

WORK SESSION – March 20, 2007

Mayor Robert E. Bruchey, II called this Work Session of the Mayor and City Council to order at 4:08 p.m., Tuesday, March 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.

Preliminary Agenda Review

The preliminary agenda was then reviewed.

**Consent Agenda**

A. Water/Sewer:

1. Mowing Contract for Various Divisions – Randy’s Multi-Services (Clear Spring, MD) \$ 17,525.00
2. Water Distribution Meters – HD Supply Waterworks, Inc. (Martinsburg, WV) \$ 113,072.19
3. ABB 2007 Annual Software Service Contract – ABB, Inc. (New Berlin, WI) \$ 16,980.00
4. Purchase and Installation of Anthracite Filter – EMH Environmental, Inc. (Glenwood, MD) \$ 69,600.00
5. Distribution – Leak Detection System – Flow Metrix, Inc. (Maynard, MA) \$ 12,500.00

Councilmember Brubaker asked if the mowing contract for Water/Sewer and Parks and Recreation were bid jointly. Donnie Barton, Wastewater Operations Manager, stated they were, with an option to award the contracts independently. Mr. Zimmerman indicated Staff is recommending awarding the bids to the low bidder for the respective department. The bid for Parks and Recreation is listed as a four year contract but it would need to be renewed each year. The bidders signed statements that they understood the contracts could be awarded jointly or separately.

- B. Parks: Mowing and Trimming Contract – 2007 Season (4 year contract, 2007 through 2010) – Ground Envy (Hagerstown, MD) \$ 78,320.40 for all four seasons (2007 Season \$ 17,640.00, 2008 Season \$ 18,874.80, 2009 Season \$ 20,196.00, 2010 Season \$ 21,069.60 – Subsequent seasons to be awarded each year)

Councilmember Brubaker expressed concern that the anticipated 7% annual increase is higher than the inflation rate.

- C. Police: Camera Package for Expansion of Downtown System – Simplex Grinnell (Hagerstown, MD) \$ 17,363.00

D. Engineering:

1. Supplemental Environmental Project (SES) – Valley Road Storm Drain Channel Restoration – Biohabitats (Baltimore, MD)  
\$ 260,000.00
2. Signal Improvements at Burhans Boulevard and Sherman Avenue
  - a. Traffic Signal Modifications at Burhans Boulevard at Sherman Avenue – Valentine Electric, Heating and Air, Inc. (Hagerstown, MD) \$ 23,290.00
  - b. Widening Burhans Boulevard – Milton Stamper Builders (Hagerstown, MD) \$ 27,972.00

Funding for the signal improvements will be from the excise tax, developers and the City of Hagerstown.

E. Light:

1. Two 2007 Ford F-150 Pickup Trucks to Replace Unit 101 and Unit 102 – Norris Ford (Baltimore, MD) \$ 34,264.00
2. Three 2007 Chevrolet Silverado Pickup Trucks – Criswell Chevrolet (Gaithersburg, MD) \$ 57,108.00

- F. Community Development: Rehabilitation Contract for 33 Elizabeth Street – Milton Stamper Builders (Hagerstown, MD) \$ 68,305.00

**Approval of an Ordinance: Cluster Amendments #3**

**Approval of an Ordinance: Professional Office Mixed Zoning District**

**Approval of an Ordinance: General Zoning Text Amendments**

There was no discussion for these ordinances.

**Approval of an Ordinance: Vicious and Dangerous Animals**

Councilmember Metzner suggested tabling the approval of the Vicious and Dangerous Animal ordinance and schedule a discussion for a work session. The ordinance is needed; however, he is concerned that people who chose not to appeal the designation by the Humane Society of Washington County will have no further recourse with the City of Hagerstown. He asked that the discussion include the process used by the Humane Society to make the determination. The City may need to include additional finding of fact information as it relates to vicious and dangerous animals. He is concerned that another political entity would be making a decision the City of Hagerstown is not part of.

Councilmember Cromer agreed. The Mayor and City Council need to have an understanding of the process. Councilmember Nigh indicated the Washington County Animal Control Board makes the determination and there is an appeal process. She stated it may be time for the City to have its own animal control board. Councilmember

Parson-McBean stated the Council should have specific questions to be addressed. She thought these concerns had been addressed.

Approval of the ordinance will remain on the agenda for March 27, 2007.

