

WORK SESSION – April 19, 2005

Mayor William M. Breichner called this Work Session and Executive Session of the Mayor and City Council to order at 4:00 p.m., Tuesday, April 19, 2005 in the Council Chambers at the City Hall. Present was Mayor Breichner; City Council Members K. B. Aleshire, N. L. Hendershot, L. C. Metzner, C. N. Moller, and P. M. Nigh, City Administrator Bruce Zimmerman, City Attorney John Urner, and City Clerk D. K. Spickler.

Preliminary Agenda Review

The Community Development Block Grant public hearings for the FY 2005-2006 Consolidated Plan and the Annual Plan will be held at the same time as the budget hearing (May 3, 2005).

**Open Container Law Exemption for Special Events**

Karen Giffin, Public Information Manager, stated the Mayor and City Council may permit the possession of alcoholic beverages in open containers on the streets, lanes, alleys, sidewalks, parking lots or public ways of the City during special events upon application or upon its own initiative.

Staff is requesting formal approval for the possession of alcoholic beverages in designated festival areas for the Western Maryland Blues Fest (June 3, June 4 and June 5, 2005) and the Augustoberfest Event (August 13 and August 14, 2005).

It was the general consensus of the Mayor and City Council to approve an open container law exemption for these two events.

**Application/Permit – Washington County Arts Council**

The Application/Permit rents the Central Parking Lot to the Washington County Arts Council on Friday, June 3, 2005 during the Blues Fest Event. The Washington County Arts Council agrees to all the terms outlined in the contract so that they can have beer and wine sales on the day of the event.

It was the general consensus of the Mayor and City Council to approve the application/permit.

**Application/Permit – Conservit, Inc.**

The Application/Permit rents the area fenced in at Blues Fest to Conservit, Inc. on Friday, June 3, 2005. Conservit, Inc. agrees to all the terms outlined in the contract so that they can have

beer and wine sales on the day of the event.

It was the general consensus of the Mayor and City Council to approve the application/permit.

#### **Application/Permit – Washington County Arts Council**

The Application/Permit rents the area fenced in at Blues Fest to the Washington County Arts Council on Saturday, June 4, 2005. The Washington County Arts Council agrees to all the terms outlined in the contract so that they can have beer and wine sales on the day of the event.

It was the general consensus of the Mayor and City Council to approve the application/permit.

#### **Application/Permit – M & T Bank**

The Application/Permit rents the VIP area of Blues Fest to M&T Bank on Saturday, June 4, 2005. M & T Bank agrees to all the terms outlined in the contract so that they can have beer and wine at the Blues Fest VIP area on the day of the event.

It was the general consensus of the Mayor and City Council to approve the application/permit.

#### **Fairgrounds Park – Parking Lot Improvements, Phase II**

Phase II of this parking lot improvement project includes fine grading of the existing parking lot near the in-line rink and installation of concrete curb and gutters. Staff recommends a change order to the contract with Craig Paving, in the amount of \$ 73,950.50. The unit prices from the competitively bid 2003 contract (Phase I) will be adjusted for inflation.

Councilmember Aleshire stated it would be better to put this money into the facility itself, rather than in a parking lot. Councilmember Nigh stated this lot is used extensively and the improvements are needed.

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

#### **Reconstruction of East Memorial Boulevard**

C. William Hetzer, Inc. submitted a bid for the reconstruction of East Memorial Boulevard from South Potomac Street to Frederick Street. The price for the reconstruction is not to exceed \$ 295,000.00. Rodney Tissue, City Engineer, stated the existing blacktop is a mixture of fly ash and is not very stable. The top one foot of pavement will be removed and cement will be injected into the second foot to add stability. This will be more economical than milling and repaving.

The work is expected to be done over the summer. Memorial Boulevard will be closed for approximately two months between Potomac Street and Frederick Street.

It was the general consensus of the Mayor and City Council to accept the bid from C. William Hetzer, Inc.

### **Wilson Boulevard Medians**

Rodney Tissue, City Engineer, stated no bids were received for the Wilson Boulevard Medians. He stated an addendum to the original request for proposal will be sent out that extends the completion date. This change may generate responses to the request.

### **2005 Overlay Program and Kuhn Avenue Overlay**

Craig Paving, Inc. submitted a bid for the annual overlay and milling contract, at a price not to exceed \$ 269,000.00. Staff is recommending postponing a large portion of Oak Hill Avenue from this year's contract and limiting the contract to \$ 269,000.00. The balance of the funds will be used for markings, testing and inlay tape.

It was the general consensus of the Mayor and City Council to accept the bid from Craig Paving, Inc.

