

**1<sup>ST</sup> REGULAR SESSION – JUNE 21, 2005**

**Mayor R. F. Trump called this 1<sup>st</sup> Session of the Mayor and City Council to order at 7:05 p.m., Tuesday, June 21, 2005, 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; City Administrator Bruce J. Zimmerman, City Attorney John Urner and City Clerk D. K. Spickler.**

The invocation was offered by Councilmember L. C. Metzner. Councilmember Metzner asked that a moment of silence be observed for the Prince George's County police officer that was killed in the line of duty. The Pledge of Allegiance was then recited.

Mayor Trump announced the Rules of Procedure for this meeting will be followed as adopted May 28, 2001. 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, July 12, 2005, and Tuesday, July 19, 2005 and the Regular Session on Tuesday, July 26, 2005 at 7:00 p.m.

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 amend the agenda to move the approval of the Mayor and Council Rules of Procedure to the beginning of the meeting, prior to holding the Public Hearings.

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 adopt the Rules of Procedure established by the Mayor and City Council, dated June 21, 2005. These Rules and Procedures shall apply to all meetings of the Mayor and City Council to be held by this administration and shall be in effect upon adoption by the Mayor and City Council. The Rules of Procedure for this meeting will be followed as adopted June 21, 2005.

**PUBLIC HEARINGS**

**Light Property Annexation, A-05-02**

Stuart Bass, Comprehensive Planner, stated the Light Annexation was first discussed at the Mayor and Council's Work Session on Tuesday, December 14, 2004. The property is located west of Eastern Boulevard behind the Food Lion Grocery store and south of Jefferson Boulevard, containing 29.374 acres of land. The property is proposed to be developed with professional offices or businesses similar to those existing along eastern Boulevard and Professional Court. A zoning of C2 (Commercial General) is requested.

The existing Washington County zoning classification is RU, Residential Urban. Michael Thompson, Director of the Washington County Planning Department, submitted a letter indicating the Board of County Commissioners considered the annexation request. Following their discussion on June 7, 2005, the Board voted to grant “express approval” for the request under Maryland Code, Article 23A, 9(c) (1) as the request for the C2 Zoning is not consistent with the adopted master plan for this area of the county. The Board expressed two concerns they would like to be addressed during the development phases for the property. These are: access to Jefferson Boulevard, and the buffer (adequate screening) between the existing residents and the commercial development.

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. Water and sewer service will be provided to the development by extension of the existing lines. Any upgrades will be at the expense of the developer.

Mr. Bass entered the following as Exhibits:

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

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

Jason Divelbiss, Miller, Oliver, Baker, Moylan and Stone, was present representing LMC, LLC, the contract purchaser of the property presently owned by Terri L. Light (Narmon) and Stephen C. Palmer.

Mr. Divelbiss indicated the request for commercial zoning is compatible with the neighboring uses. These uses include banks and small retail establishments. At this point in time, LMC, LLC intends to subdivide the property, provide the necessary infrastructure and sell the lots to ultimate end users, in accordance with the C2 zoning district. Access to the property will be from the Diamond Drive/Cameo Drive intersection and not from Jefferson Boulevard.

Mr. Divelbiss asked that a drawing showing the contemplated Eastern Boulevard improvements be entered into the record as Exhibit 5. There would be no impact on any school. The property would, therefore, be exempt from the anticipated Adequate Public Facilities Ordinance (APFO). A commercial use is exempt from the APFO because there are no students from commercial uses. Mr. Divelbiss indicated the owners would have to compete for the 15,000 gallons per day (gpd) allotted to new development under the City’s Sewer Capacity Allocation Plan (SCAP). The project will be complying with all plans that are in place. Under the County’s Excise Tax, the project could produce up to \$5.00 per square foot in excise tax income.

The following testimony was presented:

Sally Hatch, 1201 Jefferson Boulevard, Hagerstown, Maryland 21742, stated she and her husband moved into the Hagerstown area a few weeks ago. They chose to live in the Hagerstown-Washington County area because of its setting, people, and activities. Their home sits back from Jefferson Boulevard up a steep driveway, on a ledge overlooking green pastures, neighbors' houses on each side and across the street.

