

WORK SESSION – Tuesday, April 25, 2006

Budget Discussion

Mayor Robert E. Bruchey, II called this Work Session of the Mayor and City Council to order at 5:10 p.m., Tuesday, April 25, 2006 in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, K. S. Cromer, L. C. Metzner, P. M. Nigh and A. Parson-McBean; and City Administrator Bruce J. Zimmerman, and City Clerk D. K. Spickler.

Bruce Zimmerman, City Administrator, stated Staff understands from the Mayor and Council that they would like to balance the budget without a tax increase and to increase public safety. A list of modifications from previous discussions was presented for review.

Alfred Martin, Finance Director, distributed preliminary staff responses to Councilmember Aleshire's 2006/07 budget review questions. The modifications reflect new information on highway user revenues and the elimination of TIF through revenue bonds.

Councilmember Cromer stated she is concerned that the increase in the rental licensing fee will be passed on to tenants. The increase is proposed to cover the cost of the program. This program has improved the living conditions of some city residents. The program is intended to support itself without using general fund money. An agreement was made with the Landlord Association that no increase would take place for three years. The three year period has expired. The Landlord Association is aware of the increase. Councilmember Nigh stated landlords do not have to pass the increase through to their tenants but many chose to do so.

Councilmember Aleshire asked about the decrease in the amount of infractions issued with this program. John Lestitian, Chief Code Compliance Officer, stated the goal is voluntary compliance and it is difficult to predict how many infractions will be issued.

The list of modifications to the proposed budget includes adjustments for the State Pension and Retirement contributions and the removal of the police cadet program. A water fund dividend is included as an additional revenue item. An electric fund dividend is not being projected due to increased costs.

Police Chief Arthur Smith met with the Narcotics Task Force and discussed the lab technician position. The job description would need to be modified in order to have this person accessible to the County as well. The position could be deferred until January, 2007. This will allow the police department and the Sheriff's Department time to explore cost sharing options. It was the general consensus to defer filling the position.

It was the general consensus of the Mayor and City Council to increase the number of hours for the evidence technician's position.

Chief Smith stated the addition of six police officers would increase the number of sworn personnel to 107. He suggested adding two officers in July, 2006, two in July, 2007 and two in July, 2008. The cost would be divided over three years. It was the general consensus of the Mayor and City Council to follow this plan.

Donna Messina, Human Resources Director, stated the proposed budget includes an additional staff person in the Human Resources Department. The Department is expanding efforts to make sure every opportunity is used to attract qualified people. The additional person is needed because of the increased work load in the department. However, she asked that the position be deferred. She wants current employees to be fairly compensated. The deferral of the position will save \$ 40,000. It was the general consensus to defer the position.

Fire Chief Gary Hawbaker stated the need for more firefighters was evident in 2000. It is now critical to add the firefighters to meet the needs of the department. He presented information to the Mayor and City Council previously indicating there was a need for nineteen additional firefighters. He stated if it is not possible to add nineteen at this time, he would suggest adding ten now and nine in next year's budget. It was the general consensus to add ten firefighters in the 2006-2007 budget and nine in the 2007-2008 budget. Councilmember Metzner indicated he would support a tax increase to fund the additional firefighters. Councilmember Nigh stated the Public Safety Committee supports the addition of firefighters to the department. Councilmember Cromer indicated she would not support a tax increase. Chief Hawbaker stated funding for the firefighters should begin November 1, 2006. This will allow time for the hiring and review process to be completed. The ten positions include a training officer and nine firefighters.

Rodney Tissue, City Engineer, indicated revenue is generated in the Engineering Department through building permit fees and engineering review fees. The finance staff projected revenues based on past trends. It was the general consensus of the Mayor and City Council to have staff review the fees charged. The fees should cover the costs to review plans, etc.

Councilmember Aleshire asked that the impact fees be reviewed. He is not sure the City needs Sweeney Drive. Councilmember Aleshire indicated Middletown is considering increasing the impact fee to \$ 7,000.00.

Mr. Zimmerman stated Staff will review the fees charged and discuss this with the Mayor and Council at next week's meeting. The wage and compensation study and OPEB will also be discussed during next week's budget review.

Mayor Bruchey mentioned that Hagerstown has one of the highest tax rates in the State. A 3.45 cent tax increase would put the rate 10 cents over the Constant Yield Tax Rate.

This portion of the meeting was adjourned at 6:31 p.m.

