

WORK SESSION – February 20, 2007

Mayor Robert E. Bruchey, II called this Work Session of the Mayor and City Council to order at 4:03 p.m., Tuesday, February 20, 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.

Proclamation – Energy Awareness Week

Mayor Bruchey presented a proclamation to Dave Jordan, Community Action Council, naming February 19 – 23, 2007 as Energy Awareness Week. Events will be held throughout the State to raise awareness of the benefits available to those in need. Mr. Jordan announced that Hagerstown Helps has received donations for additional assistance.

Preliminary Agenda Review

The preliminary agenda was then reviewed.

Public Hearing

A public hearing will be held to discuss an amendment to the Community Development Block Grant Program FY 06/07 Annual Action Plan. The following projects will be considered: Streetscape on Locust Street and Pedestrian Traffic Signals.

Consent Agenda

- A. Public Works: Spring Dumpster Program - Allied Waste Services
(Hagerstown, MD) Cost per dump: \$ 105.00, Tipping Fee: \$ 50.00 or \$ 75.00 per ton

Funding for this program is from the collection fees in the General Fund.

- B. Purchasing: 2007 Chevrolet Colorado Pick-Up Truck - Criswell Chevrolet, Inc. (Gaithersburg, MD) \$ 17,208.00

Councilmember Nigh asked for a list of the vehicles that have been replaced during the previous year. The list should include the model year of the vehicle, the cost, and maintenance/mileage information.

Councilmember Nigh then asked for information regarding how well equipped the City is for removing snow and ice, such as during the storm last week. She stated she hopes the condition of the streets is because there was an ice storm rather than a snow storm. Councilmember Cromer stated the crews were out 24 hours per day. She commended the employees for their work. Mr. Zimmerman indicated the storm started on Tuesday, February 13, 2007. Five inches of precipitation fell, with the last two being

sleet and ice. Employees are still focusing on the sidewalks and the parking spaces in the business district. It is very difficult to move and clear the ice. Councilmember Parson-McBean indicated the sidewalk at the alley of the parking deck needs to be cleared.

C. Community Development: Rehabilitation of 119 Randolph Avenue - Accent Builders (Hancock, MD) \$ 68,500.00

D. Engineering:

1. Traffic Engineering Services - KCI Technologies (Hunt Valley, MD), Sabra, Wang & Associates, Inc. (Baltimore, MD) and Whitney, Bailey, Cox & Magnani (Baltimore, MD) 3 Year Open End Contract (Design projects over \$ 10,000 to be Authorized by City Council - other services funded through developer fees)
2. North Locust Street Streetscape - Henson & Son, Inc. (Hagerstown, MD) \$ 131,916.50

Councilmember Cromer asked for an estimated cost for the traffic engineering services. Rodney Tissue, City Engineer, will provide information from the previous three years.

Introduction of an Ordinance: Cluster Amendments #3

Introduction of an Ordinance: Professional Office Mixed Zoning District

Introduction of an Ordinance: General Zoning Text Amendments

Councilmember Brubaker stated he still has some questions about the proposed change in Section 68-16. He will discuss this with the Planning Commission.

This completed the review of the preliminary agenda.

CHS Development Property Management Presentation

Skip Tovornik, the owner of CHS, provided information on the status of his efforts to redevelop the Holiday Motel at the corner of West Washington and North Prospect Street. In the past year, a portion of Mr. Tovornik's business efforts have been directed toward Hagerstown's downtown district where he is purchasing and restoring/adapting buildings for commercial and residential uses. Robert Stouffer and Dennis Rocco were also present.

Mr. Tovornik stated they are currently working on the Mount Prospect project at 37 S. Prospect Street. The project includes restoration and conversion of the former single family home estate into 13 luxury residential condominiums, ranging from 521 to 1,530 square feet and priced from \$ 175,000.00. Efforts are being made to restore the interior and exterior architectural details. Mount Prospect will be fully gated and feature an electronic gate for automobile access. The project is scheduled for completion in May 2007. There has been extensive interest in the project with reservations placed on five of the homes.

