

WORK SESSION AND EXECUTIVE SESSION – MARCH 18, 2008

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Mayor R. E. Bruchey, II called this Work Session and Executive Session of the Mayor and City Council to order at 4:02 p.m., Tuesday, March 18, 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.

Preliminary Agenda Review

Public Hearings

Comprehensive Plan

A Public Hearing is scheduled for March 25, 2008.

Doub Property Annexation

The subject property is located at the northeast quadrant of I-70/US 40 interchange. The current County zoning for the majority of the property is HI-2 (Highway Interchange), with a small portion adjacent to the Dual Highway zoned HI-1. The applicant is requesting a Zoning Classification of C4 – 123.88 acres (Regional Shopping Center) and R3 – 17.81 acres (Residential). A Public Hearing will be held on March 25, 2008.

Smart Growth A & E District

The application deadline for expanding the boundaries for the Smart Growth A&E District is April 1, 2008. A Public Hearing will be held on the proposed expansion of the Smart Growth A&E District boundaries and re-certification of the City's program.

Consent Agenda

- A. Hagerstown Police Department: Lighting for Parking Lot – HADCO (Littlestown, PA) \$ 10,255.58
- B. Engineering:
 - 1. Jonathan Street Project Contract
 - 2. Landscape Beautification at City Gateways
 - a. N. Prospect St. at Pennsylvania Avenue and Eastern Boulevard at Potomac Avenue – Botanica Enterprises (Funkstown, MD)
\$ 24,700.00
 - b. W. Wilson Boulevard and Virginia Avenue Overpass – Oswald

Nurseries (Smithsburg, MD) \$ 27,920.18

- C. Parks and Recreation: Kubota Mower – G. L. Cornell Co. (Gaithersburg, MD) \$ 32,592.00 (Four year lease at \$ 8,148.00/yr.)

Due to the amount of repairs needed, it is more economical to lease this mower. The unbudgeted amount will be a transfer from the General Fund.

- D. Information Technology: Municipal Operations Software Replacement – Tyler Technologies (Falmouth, ME) \$ 900,025.00

The net change in the operating cost in the first year is expected to be \$ 65,000.00. Attempts will be made to determine additional cost savings. The bulk of the cost is bond financing, with \$ 125,000.00 in carry over funds.

- E. Community Affairs – Baby Pool Amenities – Taylor Sports & Recreation (Martinsburg, WV) \$ 27,788.00

Introduction of an Ordinance: Zoning Map Amendment, Peach Tree Suites Lot 19, Fridinger Avenue, ZM-2007-03

Stuart Bass, Comprehensive Planner, stated the Planning Commission recommended approval of the proposed rezoning based on a change in the character of the neighborhood. The Planning Commission also felt that an argument could be made for mistake; that the lot in question should have been included in the rezoning for Case ZM-2004-03. Mr. Bass is seeking direction from the Mayor and City Council on whether this zoning should be approved based on change or mistake.

Approval of a Resolution: Acceptance of Traffic Signal Easement – MD Rt. 60/Northern Avenue

As part of the required road improvements, the developer of Stone House Square is prepared to locate a traffic signal pole and controller on a portion of private land owned by RD Management (AKA Longmeadow Shopping Center) in the northwest corner of the intersection of Northern Avenue and Maryland Route 60. The parcel of land is 938 square feet as shown on the plat. RD Management has verbally agreed to grant the easement as it allows them to widen RT 60 further (if they redevelop) without relocating the signal.

Rodney Tissue, City Engineer, stated staff is recommending that the City Council accept this offer of dedication to allow Stone House's contractor to install the traffic signal pole and controller. Staff recommends the Mayor and Council pass a Resolution at the next regular session to approve the Deed of Easement for the signal equipment.

This completed the preliminary agenda review.

2008 Draft Comprehensive Plan Council Directed Changes

Kathleen Maher, Planning Director, reviewed the list of Council directed changes to the 2008 Draft Comprehensive Plan. The changes are as follows:

1. Extended the Medium Range Growth Area (MRGA) to include the Hopewell Valley area (I-70 to Greencastle Pike/MD 63) and the area north of US40 to the west of Hager's Crossing. Designated the areas to match the County's Land Use Plan designations with Business Employment, substituted for the County's Industrial Flex. Water would be provided by the City and sewer would be provided by Washington County.
2. Extended the MRGA to include the area southeast of the Town of Funkstown and north of I-70. Land use category of "medium density residential." Water and sewer would be provided by the City, if the City annexed. If Funkstown annexed, water and sewer would be provided by the Town.
3. Page 4-14, Policy 4-2 on Water: Water service limited to MRGA for next 20 years, except for demonstrated economic development projects.
4. Page 4-16, Figure 4-2: new areas added to the MRGA are Priority 2 for water and wastewater service.
5. Numerical projections for service provisions for wastewater and water have been updated to reflect additional acreage in the MRGA.
6. Definition of Business Employment revised to allow for additional industrial activities in certain areas to reflect the intended character of the County's Industrial Flex designation.

