

74TH REGULAR SESSION – MARCH 25, 2008

Mayor R. E. Bruchey, II called this 74th Session of the Mayor and City Council to order at 7:09 p.m., Tuesday, March 25, 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 John Urner and D. K. Spickler, City Clerk.

The invocation was offered by Councilmember Lewis C. Metzner. Cub Scout Wolf Den Pack 103 led the group in reciting the Pledge of Allegiance.

Mayor Bruchey announced the Rules of Procedure for this meeting will be followed as adopted March 28, 2006. It was announced that the use of cell phones and electronic devices during meetings is restricted and that all correspondence for distribution to elected officials should be provided to the City Clerk and should include a copy for the City Clerk for inclusion in the official record.

The next scheduled meetings are: Work Sessions beginning at 4:00 p.m. on Tuesday, April 1, 2008, Tuesday, April 8, 2008, Tuesday, April 15, 2008, the Regular Session on Tuesday, April 22, 2008 at 7:00 p.m. and a Work Session on Tuesday, April 29, 2008 at 4:00 p.m.

APPOINTMENTS

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. S. Cromer, the Mayor and City Council unanimously agreed by voice vote to appoint James Bryan and Brian K. Nordyke to the Board of Technical Appeals and Madeline Louise Cline and Gudrun Cook to the Board of Parks. Mr. Bryan's term of office will expire June 30, 2012. Mr. Nordyke's term of office will expire June 30, 2009. Ms. Cline's and Ms. Cook's terms of office will expire October 31, 2010.

PUBLIC HEARINGS

The first Public Hearing is on the City's Comprehensive Plan. The meeting agenda also lists a second public hearing, which is for the Doub Property Annexation.

During the Public Hearing on the Comprehensive Plan, the Doub Farm Property Owners, who are the applicants for annexation in the second hearing, plan to make a presentation that the proposed land use classification for the Doub property be changed to a different category than proposed in the new Comprehensive Plan. Because of this, the Doub Property Annexation Public Hearing is being rescheduled.

Those present for the Doub Property Annexation Hearing were encouraged to participate in the Comprehensive Plan Public Hearing and give testimony. The Doub Property Annexation is being rescheduled to Tuesday, April 22, 2008 at 7:00 p.m.

Those testifying at the public hearing on March 25, 2008 will also be able to provide testimony at the public hearing on April 22, 2008.

Comprehensive Plan

A Public Hearing was held to receive testimony on the Draft Comprehensive Plan. The Draft Comprehensive Plan was formally recommended for adoption by the Planning Commission on October 31, 2007. This is the culmination of a long and involved process that began with an initial public presentation and solicitation of input on April 27, 2005 and included over two years of Plan development and review with the City's consultant ERM, City staff, and the Planning Commission.

Kathleen Maher, Planning Director, stated the Draft Comprehensive Plan was finalized and formally submitted to the Maryland Department of Planning and other interested parties as required by Article 66B 3.07 (c) in May of 2007. The Planning Commission also discussed the Draft Plan with the County Planning Commission at their May 30, 2007 regular meeting. Staff presented the draft plan to the County Economic Development Commission on July 12, 2007.

A Public Hearing was then held by the Planning Commission on July 25, 2007. Comments that were received during this period were reviewed and incorporated into the Final Draft of the Plan. On September 26, 2007, the Planning Commission made changes to some of the land use recommendations proposed for outside the City in the Medium Range Growth Area as a result of discussions with County staff to try to avoid inconsistencies between the City and County Comp Plans where possible and/or appropriate. On October 9, 2007, staff attended the County Commissioners meeting to continue discussions on the land use designation differences.

On November 6, 2007, the Council received the recommended Draft Plan, along with a Power Point presentation, the Executive Summary and the chronological log of meetings and work sessions. The Council has since reviewed and formally discussed the Plan on at least four separate work sessions during the months of December, 2007 and January, 2008.