### **Installation of Pavement Markings**

The City of Hagerstown has an open-end contract with Alpha Space Control for pavement markings on overlay streets and the fairground parking lot. The price to install the markings will be \$ 18,000.00.

It was the general consensus of the Mayor and City Council to have Alpha Space Control install the markings.

### **Relocation of City Fiber Network Cable**

Pennsylvania Networks, Inc., C/O Fiber Plus, Inc., submitted a price of \$ 17,900.00 for relocating the City's fiber cable from the Washington County Free Library to the City Hall to accommodate the undergrounding of aerial lines on East Antietam Street and to provide service to the new parking deck. This is a sole source quote since Pennsylvania Networks, Inc. is the same company that ran the original fiber optic wiring.

It was the general consensus of the Mayor and City Council to approve a contract with Pennsylvania Networks, Inc.

### **Phase II Project, Change Order #7**

As part of the Wastewater Treatment Plant Upgrade Phase II project, the following changes are recommended: reconfiguring the 12 inch utility water pipe, control cabinet and wiring modifications, and installation of an alternate sludge blank level monitor. Staff is recommending Change Order #7 to the contract with Ulliman Schutte Construction, for \$ 19,466.00.

It was the general consensus of the Mayor and City Council to approve change order #7.

Bruce Zimmerman, City Administrator, stated that with a project of this magnitude there will be numerous change orders. He stated it would be helpful to allow staff to let the contractor move forward with change orders that are less than \$ 10,000.00, before being presented for approval. He stated all change orders would be submitted to the Mayor and City Council for formal approval. This would help the project move forward more quickly. It was the general consensus to allow staff to move forward with change orders that are less than \$ 10,000.00.

### **Phase II Project, Amendment #6**

Amendment #6 is being recommended for the contract with Black & Veatch, which is related to support for the consent judgment at the Wastewater Treatment Plant. The cost of the amendment will be \$ 20,000.00.

It was the general consensus of the Mayor and City Council to approve Amendment #6.

### **Mowing Contract Renewal**

Willow Run Farm & Landscaping submitted a proposal for the 2005 and 2006 mowing seasons in the amount of \$ 31,463.25. This is the bid contract winner from last year and the only price increase was due to the rising cost of gasoline.

It was the general consensus of the Mayor and City Council to accept the 2005-2006 proposal.

### **Ductile Iron Pipe**

Atlantic States Cast Iron Pipe Co. submitted the low bid of \$ 17,969.00 for 12" ductile iron pipe.

It was the general consensus of the Mayor and City Council to accept the bid submitted by Atlantic States Cast Iron Pipe Co.

### **Rehabilitation Contract for 317 S. Mulberry Street**

Dale M. Ford Construction submitted a bid in the amount of \$ 76,100.00 for the rehabilitation of the house at 317 South Mulberry Street.

It was the general consensus of the Mayor and City Council to accept the low bid.

### **Consulting Fees – Wholesale Power Contract**

Consulting Services for the development of the Wholesale Power RFP will be provided by R. W. Beck, Inc., in an amount not to exceed \$ 134,500.00. R. W. Beck will also provide a review of the qualified providers and aid in the selection of suppliers. R. W. Beck is the consultant for the Hagerstown Light Department in regard to FERC, PJM, and issues pertaining to the existing Wholesale Power Agreement. They are in possession of the information required for the future RFP. Once again, the towns of Thurmont, William and Front Royal will be sharing the cost of this service.

Michael Spiker, City Light Manager, stated there are two pricing tiers in this proposal and R. W. Beck has assured Staff the costs will be within the budgeted amount. Councilmember Aleshire asked if it was to the City's advantage to partner with other municipalities rather than seeking RFP individually. Mr. Spiker indicated it is more economical to partner with other municipalities.

It was the general consensus of the Mayor and City Council to approve the expenditure for these consulting services.

### **Annual Audit Services**

Smith Elliott Kearns & Company, LLC submitted a bid in the amount of \$ 130,150.00 to provide the audit for FY 2004/2005 and FY 2005/2006. Bids were solicited from 16 local/regional firms and only one proposal was submitted.

It was the general consensus of the Mayor and City Council to accept the bid presented by Smith Elliott Kearns & Company.

### **Purchasing Management and Integrated Document Imaging (PMIDI)**

The development of a purchasing management and integrated document imaging system will allow for the efficient management of the Mayor and City Council approved P-card system, as well as enabling the City to automate and make more efficient the complete purchase request system. The price for the system is \$ 38,000.00. This project was sole-source selected. Utilizing the same vendor for this application allows for ensuring that the systems are similar in both

process and data structures.