She gave the following six items as being critical issues:

1. Danger of Disenfranchisement – If the Light and Crumrine properties are annexed, the residents on the south side of Jefferson Boulevard would be cut-off from participating in the development processes because they would not be city residents. She suggested forming a working committee of affected property owners, county and city alike, to work out the detail of any plan.
2. Need for a Buffer Zone because of Zoning Changes. Ms. Hatch suggested the creation of a buffer zone behind the affected residential properties much larger than the required 10 feet.
3. Protection of Natural Setting. Ms. Hatch suggested making the buffer area a wildlife sanctuary and incorporate it into the plan by the developers or by the residents if they are allowed purchasing rights.
4. Need for Fairness in Zoning. The Crumrine annexation proposal recommends that the trees on its east side be preserved, as would be the lands and views of the property owners on both sides of Antietam Creek. She asked that the same protection be afforded the middle class residents who reside on Jefferson Boulevard.
5. Mental and Physical Health Concerns. The residents of Jefferson Boulevard could experience many unhealthy behaviors and consequences because of their loss of comfort of green space if a commercial zone is established behind their backyards.
6. Environmental and Preservation Concerns. The area(s) under consideration are historic ones. Abutting the frontage of the Crumrine property is a former civil war hospital. In the middle of the Light property is an old stone barn. The Antietam Creek meanders through the properties.

Robert Hatch, 1201 Jefferson Boulevard, Hagerstown, Maryland, 21742, stated he feels there are several engineering issues that should be investigated before the annexation is finalized. These issues are: extensive rock ledge existing on the Light property, flooding due to the proximity to Antietam Creek, existing runoff provisions from Jefferson Boulevard and into the Light property could worsen flooding, and the potential arises for physical damage to existing residences on Jefferson Boulevard.

He stated he believes the existence of the rock ledge should be a major issue in addressing development of the Light property. The plot-plan shows the existence of a 100-year flood boundary on the property. He suggested that a new boundary survey be

completed. Mr. Hatch also expressed his concern that the required water and sewer hookups will not be available for any development.

Faye Wastler, 1175 Jefferson Boulevard, Hagerstown, Maryland, 21742, stated we should be careful that the changes made are, in the long run, for the beautification of the area. She expressed concern that a statement was made that the commercial classification would be more consistent with the uses in the area. She stated she is also concerned about the access to the property, because traffic is very heavy in the area now. She stated the old farm lane, which may be used as a secondary entrance, is very low and probably prone to flooding. She stated that, even though there would be no direct affect on the school capacity with a commercial use, people will be moving to the area to be nearer to the commercial uses. People tend to move to the areas in which they work.

Thomas Evans, 1145 Jefferson Boulevard, Hagerstown, Maryland, stated his concern is about increased traffic, since there is a big problem there now. He stated it is difficult to exit from his driveway. He also expressed his concern about the extensive flooding that occurs after every heavy rain. He presented photographs for the Mayor and City Council's review. He asked if blasting for construction will harm the structures.

Betty Davis Evans, 1145 Jefferson Boulevard, Hagerstown, Maryland, stated it takes a considerable amount of time to get out of her driveway. She stated the school bus will not stop at her home to pick up her children because the school board said it was too close to the intersection.

Barbara Gerardi, 1213 Jefferson Boulevard, Hagerstown, Maryland, stated she is speaking on behalf of Sam and Shirley Weisbecker, of 1225 Jefferson Boulevard, Hagerstown, Maryland. The Weisbecker's had previously submitted a letter and Ms. Gerardi read portions of the letter. A storm drain under Jefferson Boulevard empties into the side lot. They are concerned that development behind their property will interfere with this drainage flow causing a backup of water to exist on their property. They requested that the required 10 foot buffer be extended to at least 20 feet. They are also concerned about possible damage from blasting.

Edward Shilling, 1155 Jefferson Boulevard, Hagerstown, Maryland, stated he is very concerned about the existing traffic, which is extremely heavy. He suggested utilizing the empty buildings in Hagerstown as locations for these types of businesses.

The following people were against the annexation but did not wish to speak:

1. Russell Hause, 1331 Jefferson Boulevard, Hagerstown, Maryland
2. Janet Mason, 1391 Jefferson Boulevard, Hagerstown, Maryland
3. Bill H. Mason, 1391 Jefferson Boulevard, Hagerstown, Maryland
4. Mary Crumrine, 1285 Jefferson Boulevard, Hagerstown, Maryland
5. Robert Knicely, 13520 Herman Myers Road, Hagerstown, Maryland
6. Todd Hoffman
7. Raymond Hause, 1325 Jefferson Boulevard, Hagerstown, Maryland

Mr. Divelbiss stated the property, as it currently exists, could be used for residential development and it could be compromised by the same conditions. He noted the applicant is willing to discuss these issues and to consider an additional expansion of the vegetation buffer to a reasonable level. He indicated the historical structures are located in and around the flood plain region and there is no intention to utilize that area.

