

WORK SESSION AND EXECUTIVE SESSION – FEBRUARY 19, 2008

WORK SESSION – February 19, 2008

Mayor R. E. Bruchey, II called this Work Session and Executive Session of the Mayor and City Council to order at 4:06 p.m., Tuesday, February 19, 2008, 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, and D. K. Spickler, City Clerk.

HIP Award Presentation

Linda Boden, Customer Service, was presented with the HIP Employee Award for the month of December, 2007. Mayor Bruchey presented Ms. Boden with a check and certificate in recognition and appreciation for her efforts.

City of Hagerstown's Federal Agenda

Kareem Murphy, The Ferguson Group, met with the Mayor and Council to finalize the City of Hagerstown Federal Agenda for Fiscal Year 2009. A draft agenda has been developed outlining numerous projects that have been identified. Sean Morgan was also present.

Mr. Murphy stated the draft agenda is a result of conversations and meetings with Bruce Zimmerman and several department managers. There are three sections:

1. Appropriations Requests – asking to include in the funding bill for the upcoming fiscal year
2. Authorization Requests – pieces of legislation that create new programs or modify existing programs
3. Grants/Policy/Non-Appropriations – a work plan to provide to Congress

Mr. Murphy asked that the Mayor and City Council prioritize the appropriations and the authorization lists.

Councilmember Brubaker asked if there is a difference in the likelihood of success between appropriations and authorizations. Mr. Murphy stated authorization bills can be extended. They want the Congressional Delegation to be aware of the request. Developing the list is a way to make Congressional representatives aware of the request.

Councilmember Brubaker does not think the City should be lobbying for funding for improvements for Eastern Boulevard to Marsh Pike. They should wait until they figure out how to get from Jefferson Boulevard to Marsh Pike. Two other projects should be considered because they will cost a great deal. Both include bridges. The Haven Road extension should be included because it is entirely within the City. He would place a

higher priority on the Haven Road Extension project than the extension of Professional Court. He stated staff is correct in their understanding that the Mayor and Council find Eastern Boulevard to be the most pressing project, but it is not a City project. He would move Eastern Boulevard to the bottom of the priority list.

Mr. Murphy suggested requesting a more appropriate amount of \$ 1 million for the Wastewater Collection System Rehabilitation. The amount requested should be more in line with what may actually be funded.

Councilmember Metzner asked which project – the Water System Upgrade or the Wastewater Collection System Rehabilitation is more important. Mr. Murphy indicated there is one funding stream for both water and wastewater projects. He suggested asking for the wastewater collection system project and including the water system upgrades project on the authorizations list. Another option would be to bundle the projects together and include the combined project on the appropriations list.

Mr. Murphy indicated The Ferguson Group will explore all funding avenues. Appropriations funding cannot be used for bricks and mortar projects. One strategy is to spread out the project requests over as many funding sources as possible.

It was the general consensus of the Mayor and City Council to move the Eastern Boulevard project from the appropriations list to the authorizations list.

Councilmember Nigh stated the Radio Equipment Acquisition has to be a high priority.

The revised list is as follows: Water and/or Wastewater System Project, Haven Road Extension, Radio Equipment, Doleman Collection and Minority and Woman Owned Businesses Program.

Mr. Murphy stated they have determined if the City's needs match the parameters of the program. Then, they will match the City's priorities and fit them in with the programs that are being offered. The authorization list now includes: Water and/or Wastewater Project, Professional Court, and Eastern Boulevard.

The remaining list is a work order for The Ferguson Group and City staff to work on throughout the year.

Councilmember Parson-McBean asked Mr. Murphy to explain earmarks. Mr. Murphy indicated the President called for Congress to cut the number of earmarks they put in for appropriations. Earmarks are an indication of how much money Congress appropriates for each project. From that point, they determine line item expenditures. Removing earmarks does not affect the ceiling that has been established.

Mayor Bruchey stated the Safety Center needs to stay in the forefront of the grants list. He mentioned BRAC should also stay at the top of the list. He has submitted letters

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stating Hagerstown now finds itself in a position to accept support services.

Councilmember Parson-McBean would like to know more about BRAC and its affects before agreeing to make it a priority project.

