

WORK SESSION – March 4, 2008

Mayor R. E. Bruchey, II called this Work Session, 73<sup>rd</sup> Special Session and Executive Session of the Mayor and City Council to order at 4:04 p.m., Tuesday, March 4, 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, City Attorney William Nairn and D. K. Spickler, City Clerk.

Proclamation – Red Cross Month

Mayor Bruchey proclaimed March, 2008 as Red Cross Month. He presented a proclamation to Bob Rankin and Julie Barr-Strasburg, American Red Cross.

Municipal Operation Software Project Vendor Recommendation

Scott Nicewarner, IT Manager, was present to discuss the recommendation of the project team. The Municipal Operations Software Project Team, after five months of preparation, evaluation and discussion of the RFP and the responses received, is recommending the MUNIS Software from Tyler Technologies as the vendor/software of choice for providing the City staff and the citizens tools to meet the requirements of the new technological society. MUNIS, with a purchase price of \$ 900,025, is the lowest qualified bid response and is within the budget of \$ 950,000.

The current overall system can no longer support additional reporting requirements of the State, the City, or the needs of the citizens. Citizens and businesses want greater access to government information and services with simpler processes, less paperwork, and more efficient interactions. Citizens expect flexibility and convenience in their interactions and prompt responses to their requests. Service users are becoming increasingly frustrated by “red tape”, the need to visit multiple locations, and multiple transactions to satisfy simple requests. Citizens now expect 24/7 access and rapid resolution to their inquiries. To do these via the City’s current technology and processes is impossible. However, with the system being recommended, the City will be able to dramatically improve how services are provided, without increasing costs, through improved operating efficiencies.

The evaluation team felt that the MUNIS software was the only qualified vendor which met the RFP and evaluation criteria and provides the City the most long-term, cost effective solution in moving City services forward.

In the final analysis, people, not government, service citizens, control costs, balance budgets and achieve operational excellence. Government organizations excel when they empower their people. The team views the expenditure on MUNIS as an investment in

the people by allowing them to service the customers' needs to their ever heightening expectations.

If the Mayor and City Council approve the project at the March 25, 2008 meeting, Phase One Implementation could begin in May, 2008.

Councilmember Brubaker asked what the future maintenance cost would be. He also asked if there is a downside to MUNIS. Mr. Nicewarner indicated the biggest challenge will be the mind set of employees while changing the system. There will be ongoing maintenance costs of approximately \$ 100,000. The HP3000 will no longer be used and the annual maintenance for that system is \$ 57,000. A major problem with the HP3000 is that parts are no longer available.

Councilmember Brubaker asked if there will be cost savings and increased productivity. Mr. Nicewarner expects there will be.

Mr. Zimmerman stated the committee has been working hard to review the bids and to determine which would be most feasible. He asked how the change will be implemented. Mr. Nicewarner stated there will be a contract between MUNIS and the City of Hagerstown, with safeguards to ensure full support from MUNIS. There should be minimal need to upgrade hardware, other than a server.

Councilmember Cromer asked if training costs are included in the bid. Mr. Nicewarner stated training will occur with the assistance of employees.

It was the general consensus of the Mayor and City Council to include acceptance of the bid from MUNIS on the agenda for March 25, 2008.

#### 73<sup>rd</sup> SPECIAL SESSION – March 4, 2008

On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to meet in Special Session at 4:45 p.m.

#### Public Hearing – BRK, LLC Annexation, Case No. A-2008-01

Stuart Bass, Comprehensive Planner, stated BRK Ventures, LLC has submitted a request that the City annex 13015 Salem Avenue.

The proposed annexation was introduced on January 29, 2008. The Annexation Plan was also adopted at this time. The area of the subject property is 1.08 acres. The proposed zoning district is C2 (Commercial General). The current County Zoning is HI-1 (Highway Interchange).

The Land Use Plan, as described in the 2002 Washington County Comprehensive Plan, designates the property as Industrial Flex. The City's Draft Comprehensive Plan

proposes Medium Density Residential. However, the Planning Commission discussed the proposal at its January 9, 2008 meeting and determined that the requested zoning would be appropriate. The requested zoning (C2 Commercial General) is similar or compatible to that of the existing County zoning (HI-1 Highway Interchange).