The 2008 Comprehensive Plan is the City of Hagerstown's official statement of policies directing the physical, social, and economic development of Hagerstown for the next 20 years, as well as policies for managing the City's water and wastewater utilities over that time period. This Plan satisfies the requirements of Article 66B of the Annotated Code of Maryland. This Plan also represents a significant departure from the earlier 1997 Plan, in that it responds to new growth pressures, water and wastewater limitations, and other concerns that have emerged since the approval of the 1997 Plan.

The 2008 Comprehensive Plan also provides the land use and growth management policy framework for Hagerstown's efforts to regain and strengthen its role as the primary provider of urban services in the Hagerstown region. Major themes of this Plan include:

1. Growth and Annexation
2. Revitalization of Existing Land
3. Water and Wastewater Limits
4. Improvements to Transportation Network
5. Enhancement of Parks and Recreation Opportunities

The 2007 Comprehensive Plan sets forth new City policies that will be implemented through a number of separate decisions, ordinances, and laws. Hagerstown's Zoning and Subdivision Ordinances and maps will be updated and amended to be consistent with the Plan's recommendations. The City's Capital Improvement Program (CIP) should be updated to include specific projects described in the Plan. The Plan also serves as the basis for future amendments to the County Water and Sewer Plan.

Ms. Maher entered the following Exhibits:

- Exhibit 1: Certificate of Publication of Hearing Notice
- Exhibit 2: Recommendation of Planning Commission
- Exhibit 3: Schedule of Meetings and Hearings Held
- Exhibit 4: Summary of Comments Received and Not in the Plan

Mayor Bruchey indicated the presentation on the request for annexation of the Doub Farm Property would be made first. Following the presentation, testimony would be heard.

Bruce Dean, McEvoy and Dean, 8 West Third Street, Frederick, Maryland, was representing the contract purchaser. The property is currently zoned for commercial employment on the eastern half and residential on the western half. This would support a mix of commercial and employment uses, with focus on commercial on the west side and business employment on the east side. His clients support the draft plan and its vision for the City. He believes his client's proposal for the Doub farm meets the goals for the Plan better than the current zoning. He stated there will be a net increase of \$ 1 million in tax revenues for the City if the property is developed as proposed. This funding could be used to fund police protection, fire protection, and park improvements. The net fiscal benefit to the County is anticipated to be between \$ 5 million and \$ 6 million. Retail investors search for property near interstates. He asked that consideration be given to the Doub farm for zoning that would permit the type of development the owners envision. They are asking for permission for an entrance road on both sides of Route 40. This should be part of the City's transportation plan. The owners believe their plan is right for the City, the taxpayers and for them.

Philip Ross, President of Petrie-Ross, 1919 West Street, Annapolis, Maryland, commended the Planning Commission for their diligent work on the Comprehensive Plan. The Plan fosters growth and will create jobs using the City's regional infrastructure. Petrie-Ross is the developer of the Doub Farm property. He stated the City saw the advantage of annexing property for commercial development ten years ago when the property at the Centre of Hagerstown was annexed. Retailers were brought to Hagerstown who had not been in this market area. Hagerstown now has the same

opportunity with the Doub Farm property, but the opportunity must be created. The Doub property has visibility, highway access and infrastructure services. Visibility is the key to well planned, commercial development. This proposal will change Hagerstown from a regional draw to a super regional draw. There will be entry level jobs, but with this project's commercial and business component there is the possibility of 9,000 jobs being created. Anchor businesses of the plan include a theater and a hotel. There will also be pedestrian friendly landscaping. He doesn't feel this site is conducive for residential development.

Krista McGowan, Miles and Stockbridge, 30 W. Patrick Street, Frederick, Maryland, represents the Doub family. The Doubs owned the property for more than 110 years, so this is not an investment property or speculative venture. They have strong ties to the area and are interested in the property being developed in the best interest of all parties concerned. The plan requires an intensive zoning classification. They are also requesting commercial zoning on 80% of the property and business employment zoning on 20% of the property. The competition for blue chip type of users is very intense. The Doubs are interested in developing the land now. The cost of developing will be significant. Road construction alone will be tremendous. Residential development could not support the cost of developing the property. They are interested in a vibrant use of the property. The Doubs believe the revenue generated will benefit the City and allow the Doub family to participate in a partnership to utilize the property and realize income from it. They have waited a long time and for the right project to be a legacy for the Doub name.