Mr. Murphy stated in order to gain the attention of Congressional and Senate members, the Mayor and City Council should travel to Washington, DC to meet with them, prior to the first two weeks in March. The dates originally recommended were February 27, 2008 or February 28, 2008.

Councilmember Parson-McBean indicated she had a prior commitment on February 28, 2008.

After considerable discussion, a majority of the members determined that February 27, 2008 would be suitable.

Mr. Murphy thanked staff members, who made developing the priority list easy. They will develop talking points for the Mayor and City Council. The Mayor and City Council will formally present the agenda and talk about the projects and ask for support of these projects.

Preliminary Agenda Review

Consent Agenda

- A. Community Affairs: Cosmetic Restoration of Steam Locomotive and Tender – Davis Custom Applications (Chambersburg, PA) \$ 12,000.00
- B. Engineering: Paving Hellane Park Parking Lot Improvement – David H. Martin Excavating, Inc. (Chambersburg, PA) \$ 146,941.80
- C. Public Works: Dumpster Program – Allied Waste Services (Hagerstown, MD) Dumpster Rental \$ 0, Cost per pull: \$ 105, Tipping fee per ton (residential waste and building waste) \$ 50 or \$ 75
- D. Information Technology: ESRI GIS Software Annual Maintenance Renewals – ESRI, Inc. (Redlands, CA) \$ 11,405.60
- E. Water and Sewer Department:
 - 1. Water Meters – L/B Water Service, Inc. (Chambersburg, PA) \$ 50,699.52
 - 2. Inventory Items for Water Fund Inventory – HD Supply Waterworks, LTD (Martinsburg, WV) \$ 58,247.76
- F. Parks & Recreation: Mowing and Trimming Contract – 4 Year Contract – 2007 through 2010 – Ground Envy (Hagerstown, MD) \$ 78,320.40 for all

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four seasons (2008 Season \$ 18,874.80, 2009 Season \$ 20,196.00, 2010 Season \$ 21,069.60 – Subsequent seasons to be awarded each year)

Councilmember Brubaker asked how much is spent on the dumpster program. Eric Deike, Public Works Manager, estimated the cost to be \$ 40,000 to \$ 50,000. There is a separate account for this collection.

Approval of Ordinances: Adoption of the Revised Property Maintenance Standards, Adoption of the International Building Code, 2006 Edition; Adoption of the International Plumbing Code, 2006 Edition; Adoption of the International Mechanical Code, 2006 Edition; and Adoption of the National Electric Code, 2008 Edition

No additional comments have been received regarding any of these revisions since the introduction of the ordinances in January.

Introduction of an Ordinance: Acceptance of Offer of Dedication of Right of Way for Alley 1-71

Staff is prepared to rebuild alley 1-71 (behind Girls, Inc. between Washington Avenue and East Franklin Street) due to the poor condition of the pavement. About five years ago, a plat was prepared by the adjoining property owner and staff requested that a small area (17.9 sf) of land that juts into the alley be dedicated to the City. The plat showing the offer was recorded on June 24, 2002. Staff recommends that the City Council accept this offer of dedication, prior to rebuilding the alley.

It was the general consensus of the Mayor and City Council to accept this offer of dedication by Resolution at the meeting on February 26, 2008.

Approval to Submit Maryland Heritage Area Authority Grant Application

Staff would like the Mayor and City Council's authorization to submit a grant application to the Maryland Heritage Area Authority for a \$6,000 - \$ 8,000 project to expand the interpretive plaque project which was funded in the 2007 round of grant awards. Staff feels that this is an important project to enhance the educational experience for citizens and visitors to Hagerstown. The plaques highlight the impact of the Civil War on Hagerstown, as well as the significant impact some of our citizens had on events and situations in the Civil War. In addition, the individuals highlighted in the expanded project demonstrate how divisive the Civil War was for citizens in this border state. The deadline for the grant applications is February 29, 2008.

It was the general consensus to authorize staff to submit the grant application.

