

WORK SESSION – June 12, 2007

Mayor R. E. Bruchey, II called this Work Session of the Mayor and City Council to order at 4:02 p.m., Tuesday, June 12, 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 Mark Boyer and D. K. Spickler, City Clerk.

Alfred Martin, Finance Director, introduced Diane Whittington, City Treasurer, to the Mayor and City Council.

Rodney Tissue, City Engineer, welcomed Bobby Mothershed to the meeting. Mr. Mothershed is working toward obtaining his Eagle Scout badge.

Preliminary Agenda Review

Public Hearing: Brook Meadow Townhomes, Planned Unit Development (PUD)

A public hearing is scheduled to hear testimony regarding a zoning reclassification request for a Planned Unit Development (PUD) overlay.

Consent Agenda

A. Engineering:

1. Installation of Ramps for Handicap Accessibility – Concrete Central, LLC (Hagerstown, MD) Not to Exceed \$ 25,000.00
2. Construction of Curb, Sidewalk & Pavement Repairs – Concrete Central, LLC (Hagerstown, MD)
Part A: City Curb/Sidewalk or Abatements \$ 24,450.00
Part B: Repair Damage Caused by Street Trees – Not to Exceed \$ 75,000.00

B. Human Resources:

1. Workers Compensation Renewal – Injured Workers' Insurance Fund (Towson, MD) \$ 710,375.00
2. Aggregate Stop Loss Insurance – Mid Atlantic Underwriters, Inc./Ace American (Towson, MD) \$ 255,049
3. Dental Insurance – CareFirst Blue Cross Blue Shield (Owings Mills, MD)
\$ 343,602
4. Administration of Claims – National Capital Administrative Services (NCAS) (Owings Mills, MD) \$ 334,615
5. Employee Assistance Program – Behavioral Health Services (Hagerstown, MD) \$ 12,012

C. Purchasing:

1. Boiler and Machinery Insurance – Wright Gardner Insurance Group (Hagerstown, MD) \$ 17,875.00
2. Liability (Auto and Equipment, General, Law Enforcement, Public Officials), Property Coverage and Excess Coverage Insurance–Local Government Insurance Trust (LGIT) (Columbia, MD) \$400,986.55

D. Water and Sewer Department:

1. Large Meter Replacements – L/B Water Service, Inc. (Chambersburg, PA) \$ 24,124.28
2. Pump Station Improvements – Construction Phase 1B – C. William Hetzer, Inc. (Hagerstown, MD) \$ 2,684,600
3. 6.4 Million Gallon Tank – Construction Phase 1A – Pre-Load, Inc. (Hauppauge, NY) \$ 3,013,000
4. Large Meter Replacements – HD Supply Waterworks, LTD (Martinsburg, WV) \$ 16,309.86
5. Meters for Residential Meter Replacement Program – L/B Water Service, Inc. (Chambersburg, PA) \$ 77, 600.00

It was the general consensus to approve the consent agenda as presented.

Approval of a Resolution: Eastern Boulevard (Shaool) Annexation

A resolution was presented for the request for annexation from Eastern Boulevard Annexation. The property is 5.948 acres in size and is located on the East side of Eastern Boulevard, 607' N. of Klick Way.

It was the general consensus to include the resolution on the agenda.

Introduction of an Ordinance: Amend Chapter 60, Vehicles and Traffic, to Clarify Parking Prohibitions

As the result of a question which arose last year over the enforcement of a no parking situation which had been authorized by the Engineering Department, the City Code was reviewed regarding posting for no parking, authorized by City agencies. The code was found to be too specific as to the reasons for such posting and that a section was needed to cover additional situations as may arise from time to time. Rodney Tissue, City Engineer, and Eric Deike, Public Works Manager, reviewed this amendment to Chapter 60 and feel this covers the needs of their Departments.

It was the general consensus to introduce the ordinance on June 19, 2007.

