

WORK SESSION, 75TH SPECIAL SESSION AND EXECUTIVE SESSION – MARCH
4, 2008

75TH SPECIAL SESSION – APRIL 15, 2008

Mayor R. E. Bruchey, II called this 75th Special Session, Work Session, and Executive Session of the Mayor and City Council to order at 4:08 p.m., Tuesday, April 15, 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, City Attorney Mark Boyer and D. K. Spickler, City Clerk.

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to meet in Special Session.

Introduction of an Ordinance: Acquisition of 25 East Lee Street

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 to authorize the acquisition, rehabilitation and resale of the property known as 25 East Lee Street under the City's Single Family Home Ownership Program, with an acquisition cost of \$ 1.00 to be funded by the City's Community Development Block Grant Program.

Introduction of an Ordinance: Acquisition of 415 Clarendon Avenue

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 to authorize the acquisition, rehabilitation and resale of the property known as 415 Clarendon Avenue under the City's Single Family Home Ownership Program, with an acquisition cost of \$ 1.00 to be funded by the City's Community Development Block Grant Program.

Both of these properties are HUD properties and will not be resold until they are rehabilitated.

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember M. E. Brubaker, the Special Session was closed at 4:10 p.m.

WORK SESSION – April 15, 2008

Preliminary Agenda Review

Public Hearings

CDBG Activity: Playground Equipment

A public hearing will be held to receive testimony for a new Community Development Block Grant activity. The new activity is playground equipment.

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

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 April 22, 2008.

Consent Agenda

- A. Light Department: Sale of Scrap Transformers – G & S Technologies (Kearny, NJ) \$ 38,958.00
- B. Community Affairs:
 - 1. Application/Permit – BluesFest – Washington County Arts Council – Central Parking Lot, Friday, May 30, 2008 and Saturday, May 31, 2008
 - 2. Application/Permit – BluesFest – Conservit, Inc. – Friday, May 30, 2008 and Saturday, May 31, 2008
 - 3. Application/Permit – BluesFest – M & T Bank – Friday, May 30, 2008 and Saturday, May 31, 2008
- C. Parks and Recreation: Playground Equipment for Staley Park, Hellane Park and Ridge Avenue Playground – Miracle Recreation (Martinsburg, WV) \$ 66,297.00

The purchase of this playground equipment was moved from the Program Open Space request to Community Development Block Grant funding.

Mayor Bruchey has been informed that State parks and playground funding will come to the City directly from the State, instead of through the County. Councilmember Brubaker wants to make sure the formula used for disbursing funding provides the City with the same amount of funding.

- D. Hagerstown Police Department:

1. Repair to Hagerstown Police Department Building Overhang – BMGM Architects (Hagerstown, MD) \$ 21,019.50
2. Five Patrol Vehicles – Miller Brothers Ford, Inc. (Ellicott City, MD) \$ 111,710.00
3. Thirteen Dell Desktop Systems – Dell, Inc. \$ 13,071.50
4. Ammunition – Lawmen Supply Company (Dover, DE) \$ 20,034.80

Chief Arthur Smith stated grant funding has been requested for the repairs to the building but none has been secured.

The five patrol vehicles are included in the proposed FY 2008/2009 budget. Chief Smith indicated the State bid will be closed by the time the budget is approved and the vehicles need to be ordered now to secure this price. Units will be taken out of service when they reach 160,000 miles.

Councilmember Cromer asked if any of these vehicles will replace take home vehicles for officers who live outside the City of Hagerstown. Chief Smith stated the vehicles are assigned to some officers who live outside the City limits due to functionality.

The ammunition purchase is also included in the proposed FY 2008/2009 budget. If the ammunition is not ordered now, there is no guarantee that it will be delivered in time for the beginning of the next academy class.