There being no further testimony, either in favor of or against the proposed annexation, the hearing was closed at 7:55 p.m. The record will remain open for 10 days for additional comments.

Crumrine Annexation Public Hearing A-05-03

Stuart Bass, Comprehensive Planner, stated the Crumrine Annexation (A-05-03) is a result of a pre-annexation agreement as a condition for receiving water service, which stated that the property would annex when it becomes contiguous to the corporate boundary. It is immediately adjacent to the Light property. The area proposed for annexation is 18.465 acres. This item was formally introduced on March 29, 2005.

A single family detached dwelling was recently constructed. There is no further development being proposed at this time. The owner has requested that the property be given a zoning designation of AT (Agricultural Transition), reflecting the rural nature of the tract and the fact that there are no plans for any development to occur. The Planning Commission did not concur, feeling that the AT District is for existing agricultural operations, is a temporary place holding designation, and is not consistent with the Comprehensive Plan. Therefore, the Planning Commission recommended a zoning classification of R1 (Residential). The Annexation Resolution reflects this recommendation.

The Washington County Board of Education has stated that all the Elementary Schools serving the City of Hagerstown are at or over capacity. However, there is no development proposal under consideration. The Washington County Free Library has no proposed plans for construction of library facilities within the area proposed for annexation. There is no further development being proposed at this time. However, should there be any plans in the future, sanitary sewer service to this site will be by extension of existing sanitary sewers in the general area. Any future upgrades necessary to the sewer system to accommodate a 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. City water service is currently available to the site.

Mr. Bass entered the following as Exhibits:

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

There was no representative from Washington County present.

The following testimony was presented:

Bette Davis Evans, 1145 Jefferson Boulevard, Hagerstown, Maryland, expressed her concern that businesses are being constructed on the best farmland.

Gilbert Crumrine, 1285 Jefferson Boulevard, Hagerstown, Maryland, stated his family has lived in their new home for 9 weeks. When they purchased the property, in order to connect to the public water system, they had to sign an annexation agreement. He stated he thought it would be several years before the annexation would be an issue. He stated they appreciate the public water supply, but he wonders if the city is taking the correct action by annexing his property. The property is extremely rural, with two barns on the property. He stated if this property were simply one more home at the end of a city street that just happened to fall outside the city limits, or was a sub-division looking to be responsibly added to the city in exchange for all the city services and higher density building, it would make sense to proceed with the annexation. However, this is not simply one more home at the end of a city street.

There being no further testimony, either in favor of or against the proposed annexation, the hearing was closed at 8:09 p.m. The record will remain open for 10 days for additional comments.

#### Proposed Changes to City of Hagerstown Water and Sewer Benefit Charges and Other Fees

As required by state law, a public hearing was held to discuss various City Water and Sewer user charges and rates. The proposed changes in these charges and rates would take effect on all bills rendered or fees collected on or after August 11, 2005.

Under the proposed changes, water benefit charges for all users will increase from \$ 4.50 to \$ 12.50 per gallon, City sewer benefit charges will increase from \$ 6.00 to \$ 22.00 per gallon, and outside City sewer benefit charges will increase from \$ 9.00 to \$ 25.00 per gallon. Annual Fireline charges for all users will increase by 90%, sewer grinder pump charges will increase by 11.8%, and the Martins Crossroads and Conococheague Water District's quarterly debt service charge will decrease by 17.6%.

Industrial surcharges for high strength sewer customers are proposed to be a uniform rate for both City and outside City customers. The new rates continue to cover surcharges for Chemical Oxygen Demand 28 cents per thousand, Biochemical Oxygen Demand 59 cents per thousand, Suspended Solids 59 cents per thousand, and Grease and Oil 40 cents per thousand.

The regular quarterly and monthly water and sewer service charges are not proposed to be changed at this time.

The following items were entered as Exhibits:

- Exhibit 1: Notice of Public Hearing
- Exhibit 2: Proposed schedule of fees as recommended by the water and sewer service consultants.

There was no testimony presented, either in favor of or against the proposed changes to the water and sewer benefit charges.

The hearing was closed at 8:15 p.m. The record will remain open for 10 days for comments.