21ST REGULAR SESSION – APRIL 25, 2006

Mayor Robert E. Bruchey, II called this 21st Session of the Mayor and City Council to order at 7:08 p.m., Tuesday, April 25, 2006, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, K. S. Cromer, L. C. Metzner, P. M. Nigh and A. Parson-McBean; and City Administrator Bruce J. Zimmerman, City Attorney John Urner and City Clerk D. K. Spickler.

The invocation was offered by Councilmember Kristin B. Aleshire. 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 2, 2006, Tuesday, May 9, 2006, Tuesday, May 16, 2006, the Budget Public Hearing on Tuesday, May 16, 2006 at 7:00 p.m. and the Regular Session on Tuesday, May 23, 2006 at 7:00 p.m.

PROCLAMATION – MUNICIPAL GOVERNMENT WORKS MONTH

Mayor Robert E. Bruchey, II, read a proclamation declaring the month of April, 2006 as Municipal Government Month. Each of the employee groups was presented a proclamation. John Renner, IBEW, Tommy Cline, AFSCME 1540, Chief Arthur Smith, non-union and Wayne Hose, AFSCME 3373, were representing the employee groups.

PUBLIC HEARINGS

Hamilton Annexation – A-06-01

Stuart Bass, Comprehensive Planner, stated the Hamilton Annexation was formally introduced on March 28, 2006.

The area proposed for annexation is 2.54 acres. The property is located on the southeastern side of the City off Dual Highway. The proposed zoning district is C2 (Commercial General). The Planning Commission concurred with the zoning designation.

The commercial development of this property would have no impact on Washington County Board of Education facilities. The Washington County Free Library has no proposed plans for construction of library facilities within the area proposed for annexation.

Sanitary sewer service to this site will be by extension of existing sanitary sewers in the general area and will be at the cost of the developer in accordance with the annexation agreement. Any upgrades necessary to the sewer system to accommodate the project shall be at the expense of the developer. The amount and timing of the allocation of sewer 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. Any extension of water lines to provide additional water service will be at the sole cost of the owner or developer of the property.

The Electric Distribution System is external to the Hagerstown Light Department operating territory. The City of Hagerstown Light Department (HLD) supplies street light services to public streets and will supply the manpower and equipment to serve this new area once the developer builds the infrastructure. HLD, or their designee, will design and approve the street light system. The developer is responsible for the purchase and installation, to approved Hagerstown Light Department specifications of the street light system. The City of Hagerstown (HLD) will assume ownership of the street light system twelve months after the City of Hagerstown assumes ownership of the street(s). Until that ownership transpires, the developer will be responsible for all aspects of the street light system. Upon assuming ownership, HLD has the manpower and equipment resources to serve this area. Electrical service will be provided by Allegheny Power.

No significant impact on emergency service delivery is expected.

Any necessary improvements to existing public roads shall be completed at the direction of the City Engineer at the developer's expense and constructed per the city's Public Ways Construction Standards by the developer. The property has access to Maryland Route 40 (Dual Highway).

Mr. Bass entered the following as Exhibits:

1. Outline for Extension of Services
2. Notification of Annexation to County, Regional and State Planning Agencies
3. Certification of Advertisement for Annexation
4. Annexation Resolution

There was no representative from Washington County present at the meeting.

Jason Divelbiss, Applicant's representative, was present.

There was no testimony presented, either in favor of or against the annexation request. The hearing was closed at 7:18 p.m. The record will remain open for 10 days for written comments.

Amendments to 1997 Comprehensive Plan – Civil War Heritage Area

In December 2005, the City Council authorized staff to pursue amendments to the 1997 Comprehensive Plan for the purpose of refining the language added in 2004 with regards to the Civil War Heritage Area recommendations for Hagerstown. On March 29, 2006, the Planning Commission held a public review meeting on the proposed amendments to the 1997 Comprehensive Plan. No comments were received during the prior “60 day review period” to the State and or at the public review meeting on March 29, 2006. The Planning Commission is recommending approval of the amendments.

Stuart Bass, Comprehensive Planner, entered the following as Exhibits:

1. Certification of Advertisement
2. Planning Commission file by record.

There was no testimony presented, either in favor of or against the proposed amendments. The hearing was closed at 7:20 p.m. The record will remain open for 10 days for public comment.

Staff has requested that the amendments be adopted at this meeting, if there are no comments or concerns from the City Council or the public at the hearing.