Approval of 2008 Hagerstown Cycling Challenge

The City of Hagerstown has partnered with the Antietam Velo Club for over nine years to host the Hagerstown Cycling Challenge. This event is slated for Saturday, July 12, 2008. City staff has placed this in the department's request for the 2008/2009 Public Functions Budget and has estimated the cost at \$ 3,500.00.

It was the general consensus of the Mayor and City Council to include funding in the FY 2008/2009 budget.

Approval of Music by the Lake Series

The Washington County Arts Council would like to continue their partnership with the City to present another outstanding summer concert series in City Park. They proposed continuing the series of eight consecutive Saturday evening performances. The programming again will focus on regional bluegrass and country performers.

The projected budget is \$ 21,000. They are asking the City of Hagerstown to join them in presenting the series in the amount of \$ 10,500.

It was the general consensus of the Mayor and City Council to include funding in the FY 2008/2009 budget.

This completed the preliminary agenda review.

Hagerstown Beautification Advisory Committee Project

Geordie Newman and Pam Arnold of the Hagerstown Beautification Advisory Committee were present to discuss the Committee's proposal for a new downtown enhancement project – Adopt-A-Planter.

City staff support the Committee's project and feel that it would be consistent with the goals for enhancement of the image of the downtown and the Livable City initiative. The Public Works Department is agreeable to their proposed participation in delivery of dirt-filled planters to the adoptees.

The Committee would like to kick the project off at May Mart this year, which would involve having a certain amount of planters created for adoption in the current fiscal year. The goal is to have sidewalk flower planters appearing throughout the downtown this spring and summer. Staff has suggested that they limit the budget for creation of the planters to no more than \$ 10,000 in the first year. This would provide funding for about 30 planters. Adequate funding is available in the Downtown Beautification account to accommodate this first year plan for the project.

The molds will be cast with Little Heiskell. The Committee would like to put a nameplate on the rim of the planter that would give recognition to the individual or the

business that has adopted the planter. They have drafted an agreement in which the City would agree to purchase the planter and provide the location and the adoptee would agree to purchase the plants and maintain them. If the adoptee changes, the name plate can be easily changed. Some local florists may be willing to maintain the planters for someone who is not good with plants.

Councilmember Parson-McBean would like to have the City seal on the planter. Mr. Newman indicated the mold can be used approximately 100 times but with each use the detail is diminished. The molder suggested using a less intricate pattern.

It was the general consensus to have staff move forward with the Beautification Advisory Committee to implement this new downtown enhancement project utilizing currently budgeted funds for downtown beautification.

Mr. Zimmerman thanked Ms. Arnold and Mr. Newman for the great ideas.

Mural on the Elizabeth Hager Center

Eric Deike, Public Works Manager, was present to discuss two items. The first is for staff to proceed with removing the existing mural on the Elizabeth Hager Center. The second is for staff to work with the Hagerstown Beautification Advisory Committee (HBAC) to determine what artwork will replace the mural.

In June 2006, staff brought the issue of the mural to council for discussion. Kevin Moriarty of the Washington County Arts Council also attended the meeting in support of removing the mural due to its deteriorating condition. Council requested that staff investigate the possibility of actually covering the existing mural with another mural. At the time of that meeting, staff thought there was a product capable of layering over the existing mural.

Staff has been unable to find a product that will simply cover the existing mural. It appears that the only alternative is to completely remove the mural and start over. The condition of the mural continues to deteriorate with increasingly more of the painting falling away from the building.

Staff is also recommending that the HBAC take on the responsibility of determining what to place on the wall after the existing mural has been removed. Several options have been discussed including a new mural or some type of sculpture or framed photographs with historical significance to Hagerstown.

Staff could proceed immediately with the process of removing the mural. The project would probably be completed through a contractor familiar with paint removal from brick without damaging the brick.

It was the general consensus of the Mayor and City Council to approve the work and to have the HBAC develop ideas for the replacement. Mr. Deike will ask contractors, through an RFP process, what plan they have for removal of the mural.

Councilmember Parson-McBean suggested looking at the anti-graffiti program in Philadelphia, Pennsylvania. Councilmember Nigh would like to see the mural saved.