Ms. Maher indicated a second district for the Hopewell Valley area is suggested for the future. As directed by the State of Maryland, the MRGA is a designation of an intended growth area. There are some areas with economic development potential outside the MRGA. For those areas, individual requests for service could be made to the Mayor and City Council.

Councilmember Parson-McBean wants to discuss the Mayor and Council's vision for economic development prior to adopting the Comprehensive Plan.

The Public Hearing for the Comprehensive Plan will be held on March 25, 2008. Discussions about the Plan, including economic development, will continue at work sessions in April.

Ms. Maher informed the Mayor and Council that Maryland's Annual Preservation & Revitalization Conference will be held on May 29 and May 30, 2008 in Hagerstown. She and Deborah Everhart, Director of Economic Development, will be giving presentations of what has been occurring to help revitalize downtown during the conference.

Award of Construction Contract – Jonathan Street Reconstruction and Utility Replacement

Rodney Tissue, City Engineer, and Jim Bender, Assistant City Engineer, provided an update for the Jonathan Street Reconstruction project.

During the past year, Staff, along with the engineering consultant (KCI Technologies, Inc.) has prepared construction plans for the Jonathan Street Reconstruction and Utility Replacement project. The plans call for the replacement of the existing water, sewer, and storm drainage lines, installation of a new pavement section, and streetscape enhancements between Church Street and Charles Street. The scope of the project, as bid, does not include relocating the existing overhead utility lines underground.

On March 12, 2008, staff opened the bids for the Jonathan Street reconstruction project. Five bids were received, and the apparent low bidder was Ardent Company, LLC (Ardent) from McLean, Virginia, with a base bid of \$3,232,000. This bid was considerably less than the construction cost estimate of approximately \$4,475,000 that was identified in the CIP budget. Ardent has performed little (if any) work for the City in the past, and Staff is in the process of verifying their bid and checking their references to ensure that they are capable of performing the work required for this project.

Knowing that this is a priority project for the Council and the citizens of Hagerstown, staff wishes to move ahead with the construction as quickly as possible.

There are several items that were not included in the bid for the project. Some of these costs are for materials or services that the City (or suppliers already under contract with the City) will provide, while others are costs that the City must incur to complete the project. The contract also provides some protection for the contractor if the cost of asphalt cement rises markedly during the course of the construction project.

There are also some uncertainties with regard to the relocation of existing utilities, the need for additional engineering inspection and design services to address conditions in the field, and contingencies to deal with unforeseen problems during construction. Anticipated additional costs are \$ 468,000. The total project cost is \$ 3,700,000.

If the Mayor and Council awards the contract to Ardent on March 25, 2008, it is anticipated that Ardent will be given a Notice to Proceed on or about May 1, 2008. The term of the contract is 200 working days. It is the City's intention to have the work completed by the summer of 2009. The actual construction schedule will be driven by weather conditions and the progress of the work. Jonathan Street from Church Street to Pennsylvania Avenue will be closed for approximately one year.

Prior to construction, Staff intends to schedule an open Public Information meeting with the contractor and the Jonathan Street residents that will be affected by this project. In particular, Staff feels that it is important for the residents to understand the scope and schedule of the work, and to discuss provisions that the contractor will have to make to allow property owners to access their properties during construction. The public meetings will begin during the first week of April. Subsequent meetings will be held as necessary to keep the residents informed.

Councilmember Parson-McBean thought the work would be done one block at a time. Mr. Tissue stated the gas company will start work in the first block and when they finish, the next utility will follow. Mr. Tissue anticipates being able to make arrangements for residents to park in municipal parking lots during the construction.

Mr. Zimmerman commended the Staff of the Engineering Department for the work of designing and bidding two of the largest transportation projects in the City in many years.

Councilmember Nigh stated there is a drainage problem at 60 W. Church Street. Water comes into the basement at this residence. Mr. Tissue stated the vacant lot behind Church Street will be the staging area for the project. When the project is finished, the area will be graded to alleviate the water problem.

Discussion of Recycling and Refuse Collection – Revisions to Chapter 117, Garbage, Rubbish and Refuse

The Recycling and Refuse Collection Ordinance has been revised. Comments have been incorporated from the Mayor and Council discussion on March 4, 2008, from documents provided from Washington County Solid Waste staff and feedback from the collection contractor, Allied Waste.

Mr. Tissue stated property containing nine or more residential units will be required to utilize private collection services. He suggested adding a clause that these properties would only be eliminated from the city's program if their trash becomes a nuisance or becomes excessive. The set out time paragraph includes a statement that rubbish for pick up shall not block pedestrian traffic. It will be the residential property owners' responsibility to ensure that trash is not visible from the right of way.

