

WORK SESSION AND 76TH REGULAR SESSION – April 22, 2008

WORK SESSION – April 22, 2008

Mayor R. E. Bruchey, II called this Work Session of the Mayor and City Council to order at 5:00 p.m., Tuesday, April 22, 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.

Doub Farm Land Use Designation in the Comprehensive Plan

Mayor Bruchey announced this is a work session to discuss the land use designation in the Comprehensive Plan for the Doub Farm. The Public Hearing on the annexation request for Doub Farm will be held at 7:00 p.m.

Kathleen Maher, Planning Director, stated there are a few minor text changes to be considered also. A more positive expression of the work force in Hagerstown has been included.

More clarification is included to define “economic development projects.” Councilmember Metzner thought it would be good to acknowledge that the airport and Friendship Park are specifically mentioned in the Comprehensive Plan.

Councilmember Parson-McBean asked if women and minority business opportunities are still included in the economic development segment. Mayor Bruchey indicated this is included.

Mayor Bruchey stated the Mayor and City Council will be able to permit other economic development projects in other areas.

The last item to consider is the land use for Doub Farm. Currently, the draft Comprehensive Plan reflects a combination of Business Employment and Medium Density Residential land use for this property.

Staff would recommend that the land use for this property be a combination of Commercial General and Business Employment. This is consistent with Staff’s recommendation during the Planning Commission’s review of the Comprehensive Plan.

Originally staff recommended a mixture of General Commercial and Medium Density Residential because such uses seemed logical at the interchange of I-70 and US 40, are consistent with other interchanges on I-70 and I-81, and because the property is annexable into the City. In addition, a higher intensity development seemed appropriate along the I-70 exit ramp at this location since the area surrounding the property has already been developed and the areas along the Dual Highway have a great deal of commercial development in place already or these properties are redeveloping with

commercial development. Staff does not believe that a new shopping center in this location would be detrimental to the existing flourishing centers, because of their optimal locations. Existing disadvantageously located shopping centers (low regional visibility) are declining at this point whether new centers are developed or not. Redevelopment of such centers for more appropriate land uses is inevitable and City planning will need to be ready for this outcome.

Councilmember Brubaker believes the property could be a combination of business and employment, retaining some of the business employment the Planning Commission requested. During the annexation process, ways to make this development different from downtown could be discussed. He wants the City to be the government that determines the development that will occur on the east side of Hagerstown.

Councilmember Metzner stated the Mayor and City Council has not discussed the development that will occur on the opposite side of I-70. The Planning Commission observed that the south side of I-70 was “too far along” to change because zoning had been in place for a long time and commercial development had already started with the Auto Mall. Despite this decision, the Commission discussed concerns over the development of a regional commercial center on the outside of I-70 (non-City side) at the edge of the Urban Growth Area and the impact this could have on the rural character of the areas outside the UGA in that region. Councilmember Metzner stated it would not be fair to change the land use designation through the Comprehensive Plan for this area. He stated it makes more sense to extend water and sewer service to contiguous land and to address a major traffic issue. A zoning change for this property cannot be approved without the County’s express approval.

Councilmember Cromer agrees with Councilmember Brubaker and Councilmember Metzner. She has reviewed all the letters and emails regarding this land use designation. She supports staff’s recommendation for the land use designation.

Councilmember Nigh agrees with the Planning Commission, that the land should be designated as business employment and medium density housing.

Councilmember Cromer asked if the Planning Commission has reviewed their original recommendation. They have not.

Councilmember Parson-McBean is in favor of a C4 and business employment designation.

Early on the agenda for the Regular Meeting, the Mayor and Council will vote on its decision regarding the land use for the Doub Farm.

The work session was adjourned at 5:34 p.m.

76TH REGULAR SESSION – April 22, 2008

Mayor R. E. Bruchey, II called this 76th Session of the Mayor and City Council to order at 7:07 p.m., Tuesday, April 22, 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 Kelly S. Cromer. The Pledge of Allegiance was then recited.

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, May 6, 2008, Tuesday, May 13, 2008, and the Regular Session on Tuesday, May 20, 2008 at 7:00 p.m.

Mayor Bruchey also noted a Work Session will be held on Tuesday, April 29, 2008, beginning at 4:00 p.m.