Zoning Ordinance Text Amendments – Cluster Development Adjustments – ZT-2006-01

Stuart Bass, Comprehensive Planner, presented proposed amendments to the Zoning Ordinance as it pertains to the cluster development provision. The purpose of these amendments are as follows:

1. Clarify how forest conservation shall be applied to cluster projects (currently ambiguous in the Zoning Ordinance).
2. Allow more than four town house dwelling units in a building when developing townhouses as part of a cluster development (new limit would be 8)
3. Adjust the means of calculating the open space requirement so that it is easier to compute and ties the amount of open space directly to the individual lot size reduction on a lot-by-lot basis.
4. Defines accessory structure setbacks in cluster subdivisions.

A summary of the suggestions made by Councilmember Aleshire were previously provided to the Mayor and City Council.

Mr. Bass entered the following as Exhibits

1. Certification of advertisement
2. Planning Commission file by record

There was no testimony presented, either in favor of or against the proposed amendments. The hearing was closed at 7:22 p.m. The record will remain open for 10 days for public comment.

CITIZEN COMMENTS

J. Michael Nye, owner of a business at 37 W. Antietam Street, Hagerstown, Maryland, is a member of the group "Citizens for Responsible Health Care." The group has been working to keep the hospital in downtown. More effort needs to be placed on retaining businesses with employees who frequent the stores and restaurants downtown. The key is to transform the City into a business center, like it used to be. Service industries will increase foot traffic. In order to prevent the hospital from moving to Robinwood, the group has filed an appeal of the Board of Zoning Appeals decision regarding a special exception for the hospital to establish a medical clinic on Robinwood Drive. He stated the City needs to be proactive in developing alternatives for the hospital to consider as alternative sites. He stated now is the time to develop a proposal they can't refuse in order to build a state of the art facility. Mr. Nye presented a copy of the appeal to the Mayor and Council.

Becky Gilmer, 855 Cashmire Drive, Martinsburg, West Virginia, is the mother of Jacob and Blane Gilmer. She was present to discuss an incident that occurred at the Maryland Theater involving her son, Blane. Blane is challenged. He has been mainstreamed into the school system and has done well. His interaction with other students has been very good. Her son was attending a show at the Maryland Theater with his school class and was making noises. Her son was removed from the theater for being disruptive, in front of his classmates. She is concerned that he was treated like this. She is also concerned that his fellow students will think all challenged people are to be treated like he was. She wants to make the world a better place for everyone.

Jacob Gilmer, 855 Cashmire Drive, Martinsburg, West Virginia, loves his brother Blane. He thinks it was very inconsiderate of the management of the Maryland Theater to treat his brother like they did. This makes him angry. He feels his brother was discriminated against.

Ms. Gilmer contacted the director and he was not apologetic. She is requesting a public apology. Councilmember Metzner pointed out that the group, Theater Works, were very apologetic to the Gilmers. Councilmember Cromer stated she is sorry that Blane was treated this way. Councilmember Nigh stated the Gilmers are presenting this information to the City because the City donates money to the Maryland Theater. Councilmember Parson-McBean thanked the Gilmers for appearing before the Mayor and City Council. Councilmember Aleshire asked if it is appropriate for the Mayor and City Council to increase funding to the theater. Mayor Bruchey commended Jacob Gilmer for standing up for his brother. He stated this will be investigated further.

Reginald Young, 11312 Manse Road, Hagerstown, Maryland, stated he thinks the actions taken against the Building Community program are unjust. He stated racism is very prevalent in Hagerstown. Six of his friends opened a recording studio, Ilbro Studios, and it seems they had setbacks from the beginning. Then, a threatening letter was received. When Ilbro Studios tried to bring a well known singer to the community, some councilmembers worked to keep this from happening. He stated a full quality of life in Hagerstown is to be enjoyed by all, not a select few. He stated Building Community must continue.

Five students were chosen as winners in the "If I Were Mayor Contest" from Bester Elementary School. Three of the five winners were present at this meeting and helped to chair the meeting. The three students were: Daniel Bachtel, Rachael Isbister and Aaliyah Burnett.

MINUTES

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. S. Cromer, the Mayor and City Council unanimously agreed by voice vote to approve minutes, as presented, for Mayor and Council meetings held on March 7, 2006, March 14, 2006, March 21, 2006 and March 28, 2006.