E.. Public Works:

- 1.. Utility Truck to Replace Unit 611 – Hagerstown Ford (Hagerstown, MD) \$ 68,582.00
2. One Ton Dump Truck with Snow Plow and Salt Spreader to Replace Unit 10 – Keystone Ford (Greencastle, PA) \$ 54,500.00
3. One Ton Dump Truck with Snow Plow and Salt Spreader to Replace Unit 12 – Keystone Ford (Greencastle, PA) \$ 54,500.00

Eric Deike, Public Works Manager, stated both vendors indicated there were exceptions to their bids for the two dump trucks. One vendor would supply LED lights for the vehicles. Unit 12 is a replacement that is included in the proposed FY 2008/2009 budget.

Councilmember Cromer suggested removing the vehicle from the consent agenda that is in next year's budget. It was the general consensus to keep the purchase on this consent agenda.

F. Engineering:

- 1.. Alley #1-71 Pavement Replacement – Huntzberry Bros. (Smithsburg, MD) \$ 54,145.00
2. Alley #5-62 Wall Replacement – Henson & Son, Inc. (Hagerstown, MD) \$ 25,010.00

3. Retrofit Sidewalk on North Side of Dual Highway – Concrete Central, LLC (Hagerstown, MD) \$ 134,446.00

Councilmember Cromer asked why the City is replacing the wall in alley #5-62. There is an agreement stating the City will maintain the wall.

- G. Light Department: Transformers of Various Sizes and Types – National Transformer Sales, Inc. (Raleigh, NC) \$ 164,476.00

Michael Spiker, Director of Utilities, stated this is not the lowest bid, but it is the lowest evaluated bid. The sale of the scrap metal will be used to offset the cost of the purchase of new transformers.

H. Water and Wastewater Departments:

1. Mowing Contract for Utilities – All In One Lawn Service (Hagerstown, MD) \$ 29,661.50
2. Water Meters – HD Supply Waterworks, LTD (Martinsburg, WV) \$ 56,919.50
3. Field Service to Repair Traveling Screens – Underwater Services Corp. (Wyoming, PA) \$ 22,933.50
4. Periflo Peristaltic Pumps – Periflo Pumps (Loveland, OH) \$ 17,637.00
5. Inventory Items for SHA Edgewood/Dual Project – HD Supply Waterworks, LTD (Martinsburg, WV) \$ 17,485.22
6. Meter Transceiver Units – L/B Water Service, Inc. (Chambersburg, PA) \$ 48,668.04
7. Miscellaneous Inventory for Water Department – HD Supply Waterworks, LTD (Martinsburg, WV) \$ 52,015.72
8. Annual Software Renewal – ABB, Inc. (Wickliffe, OH) \$ 17,468.00
9. Breach Analysis per MDE – Contract Amendment – Triad Engineering (Hagerstown, MD) \$ 47,800.00
10. Water Pipe for Edgewood/Dual Project – Griffin Pipe Products Co. (Florence, NJ) \$ 47,658.00
11. 2008 Ford One Ton Diesel Dump Truck to Replace Unit 233 – Hagerstown Ford (Hagerstown, MD) \$ 46,768.00
12. 2008 Ford F-750 Diesel Dump Truck 2WD to Replace Unit 211 – Hagerstown Ford (Hagerstown, MD) \$ 63,000.00

The mowing contract is for residential rental properties owned by the City. Funding is included in the proposed FY 2008/2009 budget. The contract needs to be approved now because the mowing season has started. If the mowing contract is accepted, residential leases will be presented to the Mayor and City Council for their review. Currently, the tenants mow and receive a reduced rental rate. The Mayor and City Council previously directed Staff to contract out the mowing. The City Attorney provided an opinion to the Mayor and City Council that the reduced rental rate would be considered compensation and the practice should not continue.

Introduction of an Ordinance: Towing Regulations

A draft ordinance, incorporating changes discussed during a recent work session was presented for the Mayor and City Council's review. Several towing company owners had asked to discuss this ordinance.