Revisions to Water Policy and Annexation Policy

Kathleen Maher, Planning Director, and Michael Spiker, Director of Utilities, were present to discuss proposed revisions to the Annexation Policy that would be necessary to implement the recommendations of the draft 2008 Comprehensive Plan. The goal would be for the Mayor and City Council to adopt the amendments to the Annexation Policy immediately following adoption of the 2008 Comprehensive Plan – at the same meeting, if possible.

The draft 2008 Comprehensive Plan is recommending a significant new policy for growth management and the provision of the City's water and wastewater services. It delineates a Medium Range Growth Area as the intended annexation area for the City for the next 20 years and the intended wastewater service area for the City for the next 20 years. The current draft of the 2008 Comprehensive Plan identifies the Hagerstown Urban Growth Area (as defined in the 2002 Washington County Comprehensive Plan) as Hagerstown's Long Range Growth Area and the City's water service area. A recommended implementation action in the draft 2008 Plan is to revise the Annexation Policy to reflect the Comprehensive Plan's changes to water and wastewater policies.

On January 23, 2008, staff met with the Planning Commission to review proposed changes to the Annexation Policy necessary to implement the recommendations for the draft 2008 Comprehensive Plan and to be consistent with new State law affecting annexation activities (HB 1141). On February 11, 2008, staff met with the City Attorney to review the proposed revisions to the Annexation Policy to ensure that staff were not creating any potential legal issues for future use and defense of this important City policy. One result of these discussions is a recommended policy revision to the draft 2008 Comprehensive Plan. In response to the City Attorney's feedback, additional revisions were made to the Annexation Policy and the Planning Commission recommended approval of the revisions at their February 13, 2008 meeting.

Summary of Recommended Annexation Policy Amendments

1. Page 1 (Section 1.E), Page 2, Page 6 (Section 4) - new language to provide the connection between this Policy and the 2008 Comprehensive Plan and to identify the Medium Range Growth Area as the intended annexation area for the next 20 years and the intended area for the provision of municipal services for the next 20 years.
2. Page 2 (paragraph 2) and Page 6 (Section 4) – change references from “utility services” to “municipal services” to clarify that annexation

involves the provision of all services that might be provided by the City – not just water and wastewater

3. Page 3-4 – the Finance Director will analyze the outdated financial information in this section and determine what changes need to be made
4. Page 5 (D) and Page 12 (Section 11) - changes to reflect current State annexation law requirements for the Annexation Plan (formerly Outline of Extension of Services) and the zoning consistency requirement
5. Page 7 (Section 5.A) and Page 9-11 (Section 6) – updated terminology by changing “sewer” to “wastewater”

Comprehensive Plan Implications

The discussion between staff and the City Attorney on Section 4 (page 6) revealed that the provision of any municipal service without the expectation of annexation will jeopardize the Annexation Policy. At present, the draft Comprehensive Plan states that wastewater and annexations are limited to the Medium Range Growth Area and water is limited to the Long Range Growth Area (the UGA). As such, developments outside the MRGA but within the LRGA would be provided with water but without the expectation of annexation for the next 20 years. The result of this discussion with the City Attorney is that staff and the Planning Commission are in agreement that the draft Comprehensive Plan should not include policy language stating that the City will provide its water services outside the City’s intended 20 year annexation area, the Medium Range Growth Area, except under identified special economic development and health and safety provisions.

With the Mayor and City Council’s recent revision to the draft Comprehensive Plan to include the Hopewell Valley area (Greencastle Pike to I-81 from Broadfording Road south to I-70) in the MRGA, this significant change to the Plan’s water policy language will have less of a community impact. However, the areas south of I-70, west of Greencastle Pike, and in proximity to the airport would now be located outside the proposed water service territory for the City for the next 20 years – just as they are outside of the proposed wastewater service area for the next 20 years.

With such a change to the draft Comprehensive Plan’s water policy, staff recommends that the language regarding special exceptions for important economic development projects in the Airport area be expanded to cover wastewater *and water* and to include the Friendship Technology Park in this special provision.

If the Mayor and City Council are in agreement with the proposed amendments to the Annexation Policy, staff will prepare the amendments for adoption with the 2008 Comprehensive Plan.

