

WORK SESSION – April 11, 2006

Mayor Robert E. Bruchey, II called this Work Session of the Mayor and City Council to order at 4:00 p.m., Tuesday, April 11, 2006 in the Council Chambers at the City Hall. Present with the Mayor were City Council Members K. B. Aleshire, K. S. Cromer, L. C. Metzner, P. M. Nigh and A. Parson-McBean, City Administrator Bruce Zimmerman, City Attorney John Urner, and City Clerk D. K. Spickler.

Jonathan Street Utility Replacement and Streetscape Project – Church Street to Pennsylvania Avenue

Rodney Tissue, City Engineer, presented a preliminary design for the Jonathan Street project. Last year, the City Council authorized KCI Technologies to begin the design of this utility replacement and streetscape project. To date, the design work has included typographic surveys of the area, plotting of this data as “base plans”, research of the existing utility locations and conditions, assessing the traffic volume, and a study of placing the overhead wires underground. At this point, it is important to decide on the final cross section (i.e. number of lanes, parking location, and street width) so the design may continue.

The existing street cross section is 25’ from curb to curb and is comprised of an 8’ parking lane and a 17’ wide travel lane. Although it is not marked as two lanes, aggressive drivers will try to squeeze a second lane in this 17’ wide space.

Assuming parking will remain on one side of the street, basically there are three options to adjust the cross section. No cost estimates are available at this time for any of the options.

1. Widen the travel lane to 20’ and create two lanes: This option creates two travel lanes. This would not leave sufficient amount of sidewalk to meet ADA standards. Although two lanes would increase the capacity for vehicular traffic, speeds may increase and pedestrian safety would likely be compromised.
2. Widen the sidewalk to create one lane: The 17’ lane would be narrowed by widening the sidewalk on one side. This would provide an improved pedestrian walkway and add sidewalk width for a row of street trees. There would be no space for delivery trucks or emergency vehicles if there is a local incident. The 13 foot width does not meet the minimum standards that the Hagerstown Fire Department desires.
3. Stripe as single lane: The travel lane would be narrowed, not by widening the sidewalk, but by simply striping a gore area. This area could receive rumble strips or textured asphalt as a deterrent for driving in this area. Another option would be to designate it as a bicycle lane. This option would enhance pedestrian safety as it would move vehicles to the center of the road. Delivery

vehicles could temporarily park in this area and traffic could still pass. This design would meet the Hagerstown Fire Department standards. Since the sidewalk width will basically remain the same, this option limits where any additional trees can be planted on the streetscape.

Staff is suggesting that the third option, Stripe as a single lane, is the only viable alternative for the Jonathan Street corridor. After receiving input from the Mayor and Council, staff anticipates having a public meeting in the community to obtain feedback from the citizens before the final design is completed.

Landscaping includes an evergreen ground cover with small, compact trees. There are opportunities in some of the bump out areas for a small park. Plans are being made to make the triangle memorial more of a mini-park.

Community meetings will be held to discuss the plans. The residents need to be involved and should be asked if they want trees (because of previous problems with birds), small parks (because of problems with loitering), and bike lanes.

KCI has researched the feasibility of placing all the overhead wires underground. During this study, the utility companies expressed a preference for alternative methods of eliminating the overhead wires. The approach recommended is a combination of both aerial relocations and undergrounding. To place all wires underground would be very expensive and significantly increase the construction time. Councilmember Aleshire stated the Council needs to consider the cost and time involved with moving all wires underground.

Mayor Bruchey suggested discussing this during the community meetings.

It was the general consensus to accept option 3 and to present this plan to the community in a neighborhood meeting. The final design will be presented for approval after the neighborhood meeting. Mr. Tissue stated many porch stoops are located within the right of way.

#### Appeal of Annexation Review Committee Decision: WS-2006-10

Kathleen Maher, Planning Director, and Stuart Bass, Comprehensive Planner, stated a letter was received from Lee Downey, signifying his intent to appeal the decision from the Annexation Review Committee. The Committee voted to require a Pre-Annexation Agreement as a condition for receiving water service.