Chief Smith stated there has been interaction with the regular towing companies, but not specific to this ordinance. This ordinance is similar to the police department's current towing practices.

Mark Boyer, City Attorney, stated this ordinance will not apply to private parking lots that are not posted with No Parking signs. This will permit abandoned vehicles or those parked in one location for more than 48 hours to be removed.

It was the general consensus of the Mayor and City Council to introduce the ordinance at the April 22, 2008 meeting.

Approval of a Resolution: Acceptance of Deed of Easement for Alley #5-62 Wall Replacement, Linden Avenue

There is an agreement dated July 28, 1954 between the Linden Avenue property owners and the City of Hagerstown stating the City's responsibility to maintain a retaining wall adjacent Alley 5-62 in the rear of properties.

The wall is now in poor condition and staff is prepared to remove the existing retaining wall. To reconstruct the wall, a 20' Wide Revertible Construction Easement and a 5' Wide Permanent Easement area is required from the property owners to the City. Staff has acquired all property owners approval.

Staff recommends the City Council accept this Deed of Easement to allow the City's contractor to reconstruct the retaining wall in Alley 5-62.

It was the general consensus of the Mayor and Council to pass a resolution to approve the Deed of Easement for the reconstruction of the wall.

Approval of License Agreement for Property Maintenance Code

The Property Maintenance Code is based on the 2003 International Property Maintenance Code with numerous local amendments. In previous years, customers had to acquire the local amendments and the International Code to refer to both texts in an attempt to comprehend the City's requirements.

The recent adoption of the Property Maintenance Code anticipated this licensing agreement. As such the code was adopted in such a way that it is one comprehensive text. This licensing agreement will permit the City to reproduce the code for distribution

to customers. Additionally, the City will be authorized to publish the Property Maintenance Code on the website.

The cost of the licensing agreement for a three year term is one-thousand dollars (\$1,000.00). This cost will be partially offset by charging a reasonable fee for the reproduction of the code book. The City Attorney has worked with legal counsel from ICC to develop an agreement and recommends its adoption.

It was the general consensus of the Mayor and City Council to include the approval of the license agreement on the April 22, 2008 agenda.

Approval of License Agreement: 245 S. Potomac Street

Frank Parker, owner of property at 245 S. Potomac Street, has requested permission from the City to construct a new handicap ramp on the sidewalk in front of the parcel. Construction of this ramp would constitute a new encroachment into the public right-of-way, which must be approved by the Mayor and Council.

It was the general consensus to approve the license agreement and to include the approval on the April 22, 2008 agenda.

This completed the preliminary agenda review.

Rain Insurance – 2008 Western Maryland Blues Fest

Karen Giffin, Director of Community Affairs, and Carl Disque, Western Maryland BluesFest Chairman, were present to discuss rain insurance.

As in previous years, the Executive Committee of the Western Maryland Blues Fest is seeking authorization from the Mayor and City Council to purchase rain insurance for May 30, 2008 and Saturday, May 31, 2008 (the revenue days). After reviewing many options, the Western Maryland Blues Fest Executive Committee would like to recommend the purchase of rain insurance described below.

The rain insurance policy for Friday, May 30, 2008 is for \$ 15,000 and will cost \$ 2,055. The policy will cover the hours of 3:00 p.m. to 8:00 p.m. and it must rain ¼" or more in order to collect on the policy. The rain insurance policy for Saturday, May 31, 2008 is for \$ 60,000 and would cover the hours of 11:00 a.m. to 6:00 p.m. It must rain ¼" or more in order to collect on the policy. The cost would be \$ 9,660. The policy must be purchased by May 19, 2008. Five percent of the rain insurance proceeds would go to the Washington County Arts Council for their risk of the beer and wine sales.

The total cost of the insurance would be \$ 11,715.00, and would come out of the Blues Fest budget which was approved by the Mayor and Council in November. The rain insurance policy will not cover the entire festival liability; however, buying the rain insurance policy is a balance between the price of the insurance versus the risk of loss.