### **MINUTES**

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote to approve the minutes for Mayor and City Council meetings held on May 24, 2005, May 30, 2005, May 31, 2005 and June 7, 2005.

### **CONSENT AGENDA**

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 the Consent Agenda as follows:

- A. City Clerk: City Code Update – General Code Publishers (Rochester, NY)  
\$ 14,600.00
- B. Community Development: 2005 Jeep Liberty – Hertich Fleet Services, Inc.  
(Denton, MD) \$ 18,049.00
- C. Light Department: Substation Battery Systems – Carber-Rambo Associates  
(Ellicott City, MD) \$ 13,402.96
- D. Water and Sewer Department
  - 1. Muffin Monster (Station #9) – Watermark Environmental Services  
(Exton, PA) \$ 24,612.00
  - 2. Wastewater Treatment Plant (WWTP) Blending Study Agreement –  
Black and Veatch (Gaithersburg, MD) \$ 9,570.00
  - 3. Locating and Marking Services – UtiliQuest (Atlanta, GA)  
\$ 52,000.00
  - 4. Lagoon Cleaning at the R. C. Willson Water Plant – Synagro  
(Baltimore, MD) \$ 54,900.00

- E. Engineering: Demolition of 15/17 Elizabeth Street – Milton Stamper Builders (Hagerstown, MD) \$ 27,300.00
- F. Finance: Fiberoptic Cable to Parks and Recreation – High Performance Cabling (Hagerstown, MD) \$ 13,332.00
- G. Human Resources:
  - 1. Administration of Claims – National Capital Administrative Services (NCAS) (Owings Mills, MD) \$ 353,352.00
  - 2. Aggregate and Specific Stop Loss Insurance – United Health Care (Elkridge, MD) \$ 261,664.00
  - 3. Dental Insurance – CareFirst Blue Cross Blue Shield (Owings Mills, MD) \$ 358,685.00
  - 4. Employee Assistance Program – Behavior Health Services (Hagerstown, MD) \$ 11,648.00
  - 5. Worker’s Compensation Insurance Renewal – Injured Workers’ Insurance Fund (Towson, MD) \$ 673,098.00

## **UNFINISHED BUISNESS**

### **A. Resolution: Approval of Haven Road Annexation**

**Action:** Councilmember K. B. Aleshire made a motion to adopt a resolution and petition for annexation for Dewey Jordan, Inc./Rogers Farm, LLC property located along the northwest boundary of the City. The property to be annexed is 51.96 acres in size and is intended to be added to and made part of the adjacent municipal lands. Councilmember L. C. Metzner seconded the motion.

Discussion: John Urner, City Attorney, stated the Mayor and City Council asked at their meeting last week that the City Attorney revise the annexation petition in order to reflect the agreements made during discussions with the developer. He stated the developer does not feel the revised annexation petition reflects the agreements as made. The developer has asked that the Mayor and City Council continue this matter in order to have another opportunity to discuss the petition. Mr. Urner stated there is nothing in the Article 23 of the Annotated Code of Maryland that restricts the time in which the council votes on an annexation resolution.

Councilmember L. C. Metzner made a motion to table voting on the Haven Road Annexation until the next regular session. Councilmember K. S. Cromer seconded the motion. Motion carried, 5-0.



**B. Resolution: Approval of Light Property Annexation**

**Action:** Councilmember K. B. Aleshire made a motion to adopt an Annexation Resolution and Petition for Terri L. Light (Narron) and Stephen C. Palmer (Trustee) for property located east of Eastern Boulevard and south of Jefferson Boulevard. The property to be annexed is 29.374 acres in size and is intended to be added to and made part of the adjacent municipal lands. Councilmember A. Parson-McBean seconded the motion.

Discussion: Councilmember Aleshire stated he does not feel a 10 foot buffer is adequate and he would propose a minimum of a 35' buffer. He stated the developer will be required to provide adequate access to the property. He recommended completing a historical review of the barn on the property. He stated it is important to point out to the residents the property is zoned RU under Washington County zoning and it will be developed. There will be construction of water and sewer lines, which may include blasting, regardless of how the property is developed. He stated the developer would be responsible for any fees under an Adequate Public Facilities Ordinance (APFO). He stated the Mayor and City Council realize there should be a connection between the Light and Crumrine properties.

Councilmember Metzner stated what appeared to be a simple issue is no longer simple. He stated one person who testified this evening stated they felt their property would be disenfranchised by the annexation. He stated these neighbors had the right to look at the adjacent land and see it as residential property. He stated he would not be in favor of commercial development on this property.