No formal development plans have been proposed or submitted; however, the applicant has indicated that there would be a limited retail operation constructed on the site.

There were two published notices advertising the annexation hearing at no less than weekly intervals. The Annexation Plan was provided to the appropriate County, Regional, and State Planning Agencies, at least 30 days prior to the Public Hearing. After the Public Hearing, the Mayor and Council may pass or reject the annexation resolution. If the resolution is passed the annexation becomes effective in forty-five (45) days.

The commercial development of this property would have no impact on Washington County Board of Education facilities with respect to school capacity. There will be no impacts to the Washington County Free Library as a result of this proposed annexation.

Sanitary sewer service to this site will be by extension of existing waste water mains in the general area and will be at the cost of the developer. Any necessary upgrades to accommodate the project shall be at the expense of the developer. The amount and timing of the allocation of sewer service shall be subject to the City's Sewer Capacity Allocation Program. Sufficient capacity exists to serve this area.

Water service to this site will be by extension of water lines in the vicinity of the site and will be at the cost of the developer subject to the Water Department's standards, policies, procedures and payment of the applicable fees. Any extension of water lines to provide additional water service will be at the sole cost of the owner or developer of the property. Sufficient capacity exists to serve this area.

The Electric Distribution System is external to the Hagerstown Light Department operating territory. Electrical service will be provided by Allegheny Power. The City of Hagerstown (HLD) normally supplies street light services to public streets and supplies the manpower and equipment to serve a new area once the developer builds the infrastructure. The developer is responsible for the purchase and installation, to approved Hagerstown Light Department specifications, of the street light system. However, there are no public streets associated with this project; therefore this provision will not apply.

No significant impact on emergency service delivery is expected, either police or fire.

Any necessary improvements to existing public roads shall be completed at the direction of the City Engineer at the developer's expense and constructed per the City's Public Ways Construction Standards by the developer. The property has access to Salem

Avenue, which is MD Route 58. Any necessary improvements will require coordination with the State Highway Administration.

Parks and recreation facility expansion are not proposed for this annexation. Maintenance of City streets and right-of-ways are normally performed by the Public Works Department. No significant impacts are anticipated.

All future persons within the area proposed to be annexed shall obtain or be entitled to existing benefits of the City of Hagerstown in accordance with any special conditions contained in the annexation resolution. They shall also be required to pay for all applicable utility services, charges, assessment, taxes and other costs and expenses which are required of the residents of the City of Hagerstown.

Mr. Bass entered the following as Exhibits:

- Exhibit 1: Annexation Plan
- Exhibit 2: Notification to Planning Agencies
- Exhibit 3: Certificate of Advertisement

There was no testimony presented, either in favor of or against the annexation request.

The hearing was closed at 4:49 p.m. The record will remain open for 10 days for written comments. Approval of the annexation resolution will be included on the March 25, 2008 agenda.

### **Introduction of an Ordinance: Acquisition of Property Known as 358 Leroy Street**

**Action:** On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to consider the acquisition of property known as 358 Leroy Street for the purpose of creation of neighborhood parking. The acquisition cost of \$ 25,000 to be funded by the City's Community Development Block Grant Fund.

**Discussion:** Larry Bayer, Director of Community Development, stated this is a vacant parking lot. In response to requests from residents, this lot would provide off-street parking.

### **Approval of a Resolution: Authorizing a License Agreement for Alley #2-98**

**Action:** On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote to approve a resolution authorizing the City of Hagerstown to enter into a license agreement with the Board of County Commissioners of Washington County for exclusive use of Alley #2-98

(Library Alley). This license agreement will allow the County to construct a secured sally port for prisoner transport to and from the County Courthouse building.

Discussion: Councilmember Cromer asked what changes have been made with the fencing. Rodney Tissue, City Engineer, stated the overall enclosure is 12' tall. The first 8' will be black, non-climbing fence. The last 4' will be black chain link fence with black slats. The razor wire will be behind the black slats.

Councilmember Metzner stated during some of the recent cases, there appears to have been a risk of escape or potential harm to victims.