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

**Introduction of an Ordinance: Groh Rezoning, formerly Blue Ridge Beginnings, 1009-1011 Pennsylvania Avenue (ZM-2004-06)**

**Introduction of an Ordinance: Groh Rezoning, formerly Blue Ridge Beginnings, 1009-1011 Pennsylvania Avenue (ZM-2005-01)**

Kathleen Maher, Planning Director, stated hearings were held in February for these rezoning requests. The applicant withdrew the requests, but the owner of the property would like to continue with the rezoning requests.

**Resolution: Approval of Senior Citizens Softball League User Agreement for City Park**

Patty Edleblute, Recreation Superintendent, reported the Washington County Seniors' Softball League has requested to enter into a User Agreement to utilize two softball fields at City Park. The Washington County Seniors' Softball League has been utilizing the City Park fields for the past couple years.

It was the general consensus of the Mayor and City Council to approve the User Agreement with the Washington County Seniors' Softball League for fields at City Park.

**Summer Camp 2005**

Patty Edleblute, Recreation Superintendent, stated Staff would like to continue with the Hagerstown YMCA, Memorial Recreation Center, Inc. and Girls, Incorporated of Washington County for the 2005 Summer Camp Program. They met all of last year's requirements and did a great job. The proposed funding for the Summer Camp program is \$ 55,000, which included \$ 5,000 from CDBG.

It was the general consensus of the Mayor and City Council to approve the 2005 Summer Camp Program.

This completed the preliminary agenda review.

**Raven Rock Stream Restoration Presentation**

The City maintains a dam on Raven Rock Run. The dam allows the diversion of water from Raven Rock Run into the City's Edgemont Reservoir. The U. S. Fish and Wildlife Service and the Maryland Department of Natural Resources have proposed removing the dam on Raven Rock

Run and restoring natural stream conditions, while maintain the City's capability to withdraw water from Raven Rock Run.

The U.S. Fish and Wildlife Service's proposal is to perform the work, primarily at their expense. They are requesting a contribution of \$ 5,000 from the City.

Christopher Bordlemay, Water and Sewer Department Assistant Manager, stated Staff is requesting permission to proceed with this project by submitting a letter of intent to the U.S. Fish and Wildlife Service.

Mayor Breichner asked what would keep the stream diversion in place. The stream will be notched on either side of the dam. Mayor Breichner questioned if this would be enough to keep the diversion in place. He stated this should be reviewed before the project goes any further. Mr. Bordlemay stated they are only seeking permission to send a letter of intent at this time. The project details will be discussed with the Mayor and City Council before any construction begins.

It was the general consensus of the Mayor and City Council to send the letter of intent to the U.S. Fish and Wildlife Service.

#### North Hagerstown High Stadium Funding Request

During the April 5, 2005 work session, members of the North High Stadium Committee made a presentation to the Mayor and Council encouraging the City's support for their efforts to build a stadium at the school. Members of the Mayor and Council have expressed support for this project and a willingness to consider a funding contribution.

One approach that may be taken by the Mayor and Council to provide this support would be to consider providing \$ 20,000 to \$ 25,000 per year in General Fund support over a four to five year schedule.

Councilmember Metzner pointed out that the Board of Education is contributing \$ 200,000 to the project. This is actually the funding that was deferred by the Board a few years ago when they did not replace the track. At that time, it was stated a new stadium was expected and it wouldn't be feasible to build a new track.

He stated he feels this is the right thing to do. He suggested providing \$ 25,000 per year in General Fund support.

Councilmember Hendershot stated this project should be supported by the Mayor and City Council.

Councilmember Aleshire recommended providing \$ 20,000 per year to the stadium project.

He hopes Washington County will also provide funding.

Councilmember Metzner stated he expects at some time, that the stadium at South High will be upgraded. The City will have to see what support they may need.

Councilmember Nigh asked where the money is coming from. Mr. Martin stated it could be from the new Community Based Initiatives or other general funds.

Councilmember Moller stated she supports the funding.

This will be discussed further during the budget review.

#### Fairgrounds Park Projects – Pavilion and Relocation of Parks & Recreation Offices

Junior Mason, Parks Superintendent, stated the Fairgrounds Park is being used more frequently and requests have been made for a pavilion. Staff recommends building a new 20' x 30' pavilion at an estimated cost of \$ 8,000. The pavilion will be built by in-house employees. If approved by the Mayor and City Council, plans are to have the pavilion constructed prior to the July 4<sup>th</sup> event.