Councilmember K. B. Aleshire amended the original motion to add that a buffer of 35' would be maintained. Councilmember A. Parson-McBean seconded the amended motion.

Bruce Zimmerman, City Administrator, pointed out that if the Mayor and City Council do not agree to annex these properties, under the City's annexation policy, the property owners would no longer be required to request services and development would occur in the county.

Councilmember L. C. Metzner made a motion to table approving the annexation resolution until the next legislative session. Councilmember K. S. Cromer seconded the motion. Councilmember Metzner also asked that the adjacent property owners be given the opportunity to meet with the potential developers.

Motion carried, 4-1 with Councilmember K. B. Aleshire voting No.

**C. Resolution: Approval of Crumrine Property Annexation**

**Action:** Councilmember L. C. Metzner made a motion to table approval of the Crumrine property annexation until the Light Annexation is resolved, because the Crumrine annexation is moot unless the Light annexation occurs. Councilmember K. S. Cromer seconded the motion.

Motion carried, 5-0.

**NEW BUSINESS**

**A. Introduction of an Ordinance: Excise Tax**

**Action:** Councilmember L. C. Metzner made a motion to introduce an ordinance allowing the City of Hagerstown to retain a portion of Washington County's excise tax, as enabled by House Bill 1272, for capital expenditures related to roads, parks and recreation, water and sewer, and public safety. Councilmember K. B. Aleshire seconded the motion.

Discussion: Councilmember Aleshire asked if the Adequate Public Facilities Ordinance is not passed, will this ordinance need to be amended to include collection of administrative fees.

Motion carried, 3-2 with Councilmember K. S. Cromer and Councilmember P. M. Nigh voting No.

**B. Introduction of an Ordinance: Adequate Public Facilities Ordinance**

**Action:** Councilmember K. B. Aleshire made a motion to introduce an ordinance establishing an Adequate Public Facilities Ordinance for school capacity, as required by House Bill 1272, to allow the City of Hagerstown to retain a portion of Washington County's excise tax for capital expenditures related to roads, parks and recreation, water and sewer, and public safety. Councilmember K. B. Aleshire seconded the motion.

Motion carried, 3-2 with Councilmember K. S. Cromer and Councilmember P. M. Nigh voting No.

**C. Introduction of an Ordinance: Acquisition of 441 Jonathan 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 introduce an ordinance to consider the acquisition, rehabilitation and resale of property known as 441 Jonathan Street under

the city's Single Family Home Ownership Program, with an acquisition cost of \$ 31,000 to be funded by the City's Community Development Block Grant Fund.

**D. Introduction of an Ordinance to Adjust Water and Sewer Benefit and Other Charges**

**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 introduce an ordinance to increase water and sewer benefit charges, sewer grinder pump charges, water fire line charges, industrial surcharges, and decrease water debt service charges as detailed in the ordinance and attached fee and user charge modification charts. The increased rates shall be effective for benefit charges paid and all bills rendered on or after August 11, 2005.

**E. Introduction of a Resolution: Green Annexation, A-2005-04**

**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 introduce an Annexation Resolution for property located at 1031 Mt. Aetna Road, east and south of Dual Highway and bordering Antietam Creek, and owned by Nancy Green. The property to be annexed is .371 acres in size and is intended to be added to and made part of the adjacent municipal lands.

**F. Introduction of a Resolution: Faison Annexation, A-2005-05**

**Action:** On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote to introduce an Annexation Resolution for Faison Enterprises, Inc., for property located adjacent to and east of Potomac Avenue/Maryland Route 60 (across from long Meadow Shopping Center). The property to be annexed is 30.293 acres in size and is intended to be added to and made part of the adjacent municipal lands.

**G. Resolution: Approval of Sewer Capacity Allocation Program**

**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 adopt the resolution establishing a Sewer Capacity Allocation Program for review and comment by the Maryland Department of the Environment.

Discussion: Councilmember Metzner stated there was an executive session held regarding issues that directly relate to the Sewer Capacity

Allocation Program. He would like to see resolution of those issues that would not be detrimental to the City. He stated the Mayor and City Council believe this document is fluid and would be amendable.

Mr. Zimmerman stated the resolution authorizes Staff to submit the program to the Maryland Department of the Environment (MDE). It is the City's understanding that the Mayor and City Council would give a final approval of the agreement after MDE has completed their review.