Approval of a Resolution: Dissolution of the Centre at Hagerstown Tax Increment Financing

Lindsey Rader, the City's bond counsel of Funk and Bolton, prepared a resolution to revoke City Resolution Number R-00-20, which created the Tax Increment Financing (TIF) district for the Centre at Hagerstown which the City agreed to as part of the development agreement it entered into with the developer for the Centre at Hagerstown on April 21, 1998.

The City, in December 2006, issued 15 year bonds at 3.65% and on February 21, 2007 paid off the remaining obligation due to the developer of \$ 2,839,269.48 from a portion of the bond proceeds. Since the City's obligations to the developer have now been satisfied, the TIF should be dissolved. This resolution dissolves the TIF.

Councilmember Brubaker asked if there were any obligations that had not been completed. Alfred Martin, Finance Director, stated the initial obligations were completed. An answer to Councilmember Brubaker's question will be provided by the next meeting.

**Approval of Revised Consolidated General Services Agreement (CGSA)
Amendment #9**

On February 27, 2007, Amendment #9 to the Consolidated General Services Agreement was approved by the Mayor and City Council, whereas property owned by Antares, LLC on Leitersburg Pike would be added as a Joint Service Area for wastewater services. On May 8, 2007, the Washington County Board of County Commissioners approved the agreement after removal of items #6 and #7. The removed language has been reviewed by legal counsel and deemed acceptable for removal by the City of Hagerstown. The removed language is as follows:

6. Allocations for the property owners inside the Joint Sewer Service Area and this addition are not guaranteed by the City. Allocation availability will be subject to the most current City policies and practices, as they may change from time to time for all customers served, or to be served, by the City's wastewater plant and sewer collection system.
7. This amendment is contingent upon the execution of a Joint Service Area Road Service Charge Agreement between the City and the owner/developer of the Property identified in paragraph 3 above, and payment by said owner/developer to the City of the fee(s) identified in said Agreement as required therein.

Councilmember Brubaker indicated removing the language still keeps the County neutral.

This completed the review of the preliminary agenda.

Hamilton Run Trail Extension

Stuart Bass, Comprehensive Planner, indicated staff continues to work on improvements and amenities for Fairgrounds and Pangborn Park, including new gardens, the replacement of the fountain, and the completion of the Hamilton Run Trail. Staff is requesting the Mayor and City Council to authorize staff to apply for a grant to create a trail extension off of the Hamilton Run Trail. The grant money will be utilized to pave a new trail constructed along side the current channel restoration project.

Staff is proposing to submit a Letter of Intent for TEA-21 funds, Recreational Trails Program, not to exceed \$ 30,000 to supplement the newly constructed trail along the Hamilton Run greenway. This recreation trail follows paths linking places such as parks (Pangborn and Funkhouser) and schools (Pangborn Elementary) with Fairgrounds Park and existing and new neighborhoods. The new link will provide a trail along the Valley Road Storm Drain Channel, a first order tributary to Hamilton Run.

The City selected this channel for a Supplemental Environmental Project (SEP) to comply with a consent judgment agreement with the Maryland Department of the Environment (MDE). Once the restoration work is completed, the trail would be constructed adjacent to the channel and have termination points at Fairgrounds Park and the Hamilton Run trail.

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

Comprehensive Plan Update

Kathleen Maher, Director of Planning, and Stuart Bass, Comprehensive Planner, presented an overview of the Draft Comprehensive Plan. The Draft Comprehensive Plan has been formally submitted for review to the Maryland Department of Planning and other interested parties as required by Article 66B 3.07(c).

A tentative date of July 25, 2007 has been set for the public hearing before the Planning Commission.

The 2007 Comprehensive Plan is the City of Hagerstown's official statement of policies directing the physical, social, and economic development of Hagerstown for the next 20 years, as well as policies for managing the City's water and sewer utilities over that time period. The 2007 Comprehensive Plan updates the 1997 Comprehensive Plan. This Plan also represents a significant departure from the earlier Plan, in that it responds to new growth pressures, water and sewer limitations, and other concerns that have emerged since the approval of the 1997 Plan.