If the Mayor and City Council are in agreement that the proposed change to the 2008 Comprehensive Plan’s water policy should be made, staff will work with the consultant to make the fairly significant modifications to maps and data in the Comprehensive Plan which will be necessary. Because of the significance of this change and the amount of

work involved in modifying the draft Plan, staff recommends that the Mayor and City Council postpone the public hearing on the draft Plan until March 25, 2008. This will provide extra time to not only update the final draft of the 2008 Comprehensive Plan, but to also circulate it to interested parties.

In order to maintain consistency with the City of Hagerstown's 2008 Comprehensive Plan, changes to the former Water and Sewer Policy, adopted February 24, 2004 are required. These changes reflect the current Utilities Department verbiage as it relates to administrative titles and departmental titles. Additionally, references have been included which indicate the 2008 Comprehensive Plan and a reference to Policy 4-6. Due to the fact that the policy only addressed issues related to water, all references to Sewer have been removed from the document.

A Public Hearing for the 2008 Comprehensive Plan will be held on March 25, 2008.

Health Care Committee Annual Report and Recommendations

Donna Messina, Director of Human Resources, and Susan Delauter, Human Resources Administrator, were present to discuss the recommendations of the Healthcare Committee.

Each year, the Healthcare Committee makes recommendations to the Mayor and Council regarding rate changes for the next fiscal year and any proposed changes to the healthcare benefits available to City employees and retirees. At this time of year, staff needs the approval of the Mayor and Council to move forward with those recommendations and prepare for educational sessions with employees prior to open enrollment.

Positive benefits of the 2006 changes:

1. The Healthcare Committee made it a top priority to make plan changes including changes to prescription coverage to control costs. Changes were approved by Mayor and Council and implemented as recommended.
2. Significant changes to plan designs decreased the OPEB liability for the City of Hagerstown
3. The City of Hagerstown and its employees are benefiting by lower increases in premium.
4. Over \$ 118,000 this year alone in administrative savings with new consulting services from CBIZ.
5. Reduced the expected premium increase from double digit to an anticipated 5% increase for 08/09.

Recommended Changes for 2008/2009

1. Optional Basic Healthcare Plan Revised – In 2006-07 the City introduced a Basic Medical/Rx plan with 80% coverage and a cap of \$ 3,000 for prescription drugs. Based on employee feedback, the Committee is proposing a revised basic plan, which includes a high deductible and a

Health Savings Account for out of pocket medical expenses. They recommend a portion of the cost savings (\$500/year) be allocated to HAS accounts for participants. This plan encourages wellness practices and careful use of services.

2. Dental Plan Administration – Carefirst currently processes employee claims. The Committee is proposing changing the plan administration to NCAS, the current medical claim processor, for a savings of \$ 38,000 in administration fees. The same plan designs and provider network will have the convenience of one card for medical/prescription/dental.
3. Optional Benefits – The Committee is recommending the introduction of several voluntary benefits, with the employees paying the established group rates. These plans allow the employee to access coverage that they may not be able to purchase on their own, at an affordable rate with no charge to the City. The following are several examples of optional coverages being considered: Vision, Supplemental Life Insurance, Disability

Regular review of plan utilization allows the Committee the opportunity to be proactive in their recommendations to the Mayor and Council. Changes have been made to control the rising costs of health related services and to encourage responsible management of the City's plans.

Mayor Bruchey asked if employees could choose an optional benefit outside the ones recommended by the Healthcare Committee. Ms. Messina stated a program with multiple vendors would be more difficult to administer. Becky Royal, CBIZ, indicated there may be some risk that carriers will retract their quotes if there are more choices.

Mayor Bruchey stated it appears the Healthcare Committee would be mandating who provides insurance for employees.

Councilmember Parson-McBean asked if any consideration had been given to partnering with Washington County to increase the group size.

Mayor Bruchey asked if employees could choose another program and have the premium deducted from their paycheck. Councilmember Metzner stated they could write a check to the carrier. Councilmember Parson-McBean stated the employee could have the premium deducted from their bank account.

Councilmember Cromer thinks it would be cumbersome administratively to keep track of a large number of policies. Another consideration would be if there was a problem with a claim. The Human Resources department staff can't be expected to contact different companies.