#### **H. Water Allocation Limitation Policy**

**Action:** On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote to approve a Water Allocation Limitation Policy dated June 21, 2005, to limit the number of gallons of active water allocation permits and the number of gallons of allocation that the Water & Sewer Department may approve for new non-residential users.

#### **H. Approval of Letter of Support for Washington Gardens**

**Action:** Councilmember L. C. Metzner made a motion indicating that the Mayor and City Council support an application for a loan in the amount of \$ 2,500,000 by Preservation of Affordable Housing, Inc. to the Maryland Community Development Administration, the proceeds of which will be used for renovations to Washington Gardens Apartments and that such support be indicated in a letter to the Community Development Administration. The funds being lent by the Community Development Administration will come from the sale of tax-exempt bonds by the State. It is clearly understood that support of this application in no way obligates the City, now or in the future, to provide financing of any type to the project.

Discussion: Councilmember Nigh asked if taxes are paid on this property. Alfred Martin, Finance Director, stated Washington Gardens is not listed as a tax-exempt property. The city taxes are approximately \$ 29,000.00. If the planned improvements increase the market value, the taxes would increase. Rodger Brown, Preservation of Affordable Housing Project Manager, stated the State Community Development Department will issue the bonds. Bonds are exempt from federal taxes. The money received from the sale of the bonds will be used to create a mortgage, for which the property owners will be required to make payments. It is a loan, not a grant.

Councilmember Aleshire stated he still does not believe that warehousing of this type of housing is good for the City or for the residents. However, the last time this request of support was made, Preservation of Affordable

Housing was not the property owner and it was indicated the improvements would not take place if the support was not granted. This time, POAH is the property owner and the mortgage will have to be paid back, with interest. POAH has indicated if the improvements don't take place, the situation will only get worse. He stated he will be looking for POAH to make other endeavors.

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

**I. Approval of License Agreement for 1007 Rose Hill Avenue**

Councilmember Metzner left the meeting at this time.

**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 a license agreement for the Trustees of the First Church of God of Hagerstown at 1007 Rose Hill Avenue to continue to allow an exiting dwelling to encroach upon the right-of-way of Rose Hill Avenue.

**J. Approval of Infiltration and Inflow Staffing and Funding Plan**

Councilmember Metzner returned at this time.

**Action:** On a motion duly made by Councilmember K. S. Cromer and seconded by Councilmember A. Parson-McBean, the Mayor and City Council unanimously agreed by voice vote to approve additional funding for the creation of a new permanent position for a Service Technician and two seasonal positions in the Water and Sewer Department's Sewer Collections Division to support infiltration and inflow reduction efforts. The estimated cost of the Service Technician is \$ 32,698.85 and the two seasonal employees are estimated at \$ 12,800.00. Funding for these positions is to be from the Sewer Fund.

**Discussion:** Councilmember Cromer stated the original request for these positions was for one seasonal employee and one full time employee. The request is now for two seasonal employees. She stated she wanted everyone to be aware of this change.

**M. Non-Union Salary Adjustment**

**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 of the salary scale for all non-union positions with a pay increase of 2.75%, effective the first full pay week

after July 1, 2005. The salary adjustment will apply to all non-union employees with a total wages and relevant fringe benefit costs of \$ 236,934 and is fully funded in the FY 05-06 budget, that was approved by Mayor and Council on May 24, 2005.

In approving this COLA for non-union employees, it should be noted that union employees in IBEW and IAFF have already been approved for COLA's in accordance with the negotiated labor contracts and that the two AFSCME locals may receive COLA's through current negotiations. The City's approved budget for FY 2005/06 included budgeted funds for COLA's for all City employees.

### **CITIZEN COMMENTS**

Christi Hatcher, 1544 Kensington Drive, Hagerstown, Maryland, expressed her concern that there was no opportunity to speak prior to the Mayor and Council's discussion of the Haven Road Annexation. She stated the residents had been told there was a possibility of Kensington Drive being used for egress and ingress. The way the new petition for annexation is worded, it appears Kensington Drive will be used for access to the development. Early plans showed a road could be included as an access and it has not been mentioned again. If Kensington Drive is used, there would be additional turns necessary to reach Pennsylvania Avenue. She asked the Mayor and City Council to consider removing the possibility of using Kensington Drive as an access to the property.

Councilmember Nigh urged all Council members to visit the site of the proposed annexation.