In order to ensure that the City of Hagerstown grows in a fiscally and environmentally sound manner, the 2007 Comprehensive Plan outlines strategies to address the relationship between planned growth and the infrastructure needed to accommodate it. The 2007 Plan places particular emphasis on the relationship between projected growth and available water and sewer resources to serve that growth. The plan also identifies

water and sewer service boundaries, within which the City's utilities would serve projected future demand, while ensuring that vacant and under-utilized lands within the existing corporate boundaries will have adequate infrastructure for future development.

The 2007 Comprehensive Plan also provides the land use and growth management policy framework for Hagerstown's efforts to regain and strengthen its role as the primary provider of urban services in the Hagerstown region. Major themes of this Plan include:

Growth and Annexation The Plan analyses land capacity within the City and the Hagerstown Urban Growth Area. A Medium Range Growth Area is identified to guide the city's growth for the next 20 years. This area is smaller than the Urban Growth Area of 2002.

Revitalization of Existing Land The Plan analyses the adequacy of existing land use categories in the city: to serve modern commercial and industrial development needs; and to protect the quality of life in the City's residential neighborhoods.

Water and Sewer Limits The Plan recognizes the City's need to obtain additional water supply and the City's limited sewer treatment capacity, and establishes policies to guide the future extension of these services.

Improvements to Transportation Network The Plan includes the recommendations of the Hagerstown-Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Long Range Transportation Plan. It also lists other locally-recommended transportation improvements that are needed to serve the community and support land use policies, but that do not appear in the HEPMPPO Plan. The list includes:

1. Eastern Blvd. Widening
2. Dual Highway/Edgewood Drive Intersection improvements
3. Jonathan Street streetscape
4. MD 50- Northern Avenue intersection improvements
5. Marshall Street Reconstruction
6. Eastern Blvd – upgrade of county portion and extension to Marsh pike
7. northwest connector – Haven Road to Salem avenue
8. Professional county extension to proposed hospital site.
9. Paul Smith Blvd. – Rt. 40 to Alt. 40
10. Southern Blvd

Enhancement of Parks and Recreation The Plan recommends strategies to gain additional open space for parks and natural buffers, as well as strategies to improve public access to and enjoyment of Antietam Creek, Hamilton Run, Marsh Run, and Town Run.

School Resource Officers

The end of the grant cycle for the two School Resources Officers (SRO) is near. These officers were put in place four years ago with the assistance of a Justice Department grant. The South High position will conclude as of July 1, 2007, while the North High position has one year remaining. The SRO program has been highly successful in the opinion of all concerned. As in the case of other grant-funded positions HPD had agreed with the Mayor and Council to terminate these positions upon the exhaustion of external funding and the required retention period.

The Washington County Public School system has proposed continuing/expanding this program as follows: The South High position would continue with funding from their budget of \$ 37,565 annually beginning 07/01/07. The North High position would continue with a similar amount to begin 07/01/08. A third (new) position would begin with the 2007-2008 school year at the Western Heights alternative school, funding effective with HPD filling this position. The Board of Education has requested the third position due to the current level of activity at that location.

Chief Arthur Smith recommended acceptance of this proposal as it directly benefits the safety of the schools and avoids the necessity of Patrol units handling many of the same responsibilities out of the limited Patrol resources.

It was the general consensus of the Mayor and City Council to accept this proposal.

Downtown Live Music Festival

In May, the Mayor and City Council reviewed a request letter from R. Michael Deming of The Demcore Companies to host a music festival entitled Downtown Live on portions of North Potomac Street, South Potomac Street, East Washington Street and West Washington Street on October 20, 2007 from 11 a.m. to 11 p.m. This is the second year of the festival.

In May, a number of public comments were made, and the Mayor and City Council wanted to review the request again in June.