Patty Edleblute, Recreation Superintendent, stated the Parks and Recreation Staff has been considering relocating the office to Fairgrounds Park. Having the Parks and Recreation Department located at Fairgrounds Park would increase awareness of the facility, provide security, manage time more wisely and be more visible in the community. The cost to move the offices would be about \$ 4,000. The area the Parks and Recreation staff wish to utilize is covered under the PAL lease and they have indicated a willingness to rent the area to the Department.

It was the general consensus of the Mayor and City Council to approve the construction of a new pavilion and to approve the moving of the Parks and Recreation Department.

#### Conversion of Neighborhoods Coordinator Position to Community Development Coordinator

Lauren Bayer, Community Development Department Manager, stated a part-time Neighborhoods Coordinator position was created in the FY 04-05 budget. The purpose of this position was to have someone on board who's sole function was to work with the Neighborhoods 1<sup>st</sup> program. We have found that the hours needed to perform the job as it should be requires more than 20 per week. Approximately six weeks ago, the hours for the position were increased to 30 per week. While this is sufficient time for Neighborhoods 1<sup>st</sup>, it does not allow any time for additional responsibilities or to work on new initiatives that would take a more strategic and holistic approach to community development versus programmatic focus only. For this reason, funding was requested in next fiscal year's CDBG budget to make the position full-time.



Because of a vacancy in the department, the Community Development Coordinator position can be made full-time without having an adverse effect on the department's budget.

Letter of Support for Way Station, Inc. for a HUD Section 811 Grant

Lauren Bayer, Community Development Department Manager, stated the City has been asked to provide letters of support for a HUD Section 811 grant application being submitted by Way Station, Inc. for funding to purchase and rehabilitate 203-205 and 237-239 West Wilson Boulevard. Each of these units is owned by Turning Point of Washington County and houses individuals with mental disabilities.

Way Station, Inc. is in the process of merging with Turning Point. Councilmember Metzner wondered why one non-profit organization is merging with another non-profit organization.

Mr. Bayer stated a representative was to be present to further explain the request. Mayor Breichner suggested tabling the discussion until further answers are provided.

Memorial Recreation Center Roof

Lauren Bayer, Community Development Department Manager, stated Ms. Ruth Monroe recently contacted the department concerning the need to replace the roof at Memorial Recreation Center. The replacement of the roof was part of MRC's request for CDBG funding in the coming year. Unfortunately, the roof has deteriorated to such a point that it is necessary to replace it as soon as possible.

This project is eligible for CDBG funding. However, it would take at least 6-8 weeks before all of the regulatory approvals could be received. Staff, therefore, recommends that up to \$ 21,500 be allocated from the general fund to pay for the repairs. The cost of the repairs will then be deducted from the \$ 75,000 allocated in the proposed CD budget for Memorial Recreation Center and that amount will be redirected to an eligible project scheduled to be paid for by non-federal funds.

It was the general consensus of the Mayor and City Council to approve the funding for the repair of the roof for Memorial Recreation Center.

Startzman/ARC Rezoning Discussion

Kathleen Maher, Planning Director, was present to discuss the Startzman/ARC Rezoning request. A Public Hearing before the Mayor and City Council was held on April 26, 2005.

Councilmember Aleshire stated he cannot support the argument of a change in the neighborhood. He pointed out that the City's Economic Development Department completed a

study and found it would not be feasible to rezone the property to IG. He stated the Mayor and City Council needs to consider zoning requests very carefully. He stated he believes people expect development to occur, but not at the maximum allowed levels. He suggested addressing this request through the Comprehensive Plan.

Councilmember Metzner asked if the zoning request is approved, are there potential issues related to development.

Ms. Maher stated the building permits would not be issued until after July 1, 2005, so they would be subject to the Excise Tax.

Councilmember Aleshire stated the Mayor and City Council are not obligated to grant the rezoning.

Councilmember Nigh stated she is concerned about increased traffic.

Approval of the rezoning request will be added to the agenda for April 26, 2005.

#### Zoning Ordinance Text Amendments Discussion

Kathleen Maher, Planning Director, was present to discuss the Zoning Ordinance Text Amendments. A Public Hearing before the Mayor and City Council was held on March 29, 2005.

There was no further discussion. Approval of the amendments will be added to the agenda for April 26, 2005.

#### Mayor and City Council Budget Review Schedule

The Mayor and City Council agreed to hold budget work sessions on Friday, April 29, 2005 at 2:00 p.m. and Friday, May 6, 2005 at 2:00 p.m. The Public Hearing on the budget and the City's property tax rate will be held on Tuesday, May 3, 2005.

