

WORK SESSION AND EXECUTIVE SESSION – July 20, 2010

Mayor R. E. Bruchey, II called this Work Session and Executive Session of the Mayor and City Council to order at 4:00 p.m., Tuesday, July 20, 2010, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers W. M. Breichner, M. E. Brubaker, F. W. Easton, A. C. Haywood, L. C. Metzner; City Administrator Bruce Zimmerman, and City Attorney William Nairn.

Mayor Bruchey welcomed Boy Scouts Patrick Connor and Matthew Wilson, from Leitersburg, to the meeting.

WORK SESSION – July 20, 2010

Preliminary Agenda Review

The Mayor and Council agreed to schedule a meeting to discuss the Strategic Plan on August 31, 2010 at 4:00 p.m.

**Consent Agenda**

- A. Parks and Engineering:
  - 1. Specialty Paving for North Potomac Streetscape – Craig Paving, Inc. (Hagerstown, MD) \$ 45,663.00
  - 2. “000” Block East Antietam Street Storm Drain Replacement – Henson & Son, Inc. (Hagerstown, MD) \$ 108,275.40
  - 3. Demolition at Rear of 31/33 W. Antietam Street – Allegany Wrecking (Hagerstown, MD) \$ 13,700.00
- B. Purchasing/Finance: Heating Oil for Various City Buildings – James River Solutions (Ashland, VA) \$ 107,070.00
- C. Water Department: Underground Utilities Locating Contract – Utiliquist (Atlanta, GA) \$ 27,052.00 Annually
- D. Wastewater Department: Annual Service Agreement for Oxygen System – M2T Mixing & Mass Transfer Technologies (Peekskill, NY) \$ 20,000.00

**Approval of a Resolution: Approval of Hagerstown Suns Assignment and Assumption Agreement with the New Owners of the Hagerstown Suns**

The current owners of the Hagerstown Suns, Mandalay Baseball Properties, LLC, has decided to sell the team. Consistent with the lease agreement dated November 2007, the City as the lessor of the Municipal Stadium must agree to transfer the terms of the lease to the new owners. A draft agreement was presented to the Mayor and Council for their review.

This assignment will allow for baseball to continue at the stadium through the end of this season. The Lease allows for two (2) more one (1) year extensions and after the current season is over, staff anticipates that the new owners of the Hagerstown Suns, once the acquisition is completed, will make a presentation to the City Council in the fall regarding their future plans for the team and stadium.

It was the general consensus to include approval of the resolution on the regular session agenda.

**Approval of a Resolution: Authorizing Memorandum of Understanding between Hagerstown Police Department and Washington County Board of Education Concerning School Resource Officers**

An amendment to the current Memorandum of Understanding (MOU) with the Washington County Board of Education (BOE) adding a fourth School Resource Officer (SRO) was presented to the Mayor and Council for their review. The BOE will reimburse the City for \$ 37,500 of that officer's salary. The officer is assigned to other functions when school is not in session.

In past instances, staff would have requested authorization for another position within the police department to maintain constant patrol staffing, but in this case this request will be deferred indefinitely until such time as the City finances make the same appropriate. The new position therefore has the effect of adding the \$ 37,500 as additional general fund revenue without adding to salary costs. This program has proven beneficial to the schools as well as to overall HPD operations by freeing up patrol officers who would otherwise be required to handle many issues handled by the SRO's.

Approval of the MOU will be included on the July 27, 2010 agenda.

**Approval of a License Agreement 399 Liberty Street and Approval of a License Agreement 536 George Street**

The Department of Parks and Engineering recently received requests from the owners of 536 George Street (Robert and Beverly Shanholtz) and 399 Liberty Street (Paul and Lia Johnson) to construct temporary handicap access ramps at their dwellings. Both of these ramps are new encroachments into the public right-of-way, and therefore require the execution of a License Agreement by the Mayor and Council.

In both cases, the owners have requested the license Agreements for the ramps due to health issues that have arisen and forced them to make their dwellings handicap-accessible. The proposed License Agreements for these ramps clearly indicate that they are to be temporary in nature, and shall be removed when they are no longer needed.

It was the general consensus to approve both license agreements.

**Approval of Hagerstown/Washington County Convention and Visitors Bureau  
Welcome Center Rent Assistance**

The Mayor and City Council agreed to reduce the rent for the Convention and Visitor's Bureau (CVB) in order to help support the City and CVB's efforts to promote and market the City Center and surrounding areas. The intent is to be for a one year time period. The CVB has been experiencing a negative cash flow for several years due to decreasing revenues from hotel/motel tax. Mayor Bruchey indicated they have made changes in staffing to help reduce costs. It was suggested that the rent be waived from July 1, 2010 through December 31, 2010. This would be a total cost of \$ 9,300.00. After the first of the year, the rent would be at full cost.