Karen Giffin, Director of Community Affairs, stated as a follow-up, she was asked by the Mayor to get comments regarding the layout from the Chief of Police Arthur Smith and Fire Chief Gary Hawbaker. Chief Smith indicated the largest concerns are crowd control and extra police presence in the Downtown area. Responsible alcohol service will be a key to both concerns. Chief Hawbaker stated the HFD is responsible for providing fast and efficient fire and rescue services to citizens during situations that require immediate remedial action. Understanding this, it would be impossible for the HFD to fully support any activity that could delay the normal response time. This festival, as proposed, will result in the closing of the major east and south thoroughfares in the middle of the City. If the decision is made to allow the festival and closing of the streets, HFD will be a cooperative partner in the planning and coordination of this event, as they are in all City events.

Mike Deming, The Demcore Companies, was present to discuss the festival and to answer questions. He stated he will pay for all city services, including police officers, public works and any others. He anticipated donating a portion of the proceeds to the Maryland Theater again this year. He would not want to, but he could work with shortening the time of the festival to 11:00 a.m. to 10:00 p.m.

The street would be closed from 12:01 a.m. on Saturday, October 20, 2007 until 12:00 a.m. on Sunday, October 21, 2007.

Councilmember Nigh pointed out the Fire Marshall has reviewed the preliminary plan and will be requiring more space for the attendees, additional exits, etc.

Councilmember Metzner stated he understands the fire department does not support closing the street, but they can work through it. He asked everyone to remember a time when no one wanted to come downtown and assist with revitalization. He proposed allowing the festival to be held. Perhaps, in time, the festival would be more than Mr. Deming's festival on Potomac Street. It is time to show other investors the City is going to support them.

Councilmember Parson-McBean stated the City does support investors but the safety concerns have to be considered. She suggested closing only two streets instead of the whole square.

Councilmember Nigh indicated that according to a survey she conducted of the businesses, seven were in favor of the festival. She conducted the survey on her own.

Councilmember Cromer asked if Mr. Deming had considered using the Central Parking Lot. Mr. Deming stated that area was offered for use, but he feels the location on S. Potomac Street is better suited for the festival.

Councilmember Cromer asked if there would be access to the businesses while the street is closed. The sidewalk will remain open so people will be able to access all the businesses.

Councilmember Cromer is in favor of permitting the festival, with the hours of 11:00 a.m. to 10:00 p.m. She suggested considering using the Central Parking Lot for future festivals.

Councilmember Brubaker stated part of the festival's purpose is to market downtown and he doesn't feel holding the event in the Central Parking Lot would have the same effect.

Councilmember Brubaker, Councilmember Cromer, Councilmember Metzner, and Councilmember Parson-McBean agreed to approve the festival, with the hours being 11:00 a.m. to 10:00 p.m. Councilmember Nigh does not agree.

Councilmember Metzner asked how many events the City is involved with that do not include alcohol. Ms. Giffin stated there are more than 96 events and two of those involve alcohol.

Hagerstown Revolving Loan Fund Application Requested Modifications

The Hagerstown Revolving Loan Fund (HRLF) was established by Mayor and Council Resolution on April 27, 1999. Initial capitalization of the HRLF was \$ 500,000 and came from two sources: a \$ 250,000 grant from the Maryland Industrial land Act (MILA) and a local match of \$ 250,000. The City used Community Betterment Funds for the match. The purpose of the HRLF is to encourage the retention and expansion of existing businesses or to assist in the recruitment of new businesses to the City of Hagerstown.

Staff has had several businesses inquire about the program with needs that exceed the program's guidelines. Staff has also found that the interest rate charged is considerably higher than that available through commercial banks.

In order to be of greater assistance to businesses, staff is recommending the following revisions to the program:

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| Loan Amount | Increase the lending limit for working capital to \$ 50,000, and acquisition, equipment and rehabilitation to \$ 200,000 |
| Loan Term | Working capital: up to \$ 30,000 – five years maximum \$ 30,000 to \$ 50,000 – seven years maximum Depreciable assets: 20 years maximum, up to 30 year amortization |
| Loan Rate | Federal Funds rate plus 1% (Current rate is 5.25%) |

It was the general consensus to approve the modifications.