This completed the presentation from the Doub Farm property parties.

The following testimony was presented concerning the Comprehensive Plan:

Matt Donegan, Bowman Development, 10228 Governor Lane Boulevard, Williamsport, Maryland, stated Bowman Development has owned property on the south side of Hagerstown for more than twenty years. They have expected this area to be a very viable commercial growth area due to its commercial zoning designation of Highway Interchange, its proximity to Interstate 70 and the existing commercial and residential communities. Sharpsburg Pike is one of the main arteries into and out of the City. The businesses located on the extension of South Potomac Street provide City residents with products and goods and provide employment opportunities. Bowman has continuously planned for this development and recently submitted a preliminary plan.

Jason Divelbiss, Miller Oliver, Baker, Moylan & Stone, 12916 Conamac Drive, Hagerstown, Maryland, was representing PL&K Limited Partnership (Supreme Block property at 20 Eastern Boulevard). The property owners do not agree with the recommended Future Land Use classification for the property as a combination of "Parks/Open Space" and "Business Employment." The property owner requests a Future Land Use classification of "Commercial General" for the property, in order to provide the property with the greatest variety of permitted land uses and thus the greatest opportunity to redevelop. The "Commercial General" Future Lane Use classification

would not foreclose possible development of the property for a non-retail use. There is limited pedestrian access to this property; therefore, it would not be an ideal location for a park.

R. J. Hamilton, 1929 Dual Highway, Hagerstown, Maryland, supports the change in the land use classification requested by Mr. Ross. Mr. Hamilton owns a car dealership across Route 40 and he believes this land is one of the gateways to Hagerstown and should have a gateway development on it. He commended the Planning Staff for the good work on the draft comprehensive plan.

Jim Laird, 1903 Maplewood Drive, Hagerstown, Maryland, believes a shopping center or large commercial project at the location of the Doub property would be detrimental to the downtown revitalization project. He stated David Rusk, Consultant, informed the Mayor and City Council that how visitors view the approach to a town is vitally important.

John Parsons, 484 Thames Street, Hagerstown, Maryland, stated the Comprehensive Plan has no new roads planned in the area of the Doub property. The roads in the area are already inadequate. The development planned for the Doub property has been reported to create 9,000 jobs. He is concerned with the increase of traffic because of the development. This development is different from the Centre at Hagerstown in that the Centre is on the outskirts of the City.

Tina Kertz, 404 Landis Road, Hagerstown, Maryland, is pleased the Comprehensive Plan defines a broader vision for the City. However, she is concerned that the \$ 1 million in expected tax revenue will not make up for the additional traffic and road issues from a development of this size.

John Bagley, 312 Landis Road, Hagerstown, Maryland, is concerned that the land proposed for the development is very rocky. He asked what effect there would be on the residents if a significant amount of blasting and drilling is required. He stated road improvements are needed before anything can be done.

Jack Grier, 9938 Fieldstone Drive, Hagerstown, Maryland, stated the Comprehensive Plan takes into account increased development on the east side of Hagerstown. He is concerned that any development will cause a change in the water run off and supply.

County Commissioner Kristin Aleshire, 1217 Virginia Avenue, Hagerstown, Maryland, has reviewed the draft comprehensive plan and presented a list of recommended revisions. One area he discussed was the limited number of goals for both water and sewer services. He believes all efforts to preserve this resource should be noted. He also recommended adding more goals to the downtown revitalization efforts, such as marketing, parking availability and the use of vacant upper floors. He recommended mentioning the various historical organizations. He stated some of the maps and legends are unreadable. His list will be reviewed by the Planning Department.