The following items will be discussed at the budget work session: Community Development, Capital Improvement Projects, water/sewer rate increase and Excise Tax.

#### City Administrator's Comments

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

Mayor and Council Comments

*Councilmember L. C. Metzner* stated the best things for City residents would be lower taxes, increased safety, and less crime. He stated he is amazed at the potential of the Citizens on Patrol program. Volunteers are spending large amounts of time. He urged citizens to get involved in their community through this program.

He stated the ice rink situation is difficult. There are more questions than answers and more problems than solutions. The Board of Directors invited the Mayor and City Council to meet with them in order to better understand the issues. Because of the personnel issues, the Mayor and City Council was asked not to speak publicly about the issues. He stated folks need to understand that satisfying the Mayor and City Council's curiosity is not the only thing that needs to be done. The Board needs to reach out to the public they serve and find a way to reach a solution to the problem. The Board has Councilmember Metzner's support and he suggested handling this with something other than silence.

Mayor Breichner stated he talked with Jonathan Decker (Ice Rink Board of Directors) and he indicated a meeting was held with one of the individuals. She has requested her personnel files and they are waiting for the request from her in writing. They are moving ahead to resolve some of these issues.

Councilmember Metzner stated he has learned a lot in recent weeks about the ability of the Neighborhoods First program to serve the community. Before the formal discussion of the recent Haven Road annexation request, the community was given the opportunity to discuss the request in an informal setting. He commended Staff for the work they did in putting this together.

He asked why the Planning Commission has recommended dredging the lake at City Park. Councilmember Moller stated they thought it would be good to dredge the lake while it is low. Rodney Tissue, City Engineer, stated the lake supports carp at the current depth. If the City is interested in keeping game fish in the lake, it would cost hundreds of thousands of dollars to provide clear, cool water.

*Councilmember P. M. Nigh* stated she understands the Hagerstown Suns have scheduled fireworks on consecutive nights again this season. She asked Staff to confirm this. Councilmember Aleshire stated he believes one of those nights is not even a game night.

Councilmember Aleshire stated he wanted a legal opinion on whether or not the additional six dates for fireworks displays are allowed.

Councilmember Nigh stated someone has said that the Mayor should use the gavel more. She does not apologize for being emotional for her constituents. She stated if Patrick Henry hadn't shouted, America would not be what it is. She stated she may not agree with what you say, but

she will defend to the death the right to say it.

Councilmember Nigh presented a petition signed by 173 people asking that the Mayor and City Council not rename Memorial Boulevard. The newspaper has received 253 e-mail votes against renaming Memorial Boulevard. She stated she has received many telephone calls asking that the name not be changed. She presented a history of Memorial Boulevard as it was researched by Virginia MacGruder. Ms. MacGruder provided a written report entitled Memorial Boulevard (text based on information from the Hagerstown, MD *Morning Herald*). The report outlines the stories in the newspaper that mentioned Memorial Boulevard. A copy is available in the meeting packet.

*Councilmember N. L. Hendershot* had no further comments.

*Councilmember K. B. Aleshire* stated he received a complaint about the difficulty for drivers to make left turns on Broadfording Road. Rodney Tissue, City Engineer, stated a signal light will be in place by the end of the year. He stated his comments about the ice rink situation would be the same Councilmember Metzner's.

He stated there was a letter in Sunday's newspaper that contained inaccurate statements. The letter stated he walked his dogs in City Park illegally. He stated when he walked his dogs in the park, it was not against the law at that time. The regulations were created because an ordinance did not exist. He stated he was subject to the annexation policy requirements and to permit fees. The writer indicated the hospital has offered to pay full costs for infrastructure. In actuality, a significant amount of those infrastructure costs is being paid by a 1500 housing development in the Mt. Aetna road area. He stated people need to make sure they are receiving the facts about the situations.

*Councilmember C. N. Moller* invited everyone to visit the newest addition to City Park, the Railway Museum.

*Mayor W. M. Breichner* had no further comments.

#### EXECUTIVE SESSION – April 19, 2005

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember N. L. Hendershot, the Mayor and City Council unanimously agreed by voice vote to meet in closed session at 6:11 p.m. in accordance with the provisions of the annotated Code of Maryland, State Government Article, Section 10-508(a) #4 to consider a matter that concerns the proposal

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Mayor & City Council

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for a business or industrial organization to locate, expand, or remain in the State. No formal action was taken at the session. The meeting was held in the Council Chambers, 2<sup>nd</sup> floor at the City Hall. The meeting was adjourned at 7:43 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: May 24, 2005