Councilmember Haywood stated this is the only CVB in the State of Maryland that is charged rent. She suggested reviewing the support of the CVB and discussing the situation with the County Commissioners.

Councilmember Easton expressed concern that waiving the rent for six months would not be enough of an incentive for the County to pay the rent after the first of the year.

It was the general consensus to include approval of the assistance on the July 27, 2010 agenda with the language in the motion stating the rent would be reduced by half.

This completed the review of the preliminary agenda.

Local Government Insurance Trust (LGIT) Grant Presentation

Ted Ailsworth, Executive Director of Local Government Insurance Trust, presented a \$ 5,835.00 check to the Mayor and Council to be used as a grant to cover training for several members of the Hagerstown Police Department to attend "less than lethal" training. HPD, as do all Departments, utilizes a variety of less lethal options in an effort to reduce injuries to police officers and suspects alike. This funding allows HPD to stay current without impacting the limited training budget.

Designated Trick or Treat Date

Chief Arthur Smith, Hagerstown Police Department, stated staff proposes to hold Trick or Treat Night on Friday, October 29, 2010 from 6:00 p.m. to 8:00 p.m. Friday night permits additional police coverage compared to Sunday night. Friday night has the additional benefit in that the participants will not have school the following morning. The annual Alsatia Mummer's Parade will be held on October 30, 2010. It was the general consensus to hold Trick or Treat on October 29, 2010.

Paperless Agenda

Scott Nicewarner, Director of Technology and Support Services, was present to discuss a paperless agenda/meeting process. He reported that the use of paper has been

greatly reduced with the implementation of the MUNIS software system. When the utility module is implemented, customers will be able to receive their bills online. He would like to provide additional information on the use of iPads, Kindle readers and the transfer of electronic information to the Mayor and Council. There are systems available that provide the opportunity to complete the entire agenda process electronically. He will provide a list of options for hardware and processes.

Councilmember Easton clarified that there are two different processes being discussed at this time. He would prefer to have equipment that had multiple uses.

Councilmember Haywood asked if the packet material could be emailed to Mayor and Council members. Mr. Nicewarner stated the size of the material would be too large for most email accounts. She then suggested loading the information on a jump drive. She will use that for her packet next week.

William Nairn, City Attorney, asked if there would be security for executive session items. Mr. Nicewarner indicated security measures would be implemented for confidential information.

Additional discussion will be scheduled for August 17, 2010.

City Code Amendments Section 216-10, B, Streets and Sidewalks and Section 240-32, Water Pollution Control

Michael Spiker, Director of Utilities, and Eric Deike, Manager of Public Works, were present to discuss proposed amendments to the City Code. The Department of Utilities and Public Works, along with legal counsel, representatives of LGIT and Caroline Twigg, Purchasing/Insurance Specialist, held discussions in order to develop language to amend Section 216-10, B and Section 240-32 of the City Code. The proposed changes will align the City Code with existing internal policies.

The added language for Section 216-10, B defines City liabilities related to the above ground portion of the tree while relieving the City of liabilities related to subterranean tree damage. Section 240-32 follows the same logic of releasing the Wastewater Division of any liabilities related to pipe or equipment which is located on customer property, i.e. property located behind the curb or property line.

The damage is predominantly from trees that were planted 30 years or more ago.

The introduction of an ordinance for this amendment will be included on the July 27, 2010 agenda.

Follow Up Discussion of City Agenda For Community Lobbying Coalition

Councilmember Breichner reported the topic of the most recent meeting of the coalition was the process that would be used to complete a list of priorities to submit to the legislature.

Councilmember Brubaker stated there are no projects identified at this point in time. The Chamber board asked to discuss federal lobbying.

Councilmember Breichner stated the areas to be discussed are public safety, transportation, education, culture and arts, economic development, tourism and the watch list.

Mayor Bruchey suggested scheduling time during the August 3, 2010 work session to develop a list of issues important to the City of Hagerstown. The coalition agreed that it would be favorable to have at least one issue from each category.

Councilmember Metzner asked for a report of the funding partners in the group. This year's funding partners are the City of Hagerstown, Washington County Commissioners, Convention and Visitors Bureau, and CHIEF. The only organization that is not providing funding is the Greater Hagerstown Committee.