Councilmember Metzner asked Commissioner Aleshire if the County has discussed the Doub property development. Commissioner Aleshire stated the proposed development is contrary to County zoning and what is in the City's Comprehensive Plan. He stated an R3 and Business Employment designation will have an effect on marketability of the urban core of Hagerstown. He stated significant commercial development is proposed for both sides of Interstate 70. Either of these properties could be annexed into the City and be subject to the Urban Growth Area limitations. He would find it difficult to agree to waive the zoning transfer element of annexation if the Mayor and Council approve the development plan for the Doub property.

Matthew Davis, 602 Fair Meadows Boulevard, Hagerstown, Maryland, complimented the Planning Staff and Planning Commission for their work on the draft Comprehensive Plan. He encouraged the Mayor and Council to adopt a plan to maintain community integrity. He believes the sensitive areas component needs to be stronger. The recommended land use for the area adjacent to the Doub property is forward thinking. This would be a good place for a business employment classification. He does not believe it will have a significant impact on downtown. The property will be developed at some point in time and it is appropriate that land in the area be designated as business employment.

Jason Divelbiss, Miller, Oliver, Baker, Moylan & Stone, 12916 Conamac Drive, Hagerstown, Maryland, stated there is a small piece of property on Eastern Boulevard, near the YMCA, that is not included in the MRGA. He asked the Mayor and Council to consider including that small piece within the MRGA.

Brian Kurteyka is an attorney who lives in Frederick County and works in Washington County. He stated Hagerstown has the opportunity to achieve what Frederick is starting to experience. Frederick has a large amount of commercial development on the fringes of the city and this hasn't detracted from downtown. There are unique shops and restaurants in the A & E District in downtown Frederick. The intersection of Route 40 and Interstate 70 in Washington County is an ideal location for town center type of development. Residential development would not be appropriate.

Councilmember Nigh stated it appears Frederick is experiencing an increase in residential development. Mr. Ortega believes the residential market is dictating some of the changes in Frederick.

Ms. McGowan spoke on behalf of several clients. She asked that the Mayor and City Council include properties with pre-annexation agreements and those with significant investment already made in the MRGA.

Mr. Ross responded to concerns about access to the proposed development. He stated that a signalized intersection would be created on Route 40, for access to the development and to the Hamilton car dealership. A study has indicated that 80% of the traffic would use this interchange.

Councilmember Metzner asked that staff respond to Mr. Ross' question about the percentage of business employment included in the comprehensive plan. He asked for information regarding the determination of the land use classification recommendation in this area.

Councilmember Cromer asked when the Doub project will be presented to the Mayor and City Council. Mr. Zimmerman indicated discussions would continue during the Work Session on April 1, 2008. The goal is to have a decision made on the land use designation in the Comprehensive Plan prior to the annexation hearing for the Doub property on April 22, 2008.

Mayor Bruchey addressed concerns about the extension of water service outside the UGA. He stated the Mayor and City Council will have the opportunity to extend service for economic development projects, if they choose to.

No further testimony was presented. The record will remain open for 10 days for further comment. The hearing was then closed at 8:46 p.m.

Doub Property Annexation, Case No. A-2008-02

This Public Hearing was rescheduled for Tuesday, April 22, 2008.

A recess was then taken.

Expansion of Boundaries – Smart Growth A & E District

In December 2001, the State of Maryland approved the City of Hagerstown's application and designed the four blocks around Public Square as a Smart Growth A& E District. This designation makes certain projects in the district eligible for exemption from the Admission and Amusement Tax and for property tax credits. The City and the County both agreed to provide a 50% property tax credit on the increase in assessment which results from a renovation project to create artist housing or space for A & E enterprises. In addition, artists who live in Washington County and derive more than 50% of their income from artistic endeavors or sales in the district are eligible for a State income tax subtraction. The tax incentives available through this program would sunset after 10 years.