PROCLAMATIONS

Municipal Government Works Week

Mayor Bruchey read a proclamation declaring April 2008 as Municipal Government Month in Hagerstown. A copy of the proclamation will be presented to each employee group. Representatives who were present at the meeting were Carroll Braun, AFSCME 3373 and Donna Spickler, Non-union.

Keep Kids Alive – Drive 25

Mayor Bruchey presented a proclamation to representatives of the Neighborhoods 1st group naming May 1, 2008 as Keep Kids Alive Drive 25 – May Day in Hagerstown. This initiative is designed to encourage saving the lives of children, pedestrians and cyclists by all who drive in the City of Hagerstown.

NEIGHBORHOOD COLLEGE CERTIFICATES

Mayor Bruchey presented certificates of completion to the following Neighborhood College participants: Lois DeLisi, Jill DiLandro, Grover Evans, Lynda Evans, Derek Heckman, Mike Mittel, Clair O’Connell, Tara Swaby, Denver Swaby, Judy Wheeler, and Winslow Wheeler.

NEW BUSINESS

Approval of a Motion Regarding Doub Farm Land Use Designation in the Draft 2008 Comprehensive Plan

Action: Councilmember L. C. Metzner made a motion to have the City of Hagerstown draft 2008 Comprehensive Plan reflect a land use designation for the Doub Farm of Commercial General and Business Employment, as shown on the updated map. Councilmember M. E. Brubaker seconded the motion.

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

PUBLIC HEARINGS

Community Development Block Grant Amendment to FY 07/08 Annual Action Plan – Playground Equipment

Larry Bayer, Manager of Community Development, stated this public hearing is being held to solicit the views and comments of interested citizens regarding a proposed amendment to the CDBG FY 07/08 Annual Plan. This amendment will establish a new public facility activity: Playground Equipment.

This new activity consists of removing existing playground equipment and replacing it with new at Hellane Park, Staley Park and Ridge Avenue Playground. This project will be funded entirely by Community Development Block Grant in the amount of \$ 95,000. Funds for this activity will be reprogrammed from East Antietam Street Storm Drain Improvements, leaving \$ 42,600 in that activity.

There was no testimony presented. Citizens' comments will be accepted until May 7, 2008.

The hearing was then closed.

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

This Public Hearing was held to receive testimony regarding the petition for annexation from the Doub Property. The proposed annexation was introduced on January 29, 2008. The Annexation Plan for extension of services was also adopted at that time. A Public Hearing was originally scheduled for March 25, 2008 but was rescheduled for April 22, 2008. There was a published notice advertising the rescheduled annexation hearing in accordance with State law.

A revised petition for annexation was presented to the Mayor and City Council.

Councilmember Cromer does not believe this hearing can or should be held since a new petition was just presented for this property and has not been reviewed by the Mayor and City Council. This is not the petition that was published for this hearing.

Kathleen Maher, Planning Director, stated the petition adds some offers for the Mayor and City Council's consideration as part of the petition.

Councilmember Brubaker suggested holding the hearing and have the applicant discuss the changes. He would like to hear what the applicant has to present.

John Urner, City Attorney, does not think the offers change the content of the request. Therefore readvertising is not necessary.

It was the general consensus of the Mayor and City Council to move forward with the hearing. Councilmember Cromer was not in favor of holding the hearing, considering the petition for annexation had changed.

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. As stated in the County's Zoning Ordinance, "the HI-2 District is intended to serve as a transitional zone between HI-1 and nearby residential areas by providing for those uses of a restricted business or light industrial nature". Some residential uses are also allowed within the HI-2 District.

The applicant is proposing a City Zoning Classification of C4 – 123.99 acres (Regional Shopping Center) and POM – 17.81 acres (Professional Office – Mixed Use). The purpose of the C4 District is to provide locations for commercial businesses, retail, and offices, and specifically, a regional shopping center (i.e. "big box" development). The purpose of the POM District is to provide locations for offices, medical offices, research and development, institutional uses, certain industrial uses, and limited support retail. The POM zoning is a revision from the original petition, which requested R3 (Residential).

The applicant's requested zoning is in conflict with the 2008 Draft Comprehensive Plan's land use recommendation. The City's Draft Plan is recommending Business Employment (Professional Office – Mixed Use) along the west edge and Medium Density Residential (R1 or R2) on the interior of the property.