CONSENT AGENDA

On a motion duly made by L. C. Metzner and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote to approve the consent agenda as follows:

- A. Department of Community Affairs:
 - 1. Application/Permit – Washington County Arts Council – June 2, 2006 and June 3, 2006 for BluesFest
 - 2. Application/Permit – Conservit, Inc. – June 2, 2006 and June 3, 2006 for BluesFest
 - 3. Application/Permit – M&T Bank – June 2, 2006 and June 3, 2006 for BluesFest
- B. Police Department: Ford Crown Victoria Cruisers – Norris Ford
\$ 145,635.00
- C. Engineering:
 - 1. Paving and Milling Contract – 2006 Overlay Program – C. W. Hetzer, Inc. (Hagerstown, MD) Not to exceed \$ 470,000
 - 2. Thermoplastic Pavement Markings – Contract Extension – Alpha Space Control (Fayetteville, MD) Not to exceed \$ 27,000

3. Inlay Tape Pavement Markings – 3M Traffic Control (Potomac, MD) Not to exceed \$ 25,000
- D. Light Department: Ornamental Light Poles and Fixtures for City Park South Lot – Union Metal Corporation (Manassas, VA) \$ 13,164.00
- E. Water and Sewer Department
 1. Flow Meters – Marsh-McBirney (Frederick, MD) \$ 22,035.00
 2. Portable Generator – United Rentals (Frederick, MD) \$ 91,881.00
 3. Mowing Contract – All in One Lawn Service (Hagerstown, MD) \$ 18,185.00

Councilmember Nigh stated she is not in favor of the mowing contract, but she is not voting against the consent agenda. Councilmember Cromer is not in favor of the mowing contract.

UNFINISHED BUSINESS

A. Approval of an Ordinance: To Establish an Adequate Public Facilities Ordinance (APFO) for Schools

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 adopt an ordinance to establish an Adequate Public Facilities Ordinance for schools.

Discussion: Councilmember Aleshire stated a response has not been received from the County Commissioners in reference to the City's final version of the ordinance. He stated Jason Divelbiss, Miller, Oliver, Baker, Moylan and Stone, submitted a letter questioning the method for calculating the number of students. Councilmember Aleshire agrees the method may not be correct and the City should not conduct their test in the same manner.

NEW BUSINESS

A. Introduction of an Ordinance: Planned Unit Development Overlay (Case No. ZM-2005-05) Deerfield Knolls

Action: Councilmember K. B. Aleshire made a motion to introduce an ordinance for a Planned Unit Development (PUD) overlay and Zoning Reclassification and Zoning Map Amendment, Case No. ZM-2005-05, for land located between North Burhans Boulevard and Mitchell Avenue, containing 6.1 acres, more or less. Councilmember L. C. Metzner seconded the motion.

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

B. Adoption of a Resolution to Amend the 1997 Comprehensive Plan

Action: On a motion duly made by Councilmember K. S. Cromer and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to adopt a resolution to amend the 1997 Comprehensive Plan to more directly incorporate the management Plan of the Heart of the Civil War Heritage Area.

C. Adoption of a Resolution Indicating Amendment of Comprehensive Plan to Incorporate Heart of the Civil War Heritage Area Management Plan

Action: On a motion duly made by Councilmember K. S. Cromer and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to adopt a resolution to indicate that the City of Hagerstown has amended the 1997 Comprehensive Plan to incorporate the Management Plan of the Heart of the Civil War Heritage Area and to authorize submittal of the Management Plan to the Maryland Heritage Area Authority.

D. Adoption of a Resolution to Amend the 2006 Sewer Capacity Allocation Program

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to adopt a resolution to amend the 2006 Sewer Capacity Allocation Program to require City residential development projects to have at a minimum preliminary plat approval or site plan approval, unless an annexation agreement preempts the City APFO, as a condition of receiving sewer allocation.

E. Resolution: Mayor and Council Support of Efforts to Restore Community Development Block Grant funding to \$ 4.3 Billion

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. S. Cromer, the Mayor and City Council unanimously agreed by voice vote to approve a resolution calling upon Congress to restore Community Development Block Grant funding to \$ 4.3 billion.

F. WS-2006-10 Tammany Heights North Pre-Annexation Agreement Appeal

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to adopt the decision in the appeal of the Tammany Heights North water request and affirm the Annexation Review Committee's decision to require a Pre-Annexation Agreement as a condition of water service.

G. Approval of Contract for Park Circle Improvements

Action: Councilmember L. C. Metzner made a motion to table the approval of the park circle improvements until further discussion is held. Councilmember K. S. Cromer seconded the motion.

H. Application for Designation of a Neighborhood Revitalization Strategy Area

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. S. Cromer, the Mayor and City Council unanimously agreed by voice vote to approve submittal of an application to the U. S. Department of Housing and Urban Development for designation of a portion of Hagerstown as a Neighborhood Revitalization Strategy Area as outlined in yellow on the attached map.