In March, 2007, the Mayor and City Council authorized staff to apply to the Maryland Department of Business and Economic Development to expand the Smart Growth A & E District to include more modestly sized and priced residential housing on the east side of the existing district boundaries. The goal is to increase the opportunity for artists to purchase housing in the district. The next available deadline for such approvals by the State is April 1, 2008.

In order to expand the district boundaries, an application must be submitted for re-designation of the Smart Growth A & E District program in Hagerstown. One benefit of

this requirement is that the City's program would be re-activated for another 10 years for the tax incentives. A requirement of this application is to hold this public hearing, to give citizens the opportunity to comment on the proposal.

Councilmember Parson-McBean would like to expand the area further north.

Kathleen Maher entered the following as Exhibits:

Exhibit 1: Certificate of Advertisement

The following testimony was presented:

Matt Donegan, Bowman Development, 10228 Governor Lane Boulevard, Williamsport, Maryland, stated Bowman Development supports the A & E District. Bowman Development has made a significant investment in the A & E District and supports the opportunity for available tax incentives. He applauded the Mayor and Council members and staff for their efforts.

Sharon Disque, Hagerstown Neighborhood Development Partnership (HNDP), 21 E. Franklin Street, Hagerstown, Maryland, stated part of the HNDP's charge is to increase the opportunity for market rate housing in downtown. HNDP views the expansion of the A & E District as an opportunity to affect the demand of downtown housing. There is limited available property within the existing boundaries that are not available because of public uses. When A & E Districts were developed, they were viewed as a magnet for commercial investment by the arts community. In actuality, the attraction is that of the artists for their residences that spur commercial investment. Ms. Maher thanked Ms. Disque for her extensive work on the application.

Donovan Caron, Rogers Consulting, 15953 River Bend Court, Williamsport, Maryland, stated expanding the core of downtown creates great synergy. He has been involved with the A & E District at Carroll Creek in Frederick. Projects there have been increasing.

There was no further testimony presented. The hearing was then closed.

CITIZEN COMMENTS

Kristin Aleshire, 1217 Virginia Avenue, Hagerstown, Maryland, addressed the County Commissioners' decision to purchase property for expansion. He apologized for the first impression that was given to the public. The Commissioners should have fully outlined the plans and conceptual ideas for the property. The original newspaper article included erroneous information that a commissioner had a connection with one of the property owners. This was not correct. The properties are being purchased to expand existing county services. Reimbursement may be possible if the County Commuter bus stop is located at one of the sites. No questions were raised about the cost to expand the detention center but when property is purchased to enhance services, many questions

were raised. He suggested holding a joint meeting or a sherette to discuss a collective effort for consolidation and efficiency of services.

Councilmember Nigh stated constituents have asked if the property will be placed back on the tax rolls.

Commissioner Aleshire stated he is thankful the County has abandoned the idea of moving to the Allegheny Power site. The purchase of the properties will give the County the opportunity to provide more parking. There is a tenant ready to move in when the purchase is finalized.

Mayor Bruchey indicated this purchase will increase property values in an area that has experienced decreased value.

Councilmember Metzner stated the City has encouraged the County to remain downtown and discussions have been held about joint and consolidated services. He encouraged the Commissioners to speak at Council meetings whenever they wish to in order to provide information to the public.

MINUTES

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 minutes, as presented, for the Mayor and Council meetings held on January 15, 2008, February 5, 2008, February 19, 2008, February 26, 2008 and March 4, 2008.

CONSENT AGENDA

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. S. Cromer, the Mayor and City Council unanimously agreed to approve the Consent Agenda as follows:

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

- D. Information Technology: Municipal Operations Software Replacement – Tyler Technologies (Falmouth, ME) \$ 900,025.00
- E. Community Affairs – Baby Pool Amenities – Taylor Sports & Recreation (Martinsburg, WV) \$ 27,788.00

UNFINISHED BUSINESS

A. Adoption of an Ordinance: Acquisition of Property Known as 358 Leroy Street

Action: Councilmember P. M. Nigh made a motion to approve an ordinance to acquire the property known as 358 Leroy Street for the purpose of creation of neighborhood parking. The acquisition cost of \$ 25,000 is to be funded by the City's Community Development Block Grant Fund. Councilmember L. C. Metzner seconded the motion.