Councilmember Parson-McBean asked if different companies were contacted. Ms. Royal indicated pricing was received from different companies, but not agents. The current carrier provided the best proposal.

Councilmember Parson-McBean stated there may be a better rate from a local company and an employee could contact the local agent if there is a problem with a claim. Ms. Messina indicated the company with local representation did not have the lowest pricing and they required medical underwriting. This could affect coverage for employees.

It was the general consensus to approve the recommendations of the Healthcare Committee. Staff will begin to prepare for open enrollment, with the changes.

Bruce Zimmerman, City Administrator, stated the Council's hard work in 2006 is paying off for employees, retirees and the City. Savings have been achieved. The savings could be as large as \$ 1,000,000.

A recess was taken.

Landscape Beautification at City Gateways

As a follow-up to a discussion with City Council in November, Council supported the idea of upgrading traffic islands in the existing neighborhoods and requested staff to develop a plan to complete all the island upgrades this spring. The locations are:

1. North Prospect Street at Pennsylvania Avenue (City property east of North Prospect Street)
2. Three traffic islands on Eastern Boulevard near Potomac Avenue
3. Two traffic islands at Virginia Avenue/Wilson Boulevard

Landscaping these highly visible islands will make a positive impression as motorists enter the City at these gateways.

After reviewing the budget and expenditures at this point of the fiscal year, staff offers the following plan for funding the work at all the locations:

1. Staff would fully utilize CIP 560 "Traffic Islands and Traffic Calming", with a fund balance of \$ 14,150.
2. CIP 720 "Landscape Improvements in 000 Block North Potomac Street" has a current fund balance of \$ 50,497. Due to a few street tree issues in this block, the Public Works Department will be utilizing approximately \$ 10,000 to replace four Bradford Pears and landscape the associated tree pits, leaving a balance of \$ 40,497. If the Mayor and Council wish, this fund balance could be reprogrammed to be spent on the above traffic island improvements instead of any additional work on North Potomac Street.
3. The resulting total of \$ 54,647 is estimated to be sufficient to complete the work at all three traffic island locations listed above.

If Council endorses this plan, staff will bid the landscape improvements and return in March with a contract for award. Work would begin immediately in April.

It was the general consensus of the Mayor and City Council to move forward with this project.

Proposed Modification to Sidewalk Maintenance Program

Rodney Tissue, City Engineer, and Jim Bender, Assistant City Engineer, were present to discuss a sidewalk maintenance program. Mr. Tissue thanked Mr. Bender for his diligence in researching this issue.

Safe sidewalks and pedestrian walkways are an important element in any livable City. The City of Hagerstown's Department of Engineering and Code Administration currently administers an annual sidewalk maintenance program that seeks to repair or replace deteriorated curbs and sidewalks. The City Code places the responsibility for maintenance of the curbs and sidewalks on the property owner whose land abuts these features.

On November 6, 2007, staff presented preliminary information to Council regarding the City's current sidewalk repair and maintenance program. At the request of Council, staff has reviewed the structure of the current program in an effort to decrease the financial burden on property owners for curb and sidewalk repairs.

The existing program places the responsibility of curb and sidewalk maintenance on the abutting property owner. On September 23, 2003, Council endorsed a policy that sets the criteria by which a curb or sidewalk is deemed to require repair. Notices are sent out requiring owners to make repairs to their curbs and/or sidewalk. The majority of these notices are tied to the City's Annual Street Overlay program. Notices are also sent out to property owners as a result of Rental Licensing/Property Maintenance inspections.

The notices give the property owners a deadline to complete the repairs. The property owners are responsible for making the repairs themselves, or for hiring a contractor to perform the work. In either case, the City requires the property owner or contractor to obtain a Curb & Sidewalk Permit, and to perform the repairs in accordance with City standards.

Staff estimates that the average repair cost is \$ 1,500 to \$ 2,000.

While the existing program is generally effective, there are several issues:

1. The cost of completing curb and sidewalk repairs under a deadline can be a significant burden on certain property owners.
2. Multiple owners or contractors performing sidewalk repairs at different times can produce inconsistent, patchwork results, and can extend the length of time that pedestrian traffic is disrupted along a particular street.