Mr. Downey is appealing the decision because this is the last parcel in Tammany Heights to be developed, and no other parcels were required to have a pre-annexation agreement. He believes there should be an exemption for all parcels of ground with a Williamsport address.

The Annexation Review Committee reviewed the water availability application for Tammany Heights North on February 27, 2006. The project consists of 12 single family detached units and 3 duplex units. The Availability of Service Application for Tammany Heights North, Section 3, was considered by the Annexation Review Committee on October 14, 2002. This section consisted of 23 single family detached units and 15 townhouse units. A Pre-Annexation Agreement was not required as a condition of water service, apparently because other sections were developed prior to the annexation policy. Since that very early decision by the Annexation Review Committee, other subdivisions that are in progress have been required to submit Pre-Annexation Agreements.

Mr. Urner asked if there are residentially developed properties between the City and this property that did not have to sign a pre-annexation agreement. Ms. Maher stated there are such properties.

Mr. Urner asked how likely staff considers it to be that the City limits would reach this property. Ms. Maher stated it makes sense to encourage areas such as this to come into the City but is unlikely unless the Council offers incentives for annexation.

Mr. Downey stated one problem with this area being annexed is that it is like an island and police, fire and trash services would have to be provided. There would be no nearby properties in the City limits. He also stated the amount of paperwork and time involved in this process is extreme.

Mayor Bruchey indicated he understands the amount of paperwork is large. He has been a proponent of the annexation policy.

Mr. Downey indicated he thinks the review committee needs more flexibility to make exceptions. Councilmember Aleshire disagreed. He feels the committee needs more structure for allocating finite resources.

Councilmember Metzner arrived at the meeting.

It was the general consensus of the Mayor and City Council to affirm the Annexation Review Committee's decision.

#### Comments on City Adequate Public Facilities Ordinance (APFO)

The County Commissioners reviewed the City's proposed Adequate Public Facilities Ordinance (APFO) at their meeting on April 4, 2006. The Commissioners had issues with two of the provisions which differ from the County APFO and forwarded the following requests for change through the County Attorney:

##### Exemption

4.2 (c) Minor residential subdivisions as defined in Section 2.3.13.1, as well as an equivalent amount of new dwelling units **within existing City boundaries** per high school attendance area in a given year as were exempted by

the County in the prior year **for minor residential subdivisions** in the North Hagerstown and South Hagerstown High school attendance areas ~~for minor residential subdivisions~~;

#### Mitigation Program

8.1 (b) If the Board of County Commissioners determines that the mitigation program is not in compliance with Section 9.3A of the Washington County Adequate Public Facilities Ordinance and withholds its approval it must set forth in writing the reasons for withholding approval ~~with specific findings of fact based on substantial evidence.~~

Councilmember Aleshire has advised staff that he still prefers the original language for Section 8.1 which had “which approval shall not be unreasonably withheld” instead of the two clauses added by the City Attorney. Staff feels requiring a decision in writing from the County on proposed mitigation programs is a good idea to ensure that we do not receive somewhat off-the-cuff decisions to reject mitigation programs from the County Commissioners via the County Attorney. The Commissioners indicated at their meeting that they do not have a problem with providing a decision in writing, they just did not want the extra staff time that would be involved with creation of findings of fact.

Councilmember Aleshire would also like a statement about the excise tax added in the closing resolution statement as follows: **BE IT FUTHER RESOLVED, ENACTED AND ORDAINED**, that if at any time this Ordinance becomes detrimental to the ability of the City to administer its policies and goals affecting growth and development in the City, that it may repeal in part or in total this Ordinance **and that if so repealed it will no longer retain 28% of the County excise tax collected within the City.**

Councilmember Aleshire feels the statement “within existing city boundaries” should be included in the ordinance. Councilmember Metzner suggested taking out the word “existing”.