Mural Creation on W. Washington Street Railroad Underpass

This item was removed from the agenda pending further review by the artist.

Off-Leash Dog Park

In the past several months, staff has been contacted by numerous City residents concerning the need to create a dog park. Such a park would give dog owners the opportunity to exercise their pets in a safe, off-leash environment.

Dog parks are public areas designated for dog owners to bring their dogs and allow them to exercise, play and socialize off-leash in a safe and healthy environment. What makes a successful dog park is a well thought out design, a non-invasive location, with sound rules and regulations.

Staff has been contacted by representatives of HA-DOG (Hagerstown Area Dog Owners Group) who are very supportive of the idea. HA-DOG is made up of dog lovers who are taking steps to educate citizens about the importance of responsible dog ownership. They also want to help with the creation of an off-leash public dog park.

From study of the issue, staff believes the following are the minimum requirements for a dog park:

1. ½ acre or more surrounded by a 4' to 6' fence
2. Double gated entry, separation of two areas for large and small dogs
3. shade/benches
4. access to water
5. nearby parking
6. regularly maintained grass
7. pooper scooper stations and regular removal of trash
8. wheelchair accessibility

Staff believes that the creation of an off-leash dog park within the City will be an amenity that residents will both utilize and enjoy. Currently the closest park of this nature is in Germantown.

It was the general consensus of the Mayor and City Council to approve the concept for an off-leash dog park. Clean up of the park will be a requirement.

City Administrator's Comments

Bruce Zimmerman, City Administrator, encouraged people to use the Hagerstown Bike Trail. The trail covers 10 miles and provides a nice tour of the parks and many of the neighborhoods.

Mayor and City Council Comments

Councilmember P. M. Nigh had no additional comments.

Councilmember L. C. Metzner has ridden on the bike trail. He agreed it is a good tour. He then discussed the newspaper article about the expense of the year end get together. He stated the amount was less than two trash cans. This get together has never been discussed, it has just been done. Another thing that has not been discussed is the family picnic for employees/retirees and families. The employee appreciation lunch has not been discussed. It would be reasonable to discuss all three events before holding them.

Councilmember K. S. Cromer stated as a new councilmember, this was the first time she had the opportunity to attend the year end get together. She did not realize it was paid for from the Mayor and Council expense budget. There are more important events to report. She asked that rental registration be discussed. Mr. Zimmerman stated a discussion is tentatively scheduled for July. The Korean War Veterans Association is seeking members. A new restaurant called Dolce has opened on Frederick Street.

Councilmember M. E. Brubaker attended the Neighborhoods First Quarterly meeting. He urged everyone to take an interest in the Comprehensive Plan. He attended a meeting of the HEPMPO and will be attending a transportation meeting on June 16, 2007. He submitted a letter to the editor last week but it has not been published.

Councilmember A. Parson-McBean stated people need to be careful when riding in the bike path on Prospect Street because many drivers think it is a vehicle lane. She attended the 50,000,000 pound challenge over the weekend. The event is to raise awareness of childhood obesity of African American children. She thinks the City needs to consider hiring a lobbyist in order to secure federal funds for the City. Many other communities have dealt with the same issues facing Hagerstown. The City can learn from this. Attending conferences is a good opportunity to talk with other municipal officials. The year end get together was held at the Gourmet Goat and the City supported a business that has invested a great deal of money in the downtown.

Mayor R. E. Bruchey, II mentioned the following events: Flag Day Ceremony in University Plaza on June 14, 2007; the Fishin Frenzy on June 16, 2007, Love Letter lecture at the Hager House on June 22, 2007 and the Fireworks at Fairgrounds Park on July 4, 2007. Art in the Park will be held on June 16 and 17, 2007 and the YMCA road race will be held on June 16, 2007. He was unable to attend the Relay for Life event.

A Joint Meeting will be held with the County Commissioners on Tuesday, June 19, 2007 at 4:00 p.m. The Regular Session will be held on June 19, 2007, beginning at 7:00 p.m.

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 6:13 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: July 31, 2007