Motion carried, 4-1 with Councilmember K. S. Cromer voting No.

B. Approval of an Annexation Resolution: BRK Ventures, LLC, Case No. A-2008-01

Action: Councilmember M. E. Brubaker made a motion to adopt an annexation resolution for BRK Ventures, LLC for property located at 13015 Salem Avenue. The property to be annexed is 1.08 acres in size and is intended to be added to and made part of the adjacent municipal lands. Councilmember L. C. Metzner seconded the motion.

Motion carried, 4-1 with Councilmember P. M. Nigh voting No.

NEW BUSINESS

A. Introduction of an Ordinance: To Adopt the Revised Chapter 117: "Recycling & Refuse"

Action: On a motion duly made by Councilmember K. S. Cromer and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance to amend the Code of the City of Hagerstown by deleting and repealing Chapter 117: "Garbage, Rubbish and Refuse" and replacing it with a new Chapter 117 "Recycling & Refuse", which provides for recycling and refuse collection, collection service fees, set out requirements, and the penalties for a violation thereof.

Discussion: Rodney Tissue, City Engineer, stated the violation for littering is a misdemeanor. This option is still available, however the

penalty included in the ordinance is a municipal infraction, which is more in line with the City Code.

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

Action: 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 introduce an ordinance for a Zoning Reclassification and Zoning Map amendment, Case No. ZM-2007-03, to rezone .086 acres, more or less, of land located at Lot 19, Fridinger Avenue, from C2 (Commercial General) to R2 (Residential).

C. Approval of a Resolution: To Enter Into a Deed of Easement for Construction of a Traffic Signal Device

Action: 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 approve a resolution to enter into a Deed of Easement with FB Hagerstown, LLC for the construction of a traffic signal device at the intersection of MD Rt. 60/Northern Avenue. This easement allows the signal equipment to be set-back from the street to allow for future widening.

D. Approval of a Resolution: Support of Smart Growth Arts and Entertainment District Application

Action: On a motion duly made by Councilmember K. S. Cromer and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve a resolution indicating the City's intention to apply for re-designation of the Hagerstown Smart Growth A&E District, including an expanded area. By this resolution, the City is also expressing its intent to provide the Admission and Amusement Tax exemption and property tax credits for eligible activities in this area if the Hagerstown Smart Growth A&E District is re-designated by the State of Maryland.

E. Approval of a Resolution: Extending the Term of the Charter Review Committee

Action: On a motion duly made by Councilmember K. S. Cromer and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve a resolution extending the term of the Charter Review Committee until May 1, 2008. The Committee is nearing the completion of the one year term and has requested an extension.

Discussion: Councilmember Metzner reported the Committee will have completed their review by May 1, 2008. Councilmember Nigh asked when any changes would become effective. Councilmember Brubaker asked if changes would be voted on at the City election or during the general election. The Mayor and City Council will determine whether or not to accept any of the recommendations.

F. Approval of Extension of Professional Services Contract With The Ferguson Group

Action: Councilmember L. C. Metzner made a motion to approve the extension of the service agreement between the City of Hagerstown and the Ferguson Group, L.L.C. In accordance with Paragraph 2, Subparagraph A of the existing contract, this action of the Mayor and Council will extend the contract period for an additional ten months for the period starting on March 15, 2008 and ending on January 15, 2009, with a fixed fee of \$ 8,500 per month. Councilmember A. Parson-McBean seconded the motion.

Discussion: Councilmember Brubaker doesn't think this is the right time to extend the contract with the Ferguson Group. He wants projects to be successful but he believes the Mayor and Council can present the projects to Congressman and Senators.