The Renaissance Center is located at the corner of Prospect and Washington Streets. The project includes the restoration and conversion of the former Holiday Motel into 16 "Class A" condominiums intended for professional and retail use. The center's parking needs will be addressed with metered, on-street parking and spaces in an adjacent parking lot. Condominium space may be purchased in amounts ranging from 500 to 20,000 square feet. The condominiums are priced from \$ 199 per square foot. Each location will be sold as a finished commercial location. Owners will have the option of upgrading and customizing locations. The project is planned for completion in 2008. Resale of a business with an owned commercial location has greater appeal for buyers. The Renaissance Center can enhance the economic strength of downtown's west end business district and establish a bridge to South Prospect Street's residential district.

Councilmember Metzner arrived at the meeting.

Mr. Tovornik indicated he is working on a third project at 102 South Prospect Street. This includes the preservation and conversion of the former Jamison estate into two 4,000 square foot luxury residential condominiums. This is a joint project of CHS Development Property Management and Dilkes Properties. Long term plans call for the construction of a second condominium building on the grounds. The project is planned for completion in 2008. Interest has been expressed in the project despite the fact that it has not been publicly marketed.

Mayor Bruchey, Councilmember Brubaker and Councilmember Metzner commended Mr. Tovornik and CHS Development for working to preserve historic structures and to help revitalize a neighborhood.

Memorandum of Understanding and Road Impact Fee for Antares Property

Michael Spiker, Director of Utilities, Mark Boyer, City Attorney, and Rodney Tissue, City Engineer, were present to discuss a Joint Service Area (JSA) Expansion Request/Consolidated General Services Agreement (CGSA) for Antares Properties, LLC.

The Washington County Department of Water Quality has requested to modify the boundary of the Murgansville/Orchard Hills Joint Service Area for the purpose of supplying wastewater services at 19638 Leitersburg Pike for Antares Properties, LLC. This property contains approximately 3.12 acres and is located on the North side of Leitersburg Pike. Wastewater allocation will be provided through Washington County's allotment (25,000 gallons) through the recently approved 2007 Sewer Capacity Allocation Plan. Once this property is annexed into the City of Hagerstown, the ownership of the wastewater infrastructure will be transferred to the Utilities Department.

Per Council request, information was provided showing the assumed amount of revenue that may be realized using Planning Department assumptions in regard to rezoning and the expected development that may occur on the vacant properties within the boundaries of the JSA. Using the legally defensible excise tax formula, the City

could realize \$ 186,950.00 from the proposed JSA Road Impact Fee Area collected from approximately 124 acres of undeveloped property within the designated zone.

Mr. Boyer indicated the Mayor and City Council could implement a policy for recovering a portion of road improvement fees for amendments for future development in the JSA/CGSA. Mr. Boyer stated developers have indicated they would be willing to assist with road improvements and execute this agreement. This policy would only cover areas outside the city limits of Hagerstown. Properties that have already been annexed and paid the fee will be issued a credit.

The following three actions will be scheduled for February 27, 2007: Adoption of a policy for the service in the JSA, approval of an amendment to the CGSA and a Memorandum of Understanding with Antares, LLC.

Vicious and Dangerous Animal Ordinance – Dangerous Dogs

Chief Arthur Smith, Hagerstown Police Department, and Mark Boyer, City Attorney, presented an amendment to the City Code to ban “Vicious and Dangerous Animals” from the City of Hagerstown.

This amendment would require the owners of animals, which have been designated as dangerous pursuant to the current Washington County Animal Control Ordinance, to remove them from the City of Hagerstown within 90 days from the adoption of this amendment. This would apply to those animals which have previously been so designated and for which any appeals have been exhausted and/or time limits for appeals has passed. It would further apply in the case of animals so designated after this amendment goes into effect. In these cases the owner will also have 90 days from the exhaustion of any appeals they may have undertaken or 90 days from the date on which those appeals are no longer possible.