Staff is of the opinion that the requested C4 zoning is substantially different from the uses authorized under the existing County HI-2 (Highway Interchange) zoning, and would therefore require the express approval of the Board of County Commissioners, or the development of the land may not be permitted for five years.

County staff reached the same conclusion. The Board of County Commissioners considered the matter on March 11, 2008 but took no action.

With respect to the Washington County Board of Education and Public Schools, the Adequate Public Facilities Ordinance will apply to the residential portion of this project. Site plan or subdivision approval for any proposed residential development of the property will be contingent upon resolution of any issues raised by the City's Adequate Public Facilities Ordinance for school. The Washington County Free Library has no proposed plans for construction of library facilities within the area proposed for annexation. The road network surrounding the site is made up of local streets which serve the immediate neighborhood. Access is proposed to the Dual Highway.

Wastewater service to this site will be by extension of the existing wastewater system in the general area and will be at the cost of the developer in accordance with the annexation agreement. Any upgrades necessary to the wastewater system to accommodate the project shall be at the expense of the developer. The amount and timing of the allocation of wastewater service shall be subject to the City's Sewer Capacity Allocation Program.

Water service to this site will be by extension of water lines in the vicinity of the site and will be at the cost of the developer subject to the Water Department's standards, policies, procedures and payment of the applicable fees.

The City of Hagerstown Light Department (HLD), or their designee, will design and approve the street light system. The developer is responsible for the purchase and installation, to approved HLD specifications, of the street light system. The HLD will assume ownership of the street light system twelve (12) months after the City of Hagerstown assumes ownership of the street(s). Electrical service will be provided by Allegheny Power.

This area is currently provided fire services by an automatic aid agreement with the Independent Junior Fire Engine Company. As growth continues there may be a need of additional stations or relocation of existing stations to serve the Hagerstown Urban Growth Area. Related rescue service is provided by the Community Rescue Service, Inc.

Streets would be constructed per the City's Public Ways Construction Standards by the developer and then offered for dedication and maintenance to the City of Hagerstown will be extended into the proposed annexation. Traffic studies will be necessary and shall be prepared by the developer and shall be in conformance with the City's Guidelines for Traffic Impact Studies. These studies may identify improvements that are required on existing streets near the proposed annexation and subsequent development.

Police protection would be provided by the Hagerstown Police Department, which would patrol the area on a twenty-four hour basis. Police services can be expected to be called upon for a large retail area.

Maintenance will be performed by the Public Works Department.

Ms. Maher indicated the County Commissioners are waiting to hear from the Mayor and City Council regarding their desire for this property before determining if they would support express approval.

Ms. Maher entered the following as Exhibits:

- Exhibit 1: Certificate of Advertisement
- Exhibit 2: Annexation File and Planning Commission Recommendation by Record

There was no representative from Washington County present to provide testimony.

Bruce Dean, McEvoy and Dean, 8 West Third Street, Frederick, Maryland, was representing the contract purchaser. They are requesting C4 zoning on 124 acres of the property and P.O.M. zoning on 17.5 acres. The offers in the revised petition include:

1. All extension of public facilities will be at the sole cost and expense of the developer.
2. The petitioner is proposing to contribute to the City an annual contribution of \$.05 per gross square foot of developed building area located on the Property, upon issuance of the first certificate of occupancy, not to be less than \$ 20,000 for such initial contribution, for a period of five (5) years. As further development occurs, regardless of timing, such contribution will commence upon the issuance of additional certificates of occupancy, at the same rate of \$.05 per gross square foot, for a period of five (5) years per building. This contribution shall be used by the City to promote and market the redevelopment of downtown Hagerstown.
3. The development of the Property shall include a forty foot (40') vegetated buffer where it abuts existing residential development.
4. The Petitioner or developer(s) of the Property, individually or collectively, shall establish at its sole cost and expense, a "road club" to pay for certain road improvements to be initially installed at the sole cost and expense of the Petitioner or developer of the Property. The area to be served by the road club is noted as Exhibit D. The improvements to be made are noted as Exhibit E.
5. If any out parcels are to be created along Interstate 70 or U.S. Route 40, any proposed building located on any such out parcel will be treated and reviewed architecturally on all four sides of such building, with primary façade treatment along such highways, in order to protect the views from the abutting highway of such new development.
6. The Petitioner or developer(s) of the Property, individually or collectively, agree to comply, if applicable, with all of the Performance Standards set forth in §68-19(h) of the City of Hagerstown Zoning Ordinance.
7. The Petitioner or developer(s) of the Property, individually or collectively, shall contribute two (2) buses to the City for the purpose of (i) transporting visitors to the development between it and downtown Hagerstown, and (ii) shuttling City residents to the development for employment.