Councilmember Brubaker asked that language be added to the agreement to ensure maintenance of the fence.

The special session ended at 5:02 p.m.

#### Upper Story Redevelopment Programs

Deborah Everhart, Economic Development Director, Kathleen Maher, Planning Director, Larry Bayer, Community Development Director, Doug DeHaven, Fire Marshall and Mike Heyser, Chief Code Official, were present to discuss upper story redevelopment programs.

On September 18, 2007, staff presented a proposal to the Mayor and City Council for the City's 2007 Community Legacy application to the State. This proposal included two downtown redevelopment incentive programs, one residential development project, and one museum study project. The top priority on the list of projects was for a Revolving Loan Fund for Upper Floor Renovations. Staff proposed at the time a \$ 500,000 program with \$ 250,000 from Community Legacy and \$ 250,000 from the City. At the time, staff identified potential funding of \$ 460,000 in various General Fund accounts identified for downtown revitalization, economic redevelopment, and community based initiatives which could be used to match these grant proposals.

Staff is recommending that the City implement the proposal in the Community Legacy application for an Upper Story Redevelopment Program. The intent is to provide deferred 0% loans as an incentive for projects that renovate upper floors of vacant downtown buildings for residential and commercial uses consistent with City identified goals for the downtown. Eligible expenditures would be for new elevators, fire protection systems, State accessibility-related requirements, and mechanical systems. Exterior plans would need to be approved by the Preservation Commission. The loans would be deferred for five years or until sold or refinanced, whichever comes first and for a maximum amount of \$ 200,000. In addition, staff recommends that the loan applications be reviewed on a quarterly basis by the Hagerstown Redevelopment

Authority utilizing ranking criteria to reflect high priority goals of the City for the downtown:

1. Critical property to halt or reverse decline of street block
2. Rental or ownership residential units improved and attractive to people interested in an urban lifestyle and downtown living
3. Commercial upper floor space for start-up service or technology businesses
4. Commercial storefront space for retail, restaurants or arts and entertainment enterprises

Staff has presented planning and analytical documents to the Mayor and City Council over the past several months, all identifying a need in which the proposed new incentive program would help to address.

Councilmember Nigh asked how many vacant buildings are available for sale at this time. Ms. Everhart indicated there are many that have been vacant for some time. Some of the larger buildings are owned by people looking for ways to make renovations feasible. These buildings do not have elevators or fire suppression equipment.

Ms. Maher indicated reviewing the applications quarterly would allow the projects to be batched for prioritization. The intent of the program is to be strictly for upper floor redevelopment.

Ms. Maher indicated the Community Legacy grant request included funding for this program, funding to help small technology businesses in the downtown, assistance with the Bester Place project and the Doleman Collection project. No awards have been given yet. Mayor Bruchey stated if this program is in place, then the City will be ready if funding is awarded.

Councilmember Brubaker stated this program appears to overlap the other revolving loan program. He suggested the criteria include a requirement for a certain percentage of the equity of the total project to be provided by the owner. He wants to be sure there is a large amount of private investment. The percentage can be adjusted.

Mayor Bruchey indicated renovations will exceed the maximum grant amount of \$ 200,000.

Councilmember Parson-McBean commended staff for developing this proposal. She suggested looking at programs in other cities. Ms. Everhart indicated the program in Cumberland was reviewed.

Councilmember Nigh does not want investors to be able to do a small amount of the work and then sell the building. Ms. Everhart suggested including a requirement that the owner must repay the full amount of the loan immediately if the renovations are not completed as stated.

Councilmember Brubaker stated it is difficult to approve this program for 2008/09 when the budget has not been completed yet.

Councilmember Cromer would like to be sure funding is awarded through the Community Legacy program. She asked if more than one loan could be given. Ms. Everhart stated the maximum amount of the loan could be reduced to \$ 100,000. Councilmember Cromer asked if the funding amount will remain the same from year to year. Ms. Everhart indicated it will.

Mayor Bruchey anticipates other cities following Hagerstown's lead in renovating upper floors and locating small technology companies in the renovated space.