**Resolution: Approval of New Lease with Department of Labor, Licensing and Regulation, 206 N. Potomac Street**

The Department of Community Development is requesting that the Mayor and Council approve a new lease for Department of Labor, Licensing and Regulation for the premises known as 2-6 North Potomac Street, First Floor. The lease would be for ten years.

**Resolution: Charter Review Committee**

Mayor Bruchey stated the Mayor and Council are working on language for the City Attorney for this resolution. Councilmember Cromer asked that Georgiann Breichner be added to the committee list. Councilmember Parson-McBean will provide the name of her choice for the committee to the City Clerk. Councilmember Cromer stated all the committee members should be at the regular session on March 27, 2007 to receive the oath of office. Councilmember Parson-McBean objected to Tony Campello being one of the committee members. He has caused the City to spend money to represent the City Administrator and her for the ethics complaints he filed.

Mayor Bruchey noted the objection.

**Resolution: Authorizing Contract for Summer Camp Programming with Hagerstown YMCA**

The Hagerstown YMCA will operate summer play camp operations during the 2007 summer season at Hellane Park and Pangborn Park.

**Resolution: Authorizing Contract for Summer Camp Programming with Memorial Recreation Center, Inc.**

The Memorial Recreation Center, Inc. will conduct summer play camp operations during the 2007 summer season at Wheaton Park.

**Resolution: Authorizing Contract for Summer Camp Programming with Girls, Inc. of Washington County**

Girls, Inc. will conduct summer play camp operations during the 2007 summer season at the Girls, Inc. facility.

It was the general consensus to include the resolutions for the three summer play camps on the agenda for approval on March 27, 2007.

**Resolution: Authorizing Easement Agreement with McDonald's Restaurant**

In the summer of 2005 the City approved a site plan for the new McDonald's restaurant that was recently constructed on Dual Highway. At that time, it was noted there was an existing City storm drainage line running through the property, and a condition of approval for the site plan was that the Developer establish a drainage easement through his property over the pipe. The developer granted this easement to the City.

Recently, representatives of McDonald's have requested that the City enter into an agreement that specifies the rights and responsibilities of both parties with regard to this storm drainage easement. Both staff and the City Attorney reviewed a draft version of the agreement, and request McDonald's to make modifications to several clauses in order to better protect the City's interest. McDonald's made the requested changes, and the City Attorney is now satisfied with the language in the agreement.

It was the general consensus of the Mayor and City Council to approve the agreement.

**Approval of an Amendment to the FY 2006-2007 Annual Plan for the Community Development Block Grant Program**

An amendment to the FY 2006-2007 Annual Plan for the Community Development Block Grant Program is being proposed to create two new activities: North Locust Street Streetscape Improvements with a budget of \$ 144,000 and Pedestrian Signal Installation with a CDBG budget of \$ 6,000.

This completed the review of the preliminary agenda.

2007 Hagerstown Cycling Challenge

The City of Hagerstown has partnered with the Antietam Velo Club for more than eight years to host the Hagerstown Cycling Challenge. City staff has worked with the representatives of the Club on the plans for this year's event. Karen Giffin, Director of Community Affairs, Susie Salvagni, Special Events Coordinator, and Joe Jefferson, Antietam Velo Club, were present to answer questions.

The Antietam Velo Club is requesting early approval of the underwriting of City Services for their 2007 event, slated for Saturday, July 7, 2007. Obtaining early approval of the budget will allow the organization more lead time to communicate with the local residents in an effort to create more community involvement. City staff has included a request for \$ 3,400.00 in the 2007/2008 Public Functions Budget for this event. This cost is for Police and Public Works services.

Councilmember Metzner suggested including an additional \$ 600.00 in the budget for advertising for this event. It was the general consensus of the Mayor and City Council to

provide early approval for the event and to increase the amount in the 2007/2008 budget to \$ 4,000.00.

### Downtown Interpretive Plaques

Last year, the City received grant funds from the Maryland Heritage Area Authority for new banners for the downtown light poles, downtown directory signs for pedestrians, and interpretive plaques on downtown buildings.

The Mayor and City Council approved the concepts for the banners and directories in November. The bids are due in mid-March.

Twelve to fourteen interpretive plaques are planned for downtown buildings for Civil War heritage. The goal is for the plaques to tell the story of important events and activities during the Civil War in downtown Hagerstown.