8. The Petitioner or developer(s) of the Property, individually or collectively, agree to work with the City and Washington County Government to establish a second means of access to the Property.

The Petitioner is committed to these offers. Other items may come up that the petitioner would be agreeable to as well. These offers will provide significant upgrades to infrastructure and will support downtown.

Philip Ross, President of Petrie-Ross, 1919 West Street, Annapolis, Maryland, discussed how beneficial the Centre at Hagerstown has been for the City. The Centre has become a place where people can live close to where they shop. With this annexation petition, the Mayor and City Council have the opportunity to provide an even better product to residents and the surrounding area. The Centre at Hagerstown changed Hagerstown from a regional draw to a super regional draw. It has helped to reinforce Hagerstown as the seat of commerce. The proposed development has the same elements as the Centre. The development would provide the opportunity to bring retailers who are not currently in the area to Hagerstown. A series of shops and restaurants are planned which will provide a place for people to gather and visit. Downtown permits the boutique type of retailer. This center would provide a different type of retailer. The buildings will use the same colors and materials. A fountain will be included in the center of the shopping area. This development will also provide a corporate location for people who want a large space, which isn't available downtown.

Joe Collejarro, Traffic Group Senior Manager, stated a traffic impact study has been completed and submitted to the City of Hagerstown and the State Highway Administration. The developer is proposing to construct road improvements and create surplus improvements. The improvements include widening US Route 40 to six lanes from Edgewood Drive to Interstate 70. The intersection at US 40 and Edgewood Drive is being improved by the State Highway Administration. The developer is proposing to establish a road club. The developer would construct all the improvements up front, which creates a surplus of capacity and allows developers to meet the APFO requirements. They would choose the developments that contribute to the traffic. Once the road improvements are completed, other developments would be permitted to be constructed.

Mr. Ross stated they are being asked to make the improvements because of the regulations but they are also looking to future development. He stated the Sage Group conducted a study and noted the estimated number of jobs generated by sales and the estimated number of jobs for those sales is \$ 340 million annually. The total number of jobs anticipated is 9,000, which includes direct, indirect and induced jobs created by the development. Councilmember Cromer asked for a copy of the Sage Group report.

Mr. Ross stated they are willing to work with both the City and the County for access to the project. They are also willing to work with any other department to make this development as successful as it can be.

Mr. Dean stated this property is currently zoned for high density residential. It is not zoned to be agricultural. If a high density residential development was constructed, he anticipates traffic would be increased significantly from a retail use.

Councilmember Brubaker stated he would prefer a longer period of time for the downtown funding. He anticipates looking closely at transportation and design issues and having questions at a later time.

Councilmember Metzner agrees there will be a substantial amount of questions from the Mayor and Council members. The most obvious impact will be to the people on Landis and Day Roads. He will wait until a work session to ask his questions.

Councilmember Cromer is concerned this may be the only opportunity to ask questions in a public meeting. She stated the discussion of this development has been moved from the agenda several times. Councilmember Metzner stated it was the public hearing that was postponed from the March regular session to the April regular session.

The following testimony was presented:

Richard Hamilton, 1929 Dual Highway, Hagerstown, Maryland, stated he and his brother own a retail business across from the proposed development. They are in favor of annexing this property into the City and are in favor of the proposed development. He thinks this is the best use for the property.

Anne Pandolfi, 456 Links View Drive, Hagerstown, Maryland, thinks the City should embrace change and growth and realize the potential long term benefits. This is an opportunity for the City to grow. She looks forward to the value of her home increasing because of this development. She understands this property will be developed. She would rather see a well designed center rather than high density housing on this site.