Councilmember Metzner stated if there would be nothing better than to have people apply repeatedly. His is in favor of the program. He is concerned about including it in the budget.

Councilmember Cromer asked if people are requesting more than \$ 100,000 through the revolving loan fund. Mr. Bayer indicated requested amounts are starting to increase.

Mr. Zimmerman stated staff will come back with information regarding Community Legacy funding and budget information.

#### Sign and Façade Grant Program

Kathleen Maher, Planning Director, and Deborah Everhart, Economic Development Director, presented information regarding the sign and façade grant program.

In FY 1998, the City of Hagerstown adopted a Sign and Façade Grant Program as a means of encouraging private sector investment to improve the streetscape appearance of commercial and mixed-use buildings in the downtown (C3 zoning district). The program provided \$ 300 matching grants for signs and \$ 1,000 matching grants for façade improvement projects. A requirement of the program is that the Preservation Design District Commission must approve the design of any proposed grant funded work. Since inception, between \$ 8,000 - \$ 12,000 has been budgeted per year. The program has been of particular importance to new businesses starting up operations on tight budgets.

The budget for the Sign and Façade Grant Program in the FY 2008 budget is \$ 8,000. So far this year, six façade grants and four sign grants have been awarded, for a total of \$ 5,763.58. In addition, four other sign projects and one façade project have been approved for grant funding but the work has not been completed yet. Staff anticipates that they will reach, if not exceed, budget projections this year with the outstanding projects, plus any potential new projects before the end of the fiscal year.

A review of records this year highlights the adequacy of the grant maximums for the different categories in this program and an area in need of improvement. The sign grant amount of \$ 300 is still adequate to cover half the amount of one sign. Since the

program's inception, the façade grant amount of \$ 1,000 has been used for repainting of facades and for new awnings and it would appear to be adequate for these purposes. However, the \$ 1,000 matching grant has proven to be insufficient to inspire investment projects that involve reconstruction of aging storefronts.

As a means of creating an incentive for more significant façade improvement projects in the downtown, staff recommends:

1. Adding a new category for reconstruction or restoration of storefronts or façade elements with a grant maximum of \$ 5,000
2. Staff recommends retaining the existing maximums of \$ 300 for signs and \$ 1,000 for painting/awnings
3. Increasing the budget amount in FY 2009 from \$ 8,000 to \$ 28,000 to cover the existing activity plus a maximum of four \$ 5,000 projects per year in the new category

Councilmember Brubaker stated he supports funding some overage this year and considering increases in the next budget.

#### Update of Ice Rink Operations

Karen Giffin, Director of Community Affairs, and Lewie Thomas, Recreation Facilities Coordinator, Jeff Barbour and Jim Blaylock, Hagerstown Youth Hockey Association (HYHA) were present to provide an update of the ice rink operations.

HYHA has done an outstanding job managing the ice rink to date. The rink is very clean. They have an outstanding group of volunteers that handle a wide variety of tasks at the rink. They have included figure skaters and adult hockey in their operations. HYHA will be approaching the City looking for a 5 year User Agreement to manage the ice rink.

The City was asked by Council to explore options of usage for the ice rink. The most feasible option is to install temporary flooring on top of the ice surface. Research of this project has determined that it would cost between \$ 50,000 - \$ 65,000 for materials to cover the ice surface with temporary flooring. This type of flooring would be needed to have any variety of activities on the ice surface, as well as other physical plant upgrades.

Mr. Barbour stated they are pleased with how the program has been working out during the first six months. They are now ready to begin Phase III. Programming includes learning to skate, adult ice hockey and youth ice hockey. The Hagerstown Edge Skating Academy began their second session in January. There are over 80 students registered. There are more than 100 participants in the ice hockey program. Public skating includes public sessions, birthday parties, freestyle skating, broomball and stick & shoot events. Two tournaments will be held in March, 2008.

Mr. Blaylock reported several major improvements have been made. They purchased a point of sale cash register system and a new telephone system. Facility upgrades



include ongoing cleaning, painting, repairing, kitchen preparation improvements, and upgrades to the skate rental area. They expect to replace the arena lights, remove and replace the ice sheet, replace worn rental skates and complete overdue repairs on the Zamboni. All improvements and upgrades have been paid in full. Program participation and public usage are ahead of predictions.

HYHA is asking for a long term commitment from the City. A longer term agreement will provide them with leverage in dealing with suppliers and vendors.

Councilmember Cromer stated she appreciates everything HYHA has done to make the ice rink successful. She thinks a five year agreement is too long with having less than a year of experience with the City. She requested a financial report. Ms. Giffin stated a report is submitted monthly.

Councilmember Cromer asked if any thought has been given to providing financial aid for children who would like to participate but can't afford to. Mr. Barbour stated they have purchased equipment for children to use, at no charge. The pond hockey program costs as little as \$ 8.00 per week. The travel hockey program costs approximately \$ 800.00.

Councilmember Nigh asked if the number of participants is increasing in the youth hockey program. Mr. Barbour stated it is growing but slowly. Councilmember Nigh asked if the figure skating program is increasing in numbers. Mr. Barbour indicated they have hired a skating director and she is doing a good job. The number of participants is also increasing.

Mayor Bruchey stated HYHA is doing a good job and he has not received any complaints since they started. He recommended approving a three year contract to help solidify some contracts and fill in the youth skating program.

Councilmember Metzner also suggested a three year agreement, with a renewal clause as part of the contract. He stated the contract should not be less than three years because there will be a new administration at the expiration of the term.

Councilmember Nigh supports a three year agreement.

Councilmember Brubaker suggested a four year agreement. He asked for suggestions from staff. Ms. Giffin suggested including language in the agreement to provide performance standards.

Councilmember Parson-McBean thanked HYHA for stepping in and turning the ice rink around.

Councilmember Metzner suggested implementing a five year contract with performance standards. Councilmember Nigh and Councilmember Parson-McBean agreed.

Councilmember Brubaker suggested a four year contract, which would allow the next council to end the contract, if they wished to.

A recess was then taken.

Discussion of Draft Revision to Chapter 117, Garbage, Rubbish and Refuse, of the City Code

Rodney Tissue, City Engineer, was present to discuss revisions to the garbage, rubbish and refuse section of the City Charter.

The current Chapter 117, entitled “Garbage, Rubbish and Refuse”, was written in 1970 and is outdated. Therefore, staff has endeavored to re-write the ordinance in its entirety. This will allow for better enforcement and administration of the ordinance.

The following are the major changes:

1. Emphasis on “recycling”, a concept not even mentioned in the current ordinance
2. Clearly state the collection services are only available to City residents and provides penalties for those who bring trash in from outside the City limits
3. Requires residential buildings with eight (8) units or more to contract privately (to prevent “mountains” of trash on sidewalks). The current policy is 20 or more.
4. Specifically exclude commercial property from the City services (as is the current practice, but not in the current Code).
5. Requires enclosures around dumpsters
6. Ties the start of billing of the “Recycling and Refuse Service” fee to Certificate of Occupancy
7. Provides a clear description of all City collection services
8. Sets forth clear penalties for violations of the ordinance
9. Provides definitions of terms

Staff anticipates introducing the Ordinance later in March and are asking for input from the Mayor and City Council.

Mr. Tissue there will be a loss of revenue from requiring private contracts for buildings with more than eight units. Councilmember Nigh stated this needs to be done.

Enclosures will be required for existing dumpsters within the C3 zoning district. Enclosures will be required for any and all new dumpsters in other locations.

Mr. Tissue stated they have begun picking up small appliances (under 50 pounds) in order to help reduce the number of items sitting on sidewalks. There is also a bulk trash program available for large appliances and large quantities of rubbish.

The collection contract will be discussed next year.

Councilmember Brubaker asked how many families and buildings would be affected by requiring dumpsters for buildings with more than eight units. Mr. Tissue will provide this information.

Mayor Bruchey suggested changing the number to nine or seven. This would help people in duplexes who are diligent about following the trash requirements.

William Nairn, City Attorney, has discussed some sort of regulation of the commercial haulers who have contracts with Hagerstown businesses. The City has no control of how the trash is picked up or the time it is picked up at this time. A registration program or license program would provide this capability.

#### MAYOR AND CITY COUNCIL COMMENTS

*Councilmember A. Parson McBean* indicated the State of the City presentation went extremely well. She thanked staff for all the hard work they put into the presentation. She commended the Mayor for his speech. She is impressed with what this governing body has been able to put together. She realizes the things they discuss here make a difference. Robert Wallace was the speaker at a luncheon on Thursday, February 28, 2008. He was very dynamic. She thanked Deborah Everhart for bringing him to Hagerstown and sharing his knowledge with the audience. She isn't sure the luncheon was a Women and Minority Business lunch. She will be attending the National League of Cities' Congressional City Conference in Washington, DC next week.

*Councilmember M. E. Brubaker* commended staff for the excellent State of the City program.

Councilmember Parson-McBean suggested reviewing how the State of the City program happens. The current format is actually a forum setting. The State of the City address should be provided, free of charge, to the residents and it should be held by the City.

*Councilmember K. S. Cromer* thanked staff for their hard work with the State of the City presentation. She attended meetings on February 28, 2008 with Congressman Bartlett, Senator Cardin and Senator Mikulski. She is anxious to discuss the outcome of those meetings.

*Councilmember L. C. Metzner* thanked the Mayor and staff for the superb State of the City presentation.

*Councilmember P. M. Nigh* thanked Karen Giffin, Brenda Hawbaker, Eric Hastings, and Lewie Thomas, Department of Community Affairs, for the great job with the State of the City. Playground equipment needs to be installed at Mills Park. She is concerned that people who attend events at the Maryland Theater have had their cars towed from private parking lots, on a Sunday night. She suggested more prominent signs on private parking lots. When the vehicle owners located their vehicles, they had to pay cash to get them back. She is concerned people will stop attending events. Bruce Zimmerman, City Administrator, stated this is an increasing problem. On Sunday, March 2, 2008, a police officer was using his own ATM card to get cash for people so they could get their vehicles. He and staff will develop proposed guidelines to address this situation.

Councilmember Nigh informed the Mayor that Mary Haines had contacted the County Commissioners (by email) regarding the leash law and animal waste regulations. She only received responses from Commissioner Aleshire and Commissioner Wivell.

#### CITY ADMINISTRATOR'S COMMENTS

*Bruce Zimmerman, City Administrator*, echoed the comments about the State of the City. The success of the City begins with the Mayor and Council, in terms of the projects approved and resources allocated. They set the tone for what is completed throughout the year. He thanked staff for providing the information for the presentation. He thanked Karen Giffin, Eric Hastings, Lewie Thomas, Abigail Elliott and Brenda Hawbaker, Department of Community Affairs, for their efforts. He indicated it is great to have someone on staff like Eric Hastings, who is very creative.

*Mayor R. E. Bruchey, II* announced there will be no Mayor and City Council meeting on March 11, 2008. He thanked Karen Giffin and her staff, and to all staff, for their hard work for the City. He thanked the County Commissioners for voting to purchase \$ 4.6 million worth of buildings downtown. He invited the Council to a meeting with Congressman Bartlett that will be held on Friday, March 8, 2008 at the University System of Maryland. He asked if any progress had been made to permit use of the parking lot behind District Court during off hours. Rodney Tissue, City Engineer, stated nothing had been completed. He will provide an update of the discussions. Mayor Bruchey thanked the Council for their efforts throughout the year.

#### EXECUTIVE SESSION – March 4, 2008

On a motion duly made by Councilmember K. S. Cromer and seconded by Councilmember A. Parson-McBean, the Mayor and City Council unanimously agreed by voice vote to meet in closed session at 7:11 p.m. to discuss an administrative function, #15. No formal action was taken at the session. The meeting was held in the Council Chambers, 2<sup>nd</sup> floor at the City Hall. The meeting was adjourned at 7:30 p.m.

Respectfully submitted,

WORK SESSION, 73<sup>RD</sup> SPECIAL SESSION AND EXECUTIVE SESSION  
2008

MAYOR AND CITY COUNCIL

MARCH 4,

HAGERSTOWN, MARYLAND  
Donna K. Spickler, City Clerk

Approved: March 25, 2008