3. Enforcing deadlines for property owners and/or scheduling abatements for non-compliant properties can make it difficult to complete the repairs before pavement overlay work begins.

Most municipalities nationwide have either a Sidewalk Maintenance Program, or some sort of code or ordinance that governs the repair and/or maintenance of sidewalks. The method of administering and financing these programs varies widely. Some municipalities have their own work crews do all of the curb and sidewalk repairs. Others hire a contractor to perform all of the repairs. Still others use a combination of city-hired contractors and property owner-hired contractors to perform the work. Some municipalities pay for the work out of general fund tax revenues. Others assess property owners a pro-rata share of the costs to make repairs along their street.

The City's budget does not currently allocate funds to subsidize curb and sidewalk repairs for residents. The proposed changes to the City's curb and sidewalk program are based (in large part) on the program used by the City of Rochester Hills, Michigan. Property owners there with defective sidewalks receive notices similar to those issued in Hagerstown. However, Rochester Hills' residents are given a choice: they can elect to perform the repairs themselves (or hire their own private contractor to do the work), or they can choose to have the work performed by a contractor that was awarded a contract with the City to do these repairs.

The proposed program presents both potential advantages and challenges:

Advantages

1. Property owners still have freedom to do their own repairs.
2. If the City's contractor performs the work, the cost will likely be less due to lower unit rates for the work.
3. The City will have more control over the scheduling of the repairs, which should decrease conflicts with the street overlay program, and decrease the length of time that pedestrians are inconvenienced by repair work on any particular block.
4. Having a single contractor perform the majority of the repairs will likely result in a more consistent finished product.
5. If the City is forced to abate sidewalk repairs for a non-compliant property owner, a contractor will already be "on board" to do the work.

Challenges

1. City must establish a budget account to "front" the money required to pay the contractor until the property owners pay their invoices and reimburse the fund.
2. An accounting process must be established to distribute invoices, collect payments, and deal with delinquent accounts.
3. Staff must spend a significant amount of "up front" time preparing contract documents to put the work out to bid,

- and additional time to administer the contract and coordinate the contractor's schedule.
4. Staff must still monitor sidewalk repairs performed by property owners or private contractors in addition to monitoring the work of the City's contractor.
 5. The City will be drawn into more disputes (or receive more complaints) from property owners because of its contractual relationship, i.e., instead of a property owner having to resolve issues with his own contractor, they will likely turn to the City with any concerns over property damage, "shoddy" construction, noise, property access, etc. related to the repair work.
 6. Existing City ordinances and policies must be revised to accommodate the new program.

The proposed changes to the Curb and Sidewalk Program help to address some of the concerns with the existing program, and may decrease the financial burden on property owners that are required to make repairs. However, these changes will place an additional demand on staff and City processes. If Council elects to proceed with these changes, staff recommends that the scope of the program be limited initially to curb and sidewalk repairs associated with the annual street overlay program. If the program is successful, it can be expanded to include repairs related to Property Maintenance Code inspections and other situations. Staff feels that the new program can be implemented in time for use on the streets that are on the 2009 overlay list.

Regardless of whether or not changes are made to the program, staff feels that more can be done to make residents aware of financing assistance available through the CDBG program.

Councilmember Metzner stated he would like to provide a way for citizens to receive a reduced rate from a contractor. Councilmember Nigh wondered if larger contractors would take business from smaller contractors.

Councilmember Cromer was informed it would be easier and less costly for a contractor to lay all curbing in a block in one day.

Councilmember Metzner asked if the Neighborhoods 1st program could be a part of a program like this. Councilmember Cromer pointed out not all neighborhoods have a Neighborhoods 1st group.

Councilmember Cromer suggested informing residents it may be less expensive if they combine their curbing and sidewalk repairs. The City could provide information about contractors. Councilmember Metzner asked if this could be tried on a voluntary basis. If this was done, the City would not have to provide "up front" money and it would provide an opportunity for citizens to work together. Councilmember Cromer

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stated one problem would be if one person doesn't want to be involved. Another problem would be if anything goes wrong, the citizens don't have much recourse.