John Bagley, 312 Landis Road, Hagerstown, Maryland, is concerned that blasting for the development will cause damage to the homes in the area. He asked who will be responsible for damage. He asked if the road will be built before the center is constructed. Councilmember Metzner stated it would be.

Roger Lyle, 16 Redwood Circle, Hagerstown, Maryland, is opposed to this project. He is concerned this development will be detrimental to other businesses on the Dual Highway. He suggested using the vacant buildings as locations for retail businesses. Hagerstown needs a high tech center, with higher paying jobs.

Jeff Taylor, 318 Landis Road, Hagerstown, Maryland, is concerned the projections for jobs and income from this development are not realistic. He is also concerned that lighting from the development will shine in his front yard. He urged the Mayor and City Council to consider other options for the property. Councilmember Metzner pointed out this land is located outside the City limits at this time and it is currently zoned residential. He stated the zoning is ultimately up to the County Commissioners.

Andy Taddei, 1946 Londontowne Drive, Hagerstown, Maryland, is concerned about the increase of traffic from this project and the new hospital.

John Parsons, 484 Thames Street, Hagerstown, Maryland, stated it is reasonable to expect there will be commercial development on the east side of Hagerstown. He doesn't think there is any sound basis for approving this project, the way it is being presented. The projections, he feels, are unrealistic. Big box stores are visual polluters. A 40' buffer is not enough. He doesn't believe the emergency service groups will permit a single access to this development. Councilmember Metzner stated a single access will not be permitted.

Moquit Malik, 11029 Suffolk Drive, Hagerstown, Maryland, stated no one had addressed the impact this development will have on the mosque on Day Road. He is concerned members will not be able to get to the mosque to complete their observances. Hager's Crossing is an example of property values decreasing. This would be an ideal location for professional, office and mixed uses. He asked the Mayor and City Council to strongly consider the quality of life issues surrounding a development of this type. Traveling through this area is already difficult.

Jason Divelbiss, Miller, Oliver, Baker, Moylan & Stone, 12916 Conamar Drive, Hagerstown, Maryland, represents the property owners on the other side of Route 40. He noted his clients object to this public hearing being held with a new petition for annexation that had not been reviewed prior to the hearing. Councilmember Metzner stated Mr. Divelbiss also represents a developer who is planning to build a big box development on the opposite side of Interstate 70.

Richard Miller, 114 Sundown Court, Hagerstown, Maryland, is representing 138 property owners in the Potomac Ridge condos. He stated the neighbors have a good relationship with the Islamic Society. They are all concerned about traffic, roads and security. The noise level will increase in this quiet neighborhood. He wondered how this development could possibly help downtown. He stated a 40' buffer will not reduce the noise. He suggested that a solid fence be constructed in order to prevent foot traffic through their neighborhood.

Sayed Amet, Martinsburg, West Virginia, represents the Islamic Society. The Society serves Hagerstown, West Virginia and Pennsylvania. They chose this site because the neighborhood is quiet. The development could mean a lot of noise that may disrupt their prayers and their basic rights. He urged the Mayor and City Council to look at all the details and consider how many citizens will be affected by this development.

Tina Kurtz, 404 Landis Road, Hagerstown, Maryland, asked if there will be 9,000 jobs or 3,7000 jobs created by this development. She is concerned that the information is not firm in regard to the number of jobs anticipated. She stated a C4 development near their neighborhood will decrease property values. There will be no way to determine where

the water run off will be prior to construction. She stated they would like to hear all the details that are discussed in secret meetings.

Mayor Bruchey stated the Council does not hold secret meetings. The Mayor and City Council are permitted to meet in closed session for specific reasons, one of those being to meet with the City attorney.

Councilmember Metzner stated if the property is annexed and the County Commissioners do not grant express approval of the zoning, the project will not occur for five years. If the property isn't annexed and the County changes the zoning, the City would have to provide services without tax benefits. The County Commissioners will not hold a public hearing when they discuss zoning, if the City annexes the property. The City will hold a number of public hearings and meetings to discuss the project.

Councilmember Cromer clarified that decisions or deals are not made in executive sessions. The Mayor and Council has met in executive session to discuss this project but no decisions have been made.