Councilmember Parson-McBean suggested making the fine the same as it is for littering.

Councilmember Metzner commented on mandatory recycling. He would not be in favor of penalizing residents for not participating in recycling but he would like to discuss a program in which trash is only picked up if there is a curbside recycling container out for pick up.

Councilmember Cromer would like to discuss costs savings of mandatory recycling with the contractor. Mr. Tissue stated the contract will be discussed in April. The items to be discussed will be whether or not to rebid the contract, changes to collection and whether or not to change contractors. Councilmember Cromer stated the Council may want to discuss these items and recycling prior to having the contractor at a Work Session.

Mr. Tissue and William Nairn, City Attorney, will review the fine structure and may add a fine for depositing refuse on the public right of way.

The revised ordinance will be scheduled for introduction on March 25, 2008.

Mr. Nairn left the meeting.

CITY ADMINISTRATORS COMMENTS

Bruce Zimmerman, City Administrator, stated the yard waste collection will be reinstated on April 1, 2008. City Hall will be closed on March 21, 2008 in observance of Good Friday.

MAYOR AND COUNCIL COMMENTS

Councilmember L. C. Metzner stated while he was on vacation, he discussed City services with people from Canada. They found it inconceivable that growth in the City is based on the service available.

He asked why there was no indication from the Community Lobbyist about the potential reduction in funding for the University System of Maryland at Hagerstown. Mayor Bruchey stated this occurred in a subcommittee and not in the general legislation. The proposal will now go to a conference committee, who will decide whether or not to reinstate the funding in the budget. Mayor Bruchey stated he first received word of the reduction from Senator Donald Munson.

Councilmember P. M. Nigh expressed sympathy to the family of Mary Rice who passed away this week. The neighborhood appreciated Ms. Rice's watchful presence. If someone has a problem with the newspaper stories, they need to contact the owner of the paper. The story about the person who was killed by a State Trooper recently was a good story but the headline was misleading. A fund raiser for the Baktari Heart Fund, The MacDonald's Round Ball Classic, will be held at Hagerstown Community College on March 21, 2008.

Councilmember K. S. Cromer stated she is receiving questions about responsibility for curbs. She asked who is responsible for repairing curbs. Mr. Tissue stated Staff is determining the amount of curbing and sidewalk repair that is needed in an area before the job is put out to bid. Staff intends to offer a contractor price to residents. Notices will be sent out in April to those residents with sidewalks in need of repairs.

Councilmember Cromer has received information that the consolidation of the 911 Center will cause employees to lose their seniority and some benefits, such as reduced vacation time. Mr. Zimmerman stated he will discuss this with Chief Smith and provide information to the Mayor and Council. A governance meeting is scheduled for next week. He and Councilmember Nigh are members of the committee and will be attending.

Councilmember Cromer wants to make sure employees will not be penalized due to this change.

Councilmember M. E. Brubaker stated an action in a House of Delegates Subcommittee drastically reduced funding for the University of Maryland at Hagerstown Center (USMH). The Mayor and individual Council members have been responding to this reduction and he hopes they will be able to respond collectively.

Councilmember A. Parson-McBean attended the National League of Cities Congressional Cities Conference last week. She has been appointed to the Transportation Infrastructure Committee. She had meetings with Senator Ben Cardin and Senator Barbara Mikulski. Both Senators are accepting of the City's decision to hire The Ferguson Group. She attended meetings at the State Legislative offices after receiving word of the reduction in funding for USMH. She stated the reduction is in response to a question about accountability of spending at higher education facilities. It is imperative for the City to let the legislators know they care about this opportunity for higher education in Hagerstown. Higher education is part of the City's economic development. A number of people are concerned about the recommendations of the subcommittee.

Mayor R. E. Bruchey, II asked why the Shady Grove Center was not included in the funding reduction. Councilmember Parson-McBean stated, according to the subcommittee, it takes \$ 7 million to operate the center. The number of students is 1,600. Councilmember Brubaker stated Shady Grove has been in existence since the late 1970's. He believes they struggled when they started. People need to be reminded USMH is fairly new and has to be supported to survive. Councilmember Parson-McBean stated other facilities are public/private partnerships. It is up to the City to say funds are needed to make a difference in the community.

EXECUTIVE SESSION – March 18, 2008

On a motion duly made by Councilmember K. S. Cromer and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to meet in closed session at 5:33 p.m. for an administrative function, #15, to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, #4, to consider the acquisition of real property for

a public purpose and matters directly related thereto, #3, and 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. No formal action was taken. The meeting was held in the Council Chambers, 2nd floor at City Hall. The meeting was adjourned at 7:51 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: April 22, 2008