycling. On the night of recycling for a given zone, residents in that zone may set out both mixed paper and their co-mingled products for recycling. A sample of the flyers that will be sent out to the public regarding all of the recycling programs was presented. These give a summary of frequently asked questions of the program. In addition, a tag has been developed that will be placed on improperly placed material. Allied (BFI) can place the tag on the material to give the resident a reason why the refuse or recycling was not picked up.

A comprehensive media campaign about the new program and the change in recycling nights is being planned. Working with Harvey Hoch, the Washington Recycling Coordinator, and Karen Giffin, Public Information Manager, a plan has been developed that includes talk shows, handouts in schools, a video for Channel 6, cable ads and a pilot program.

City Administrator's Comments

Councilmember Metzner stated the Council needs to add an agenda item to next week's meeting. He asked that an executive session be scheduled in order to review the applications received for the office of Mayor.

Rodney Tissue, City Engineer, had no additional comments.

Council Comments

Councilmember K. S. Cromer stated she received a suggestion from a constituent for a "restaurant week" in Hagerstown. She thinks this is a good idea. Councilmember Metzner mentioned that the Gourmet Goat has a great deal on the second Thursday of each month.

Councilmember A. Parson-McBean thanked the Hagerstown Police Department, the FBI and all agents involved for bringing her a little peace (following the arrest of Jeffrey Shifler). She stated the last eleven months have been extremely difficult. She thanked her family and friends who have stood by her. She thanked Councilmember Metzner for his support. She stated a partnership has been formed to work toward inclusive

communities. She would like to see the City adopt this initiative. She is pleased with the reception of the minority business program. She thanked Deborah Everhart for her hard work. There are 106 businesses registered as part of this program.

Councilmember P. M. Nigh stated there is a gang awareness workshop scheduled for February 16, 2006 at Elgin Station. She stated gangs are becoming a problem. There are MS 13 gangs in 33 states and they continue to gain strength. She stated she did not support the additional customer service position because it was originally a union position that was changed. She stated she feels the Council should have waited before proceeding with filling the position. She thanked the officers who were able to apprehend Brandon Morris, who escaped after shooting a correctional officer at Washington County Hospital. Those officers are: Tony Fleegle, Ben Lynch, Chris Watt, Randy Reese, Mike Kovac, Tim Rossiter, Dick Moats and Sgt. Jim Hurd.

She stated the newspaper has played a racism game with a councilperson. She stated if the community wanted to react, they could have reacted to Mr. Morris when he made gestures after he was captured. She stated she is concerned that the YMCA is using the soccer fields at Fairgrounds Park and kids are not given the opportunity to play without paying. She addressed a letter concerning the number of police calls to the REACH shelter. There were 55 calls from December 2, 2005 through February 10, 2006. She is very concerned about the people who stay at the shelter. Some are registered sex offenders.

She stated she thinks the concept for the commercial/industrial site on Howell Road has been lost. She stated the site should remain industrial in order to attract businesses that will create jobs for citizens. She is concerned that the road (R. Paul Smith Boulevard) will never be completed and the taxpayers will have to pick up the tab for the unfinished road.

She expressed sympathy to the family of Martha Hollins. Mrs. Hollins and her husband, Walter, were active in Asbury Church. She will be remembered as a great lady. She asked that Mrs. Hollins be included in the recognition of Black History Month.

Councilmember Nigh stated she also received hate mail. The first letter she received asked who cared about her ill daughter. When her daughter was brought into this, Jeffrey Shifler went too far. He is an upset and angry individual. The City of Hagerstown made the papers in Frederick and Washington because of something stupid and ugly. It is not about race, it is about hate. She stated the newspaper needs to realize there is a mix of all types of people in Hagerstown. She is concerned that Hondurans, blacks, whites and Salvadorians will begin fighting over territory.

Councilmember L. C. Metzner stated he was mentioned in the hate letters. Various elected officials, staff members and their families were directly threatened. He stated when officials accept positions, they know they will have to deal with many things, but no one finds it acceptable to have their families threatened. At the same time, they all need to be aware of what happened in this community in the last week. A piece of hate

has been removed from the community. He stated the Council is overcoming the political turmoil the City has faced. He believes people will acknowledge that this government is working and achieving goals. The Council is moving forward with the Adequate Public Facilities Ordinance. This ordinance is very important; perhaps the most important thing in the last four years. It reflects more than a revenue stream and living up to campaign promises. More than anything, it reflects the ability of this group and the Washington County Commissioners to work together for the benefit of all citizens. He then wished his mother a Happy 80th Birthday.

There being no further business to come before the Mayor and City Council, on a motion duly made by Councilmember A. Parson-McBean and seconded by Councilmember K. S. Cromer, the meeting was adjourned at 6:06 p.m.

Respectfully submitted,

Donna K. Spickler
City Clerk

Approved: _____