Jack B. Grier, 9938 Fieldstone Drive, Hagerstown, Maryland, stated a Herald Mail poll showed that a majority of those responding were opposed to this development. He is very concerned about increased traffic on Route 40. People on Landis Road may experience problems with their wells as the development progresses. The number of aquifers will be reduced with a high use like this development. He doesn't think the residents of Washington County want to become the shopping mecca of the East Coast.

Kahn, from Childacrest Drive, Boonsboro, Maryland, attends the mosque. He is concerned about the possible increase in noise from the commercial/retail use.

Alison Lynn, 402 Londontowne Court, Hagerstown, Maryland, expressed concern about decreasing property values. There is a lack of safety in the area. She is concerned it will not be safe for her daughter to ride her bike in the neighborhood or for them to walk their dog later at night.

Scott Werterman, 1962 Londontowne Court, Hagerstown, Maryland, asked if other property will be annexed. Councilmember Metzner stated the City will not annex property without being asked to.

Mr. Dean stated the applicant is looking forward to discussing the plans for the development in many public work sessions and to meet with citizens.

Councilmember Cromer stated she understands representatives from the Doub Farm project did not meet with members of the mosque and have their support, as Mr. Ross stated to her. Mr. Ross indicated he had not said that.

Mr. Ross stated he met with adjacent property owners Randy Cohen and Rick Hamilton. He did not meet with anyone in the neighborhood or with anyone from the mosque. He is sorry if Councilmember Cromer misunderstood.

Councilmember Cromer suggested that Mr. Ross meet with representatives of the mosque to discuss the project.

Sasson Shaoal, WASHCO Development, 72 W. Washington Street, Hagerstown, Maryland, stated he and his father met with representatives from the mosque two years ago and showed them designs of the project. At that time, a residential project was planned, with a grocery store anchor. The representatives asked that Mr. Shaoal provide them with water and sewer hook ups in case they wanted to expand.

Councilmember Cromer asked how this area will be served with adequate roadways. Ms. Maher indicated that information will be provided if the property is annexed and when a site plan is submitted.

Councilmember Cromer asked what happens to the project if the State Highway Administration does not approve the plan with only one access point. Mr. Dean stated they are only talking about putting a farm in the city limits. This project cannot be approved without the necessary SHA, County and City approval. A concept plan has not been submitted for this project. A concept plan would be part of the site plan process.

Councilmember Cromer asked if the applicant intended to ask the City for a TIFF. Mr. Dean stated not to his knowledge.

Mr. Ross stated they do not plan to ask for a TIFF because they are proposing the implementation of a road club for the road improvements. There are no commitments from potential tenants in the development.

Councilmember Cromer asked what the plans are for sewer and water capacity. Mr. Ross stated they understand the capacity is available. Ms. Maher stated they would receive allocation from the City. It is not known at this point if the allocation would be from reserves.

Councilmember Cromer asked if the applicant will meet with neighbors to the development. Mr. Ross stated they have the names of neighbors and will contact them.

Councilmember Cromer asked the status of County approval. Mr. Dean stated he understands the County was hesitant to provide any decision before the City adopted the Comprehensive Plan.

Councilmember Cromer questioned the statement that 9,000 would be provided by this project. Mr. Dean indicated the Sage report provides a clear explanation of the capacity of the jobs anticipated. Mr. Ross stated the software used for the Sage report is

used nationally. Mr. Dean offered to have representatives of the Sage Group attend a Mayor and Council work session to discuss the report.

Councilmember Cromer stated Mr. Ross had indicated to her the project couldn't be done without a residential component. Mr. Ross stated they recognize the desire of the Planning Commission to have business employment designation on the site. The applicant has revised the petition and plan to accommodate that desire.

Councilmember Cromer asked if the shuttle to downtown has been implemented successfully anywhere else. Mr. Ross stated there is a shuttle in Georgetown in Washington, DC, and in Annapolis, Maryland. Councilmember Cromer doesn't think a shuttle will be successful. Mr. Ross stated he thinks it will, based on his personal experience. His wife likes to shop for long periods of time. He prefers to find something else to do and a shuttle to another location would provide an alternative activity. There are many reasons to travel downtown.

Councilmember Cromer stated she has other questions but will ask them at a later time.

Mayor Bruchey stated the record of the public hearing will be held open for 10 days for additional comments.

The hearing was closed at 10:08 p.m.

