

WORK SESSION – July 14, 2009

Mayor R. E. Bruchey, II called this Work Session of the Mayor and City Council to order at 4:07 p.m., Tuesday, July 14, 2009, in the Council Chamber, 2nd Floor, at City Hall. Present with the Mayor were Councilmembers W. M. Breichner, F. Easton, A. C. Haywood and L. C. Metzner; City Administrator Bruce Zimmerman, and D. K. Spickler, City Clerk. Councilmember M. E. Brubaker was not present.

Alternatives for Replacement of Elizabeth Hager Center Mural

Kathleen Maher, Planning Director, and Alex Rohrbaugh, Planner, were present to discuss the alternatives for replacement of the Elizabeth Hager Center Mural. In January, the Hagerstown Beautification Advisory Committee (HBAC) recommended putting large-scale historic photos of Hagerstown's heritage on the wall of the building. The Committee viewed this photo concept as a cost-effective solution to putting another aesthetic feature on the wall.

Staff was asked to do additional research to determine the cost of placing alternative mural concepts on the wall. A mini-grant of \$ 1,000 was awarded to the City from the Heart of the Civil War Heritage Area for the historic photo concept.

Since that time, Sign Here presented an alternative historic photo concept that addressed the Council's concerns that the 4' x 8' photos would be too small on that wall.

The estimated costs range from \$ 4,240 for four 4' x 8' photos to \$ 73,500 for a 35' x 70' painted mural on the brick wall.

Staff recommends implementing the HBAC's recommendation and place historic photos on the Elizabeth Hager Center wall. The cost would be from \$ 4,240 to \$ 6,000, depending upon the size and number of photos installed. The grant match could be provided from the Downtown Beautification Account. The total amount in the account is \$ 15,000.00.

Councilmember Breichner stated the mural that was removed was chosen through a contest. He would prefer to have another mural on the wall. Councilmember Metzner would prefer larger photographs. Mayor Bruchey is concerned that this project would use a large portion of the total budget.

It was the general consensus of the Mayor and City Council to give back the grant that was awarded to the City and seek alternatives for the site.

Watershed Timber Sale

Michael Spiker, Director of Utilities, was present to discuss a proposed timber sale. Administrative Staff has been working with the Maryland Department of Natural Resources' Forest Service Division (DNR) for the past year, developing a plan for the

removal of approximately 4.5 acres of white pine. This area is contiguous to property owned by Ben and Sally Clopper. Recent storms have caused portions of the white pine forested area to be deposited upon the adjoining property, causing minor damage. In order to mitigate any further damage, staff contacted the DNR and requested assistance in regard to the removal/sale of the white pine acreage.

If the Mayor and Council are in agreement with the plan for the timber sale, the proposed bid document, which has been reviewed and approved by the City's legal counsel, will be submitted to the Purchasing Department for distribution.

It was the general consensus to submit the bid document to the Purchasing Department.

Wastewater Easement Agreements

Michael Spiker, Director of Utilities, reported the Washington County Hospital Association (WCHA) has completed the bid process for the wastewater upgrades required to serve the new Hospital. Final permitting and approvals by various agencies are expected to be received within the next week. The contractor will then be supplied with the Notice to Proceed. Bid as an alternate and awarded, Pump Station 18 on Stanford Drive will be upgraded and a wastewater force main will be constructed in lieu of the formerly proposed gravity main to Pump Station 26. The depth of the proposed gravity main and proximity to the Antietam Creek posed challenges regarding adequate rights of way, accessibility issues during construction and future maintenance, and safe working conditions, therefore the gravity main has been deemed unconstructable. There are no additional financial obligations for the City in regard to the changes listed above.

The WCHA will then construct the 600,000 gpd pump station (PS26) on Conrad Court and the force main associated with this portion of the project. The City has agreed to assume the responsibility for the cost associated regarding the difference of a 10 inch versus a 16 inch force main for this section.

Through a Memorandum of Understanding, the City has assumed the responsibility of garnering the easements required for the project. Property owners have requested compensation for the easements. Negotiations with PL&K LP have resulted in a request for \$ 25,000 for 2,395 square feet of permanent easement. Negotiations with CMW LLC have resulted in a request for \$ 150,000 for 14,210 square feet of permanent easement.

Staff has budgeted \$ 800,000 of Wastewater funds for this project. Expenditures will include easement purchases, costs associated with the upsizing of the force main that extends from Conrad Court to MELP, and other incidental upgrades required by the City in excess of the agreed upon design. When completed, the City expects to receive infrastructure valued at approximately \$ 3 million. Additionally, the City has received payment for benefit and allocation charges to the Wastewater Division in the amount of \$2,875,000 and to the Water Division in the amount of \$ 1,437,500.

Approval of the easements will be included on the July 28, 2009 regular session agenda.

140 S. Potomac Street

Larry Bayer, Community Development Director, was present to discuss a proposal for the purchase and renovation of 140 South Potomac Street.

In March, 2009, the Mayor and Council authorized the issuance of an RFP to interested parties to acquire the building and rehabilitate it according to a set of designated design criteria. The purchase price was set at \$ 73,000. The RFP was published and one response was received, from Ms. Shelby Penn. The response contained all of the items outlined in the RFP. Staff has reviewed the proposal and found it to be an excellent reuse of the property.

It was the general consensus to authorize staff to proceed with negotiating the terms of sale of 140 South Potomac Street with Shelby Penn.

Bester Place

Larry Bayer, Community Development Director, provided an update of the Bester Place project to the Mayor and City Council. In 2007, City staff and representatives from Washington County Community Action Council began working on a plan to develop workforce affordable housing on two lots owned by the City of Hagerstown in the 500 block of South Potomac Street. As defined by the Washington County Workforce Housing Taskforce, workforce affordable housing is that which is affordable to households with annual earnings up to 120% of area median income. That would be salaries similar to entry-level police officers, fire fighters, teachers and lower level managers at area businesses.