Erin Benedum, 90 Manor Drive, Apt. 104, Hagerstown, Maryland, stated it has been ninety three days since she received her termination notice from the Hagerstown Ice and Sports complex, where she was a skating instructor. She has received notice that she is no longer welcome as a paying customer. Eight of her students have been traveling to other facilities. The money they spent at the other facilities could have been spent at the Hagerstown Ice and Sports Complex. She stated the group has done what the Mayor and Council requested. They have waited for answers as to why she was let go, but no answers have been provided. No one has taken the time to talk with her about the situation.

Tommy Kline, 11930 Englewood Road, Hagerstown, Maryland, stated he is proud to be a veteran. He stated the memorial should be for our fallen brothers and sisters, in their memory and honor. He stated a memorial is long overdue. He stated there isn't any reason there can't be another monument on the same boulevard. He stated this argument needs to end. He stated those that want to continue to fight and argue should do so for better veteran benefits. There are two City employees on active duty, Moses Norris and Eric Weber. He asked everyone to remember these men and their families in prayers.

Brenda Vindivich, 8989 Light Street, Williamsport, Maryland, stated she wished to discuss the ice rink issue. She stated the parents of the skaters were given instructions on how to get answers to the problem of the coach being let go. She stated they followed those instructions and they have received nothing. They have not come before the Mayor and City Council to criticize, but to resolve a problem. She stated Ms. Benedum has not been shown her personnel file and the parents have not received any response.

Mayor Trump stated he met with the Board of Directors of the ice rink and he thinks they have come to a fair compromise. He stated if the parents contact the manager, he feels they will find a workable solution.

Michael Nye, owner of a business at 37 West Antietam Street, Hagerstown, Maryland, stated he lives in the Robinwood corridor. Councilmember Nigh and he attended the Maryland Health Care Commission's (HCC) Certificate of Need announcement held recently. The HCC gave the impression there was no opposition to the proposed recommendation. Mr. Nickolay, Director, indicated the Robinwood site for the relocation of the hospital was the most financially feasible. Mr. Nickolay stated the clearing of the land and obtaining the land for the downtown site would add significantly to the cost for the hospital to remain downtown. The hospital board estimated it would cost an additional \$ 48 million for a downtown site. There was no financial impact indicated for the Robinwood site. Mr. Nye stated delays for road improvements and a lengthy zoning process would add to the cost of the Robinwood site. Mr. Nickolay stated he was confident the zoning would be approved and zoning approval is not a requirement for the Certificate of Need approval. Mr. Nye stated he was surprised and disappointed none of the HCC members questioned the low number of letters of support received for the site. He stated the zoning request will be the first opportunity for residents to speak about the location.

Jim Laird, 1903 Maplewood Drive, Hagerstown, Maryland, stated he is concerned that the owner of the Haven Road property appears to be using the forest conservation requirements as a bargaining tool. Mr. Laird reviewed the requirements of the Forest Conservation Act. He stated the Planning Commission is required to enforce the rules of the Act, but it doesn't appear they are doing that. He expressed concern that the rights of citizens are not being considered.

Robert Nigh, 634 N. Mulberry Street, Hagerstown, Maryland, discussed the monument and Memorial Boulevard. He stated it took 19 years to name the street as Memorial Boulevard and now the issue has returned to the Mayor and City Council. Virginia MacGruder has researched the minutes and newspaper articles and has found the street was named Memorial Boulevard in memory of World War I veterans. He stated a monument will be completed and those who died in World War I will be honored. He stated former Mayor William Breichner had indicated that all branches of veterans should be contacted regarding the monument. Councilmember Nigh met with the Joint Veterans Council to discuss this and now some individuals are not happy with that and they are trying to stop a long over-due memorial. He stated one of the main issues is the wording to be placed on the monument. It is not a requirement that the wording has to be

composed by a veteran. He stated it is time to move forward with this monument. He is proud to be a six year veteran.

Gordon Bartels, 139 S. Mulberry Street, Hagerstown, Maryland, stated he and his wife, Janet, also attended the Certificate of Need announcement. He stated that because only interested parties were permitted to speak, and neither of the interested parties (the City of Hagerstown and Blue Cross/Blue Shield) chose to challenge Mr. Nickolay's report, it was a very one sided presentation. He stated he supports the City's \$ 300,000 expenditure in reviewing and questioning the applications submitted by the hospital to the Health Care Commission. He stated there are still some large issues to be resolved. The first is the zoning approval. He asked that this Mayor and City Council continue to insist that zoning approval be obtained before anything else occurs. The second issue is water and sewer allocation. He urged the Mayor and City Council to look closely at the financial projections because the numbers don't seem to add up. He is afraid that, ultimately, the taxpayers and residents will pay for the relocation.