A recess was taken. The meeting resumed at 10:19 p.m.

CITIZEN COMMENTS

Dave Jordan, Community Action Council (CAC), 101 Summit Avenue, Hagerstown, Maryland, stated 2,047 households received energy assistance through CAC. There are 35 residents waiting to receive assistance. The total paid to the City of Hagerstown for these households will be \$ 1,250,332.24. To date, 10 households have received assistance for heating costs through the Utility Relief Fund.

Mary Haines, 27 Laurel Street, Hagerstown, Maryland, stated she is in opposition to the location of an off leash dog park at Mills Park. Mills Park is a children's park and should remain that way.

Cathy Ridenour, 814 Oak Hill Avenue, Hagerstown, Maryland, is also opposed to the dog park at Mills Park. She does not walk her dog without a leash. There is no way to successfully control an animal without a leash.

John Parsons, 484 Thames Street, Hagerstown, Maryland, signed up to speak about the number of road side signs appearing throughout Hagerstown. He knows the City is doing a good job in letting property owners know these signs are not permitted.

Roy Jones, 124 W. Church Street, Hagerstown, Maryland, owns a towing company in Hagerstown and is confused about the pending towing ordinance. He wants to provide input for towing regulations. Mayor Bruchey stated he will schedule a meeting with Mr. Jones.

Virginia MacGruder, 61 Belview Avenue, Hagerstown, Maryland, is concerned that funding non-profit organizations will reduce available funding for police and fire protection.

MINUTES

On a motion duly made by Councilmember K. S. Cromer 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 March 18, 2008, March 25, 2008, April 1, 2008 and April 8, 2008.

CONSENT AGENDA

The following items were removed from the consent agenda prior to the meeting:

1. Public Works: One Ton Dump Truck to Replace Unit 10
2. Public Works: One Ton Dump Truck to Replace Unit 12
3. Water: Ford F-750 Diesel Dump Truck to Replace Unit 211

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously approved the Consent Agenda as follows:

- 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
- 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
- E.. Public Works: Utility Truck to Replace Unit 611 – Hagerstown Ford (Hagerstown, MD) \$ 68,582.00
- 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
- G. Light Department: Transformers of Various Sizes and Types – National Transformer Sales, Inc. (Raleigh, NC) \$ 164,476.00
- 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

UNFINISHED BUSINESS

A. Approval of an Ordinance: Amendments to Chapter 117, Garbage, Rubbish and Refuse

Action: 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 an ordinance to amend the Code of the City of Hagerstown be deleting and repealing Chapter 117: “Garbage Rubbish and Refuse” and replacing it with a new Chapter 117 “Recycling and Refuse,” which provides for recycling and refuse collection, collection service fees, set out requirements, and the penalties for a violation thereof.

B. Approval 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 adopt 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 an Ordinance: Acquisition, Rehabilitation and Resale of Property Known as 25 East Lee Street

Action: On a motion duly made by Councilmember P. M. Nigh and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve 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.

D. Approval of an Ordinance: Acquisition, Rehabilitation and Resale of Property Known as 415 Clarendon Avenue

Action: On a motion duly made by Councilmember P. M. Nigh and seconded by Councilmember A. Parson-McBean, the Mayor and City Council unanimously agreed by voice vote to approve 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.

NEW BUSINESS

A. Approval of a Resolution: Adoption of City of Hagerstown 2008 Comprehensive Plan

Action: Councilmember M. E. Brubaker made a motion to approve a resolution to adopt the City of Hagerstown 2008 Comprehensive Plan. This plan reflects all of the Mayor and City Council’s prior approvals of revisions to

the Planning Commission's draft 2008 Comprehensive Plan. It should be noted that the adopted Comprehensive Plan includes the changes which were made at the April 22, 2008 Work Session:

1. The land use designation of Commercial General and Business Employment for the Doub Farm
2. Revised text for Issue statement number five in the Economic Development chapter on page 3-1
3. Added text for a new Action 4-10 in the Water and Wastewater chapter on page 4-18

These three changes are attached to the motion sheet.

Councilmember L. C. Metzner seconded the motion.