Violation of this ordinance will be a criminal offense. As the responsibility is placed on the owner of the animal it will not be necessary to contract with the Humane Society for services. If passed, Staff will explore any cooperation with the Washington County Humane Society which may become appropriate. A list is being prepared of the animals within the corporate limits of Hagerstown which have been ruled vicious and dangerous to date.

Chief Smith reported the Humane Society has a list of 15 dogs that have been deemed dangerous within the City limits. Councilmember Cromer asked for a list of the criteria used to classify an animal as dangerous.

Councilmember Metzner stated the animal needs to be removed from the home and quarantined if it bites a person within the 90 day grandfather period in the ordinance. Mr. Boyer stated the language can be revised to shorten the time.

This ordinance is not a breed specific ordinance. The ordinance prohibits vicious and dangerous animals within the City limits.

It was the general consensus of the Mayor and City Council to include introduction of this ordinance on the agenda for February 27, 2007.

Pangborn Park – Improvements to Garden and Replacing the Garden Fountain

In January and June, staff met with the Mayor and City Council to present a concept plan for improving the Pangborn Park gardens and replacing the fountain. Council approved a concept plan. Based on that meeting, staff developed plans to build a new fountain, replace the gardens, and sought bids to assist the Parks Department staff in their construction. Rodney Tissue, City Engineer, and Junior Mason, Parks and Recreation Superintendent, were present to discuss this project.

The plan shows significant improvements to the gardens in Pangborn Park. The gardens would have an ornamental planting around the perimeter of a lawn panel with the fountain being the centerpiece of the garden. The amount of gardens is a manageable amount of plants for staff to care for. At the eastern end of the garden, the existing trellis is proposed to be modified and opened on its center axis. An irrigation system is also proposed. To create the “water effect” shown in the concept, Delta Fountains was approached to design the fountain. There was no cost to the City for this specialized design, but staff recommends that the equipment be purchased from them.

The Parks Department staff would complete as much work as they could. To assist them, staff also obtained proposals from electricians and plumbers to complete the installation of the piping and electric services. The fountain construction, which is being called “Phase I” could begin in March. Phase II would include the garden improvements and would occur when funds are available.

The budget for the project is \$ 86,000.00. The total for Phase I is \$ 36,000. Funding would be from POS, general funds and a donation from Dan Ryan Builders. For Phase II, staff recommends utilizing funds from a Maryland State Highway Administration “Scenic By-Ways” 100% grant program to fund the rest of the work. Grant administrators have stated that \$ 50,000 in unobligated funds is available for this type of work and a formal request needs to be submitted.

Staff anticipates that the short fall of funds currently available in Phase I will be covered when the \$ 50,000 grant is approved. If the grant is not approved, staff is willing to sacrifice operating budget funds in the Engineering or Parks Department to get Phase I of this important community project underway.

Staff recommends that the County authorize the Parks Department staff to proceed with constructing the improvements, contracting the appropriate plumbing and electrical works, and purchase the equipment from Delta Fountains. They further recommend that Council authorize staff to complete Phase II contingent upon requesting and obtaining

\$ 50,000 from the MDSHA program to complete the garden work as described.

It was the general consensus to move forward with this project.

Summer Playcamps

Karen Giffin, Director of Community Affairs, and Lewie Thomas, Recreations Facilities Coordinator, stated staff would like to continue with the Hagerstown YMCA, Memorial Recreation Center, Inc. and Girls Incorporated of Washington County for the 2007 Summer Camp Program. The proposed funding is as follows:

Hagerstown YMCA	\$ 38,444
Memorial Recreation	\$ 18,470
Girls, Inc.	<u>\$ 15,000</u>
Total	\$ 71,914

If approved, City staff will draft contract which are standard and have no substantive change from last year. The contracts could be approved, by resolution, on February 27, 2007.