Janet Bartel, 139 S. Mulberry Street, Hagerstown, Maryland, stated she was disappointed that the City of Hagerstown, as an interested party, did not submit opposition to the latest Certificate of Need application. She stated she does not believe the hospital has the amount of community support they say they do. She stated she finds it difficult to determine if the care will be the same at the new hospital, when the cost of care is going to increase drastically. She stated she tends to think the care will not be as good. Real health care in an acute care facility includes the human touch. While technology and new treatments can relieve pain, it is the doctors and nurses that promote real healing. She urged the Mayor and City Council to look closely at the quality of care issues, so they can ensure quality health care for residents.

#### **CITY ADMINISTRATOR'S COMMENTS**

*Bruce Zimmerman, City Administrator*, thanked the Mayor and City Council for their efforts in working through some very difficult issues. Under a new federal law, trains will be required to sound the whistle at all intersections. CSX has indicated their trains may start sounding the whistle as early as this weekend.

#### **MAYOR AND CITY COUNCIL COMMENTS**

*Councilmember K. B. Aleshire* stated he has been corresponding with a property owner about a potentially dangerous dog. He indicated if there has been a resolution to the problem at the ice rink he has not been made aware of it.

He stated the Baltimore Sun ran an article that indicated the CEO for the hospital made the comment the relocation project could have been started last Fall for \$ 165 million. He stated that is completely false. The CEO implied that the cost, now estimated at \$ 230 million, has risen because of the City's opposition to the relocation. He stated that, also, is false. The CEO also indicated the delay was caused by the denial of the application of the Health Care Commission. He stated the CEO also indicated the



Washington County Board of Zoning Appeals had approved the location of a hospital at the Robinwood site. He stated this is false. An acute care facility was not approved at that location.

*Councilmember A. Parson-McBean* thanked all the residents for their support. She is concerned with the infrastructure needs and costs of the hospital. She encouraged all residents to attend forums to obtain information regarding the issues.

*Councilmember L. C. Metzner* stated the Mayor and City Council are getting along very well. He looks forward to the meetings being of the nature they have been.

*Councilmember K. S. Cromer* stated this was a good first voting meeting for the Mayor and City Council. She is looking forward to attending the Maryland Municipal League convention.

*Councilmember P. M. Nigh* thanked everyone who was involved in the fishing tournament at Pangborn Park. There were more than 1,000 people there. She stated there was a complaint about the limited amount of parking available. She suggested that the City look into obtaining ground for more parking, especially since there are several housing projects in the area.

She stated she was disappointed that Mr. Nickolay (Health Care Commission) appeared to have a close association with the CEO of Washington County Hospital. She stated it was asked what economic impact the hospital moving from the downtown would have on Hagerstown. Mr. Hamil indicated there was an East End Development plan in place that would create a positive economic impact. She stated she wasn't aware this plan was approved. She stated she would like to see the hospital stay in the City. She is not opposed to a new facility, but she is opposed to annexation of the Robinwood property.

She expressed concern about the security of Hagerstown, as more trains travel through the City.

Councilmember Nigh stated several veterans had contacted her indicating they had no reservations about the wording on the monument on Memorial Boulevard. Donald Henson stated those who died didn't get the opportunity to enjoy the freedom they provided. E. R. Russell stated it was sad when the City cannot honor fallen veterans. Staff Sgt. Edwin P. Nigh, veteran of the Korean war, agreed with the proposed monument and wording. Larry E. Swartz, Councilmember Nigh's brother and one of her biggest heroes, feels that what has been chosen for the monument is fair and just. He stated it should stay as a memorial for fallen veterans. He stated it is a shame that, no matter what the Council does or tries to do, there is always a person or persons who oppose it. Mr. Swartz is a wounded veteran.

*Mayor R. F. Trump* expressed his sincere appreciation for being the Mayor of the great City of Hagerstown. He stated the issues are complex and the Council is very

talented and professional. They truly care. He stated he knows the Mayor and City Council will be able to accomplish the business at hand.

There being no further business to come before the Mayor and City Council, on a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. S. Cromer, the meeting was adjourned at 9:58 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved:\_\_\_\_\_