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

B. Introduction of an Ordinance: To Amend Chapter 60, Vehicles and Traffic, to Specify Towing Regulations

Action: 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 introduce an ordinance to amend Chapter 60 of the City Code entitled, Vehicles and Traffic, to specify requirements and regulations for the towing of vehicles from privately owned parking lots consisting of five or more spaces.

C. Approval of a Resolution: To Enter into a Deed of Easement for Construction of a Retaining Wall Adjacent Alley 5-62

Action: 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 a resolution to enter into a deed of easement with the four property owners adjacent Alley 5-62. This easement allows the City of Hagerstown to enter onto the lands of the property owners to re-construct the retaining wall and perpetually maintain the wall.

D. Approval of a Resolution; Loan Agreement with Colt League

Action: On a motion duly made by Councilmember P. M. Nigh and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to approve a resolution authorizing an interest free loan in the amount of \$ 15,000 to the Hagerstown Colt League to erect a chain link fence around the Colt League field at Hellane Park. The Hagerstown Colt League will repay the loan in five years at \$ 3,000 each year; final payment shall be due on September 1, 2012.

E. Approval of Amendments to the Annexation Policy

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 amendments to the Annexation Policy for the City of Hagerstown. These amendments are made to bring the Annexation Policy up to date with the City's 2008 Comprehensive Plan.

The amendments note that the Medium Growth Range Area is the City's intended growth area for the next 20 years, except for important economic development projects.

F. Approval of License Agreement with 245 S. Potomac Street

Action: 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 execute a License Agreement between the City of Hagerstown and Frank Parker for the installation of a sidewalk handicap access ramp in the right-of-way of South Potomac Street.

G. Approval of Rain Insurance Policy for 2008 Western Maryland Blues Fest

Action: 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 rain insurance policies for the 2008 Western Maryland Blues Fest. A \$ 15,000 policy for Friday, May 30, 2008 will cost \$ 2,055.00 and a \$ 60,000 policy for Saturday, May 31, 2008 will cost \$ 9,660.00. The total cost for the insurance will be \$ 11,715.00. Funding would be from the Blues Fest Budget. 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 insurance must be purchased by May 19, 2008.

H. Approval of an Amendment to the FY 2007/08 Annual Action Plan for the Community Development Block Grant Program – Playground Equipment

Action: 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 amend the FY 2007/08 Annual Action Plan by creating a new activity known as Playground Equipment with a budget of \$ 95,000. Funds for this activity are to be reprogrammed from East Antietam Street Storm Drain Improvements. Further, that \$ 25,000 be reprogrammed to Memorial Recreation Center and \$ 32,400 to Project

Park Inside from East Antietam Street Storm Drain Improvements leaving \$ 42,600 remaining in that activity.

I. Approval of Donation to Art in the Park Event

Action: Councilmember L. C. Metzner made a motion to approve a request from the Contemporary School of the Arts and Gallery to contribute \$ 1,200 in City funds to be used for marketing expenses to promote the Art in the Park Family Day, to be held in City Park. The source of this funding shall be the General Fund Contingency included in the City's FY 07/08 Budget. Councilmember A. Parson-McBean seconded the motion.

Discussion: Councilmember Nigh asked that Mr. Lytle, Contemporary School for the Arts and Gallery, do fundraising in addition to the donation.

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

J. Authorization to Submit the Appalachian Regional Commission Grant Request

Action: 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 authorize staff to submit five projects for consideration for Appalachian Regional Commission grant funding. The projects are:

1. Clarkson Avenue Residential Redevelopment Project
2. Upper Floors Renovation Revolving Loan Fund Program
3. Eastern Connector bridge – extension of Professional Court and bridge across the Antietam Creek
4. Collection System Rehabilitation (I&I)
5. Northwest Connector bridge – bridge over railroad and road from bridge to Marshall Street

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, had no additional comments.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember M. E. Brubaker had no additional comments.

Councilmember A. Parson-McBean extended sympathy to the family of Walter Washington.

Councilmember L. C. Metzner had no additional comments.

Councilmember P. M. Nigh reminded everyone to think green during Earth Day.

Mayor R. E. Bruchey, II thanked the citizens who came to the meeting and spoke. This Council is an open government. He looks forward to many discussions about many projects in the City. One project will be a marketing campaign to bring high tech jobs into the City of Hagerstown.

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 10:51 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: May 20, 2008