Councilmember Parson-McBean stated citizens may expect the City to handle any problems if they provided information about a contractor.

Councilmember Cromer stated the City is requiring homeowners to replace curbs and sidewalks. She feels the City should have some responsibility in the process.

Councilmember Metzner stated a discussion about curbs and sidewalks takes place every few years. Councilmember Cromer is not saying the City should pay for the contractor. She would be more comfortable with the process if she knew all the work was being done at the same time and the costs were being split evenly.

Councilmember Parson-McBean likes the idea of the City having a list of contractors for homeowners to contact.

A typical warranty on a sidewalk is one year.

Councilmember Nigh asked how much time will be spent in court with cases against landlords to abate their sidewalk repairs.

Councilmember Parson-McBean asked if State money is available for sidewalks. Mr. Tissue indicated there is some, but not enough to cover the costs of the annual sidewalk repairs.

Councilmember Metzner and Councilmember Nigh support keeping the program for curb and sidewalk repairs the way it is. As an alternative, the City could pick one street as a trial area and provide a list of contractors to the homeowners.

Mr. Bender stated one of the benefits of the City administering the program is the contractor may be more likely to provide lower unit prices if they were dealing with the City, rather than individuals.

Councilmember Nigh asked if the cost for repairs could be a no interest loan that would be paid when the owner sells the property or passes away.

Mr. Tissue summarized the discussion as the Council is asking staff to obtain prices from contractors to repair property owners' sidewalks. The City would not be involved in the contract, or the billing or the payment to the contractor. He stated the Engineering Department could keep a list of contractors with their square footage costs for curb and sidewalk repair.

CITY ADMINISTRATORS COMMENTS

Bruce Zimmerman, City Administrator, had no additional comments.

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Councilmember A. Parson-McBean thanked those who are participating in the Black History Month happenings in Hagerstown.

Councilmember M. E. Brubaker had no additional comments.

Councilmember K. S. Cromer was unable to attend the Fire Department's annual banquet. She was recovering from pneumonia. She asked if a new non-union position had been created in the Water Department without the Council's knowledge. Mr. Zimmerman stated the Water Department has been restructuring some areas but no new positions have been created. He indicated a new position would not have been created without discussing it with the Mayor and Council. He will research this and provide further information.

Councilmember Cromer asked for a list of employees with take home vehicles. She specifically wants to know if the employee is a City resident, County resident or State resident. She has been told supervisors who live out of state have take home vehicles. She is concerned about the cost of gasoline and the extra mileage on the vehicles.

Councilmember Cromer would like to discuss the fire station on South Potomac Street. There have been discussions about whether or not to keep the station open and whether or not to move it. If this station was closed, there would be cost savings in manpower and operational costs.

Councilmember L. C. Metzner had no further comments.

Councilmember P. M. Nigh thanked everyone who donated to the Muscular Dystrophy Association during their annual "lock up" event. She urged customers who are in arrears on their electric bill to contact the Community Action Council to see if they qualify for the Utility Relief fund. She is concerned no one has applied for the assistance.

Councilmember Nigh stated people who are not satisfied with the newspaper should contact the owner, who lives in Indiana. She hopes someone soon listens to the people who are complaining about the newspaper.

She pointed out the amount of trash left on the street after the weekly pickup in increasing. Mr. Tissue will contact the contractor.

The Cabin Fever Blues Bash, featuring Gina Sicilia, will be held on March 7, 2008 at the Maryland Theater. A bus trip for World War II veterans (who are City residents) is being planned for April 10, 2008. There will be no cost for veterans.

WORK SESSION AND EXECUTIVE SESSION
2008

FEBRUARY 19,

MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

Mayor R. E. Bruchey, II stated the Muscular Dystrophy Association event was for a good cause. They will assist in sending disabled individuals to summer camp.

EXECUTIVE SESSION – February 19, 2008

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 meet in closed session at 7:14 p.m. 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 and to discuss the public security, if the public body determines that public discussions would constitute a risk to the public or public security, #10. No formal action was taken. The meeting was held in the Council Chambers, 2nd floor at City Hall. The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: March 25, 2008