It was the general consensus of the Mayor and Council to approve purchase of the rain insurance.

Ms. Giffin announced that the sponsorship goal has been met.

Councilmember Parson-McBean suggested trying to secure artist Chuck Brown. Mr. Disque stated this will be considered for next year.

Request for Donation from Ron Lytle, Contemporary School for the Arts

Ron Lytle, Contemporary School for the Arts, submitted a request for a Corporate Sponsorship from the City of Hagerstown for the Art in the Park event. This event will be held on June 14, 2008 and June 15, 2008 in City Park.

The City has provided clean up after this event in previous years. The fees for the clean up had been waived. Mr. Lytle is asking for a sponsorship in the amount of \$ 1,200.00 this year, instead of a waiver of the clean up fees. Funding is needed for publicity and art supplies. The supplies were purchased with donations from the community last year.

Alfred Martin, Finance Director, stated the Art in the Park event could be included in the agency donation portion of the budget if the Mayor and City Council wish to sponsor this event each year.

The Council asked Mr. Lytle to provide a list of items the sponsorship would cover prior to the regular session.

Hagerstown Colt League Request for Interest Free Loan

Junior Mason, Parks Superintendent, stated the Hagerstown Colt League is requesting a \$ 15,000 interest-free loan from the City of Hagerstown to replace their outfield chain link fence at Hellane Park because it has deteriorated beyond the point of repair. If approved, they are prepared to repay the loan in five years, at \$ 3,000 per year.

It was the general consensus to approve the request.

Request for Approval for Three Taxi Stands

Rodney Tissue, City Engineer, stated Michael Deming has obtained approval from the State of Maryland Public Service Commission to operate a taxicab service in Hagerstown with five permits issued initially.

On February 8, 2008, Mr. Deming submitted a letter to this office requesting that the City of Hagerstown establish taxicab stands on public streets.

The purpose of a taxicab stand is to create a fixed location for taxis to wait until a customer needs this service. Mr. Deming has designated locations where he feels customers will look for cabs.

Mr. Deming's letter was presented to the Board of Traffic and Parking, who discussed this request at their February and March meetings. The Board recommended that the City establish one taxicab stand parking space at each of the following three locations:

- A. West Washington Street, just east of County Commuter transfer point
- B. East Washington Street in front of the Alexander House
- C. South Potomac Street, unit block on west side (evening and nighttime only; This area will be a loading zone during the daytime hours).

Section 60-2 of the City Code gives the Mayor and Council power to "designate bus stops and taxicab stands and to erect signs prohibiting the parking of vehicles other than buses or taxicabs in such stands.

Councilmember Parson-McBean expressed concern that the number of parking spaces on S. Potomac Street have been reduced by the sidewalk widening project.

Councilmember Nigh expressed concern that traffic will be adversely affected by the location of traffic stands. She thinks this should be discussed with the Board of the Maryland Theater.

Councilmember Metzner stated the Board of Traffic and Parking spent a great deal of time discussing the location of traffic stands. The wait time for a cab in Hagerstown is extremely long. A taxi picking up customers would not block traffic anymore than a parked vehicle would.

Councilmember Cromer suggested trying the program for one year.

Mr. Tissue stated the signage plan needs to be finalized. Businesses in the area will be contacted for their input.

Rental Facilities Ordinance Amendment – Penalty

Rodney Tissue, City Engineer, John Lestitian, Director of Office of Code Compliance, and Gary Lambert, Program Manager, were present to discuss the penalty component of Chapter 197, the Rental Facilities Ordinance, with the Mayor and Council.

The Rental Facilities Ordinance was first passed in 2003. The original concept was to ensure compliance with this then controversial program by designating a violation of the ordinance a misdemeanor criminal offense.