Ms. Giffin provided a revised recommendation for the summer camps. There was a significant increase in the amount of funding requested from the previous year. Each of the three groups were asked to make adjustments. The adjustments are as follows:

1. Girls, Inc. – Requesting \$ 12,500 from the City. Increase of \$ 2,500 from previous year would serve 8 additional youth and a total of 38 new youth serviced. Girls, Inc. will raise \$ 3,500 through fund raisers and donations to apply to their camp budget. Number of youth served: 125
2. Memorial Recreation – Requesting \$ 17,320.00 from the City. Increase of \$ 2,320. Number of youth served:
3. YMCA – Requesting \$ 33,075 from the City. Increase of \$ 415.00 from previous year. Number of youth served: 120

Councilmember Parson-McBean stated the organizations should be able to make up the shortfall and not ask the City for increased funding. She suggested they find another funding stream to offset the shortfall.

Councilmember Nigh questioned why the requests for funding have increased if the number of youth served has not increased significantly.

Kim Buchanan, Memorial Recreation Center, stated funding is needed to provide extra staff for extra participants.

Maureen Grove, Girls, Inc., stated the Washington County Gaming Commission provides some funding for these programs.

The YMCA program is fully funded by the City to provide summer camps for children.

Councilmember Metzner stated there may be large differences between the programs offered at the YMCA and Girls, Inc. causing the difference in funding requested.

The organizations will be asked to provide details and financial information for the programs they offer. This will be scheduled for further discussion during the Work Session on March 6, 2007.

Improvements to the “000” Block of South Potomac Street

As a follow-up to a discussion in October, 2006, Staff continued to develop plans to widen the sidewalk in the “000” block of South Potomac Street. The scope of the project was to widen the sidewalk on the east side between the Schindel Rohrer building and Antietam Street and install brick pavers in the sidewalk. To widen the sidewalk, approximately six on-street parking spaces will be removed as the new Arts & Entertainment District Parking Deck is immediately adjacent to this area. The widened sidewalk will be an opportunity for outdoor dining. The plan is endorsed by the adjoining property owners and they have agreed to partially fund the project.

Recently, the possibility of widening additional sidewalks in this block was examined. Widening all the sidewalks between the Public Square and Antietam Street would yield a 24-foot wide road with no on-street parking between the Public Square and Antietam Street. The pavement could be textured and tinted to convey the message to motorists that they are in a “pedestrian zone” and speed should be minimized. The concept of closing the street during off-peak traffic times (such as weekends) is also being explored.

Staff reviewed the revised scope-of-work with the Mayor and City Council to determine if the Council endorses proceeding with the “bigger” project. If the plan is to widen additional sidewalks beyond the original plan, it would make sense to do all the work as one project, only disrupting businesses one time.

On February 16, 2007, a meeting was held to obtain feedback from the various property owners. Approximately 20 people attended and the overall feedback was positive. While several concerns about specific issues were aired, the overall message is this plan is widely accepted.

The estimated cost of the expanded project is \$ 750,000. Final design of the pavement, system to close the street, lighting, and the amount of amenities added (fountains, benches, etc.) will potentially add to this estimate.

If the Council endorses the revised and expanded scope of work, a funding plan would be prepared. Staff and the City’s consultant would work on the design over the summer and work would begin after the festivals in October. Construction would then progress

over the winter into the spring and it is anticipated that work would be completed prior to the Blues Fest in 2008.

Mayor Bruchey stated this project has been discussed before and he met with the business community last week. There are some logistics questions that will have to be answered but the project can be done. He believes this would be a good addition to the Arts and Entertainment District.

Councilmember Cromer asked if money is available for the project. Bruce Zimmerman, City Administrator, stated a bond issue of \$ 125,000 was proposed to fund a downtown revitalization project. Money was also included in the bond issue of December, 2006 for part of this project.

Councilmember Parson-McBean would like to hear from the residents concerning this project. Councilmember Cromer asked for details specific to closing times and alternate routes. She also asked that the project be discussed with fire department personnel. Mayor Bruchey indicated it has been discussed with representatives of the fire departments. Councilmember Nigh stated the project needs to be discussed with the fire department, the police department and the main ambulance provider.