If the Mayor and City Council approve the plaques, staff will contact property owners for permission to install the plaques on their buildings and then send the plaques out to bid.

It was the general consensus to proceed with bidding for the design and manufacturing of the interpretive plaques.

### Youth Baseball League User Agreements

The following leagues have requested to exercise their right to renew their User Agreements for an additional 60-month term:

Hagerstown Colt & Palomino League – Hellane Park  
Hagerstown Pony League – Funkhouser Park  
National Little League – Staley Park  
West End Little League – Hellane Park

Each league is currently utilizing its respective field under the terms of the User Agreement dated April, 1999 and understand that the new term began on January 1, 2004 and is scheduled to expire on December 31, 2008.

The American Little League utilizes the youth baseball fields at Hager Park and Fairgrounds Park and has requested to exercise their first 1-year renewal option for calendar year 2007. The renewal term of the User Agreement shall be January 1, 2007 through December 31, 2007.

No Mayor and City Council action is necessary for the renewals.

City Park- Washington County Senior Softball League Agreement

The Washington County Senior Softball League utilizes the softball fields at City Park and has requested to exercise their first 1-year renewal option for calendar year 2007. The renewal term of the User Agreement shall be January 1, 2007 through December 31, 2007.

City Attorney Mark Boyer indicated when these agreements have expired; new agreements will be presented to the Mayor and City Council for approval.

The rental licensing ordinance change was discussed later in the meeting.

Transportation Priority Projects

The City is actively involved in the local Metropolitan Planning Organization (MPO). The goal of the MPO is to plan for and meet the transportation needs of both its member municipalities and the region as a whole. Recently, the MPO has taken the lead in organizing City and County staff to determine the top transportation priorities, to ensure that the member municipalities have common goals, and to have the members unite as one voice in seeking State and Federal funding for projects.

Staff has developed the following list of priority projects:

Current Projects

1. Eastern Boulevard Widening (Conrad Court to MD 64)
2. Dual Highway – Edgewood Dr. (Intersection Improvements)
3. Jonathan Street Streetscape (Utility and Storm Drain Improvements)
4. MD 60 – Northern Ave. (Intersection Improvements)
5. Marshall Street Reconstruction

Future Projects

1. Eastern Blvd. Extension (YMCA to Marsh Pike)
2. Eastern Blvd. (Upgrade of County Portion)
3. Northwest Connector (Haven Rd. to Salem Ave.)
4. Professional Ct. Extension to Proposed Hospital Site
5. Paul Smith Blvd. (Rt. 40 to ALT 40)
6. Southern Blvd.

Staff requested the Council's input on the list, so they may forward this to colleagues at the MPO and Washington County. Council input will help to ensure that staff is accurately representing the Council's priorities at future meetings and in the preparation of grant solicitations.

Councilmember Brubaker indicated the Eastern Boulevard Extension and the Eastern Boulevard Upgrade need to occur at the same time to avoid traffic problems. He stated

the projects have to be a joint effort between the City of Hagerstown, the Washington County Commissioners and the State of Maryland.

Councilmember Metzner indicated the Board of Traffic and Parking held an informational meeting last week to inform the citizens of the plans for road improvements. He believes the meeting was helpful.

#### Supplemental Environmental Project (SEP)

In order to comply with the Consent Judgment Agreement with the Maryland Department of the Environment (MDE), a “Supplemental Environmental Project” (SEP) must be planned, designed and implemented by the City. This project must provide environmental improvements such as a stream restoration or other water quality enhancements.

As a follow-up to the discussion with the Mayor and Council on June 8, 2006, staff is pleased to report they have moved forward with this project and are recommending the following:

1. Award of a design/build contract for the design and restoration of the Valley Road Stream Channel.
2. Acquisition of the land from Dan Ryan Builders for the stream restoration and the expansion of Fairgrounds Park.

Staff is requesting that the Mayor and Council award the design/build contract and introduce an ordinance to acquire the land for the stream restoration. The land is 2.79 acres from Dan Ryan Builders. This will be received at no cost for the land and will allow the City to complete the required Stream Restoration Project. Since this area is mostly encumbered by a Forest Conservation Easement, the ongoing maintenance of this area will be low but will be a nice addition to the north end of Fairgrounds Park.

This project will enhance Fairgrounds Park, create an environmental educational facility for the community and address the MDE consent order to fund and complete a water quality enhancement project.