The program has evolved and staff have conducted an analysis of the penalty component for non-compliance. Staff has successfully had numerous cases prosecuted. The Washington County State's Attorney Office prosecutes these cases. Any fines collected are subsequently paid to the State of Maryland. Staff believes that amending the Rental Facilities Ordinance non-compliance penalty from a criminal offense to a municipal infraction offense will result in the following:

1. Enhanced Program Compliance
2. Collection of fines to the City of Hagerstown
3. Ability of the offender to pre-pay a fine
4. Prosecution of cases by the City Attorney

Further, staff has discussed this matter with representatives from the Landlord Association. It is Staff's understanding that the Association will not oppose this change to the ordinance.

Staff is seeking direction from the Mayor and Council to prepare for introduction of an amendment to the Rental Facilities Ordinance, Chapter 197, to make non-compliance a municipal infraction carrying a \$ 500.00 fine.

It was the general consensus to introduce the ordinance at the April 22, 2008 meeting.

Authorization to Begin Design of Renovations to the Roslyn Building and Portions of City Hall

Rodney Tissue, City Engineer, was present to provide additional information regarding the renovations to the Roslyn Building.

As a follow-up to the discussions last fall, particularly the last discussion in early November, the Council generally endorsed the plan to renovate additional office space. The Roslyn Building was purchase about 15 years ago with the intention of developing it as City government office space next door to City Hall. However, Council clearly directed staff to return with the plan for the renovations incorporated in the overall budget of the City.

The recommended financial plan from November is now incorporated in the 2008-2009 City Administrator's Budget, and is thereby included with the overall financial plan for the City.

Staff is asking that Council allow staff to solicit design proposals for preparation of the architectural plan in anticipation of redeveloping the Roslyn Building and portions of City Hall. At this point, staff would only obtain quotes from qualified architects and would return in May to obtain approval from the Council to hire the selected architect.

For the Roslyn Building, construction cost estimates of the second floor renovations are \$ 400,000 and the third floor renovations are \$ 500,000. The third floor cost is

slightly higher than the renovations to the second floor due to structural support that may be required to create the large meeting room and to establish the basic studio area for Community Affairs.

In City Hall, the renovation of the fourth floor is estimated at \$ 234,000 to accommodate Code Administration and changes to the Finance Department. On the third floor of City Hall, the cost of a new conference room in the new file room is estimated at \$ 25,000. Other miscellaneous improvements to City Hall such as the City Clerk's office and improvements to the first floor conference room are estimated at \$ 30,000. The total project costs for all components of the project are estimated at \$1,245,000 for construction and \$ 75,000 for design.

Staff recommends that the City proceed obtaining proposals for design from qualified architects so staff would be prepared to recommend an architect to Council in May when the 2008-2009 budget is approved by Council.

It was the general consensus to move forward with the design.

Revisions to Text of Draft Comprehensive Plan

Kathleen Maher, Planning Director, was present to discuss revisions to the Draft Comprehensive Plan.

As a result of input from Councilmember Parson-McBean and Kristin Aleshire, staff have made the attached revisions to the draft Comprehensive Plan. These changes include the following:

1. Economic Development chapter – new text on educational assessment of and goals for the workforce and goals for outreach to minority- and women-owned businesses.
2. Water and Wastewater chapter – new action strategy to secure additional wastewater capacity involving exploration of re-use of grey water.
3. Urban Design and Historic Preservation chapter – explanation of local historic designations and design review process.
4. Community Facilities chapter – explanation of service issues for Fire Department.

A number of editorial changes to the text involving language clarification and/or simplification, renaming or re-ordering of facilities and organizations and typographical corrections have been made.

In the ten day review period following the public hearing, correspondences were received from the Washington County Planning Director (water and wastewater services outside MRGA), Petrie-Ross Ventures (Doub Farm), John Rohrer and John Lestitian (Jamison Park), and Arthur Boyce (Harrison property on Howell Road).