Councilmember Nigh asked why this was discussed with business people before being discussed with the Council. Mayor Bruchey indicated this has been discussed with the Council on several occasions.

Councilmember Brubaker believes this would be a worthwhile project without closing the street. The length of time of the closure and the duration is worth discussing. There are other communities that have outdoor dining without closing the street. He also would like to see the plan for diverting traffic and a funding plan. He asked that Staff continue working on the project.

Mr. Zimmerman stated this plan is different than what was presented before (widening the sidewalks on one side of the street). He asked if the Council is willing to look at the differences in the project.

Mayor Bruchey thought it would be helpful to get input from the businesses for the Council's consideration. Most of the input was favorable. The fire department would have access to S. Potomac Street even if the street was closed. There will be questions about how to get people to the Maryland Theater or the Johns Hopkins Center.

Councilmember Nigh received a letter from someone in the Professional Arts Building who is concerned about access to the building if the street is closed.

Councilmember Metzner stated the Council needs to decide whether or not to widen the sidewalks on both sides. If they decide yes, the project should be done all at one time. He would like information from Cumberland and Winchester, which both have streets that are closed to vehicular traffic.

It was the general consensus of the Mayor and City Council to have Staff develop a funding plan for the project and to continue discussing the entire project.

City Administrator's Comments

Bruce Zimmerman, City Administrator, thanked the Public Works Department for heading up the snow removal process. Employees from other departments assisted. Work is continuing on sidewalks and in the alleys.

Mayor and City Council Comments

Councilmember P. M. Nigh asked who is responsible for clearing snow from the fire hydrants. The City is responsible. She stated the stormdrains need to be cleared also. Mr. Zimmerman stated Public Works and Engineering work together to determine the stormdrains most likely to flood and clear those first. She stated citizens can call her, instead of yelling at the secretary in Public Works. The City does not clear alleys. She is concerned that criminally insane people will be residing at the Potomac Center.

Councilmember L. C. Metzner noted this was one of the worst snows here in several years. It was difficult to shovel and plow because of the amount of ice that fell. He would rather have calls from citizens asking why streets aren't two lane and alleys aren't cleared than calls from citizens complaining about increased tax rates, due to snow removal. Staff acted appropriately in determining how to remove the snow.

Councilmember K. S. Cromer stated city employees did an excellent job with plowing snow and ice. They worked around the clock. She asked that an executive session be held to discuss boards and commission membership. She suggested that Martin Brubaker and she be the City representatives on the 2+2 Committee. She attended the annual Fire Awards Banquet on Saturday. She asked for a list of incentives that are offered to volunteer firefighters. She informed the group the term for the residents Councilmember Nigh mentioned is criminally responsible.

Councilmember M. E. Brubaker attended a transportation forum. Mr. Tissue made a presentation about the City's plans and did an excellent job. A presentation was also presented by the County Engineering Department. The group will be discussing regional agreement for some projects. He indicated other communities were also "locked in" by snow and ice.

Councilmember A. Parson-McBean reminded everyone the Martin Luther King Scholarship dinner will be on Sunday, February 25, 2007 at 4:00 p.m. Information is available at City Hall for assistance with prescriptions. Her father is getting stronger and doing better.

Councilmember Cromer reminded everyone that names for consideration on the Charter Committee are due from Council members by March 6, 2007. Members must live in the City. The purpose of the committee is to review the charter and make

recommendations for changes to the Mayor and City Council. Legal counsel will be at the meetings.

Mayor R. E. Bruchey, II thanked all the volunteer and professional firefighters at the scene of the fire on W. Washington Street yesterday. Much of the structure was saved. He will be in Annapolis on February 21, 2007, as will Councilmember Brubaker. He asked the Council to review his recommended board appointments and be prepared to discuss this at an executive session on March 6, 2007.

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 6:20 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: