

18th SPECIAL SESSION, WORK AND EXECUTIVE SESSION – March 16, 2010

18th Special Session – March 16, 2010

Mayor R. E. Bruchey, II called this 18th Special Session, Work Session and Executive Session of the Mayor and City Council to order at 4:06 p.m., Tuesday, March 16, 2010, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers W. M. Breichner, M. E. Brubaker, F. Easton, A. C. Haywood, L. C. Metzner; City Administrator Bruce Zimmerman, City Attorney John Urner, City Attorney Mark Boyer, and D. K. Spickler, City Clerk.

On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember W. M. Breichner, the Mayor and City Council unanimously agreed by voice vote to meet in special session at 4:06 p.m.

Public Hearing: Creation of CDBG Housing Rental Program

Larry Bayer, Community Development Director, stated the City proposes to amend the FY 09/10 CDBG Annual Plan in order to include a provision to the Single Family Homeownership Program to allow for lease/purchase of housing units acquired and rehabilitated under this program.

There was no testimony presented. The record will remain open until March 29, 2010 for additional comments.

The special session was adjourned at 4:07 p.m.

Work Session – March 16, 2010

Washington County Hospital Update

James Hamil, President and Chief Executive Officer, was present to provide an update on the new hospital, the plans for the old hospital and plans for an additional urgent care facility. He provided copies of the 2009 Annual Report to the Community. The new facility is 75% complete and should be open in December, 2010. The new hospital is not a brand new Washington County Hospital. Each process and service has been carefully reviewed. Only the newest equipment will be transferred to the new location. The emergency room at the new hospital is designed to handle more visits, thereby reducing the wait time for patients. Interest in the existing building from the private sector has waned. The hospital group is responsible for returning the space to green space if no buyer is found. The parking deck will remain in place. The incinerator will also remain on the site.

Mr. Hamil indicated the State of Maryland will not license a free standing emergency room facility so they are looking at locating an urgent care facility in the downtown area. The site being considered is the old Fennel Building.

Preliminary Agenda Review

Consent Agenda

- A. Community Affairs: Street Closure for Barbara Ingram School for the Arts Gala – April 10, 2010, 4:00 p.m. to 8:00 p.m.
- B. Wastewater Department: Change Order to Engineering Budget – Black & Veatch Engineering (Gaithersburg, MD) \$ 19,437.00

The change order to the Black & Veatch contract is necessary to cover the costs for a revised design to make the project more complete.

- C. Water Department:
 - 1. Magna Flocc Polymer – George S. Coyne Chemical Co., Inc. (Croydon, PA) \$ 53,100.00
 - 2. Annual Renewal – Software Support Willson SCADA – ABB, Inc. (Wickliffe, OH) \$ 18,656.00
- D. Engineering:
 - 1. Abatement of Weeds, Trash and Debris – Eastern Contractors (Gaithersburg, MD)
 - a.) \$ 19.00/hr. Labor
 - b.) \$ 18.00/hr. Brush Clearing
 - c.) \$ 15.00/hr. Mowing Equipment
 - d.) \$ 23.95/hr. Removal and Disposal of Debris
 - 2. Reconstruction of Alley 1-144 (Rear of Jamison Door Company) – Concrete Central, LLC (Hagerstown, MD) \$ 26,690.00
 - 3. Street Tree Installation – Denison Landscaping (Fort Washington, MD) Not to Exceed \$ 50,000.00
 - 4. American Recovery and Reinvestment Act Funding Allocation to Municipalities Memorandum of Understanding

The MOU for the American Recovery and Reinvestment Act Funding is between the City of Hagerstown and the Washington County Commissioners. The County will be receiving the federal stimulus funding and distributing it to the municipalities.

Introduction of an Ordinance: Chapter 197 Rental Facilities Amendments

Introduction of an Ordinance: Chapter 233 Vacant Structure License and Appeal Amendments

Introduction of an Ordinance: 232 Vacant Commercial Structure License and Appeal Amendment

John Lestitian, Director of Code Administration, stated these three ordinances were discussed by the Mayor and City Council at a recent work session. The revisions have been reviewed by the City Attorney. It was the general consensus to schedule the ordinances for introduction on March 23, 2010.

Approval of a Resolution: Rental of Church Street Parking Lot

Eric Deike, Public Works Manager, stated staff has negotiated a new long term lease with Potomac Building, LLC for the rental of ninety-four parking spaces located in the Church Street Parking Lot situated in the 0 block of West Church Street and recommend approval of said lease. The new lease would go into effect July 1, 2010.

The current lease was approved on August 23, 2005, and expires on June 30, 2010. The new lease sets new rates over a seven year period. The Mayor and Council, within its absolute discretion, may terminate the lease upon 180 days written notice any time after December 14, 2014. It was the general consensus to extend the existing lease as outlined.

Approval of a Resolution: Senior League Softball Field User Agreement at City Park

Junior Mason, Parks Superintendent, stated the Washington County Senior Softball League utilizes both softball fields at City Park from April through September each year. They have submitted a request to utilize the fields in 2010.

The User Agreement between the Senior Softball League and the City was for the 2006 calendar year with the option to renew for three additional one year terms. Last year was the third year renewal, therefore, a new User Agreement needs to be executed.

As in the previous agreement, staff wishes to enter into a new User Agreement with the Washington County Senior Softball League for 2010, with the option of renewing up to three additional one year terms beginning January 1, 2011. It was the general consensus to renew the lease agreement.

Approval of a Resolution: Subletting Approval for Shenandoah Mobile Company (Shentel) at Fairgrounds Park

Deborah Everhart, Director of Economic Development, reported that Shenandoah Mobile Company (Shentel) requested permission to co-locate a facility on the telecommunications pole located on City owned property on the real estate leased by Shentel and owned by the City of Hagerstown located at 360 North Cannon Avenue (Fairgrounds Park).

Section 5, Assignment/Subletting, of the Site Agreement between Shentel and the City of Hagerstown states that Shentel shall have the right, without the payment of additional compensation to owner, to sublease or assign its rights under this Agreement upon written consent of the Owner.

Approval of a Resolution: Subletting Approval for Shenandoah Mobile Company (Shentel) at Hagerstown Business Park

Deborah Everhart, Director of Economic Development, reported that Shenandoah Mobile Company (Shentel) requested permission to co-locate a facility on the telecommunications pole located on City owned property at the Hagerstown Business Park and located at 1151 Business Center Drive off of Burhans Boulevard.

Section 5, Assignment/Subletting, of the Site Agreement between Shentel and the City of Hagerstown states that Shentel shall have the right , without the payment of additional compensation to owner, to sublease or assign its rights under this agreement upon written consent of the Owner.

The Mayor and Council agreed to schedule approval of the two agreements with Shentel.

Approval of Memorandum of Understanding (MOU) – Improvements to Broadfording Road

Rodney Tissue, City Engineer, stated there are three entities that have invested in land east of Broadfording Road within the City of Hagerstown. The properties are in the corporate limits, but Broadfording Road is maintained by Washington County. To be able to develop the lands east of Broadfording Road and for UNIWEST to obtain complete occupancy of their shopping center, reconstruction and widening improvements must be made to Broadfording Road. These improvements are extensive and are more than any one developer could finance, so a “road club” was conceived where the developers would work together with the City and the County to make the road improvements a reality.

An MOU was presented to Mayor and City Council for their review. It was the general consensus to schedule approval of the MOU for March 23, 2010.

This completed the preliminary agenda review.

Green Task Force Report

Rodney Tissue, City Engineer, stated the Green Task Force wishes to present their findings after studying possible green practices for the City in great detail.

Fred Nugent, Chairman, provided the following recommendations:

1. City Green Purchasing Policy
2. Transportation – adopt complete streets design standards to design and operate roadways which enable safe, attractive, and comfortable access and travel.
3. Energy Conservation/Assurance – Seek grant funding to establish an administrative office position with the responsibility for the development of a formal sustainable energy based resource management program
4. Reduce Impervious Surfaces (in new construction) – direct the Engineering Department to develop guidelines for the use of true pervious surfaces for use in light duty parking environments
5. Retrofit Possibilities – develop a list of actions to assist property owners in retrofitting existing properties to make existing properties within the city more environmentally sustainable.
6. Educational Outreach – secure funding for extensive educational opportunities to increase public awareness of the benefits of recycling, and resource conservation.
7. Forest Canopy – adopt an Urban Tree Canopy cover goal of 30% coverage by the year 2050.
8. Green Advisory Committee – consisting of volunteers with an interest and expertise in sustainability who would advise city staff on current trends and effective practices, thereby maintaining an active awareness of these issues and the potential for improving city practices in these areas.

The Mayor and Council thanked the task force for their efforts.

Trash and Recycling Task Force Report

Rodney Tissue, City Engineer, reported the Trash and Recycling Task Force discussed many issues and ideas related to the collection of trash and recycling within the City. In addition, the Council provided specific direction to the Task Force to study and answer several important issues.

David Gysberts, Chairman, presented the task force's findings. The Task Force found that recycling and marketing programs succeed in increasing recycling participation rates and tonnage. The Task Force believes that, combined with issuing every household a recycling bin or tote, creating sustained, positive media impressions for the City's recycling program and consistently reinforcing the message of recycling will significantly increase the success of diverting recyclable material from the County landfill.

The economics of recycling must be addressed and put into context. The Task Force believes that most people recycle because they believe it is the right thing to do. Nevertheless, the economy of scale dictates that when more people recycle more waste, reducing the impact on the landfill, it should bring down the cost of providing the service when recycling is provided to as many residents and businesses as possible.

The Task Force recommends once-per-week trash collection be implemented when the next trash collection contract is bid. One rationale for only picking up trash once per week is that people will be recycling more and, therefore, have less landfill-bound trash.

Mr. Gysberts presented the following additional recommendations:

Immediate Recommendations:

1. Increase awareness of the recycling program through the Board of Education, Housing Authority, Neighborhoods 1st groups, etc.
2. Provide clear direction for how to dispose of fluorescent tubes/light bulbs, electronics and batteries
3. Continue to install dog waste disposal centers and other trash receptacles around the City to reduce the impact of litter

Short-Term Recommendations:

1. Include single-stream recycling in the next trash and recycling bid
2. Utilize the “piggyback provision” in State law to purchase the correct size bin/tote for all residents.
3. Add recycling centers at various locations in the City.
4. Forming a Master Recycler program (similar to a Master Gardner concept)

Long-Term Recommendations:

1. Consider an incentive program, such as RecycleBank, accompany the inception of single-stream recycling and shift from twice-per-week to once-per-week trash collection.
2. Explore the possibilities of recycling in job creation and in making Hagerstown, with its proximity and rail access, a “hub” for the recycling industry and other “green” industries.

The task force used information from a survey of city residents about recycling to develop some of the recommendations. A majority of the respondents would support mandatory recycling. However, the task force thought an incentive approach would be more acceptable.

The task force discussed the large recycling centers around the City. They agreed that signs should be posted noting the penalty for placing trash items at the centers.

The recommendations will be reviewed throughout the next year.

C. Williams Brooks Sr. Building

Larry Bayer, Manager of Community Development, Ted Shankle, Executive Director of Hagerstown Housing Authority, and Kyle Speece, Pennrose Properties, were present to discuss a new project for the Hagerstown Housing Authority.

In 1995, the Hagerstown Housing Authority (HHA) acquired 4.17 acres of land directly adjacent to the Administrative offices at 35 West Baltimore Street with the idea of someday building additional elderly housing and establishing a campus for use by its employees, residents, and the general public. The property was known at the time as “H.L. Mills Station”, after Herman L. Mills, twice Hagerstown’s Mayor.

As part of its revitalization of Hagerstown’s West End into the new Gateway Crossing, HHA planned for the replacement of approximately sixty units of public housing in a to-be-determined off-site location. Having received funding to assist in this objective, HHA began to consider developing the Mills Station site into a new apartment complex which would provide these replacement units.

In early 2009, HHA issued a Request for Proposals for real estate development partners to assist in the revitalization of the Mills Station site. Pennrose Properties, with whom HHA has partnered in the Gateway Crossing project, was selected as the successful respondent. The HHA was awarded \$ 9.8 million under the ARRA based HUD Capital Fund Recovery Competition (CFRC) grant financing.

On October 8, 2009, the Board of Commissioners of the Hagerstown Housing Authority voted to change the name of the Mills Station project to “C. Williams Brooks”, in honor of Ms. Carolyn Brooks and her grandfather, Mr. T. Andrew Williams. Ms. Brooks is the current Chairperson of the HHA Board, a position she has held for 19 years. Immediately prior to her assumption of this role, the position was held by her grandfather for over 14 years. Together Ms. Brooks and Mr. Williams have contributed countless hours and evidenced steadfast devotion to bettering the lives of Hagerstown’s most economically distressed, and the new C. Williams Brooks project will testify to their legacy in both name and function.

All units at C. W. Brooks will have one bedroom and one bathroom, and all will be reserved for elderly persons. All units will be public housing, and will be supported with ACC subsidy made available to HHA by HUD. The new building will provide much needed affordable housing opportunities to elderly residents of the City of Hagerstown, specifically targeting certain income levels. All 60 will be fully accessible for individuals with physical disabilities.

The site is conveniently located within walking distance to downtown Hagerstown, which will avail residents of all the amenities, institutions, and social services therein offered. As part of the proposed development, a new public park will be created, located between the C. W. Brooks building and West Baltimore Street. This new park will be available for use by all City of Hagerstown residents and employees and will be owned and maintained by HHA.

The C. Williams Brooks Mid-Rise project will cost an estimated \$ 14.4 million. It is anticipated that the construction will be completed in May, 2011. The project is expected to be fully occupied no later than August, 2011.

Councilmember Easton asked if there is a waiting list for the units in this project. Mr. Shankle stated there is and he anticipates it will fill up quickly.

Councilmember Haywood stated she would not support the project because it does not promote a sense of cohesiveness for senior citizens. She stated community involvement is the number one predictor of life or death for a senior citizen.

Mr. Shankle stated the Housing Authority has 475 units for elderly citizens. The Housing Authority is not in the business of social services, they are in the business of providing housing.

Councilmember Haywood expressed her concern that there is not better communication between the Commission on Aging and the Housing Authority. She would like the two groups to develop a comprehensive plan to address the need for cohesiveness. Mr. Shankle stated there is some cohesiveness. The Commission on Aging wants to service all income levels, not just the lowest levels.

Current residents at other Housing Authority facilities will most likely not be able to transfer to the new building. All applicants will be graded with a point system, which is based on income and individual history.

The Housing Authority will maintain the park, which will be open to the general community.

The State of Maryland requires a resolution of support from the City. It was the general consensus to provide the necessary resolution.

A recess was then taken.

Chapter 216 Public Sidewalks – Sidewalk Obstruction Prohibited

This item was removed from the agenda. It will be discussed at a later date.

Phase III Comprehensive Rezoning

Stuart Bass, Comprehensive Planner, was present to discuss Area 11 (old Fairchild Plant) of Phase III of the Comprehensive Rezoning. The 2008 Comprehensive Plan recommends Business Employment for the old Fairchild Plant property and the Planning Commission's recommended rezoning to implement the Comp Plan is Industrial Mixed-use (I-MU). The reasoning for this recommendation is spelled out in the Findings of Fact for Phase III.

The property owner has indicated to staff his opposition to the rezoning from IG to I-MU, because it would make many of his tenants non-conforming with the change. As requested by the Mayor and City Council on March 9, 2010, Kathleen Maher, Planning Director, met with the property owner and put together a report on the uses in that

building and what their status is with the IG and what it would be with I-MU. There are currently eight tenants in the building and the change would make six of them non-conforming. A prospect for one of the vacant spaces would also be non-conforming with the change in zoning.

It was the general consensus to keep the property zoned IG.

Appalachian Regional Commission (ARC) Funding Request for FY 2011

Stuart Bass, Comprehensive Planner, stated the Tri-County Council of Western Maryland is entertaining funding requests to the Appalachian Regional Commission for FY 2011. The deadline for submittal of Preliminary Project Descriptions to Washington County is April 15. The County Commissioners will prioritize all requests submitted in the county and will forward the requests with their recommendation to the Tri-County Council for review and action. This year the matching requirement is 1:1, due to increased unemployment rates. Federal funds cannot be used to match the ARC request and the maximum funding amount per request is \$ 500,000. Projects must meet one or more ARC program goals and State objectives.

Sometimes, it takes a few years for a project funding request to move up in the priority list for funding. Last year, the City submitted unsuccessful funding requests for the Professional Court bridge, the Northwest Connector bridge, and Wastewater Collection System Rehabilitation (I&I).

Staff recommended that the City submit three projects for consideration for ARC funding in FY 2011:

1. Extension of Professional Court, \$ 500,000 ARC Request
2. Wastewater Collection System Rehabilitation (I&I), \$ 500,000 ARC Request
3. Downtown Small Business Development and Expansion Program Revolving Loan Fund, \$ 250,000 ARC Request

This list is not in any particular order. It was the general consensus of the Mayor and City Council to approve the list and submit it for consideration.

Community Garden

Councilmember Haywood discussed a community gardening program. She thanked Larry Bayer, Cindy Blackstock and Karen Giffin for their help in putting this program together. The program would be called "Dig in, Hagerstown!"

Objectives of the program include providing infrastructure for, and execution of, a cooperative gardening program for city residents, to educate city residents on the fiscal, environmental, and health benefits of cooperative food gardening and to promote community and neighborhood cohesiveness through a shared work space.

City staff has identified a one acre plot at Hager Park that could be used for the garden. The Parks and Recreation Department would be providing tillers and hand tools for working the ground. Funding will be needed for fencing to provide security and protection from rodents.

Councilmember Haywood asked that the Mayor and Council approve applying for grants for Community Garden Projects. She anticipates that most funding necessary will be covered by grants.

If this program is successful, a full service food resource would be created. She would like to see a garden in every City owned park.

The garden would be a common garden, with participants being able to use the produce.

It was the general consensus of the Mayor and Council to support the community garden program as requested.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, reported the yard waste collection will resume on Tuesday, April 6, 2010.

MAYOR AND COUNCIL COMMENTS

Councilmember F. W. Easton attended a recent Parks Board meeting.

Councilmember A. C. Haywood went to Annapolis with County Commissioner Jim Kercheval on behalf of the Community Coalition. House Bill 1125, regarding stormwater regulations, is being amended.

Councilmember L. C. Metzner is concerned that the coalition may be using the City of Hagerstown's name for things that have not been discussed by the Mayor and Council.

Councilmember W. M. Breichner stated the Mayor and Council should be notified about legislature that they should be taking a stand on.

Councilmember M. E. Brubaker appreciates Councilmember Haywood's efforts in regard to the stormwater management bill. Several members of the Mayor and Council have expressed concern about the bill. He thinks the lobbying coalition should stick to the topics that were approved by the collective group. There should be a better process for tracking legislation.

Mayor R. E. Bruchey, II had no additional comments.

EXECUTIVE SESSION – March 16, 2010

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember W. M. Breichner, the Mayor and City Council unanimously agreed by voice vote to meet in closed session 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 at 6:47 p.m. in the Council Chamber, 2nd Floor, City Hall, Hagerstown, Maryland. The following people were in attendance: Mayor R. E. Bruchey, II, Councilmember W. M. Breichner, Councilmember M. E. Brubaker, Councilmember F. Easton, Councilmember A. C. Haywood, Councilmember L. C. Metzner, City Administrator Bruce Zimmerman, City Attorney John Urner, Rodney Tissue, City Engineer, and Donna Spickler, City Clerk. The meeting held was to consider individuals for membership on the Board of Traffic and Parking and to discuss an employment contract. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: April 27, 2010