Councilmember Aleshire would prefer the original language pertaining to “findings of fact”. Mr. Urner stated the ordinance was drafted in this fashion because, without it, there is no meaningful way to have judicial review if the parties have a disagreement.

It was the general consensus of the Mayor and City Council to accept Mr. Urner’s advice. Councilmember Aleshire asked what happens if neither party agrees to the changes. Councilmember Metzner suggested the discussion would return to the 2 + 2 Committee. Mayor Bruchey suggested leaving the language in place and work with the County to come to an agreement.

Councilmember Metzner asked if the County should be asked to review the school test, rather than the entire ordinance. Ms. Maher stated the statements were passed on as comments and not mandatory changes.

Mayor Bruchey summarized the discussion and the changes. In Section 4.2, “existing” and “minor subdivision” will be deleted. The findings of fact will be kept and the word “will” is changed to “may”.

The revised ordinance will be included on the April 25, 2006 agenda for approval.

#### City Administrator’s Comments

*Bruce Zimmerman, City Administrator*, reminded everyone that City Hall will be closed on Friday, April 14, 2006.

#### Mayor and Council Comments

*Councilmember P. M. Nigh* expressed condolences to Raymond Bussard’s family. Mr. Bussard retired from the City after 30 years.

*Councilmember L. C. Metzner* thanked the Hagerstown Fire Department for providing the operations training. All who participated were physically and mentally stressed. He commended the Herald Mail for participating in the training. The Hagerstown Suns held opening day on Monday, April 10, 2006. Compared to the condition of the stadium ten years ago, the improvements have made it like a new stadium.

*Councilmember K. S. Cromer* stated the fire operations training was very challenging. She has a new appreciation for what a firefighter deals with. She asked if the Springsted Study could be available to citizens on the City’s website. It will be made available online. She asked where the money for Building Community came from. Mr. Zimmerman stated it was from the Administrator’s budget. Councilmember Parson-McBean had suggested that the City act as the catalyst and let the committee move from there. Councilmember Cromer asked what Councilmember Parson-McBean’s role in the group is. Councilmember Parson-McBean stated she is there as a citizen. Councilmember Cromer asked when the Council voted to approve the City’s role in Building Community. Councilmember Parson-McBean stated they did not vote, but it was discussed in executive session on August 2, 2005. Councilmember Cromer asked if Council members can attend the meetings. Councilmember Parson-McBean stated Council members may attend in whatever capacity they choose. Councilmember Cromer stated she is concerned that city employees are being paid while they are attending the meetings. Mayor Bruchey suggested discussing this during a work session.

*Councilmember K. B. Aleshire* presented a list of questions about the proposed budget. During his review he identified ways to reduce expenses and to increase revenue. He has a proposal that will provide six firefighters and two police officers and partial funding of the wage and benefit study, without a property tax rate increase. He is concerned the proposed budget does not adequately address the \$ 5 million needed for OPEB in FY 08/09. It would be irresponsible for the Mayor and City Council to approve a budget that does not address this. He is concerned that Hagerstown has one of the highest tax rates in the State. He is concerned the Housing Authority, which is tax exempt, is requesting

money from the City. He wondered what effect the homestead tax credits would have on the City.

There will be a fundraiser auction held on May 6, 2006 for the children of Jeffery Wroten, the guard who died while on duty at Washington County Hospital.

*Councilmember A. Parson-McBean* apologized that she was not able to attend the Hagerstown Suns opening day. She indicated the Building Community group is working very hard to address issues of tolerance in Hagerstown. The members are willing to reimburse the City for any money because they do not want to be bound by funding. They are willing to do this in order to continue the good relationship with the City and with the Department of Justice. Open and honest dialogue is needed to address racism and tolerance. She will continue to do her part in working toward harmony in Hagerstown.

*Mayor R. E. Bruchey, II* stated the Easter Bunny will be at the City Market on Saturday. He thanked the Suns for a great evening of baseball.

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 5:48 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved:\_\_\_\_\_