Councilmember Cromer asked if wording could be changed to be more positive about the potential workforce. Councilmember Parson- McBean stated the City's workforce is not prepared and this should be a consideration in the economic development portion of the Comprehensive Plan. Mayor Bruchey does not think the workforce is unprepared.

Mayor Bruchey stated the mention of formerly incarcerated individuals needs to be re-worded. Councilmember Parson-McBean stated there needs to be a re-entry program. Mayor Bruchey asked that wording be less negative.

Councilmember Metzner stated it should be acknowledged that education is a key priority of the City.

Ms. Maher stated the water/wastewater service area boundary is based on the analysis of vacant land and how it could develop and the impact on the limited water and wastewater resources. The Mayor and City Council will be able to consider substantial economic development projects if they are proposed. Councilmember Brubaker understands development would be controlled through the annexation policy.

The County Economic Development Commission is concerned that the Urban Growth Area is shrinking.

Councilmember Metzner asked why two proposed projects near Interstate 70 are included in the MRGA. Ms. Maher stated if these properties are not contiguous or in the MRGA and then annex into the City, the City would not have any input regarding zoning.

John Urner, City Attorney, stated the Planning Commission recommends including the Faison site (one of the two developments near Interstate 70) because there is a significant amount of commercial development in that area.

Ms. Maher indicated Peitre-Ross Developers have reaffirmed their desire for a land use designation of commercial for their property. She presented a map of the site.

Bruce Zimmerman, City Administrator, stated Mayor Bruchey had suggested holding an executive session following the work session today and hold a public work session on April 22, 2008, prior to the Regular Session to discuss this land use designation. Councilmember Cromer asked if representatives from Petrie-Ross would be available to answer questions at the public session. It was indicated they would be.

Ms. Maher indicated Staff would support a land use designation for Howell Road of business employment. Mayor Bruchey suggested a multi-use land designation for this property. Ms. Maher stated that had not been considered but could be.

The Comprehensive Plan sets forth future land use designations, not specific zoning. In a total zoning revision, the additional concerns could be addressed. The Comprehensive Plan could be changed at any time. A future land use map is an attempt to provide guidance to the community for future land use in the City of Hagerstown.

It was the general consensus of the Mayor and City Council to make the following changes to the land use designations:

1. Jamison – Parks/Open Space designation
2. Howell Road – Business Employment designation
3. MRGA Boundary – remain as recommended

The only other item to determine is the land use designation for the Doub Farm. A work session will be held to discuss this land use designation.

Annexation Policy and Water Policy

Kathleen Maher, Planning Director, and Michael Spiker, Director of Utilities, presented final revisions to the amendments to the Annexation Policy and the Water Policy, which were first discussed with the Mayor and City Council on February 19, 2008. The revisions are necessary in order to implement the recommendations for growth and provision of water and wastewater services in the draft Comprehensive Plan. The new revision to the Annexation Policy involved pre-annexation agreements which the City currently holds for properties outside the Medium Range Growth Area (MRGA).

It is imperative that these amendments be adopted as soon after adoption of the Comprehensive Plan as possible to ensure future provisions of water and wastewater service in accord with the City's adopted Comprehensive Plan.

There is a clause in the water policy that would permit the Mayor and City Council to provide services to a project outside the MRGA, if they wish to do so.

Appalachian Regional Commission Grant Request

Kathleen Maher, Planning Director, presented a list of recommended projects to be submitted to the Tri-County Council for Western Maryland for the FY 09 Appalachian Regional Commission (ARC) for the Mayor and City Council's review.

The formal paperwork is due to the Washington County Economic Development Commission by April 30, 2008. For this area, the local match requirement is 0%. The maximum grant award per project is \$ 500,000. Eligible activities include education and training for job creation or retention, public infrastructure that enhances economic development or addresses serious health issues, housing for low- and moderate-income residents, telecommunications development, leadership development and civic capacity, and industrial site development and other business development activities which will result in job creation. All projects must have the support of the County Commissioners.