I. Approval of Rain Insurance Policy for 2006 Western Maryland Blues Fest

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember K. S. Cromer, the Mayor and City Council unanimously agreed by voice vote to approve rain insurance policies for the 2006 Western Maryland Blues Fest. A \$ 10,000 policy for Friday, June 2, 2006 will cost \$ 1,310.00 and a \$ 50,000 policy for Saturday, June 3, 2006 will cost \$ 7,700.00. The total cost for the insurance will be \$ 8,810.00. Funding would be \$ 7,000.00 from the Blues Fest Budget and \$ 1,810.00 from the Blues Fest Public Functions Account. 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 26, 2006.

J. Approval of MD Bay Restoration Fund Exemption Program Due to Substantial Financial Hardship

Action: On a motion duly made by Councilmember K. S. Cromer and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve the proposed Maryland Bay Restoration Fund (BRF) Exemption Program for Property Owners with Substantial Financial Hardships. The City and County will partner with the

Washington County Community Action Council (CAC) to process and review applications for the hardship exemptions at the same time they are determining eligibility for their energy assistance programs. CAC will then provide the City and County with lists of qualified exempt residential users for the Bay Restoration Fund (BRF) fee exemption in accordance with the attached criteria.

The program is modeled after a similar program implemented in Frederick County and would be effective beginning July 1, 2006. CAC will receive an administrative fee of 5% or \$ 1.50 per exempt account certified per year, in accordance with State MDE guidelines, payable from the BRF funds collected for the State.

Discussion: Councilmember Aleshire indicated he will support the program but there are items within the program that he does not support.

CITY ADMINISTRATOR'S COMMENTS

Bruce J. Zimmerman, City Administrator, had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember P. M. Nigh thanked property owners for taking care of graffiti on Surrey Avenue so quickly.

Councilmember K. S. Cromer invited the public to the grand opening of the model at Darby Condominiums on Friday, April 28, 2006 at 12:00 noon. She is opposed to median strips on Maryland Avenue. Mr. Tissue indicated Staff is working with the Neighborhoods 1st group in that area and negative feedback is being received from the community. The recycling program has begun. She asked if the time to approve building permits could be reduced. Mr. Tissue stated he will review the process. He indicated the volume of permit requests received is a major factor in the time it takes for approval. Councilmember Nigh stated the Engineering Department has been overwhelmed with the number of permit requests. Councilmember Cromer suggested looking at the possibility of placing downtown projects higher on a priority list for approval. Councilmember Nigh thinks citizens would be opposed to this. Councilmember Aleshire stated he is opposed to changing the building permit process.

Councilmember Cromer asked about the status of moving the County Commuter bus stops. Mr. Tissue stated the next step is for the County Commissioners to review the plan outlined to the Mayor and City Council in January. He stated public hearings would be held before changes would be made. Councilmember Cromer will discuss this with the 2+2 Committee.

Councilmember Cromer asked if small directional signs could be placed around the City to guide visitors. Mayor Bruchey indicated he is working with Destination Hagerstown on this.

Councilmember Cromer indicated someone contacted her who was interested in the Tusing Warehouse. She stated the Downtown Task Force has asked her to be the Mayor and Council liaison person on the force. She is willing to serve on this committee.

Councilmember L. C. Metzner congratulated the students from Bester Elementary and thanked them for helping with the meeting.

Councilmember A. Parson-McBean thanked the people who spoke during Citizen Comments. Two of the topics discussed show why Building Community is so important in Hagerstown. The City of Hagerstown will be hosting a Business Seminar on April 27, 2006. She thanked the students from Bester Elementary.

Councilmember K. B. Aleshire stated he continues to argue that developers should not be creating hardships for themselves and then requesting a Board of Zoning Appeals hearing to alleviate the hardship. He hopes that some Council members will attend growth meetings. He would like to discuss the tax exempt properties in Hagerstown. He stated the City needs to implement a Water/Sewer Certification Policy. He is concerned the neighboring businesses of Meda's were not aware there is a hearing scheduled before the liquor board. He understands the dilemma faced by the Engineering Department with the number of building permits applied for.

Mayor R. E. Bruchey, II thanked the Bester Elementary students and their families for attending the meeting.

A memorial service for AFL/CIO members will be held on April 28, 2006 at the UAW building.

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 8:28 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: _____