The 2006 Bond Issue included \$ 100,000 for the design/build portion of this project. The additional funding would be through a sewer bond issue.

It was the general consensus to include the award of the design/build contract and the land acquisition ordinance on the March 27, 2007 agenda.

#### Rental Facilities Ordinance – Fee Amendment

John Lestitian, Chief Inspector, was present to review the rental license fee. The current budget calls for a fee increase in June, 2007 as has been discussed during previous Mayor and Council meetings. Additionally, in order to provide the most

advanced notice as possible staff seeks to incorporate a second fee increase in the amendment to become effective in June, 2008.

These fee increases are based on the Rental Licensing Fee contributing to approximately sixty percent of the Code Compliance annual budget. The proposed increases are as follows: June, 2007 - \$ 45.00 per unit and June, 2008 - \$ 50.00 per unit.

Mr. Lestitian stated an agreement with the landlords included that the licensing fee would cover 60% of the City's costs for the program. Those costs have increased due to wage increases and health care costs.

Councilmember Cromer stated this is another indication of the "trickle down" effect of the Springsted Wage Study. She is concerned the residents will be the ones to pay this increase. She asked if the fee could be raised to \$ 50, with the understanding the fee would remain at \$ 50 for the next five years. Mr. Lestitian stated the expenses were reviewed and Staff determined \$ 45 would cover the costs for 2007/2008. Councilmember Cromer is concerned that the fee would be increasing each year.

Councilmember Brubaker asked if the beginning date should coincide with the beginning of the budget instead of at the end of the budget year. Councilmember Brubaker is concerned that the fee is increasing by 10% and 12%. He is also concerned about making decisions about the 2007/2008 budget before the Council reviews it.

Mr. Lestitian indicated the City of Hagerstown fees are lower than many other jurisdictions in the State of Maryland.

It was the general consensus of the Mayor and City Council to include approval of the rental licensing fee increase as recommended.

#### City Administrator's Comments

*Bruce Zimmerman, City Administrator*, had no additional comments.

#### Mayor and City Council Comments

*Councilmember L. C. Metzner* expressed his concern that House Bill 1436 has been presented to the State Legislature. This bill requires a person who wants to appeal a decision as it relates to a hospital to post a bond in the amount of the cost of the appeal. The Council will send a letter to the Delegation indicating their opposition to this bill. The group appealing the court decision in reference to the zoning for the new hospital is not delaying the project. The hospital board was told they had to address certain issues, which they delayed doing.

*Councilmember A. Parson-McBean* stated the National League of Cities Conference was good. Jeffrey Shifler was sentenced in Federal Court on March 16, 2007. She stated this is a victory for Hagerstown and the people are sending a message they will not sit



idly by and allow someone to terrorize the City as a community. It is time for the community to heal. She will continue to work with Building Community to ensure tolerance. She was saddened that the City did not send a letter of support for the pursuit of justice.

Councilmember Parson-McBean expressed concern that the Charter Committee members were announced during her absence.

*Councilmember M. E. Brubaker* attended the Martin Luther King Scholarship Dinner on March 18, 2007.

*Councilmember P. M. Nigh* stated the forensic patients will not be housed at the Potomac Center. This decision was a result of concerned citizens attending hearings in Annapolis. She asked if there is a way for children to participate in Little League if they can't afford to pay the fee.

She is concerned that the right of appeal is being taken away from citizens with HB 1436. She expressed concern for the problems that occurred after the Pub Crawl that was held in Hagerstown on March 17, 2007. Someone jumped from the new parking deck. Later in the evening, there were problems with fights. The Washington County Sheriff's Department and the Maryland State Police were called in to assist the Hagerstown Police Department in controlling the fighting.

Councilmember Cromer stated this was not a City sponsored event. She suggested if another event like this is held, that the organizers discuss it with the City for suggestions. This was not the first bar fight in the history of Hagerstown.

*Mayor R. E. Bruchey* was at the parking deck after the accident. There were about 500 people in the area and there were only 8 arrests. This could have happened at any event. The organizers of the event are aware they need to make changes if they hold it again next year.

Councilmember Parson-McBean stated 8 arrests is not an acceptable number. Mayor Bruchey indicated he didn't say it was acceptable. He was pointing out it could have been worse.

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 5:55 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved:

WORK SESSION  
MAYOR AND CITY COUNCIL

MARCH 20, 2007  
HAGERSTOWN, MARYLAND