The projects include:

1. Clarkson Avenue Residential Redevelopment – Funding Request of \$ 225,000, Total Project Cost of \$ 750,000
2. Upper Floors Renovation Revolving Loan Fund Program – Funding Request of \$ 150,000, Total Project Cost of \$ 500,000
3. Eastern Blvd. North Extension - Funding Request of \$ 500,000, Total Project Cost of \$ 5.85 million
4. Collection System Rehabilitation (I&I) – Funding Request of \$ 500,000, Total Project Cost of \$ 2.7 million

Councilmember Metzner is opposed to applying for a grant for the Eastern Boulevard North Extension because this is a project the County should be doing.

Councilmember Brubaker suggested including the Haven Road crossing in the request. He is also concerned that any matching money from the City is a double payment from the City's taxpayers.

Councilmember Metzner suggested including the bridge over the Antietam Creek in the request.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, had no additional comments.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember P. M. Nigh thanked Community Development for supplying dumpsters on Clarkson Avenue. The Lowe's Distribution center needs to update their landscaping.

Councilmember L. C. Metzner asked that something be done about the empty tree tubes. The trip to the Veteran's Memorial was very successful and very moving. He thanked everyone involved in planning the trip. The Board of Traffic and Parking discussed the taxi stand request made by Michael Deming. It was made clear during the review that the parking area would be a taxi zone after 11:00 p.m. because Mr. Deming requested this.

Councilmember K. S. Cromer stated the lights at Fairgrounds Park have been installed at the softball field. A community forum to discuss a dog park will be held on May 8, 2008 at 7:00 p.m. at Northern Middle School.

Councilmember M. E. Brubaker enjoyed attending many Little League openings.

Councilmember A. Parson McBean asked for feedback on booking the performer for the 2008 Utility Relief Benefit Concert. Clarence Thomas Marshall, II has agreed to

perform again. A \$ 2,000 deposit is required in order to purchase music and other supplies for the concert.

Councilmember Cromer asked if the committee could do a fundraising campaign for the deposit money. Councilmember Parson-McBean stated underwriting is in place. Councilmember Nigh stated this underwriting needs to remain as it is. She does not support using money from the City's budget to pay the deposit.

Councilmember Parson-McBean stated it cannot be taken from the money raised last year because not all the money has been disbursed.

Councilmember Metzner suggested raising \$ 4,000 for entertainment when the Committee starts working on this year's event. He also stated other entertainment needs to be considered. He believes other entertainment could be secured for less money.

Councilmember Parson-McBean stated Mr. Marshall also does a program in the schools. The total fee is not solely for the benefit concert. She hopes the Board of Education will be providing some funding for Mr. Marshall, as an artist in residence.

Councilmember Cromer also thinks other options for entertainment should be considered.

Councilmember Parson-McBean stated Mr. Marshall has been contracted for the next two benefit concerts. Councilmember Cromer asked who authorized this. The Mayor and City Council did not.

Councilmember Parson-McBean stated the main issue is getting Mr. Marshall under contract, not the fee. Councilmember Nigh asked what the fee would be for local talent. Councilmember Parson-McBean stated local talent was included in the program last year.

Councilmember Metzner stated no one is saying no, they are asking for more information.

Mayor R. E. Bruchey, II announced Hagerstown will be "Capital for a Day" on May 8, 2008. Governor O'Malley and his staff will be in Hagerstown for the entire day. Mayor Bruchey commended everyone who worked on the Comprehensive Plan update.

There will be a work session starting at 5:00 p.m. on Tuesday, April 22, 2008. The Regular Session will follow the work session, beginning at 7:00 p.m.

EXECUTIVE SESSION – April 15, 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 6:52 p.m. to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State,

#4. No formal action was taken at the session. The meeting was held in the Council Chambers, 2nd floor at the City Hall. The meeting was adjourned at 9:17 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: May 20, 2008