Councilmember Cromer is concerned that there is no guarantee of a return on the City's investment. She does not see any indication the lobbyists can do something the Council can't do. Senator Mikulski and Congressman Bartlett's office have indicated to her they would rather work with the Council directly.

Councilmember Parson-McBean had the experience that members of Congress and the Senate were pleased the City had hired the Ferguson Group. They were also excited about some of the projects on the list. She stated the President has indicated he would be asking for more scrutiny for earmarks, not eliminating them.

Councilmember Metzner received a telephone call from Senator Cardin and he indicated hiring a lobbyist was a wise decision. He doesn't expect a guarantee on the investment with the lobbyist group. Neither the Council nor staff would be able to do the lobbying.

Councilmember Nigh stated the Council can lobby the State legislators effectively, but it isn't easy. Lobbying at the Federal level would be more complex. She feels the City needs the opportunity the lobbyist will provide.

Motion carried, 3-2 with Councilmember M. E. Brubaker and Councilmember K. S. Cromer voting No.

G. Approval of Jonathan Street Reconstruction & Utility Replacement

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember A. Parson-McBean, the Mayor and City Council unanimously agreed by voice vote to award Contract No. 06-07-S-19 for the reconstruction and utility replacement on Jonathan Street to Ardent Company, LLC in the amount of \$ 3,232,000. The Mayor and Council hereby allocate a total of \$ 3,700,000 for the project to cover additional costs to other vendors and project contingencies as outlined in the Department of Engineering memo dated March 13, 2008. Funding for this project shall come from prior years General Fund bond proceeds of \$ 1,000,000 and planned future General Fund bond financing of \$ 1,088,875, \$ 893,120 from planned Water Fund bond financing, \$ 628,005 from planned Sewer Fund bond financing, and \$ 90,000 from the Light Fund.

Mr. Tissue reported the references for Ardent have been positive. There will be contingencies in place for emergencies.

Councilmember Parson-McBean asked those in the neighborhood to please be patient as the renovations are made.

Mr. Tissue stated a neighborhood informational meeting will be held at the Memorial Recreation Center on Thursday, April 3, 2008.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, had no additional comments.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember M. E. Brubaker stated the funding for University System at Hagerstown is still in jeopardy. He asked that the City remain aware of this situation. Councilmember Parson-McBean stated she received word the funding is reasonably secure at this time.

Councilmember L. C. Metzner had no additional comments.

Councilmember K. S. Cromer reported the City and the County are close to an agreement for distribution of the hotel/motel tax again. She asked why the Shockey building has been allowed to continue to have obvious code violations. She stated something needs to be done about this. Mr. Tissue reported there are a number of notices

against the owner of the building and he will provide additional information to the Mayor and Council. Mayor Bruchey stated Code Enforcement has guidelines and time frames that must be followed for certain conditions.

Councilmember A. Parson-McBean thanked Delegate Mary Dulany James and Delegate Tawanna Gaines for their letters of support for funding for USMH. Delegate Donoghue made a very persuasive case for funding. She thanked Delegate Donoghue and Senator Donald Munson for their efforts to restore the funding to USMH. She stated there are two other projects on the list for federal funding. Concerns have been raised about the possibility of funding for water and transportation projects. She stated there are two other projects on the list - the Doleman Museum Collection and the Women and Minority Business program. Any funding awarded to Hagerstown would be historical.

Councilmember P. M. Nigh stated Mary Haines, Valencia Crime Watch, thanked the community for participating in the basketball charity. She asked that prayers continue for those serving in the military.

Mayor R. E. Bruchey, II offered condolences to the family of Retired Deputy Fire Chief Charles Baker, who passed away on March 23, 2008. He thanked Delegate Dulany James and Delegate Gaines for their letters of support. He also thanked Delegate Donoghue and Senator Munson for their efforts. If the subcommittee removes funding for USMH, the Governor cannot restore it. He encouraged everyone to contact the legislators and ask them to restore the funding. He thanked Commissioner Aleshire for providing information regarding the purchase of the property downtown.

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 10:00 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: April 22, 2008