Preliminary plans called for units with between 1,200 sq. ft. and 1,500 sq. ft. of living space, a full basement with off-street parking and a fair sized rear yard which would be sold for \$ 130,000 to \$ 135,000 each.

Since receiving direction from the Mayor and Council to proceed with the project, \$ 2,030,000 of funding has been secured from several different sources. Mr. Zimmerman stated the CAC and the City have developed a nice partnership of funding from Federal, State, County and Local sources.

A question has been raised that given the recent decrease in housing values are these units still needed and will the addition of these units to the market further soften the housing market. A check of Realtor.com on July 8, found 5 houses within the city on the market for between \$ 100,000 and \$ 135,000.

This project was conceived to meet two needs. One to address the need for quality for-sale homes which are affordable to young professionals and others looking to own

their home and who have some disposable income to spend in Hagerstown. The second is to assure that housing for the target market is affordable in the future by means of equity sharing and land trust ownership of the real estate.

It is anticipated that there will be an excess of revenue over expenditures of approximately \$ 600,000 which will be used to develop additional workforce affordable housing units.

Another question is whether this is a good site for housing. South Potomac Street from First Street north is primarily residential in nature. There are only five commercial establishments from the First Street intersection to Locust Point. The proposed housing will not be out of character for the neighborhood, will not add substantially to the traffic load and will serve to tie the street together. In addition to the increase in property tax revenue, owner-occupied housing has been shown to raise the property values in neighborhood, reduce crime and reduce the call for other public services.

The land will be held in a land trust, which takes the value of the land out of the sales price. The trust assures that the exterior of the houses are maintained in an acceptable manner. Community Action Council will hold the trust.

Councilmember Breichner expressed concern that there are already many vacant properties in the City. He would rather see property downtown improved before new homes are built.

The plan for the land calls for a two way street that would allow access to the lot that will be used by the Public Works Department. There will be a buffer between the lot and the homes. The annual dumpster program will continue in this location.

Entertainment Club Ordinance

Police Chief Arthur Smith asked to discuss this ordinance before the proposed bottle club ordinance. He stated Mark Boyer recently reviewed the current City Ordinance governing Entertainment Clubs. It is his judgment that a minor change in the ordinance is advisable. He specifically recommends modifying the wording which exempts establishments which hold liquor licenses from this ordinance.

The purpose of this ordinance is to provide sufficient regulation of “entertainment clubs” to address basic public safety and nuisance issues. These clubs lack liquor licensing and thus they would be otherwise difficult to regulate and monitor. This ordinance provides a framework within which a legitimate and well run club can be established within the City of Hagerstown and sets appropriate limitations on the operations of these clubs in terms of hours of operation, noise, behavior of patrons, etc. The guiding principle is that a club not present a public safety concern or a nuisance to the neighborhood within which it operates.

It was the general consensus to make the change as recommended.

Proposed Bottle Club Ordinance

Chief Arthur Smith presented a proposed ordinance which would prohibit “Bottle Clubs” within the City of Hagerstown. A bottle club is any premise which operates on a Bring Your Own Bottle (BYOB) basis.

A Bottle Club, in effect, enables an establishment to circumvent the regulatory authority of the Washington County Liquor Board.

The Hagerstown Police Department, in close cooperation with the Liquor Board, has permanently closed various liquor establishments for narcotics distribution. A “Bottle Club” would be able to circumvent these types of sanctions against illegal activity. Mr. Everhart, Liquor Board, supports this ordinance. Chief Smith recommends adopting this ordinance as a public safety measure.

Chief Smith stated this was discussed by a previous administration and an exemption for certain types of restaurants was considered. The Liquor Board is not in favor of this exemption. Mr. Everhart stated employees of an establishment that serves alcohol must take a course to learn how to serve alcohol.

Councilmember Haywood believes a small restaurant could benefit from being permitted to operate on the basis of BYOB. She suggested that these establishments also be required to attend the class.

Mr. Everhart stated the Liquor Board is concerned about the lack of controls for a BYOB establishment.

Councilmember Metzner understands both sides of the issue and believes there is a compromise that is reasonable. He would begin by allowing an exemption for a restaurant, but prohibit hard liquor from being permitted.

Mayor Bruchey also recommended allowing an exemption for restaurants and requiring them to attend the alcohol course.

Chief Smith stated proof of attending the class could be a requirement for the license that would be issued. The Liquor Board would not be involved in regulating the BYOB establishments, since they would not have a liquor license.

A revised Bottle Club Ordinance will be drafted for further consideration.

CITY ADMINISTRATOR’S COMMENTS

Bruce Zimmerman, City Administrator, had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember W. M. Breichner attended the ceremony recognizing that Kaplan College is now Kaplan University. This is the first four year college in Washington County.

Councilmember L. C. Metzner complimented City staff and the individuals responsible for the annual VELO bike race that was held Saturday, July 11, 2009. He has suggested to the organizers that they get information to the City early enough to be featured on Channel 6.

Councilmember A. C. Haywood encouraged everyone to attend the Music by the Lake series that begins this week in City Park.

Councilmember F. Easton encouraged people to visit the Washington County Museum of Fine Arts. He attended the first Wind Down Friday last week, which was well attended. He hopes someone makes a request to close the street during these events. He would like to see the City of Hagerstown have a similar event to Greencastle's sidewalk days.

Mayor R. E. Bruchey, II stated the museum is truly a gem in the City. He also would like the VELO race organizers to get information for Channel 6.

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 5:31 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: July 28, 2009