Planning Commission's 2009 Annual Report

Kathleen Maher, Planning Director, presented the Planning Commission's Annual Report for Calendar Year 2009 to the Mayor and Council. This will give the Mayor and Council an opportunity to comment on the City's achievements in the past year to implement the 2008 Comprehensive Plan and offer input on new initiatives they would like the Planning Commission to pursue in the coming year to further efforts to implement the plan. Once this step has been taken, staff will forward the Commission's Annual Report to the Maryland Department of Planning, as required by State law.

The requirements for this report function and the format of the reports are prescribed by State law. The Planning Commission is required to report on the City's activities in the prior year in implementing the 2008 Comprehensive Plan, approving new development and annexations for the City, and revising local planning and development processes to further the City's goals for the community. This report is also required to include an analysis of the impact of the Adequate Public Facilities Ordinance on development approvals. The Planning Commission is required to forward this report to the Mayor and City Council by July 1 of each year. The report must then be presented to the local legislative body in a public forum and then forwarded to the Maryland Department of Planning.

The following is a summary of the actions taken during 2009:

1. Comprehensive Plan Updates: Compliance with H.B. 1141. In 2009, the City amended the 2008 Comprehensive Plan to incorporate missing data

and analyses for the Growth Element and Water Resource Elements of H.B. 1141 which had not been included in the 2008 Plan Update.

2. Actions to Implement Land Use Recommendations of Comprehensive Plan
  - a. New Zoning District: Four mixed use zoning districts were created. All include development standards that will ensure quality design for new and infill development.
  - b. Comprehensive Rezoning: The City was divided into four geographical areas, or phases, so as to allow for a more manageable review workload. Phase I was completed in 2009. Phase II was adopted on January 26, 2010.
3. Annexations, Major Development Projects, and Public Infrastructure Improvements
  - a. Annexations: Two tracts of land were annexed into the City
  - b. Major Development Projects: Many additions and site alteration site plans, as well as plans for a few major private sector projects.
4. Public Infrastructure and Community Facility Projects: The City and Washington County received plan approval, began the planning process, or began construction on a number of public projects in 2009 to implement the Comprehensive Plan and other plan recommendations for sites within the City or its service territory.
5. Changes to Local Planning and Development
  - a. Land Management Code: Adopted on September 26, 2008 which combines all of the City's development review ordinances into one unified ordinance.
  - b. Revisions to Commercial Zoning District: These amendments added development design standards in the C2 district and non-Big Box developments of the C4 district and updated the list of permitted uses for all the commercial districts.
  - c. New Overlay District for Non-conforming Properties: The Local Conversion District allows for re-use of non-conforming commercial and mixed-use properties in the City's residential zoning districts.
  - d. Revisions Affecting Home Businesses: Replaced the special exception process for "home occupations" and replaced it with a new provision for "home workstations" as a permissible accessory use to all residential properties in the city.
  - e. Stormwater Regulations: Developed amendments to the City's stormwater regulations for compliance with Maryland's new regulations.

6. Special Planning Projects to Implement Comprehensive Plan Recommendations:
  - a. Heritage Projects: Heart of the Civil War Heritage Area's recommendations
  - b. New Downtown Incentive Program: Adopted the Partners in Economic Progress (PEP) program
  - c. City Master Bike Plan: Developed a new Master Bike Plan that recommends a new system of commuter biking routes through and around the City.
  - d. County Commuter Transit Plan: City staff participated on a County committee that worked with a consultant to prepare a Transit Plan for Washington County.
  - e. New Economic Development Marketing Initiative: This initiative includes a new Economic Development web page for the City.
  - f. Minority- and Women-owned Business Program: Three year program designed to offer immediate assistance to small minority, for-profit businesses that may be facing difficulties due to the national economic downturn.
  - g. Development of Neighborhoods Revitalization Strategies: Surveyed neighborhood residents to determine what they feel are the issues that positively or negatively impact their neighborhood. This will assist with the development of the Special Areas Plans in 2010.
7. Impacts of Adequate Public Facilities Ordinance Reviews
  - a. City Adequate Public Facilities Ordinance: The City's Adequate Public Facilities Ordinance (APFO) only affects schools and was adopted in 2006 to be substantially in conformance with Washington County's APFO for schools.
  - b. Adequacy of School Capacity: Because of the inadequacy issues, major new development plans cannot be approved at this time unless the County Commissioners approve a remediation plan to address the school overcrowding issue.
  - c. City APFO Reviews: One project was reviewed in 2009. Because the project failed the school adequacy test at the elementary and high school levels, the Planning Commission approved the site plan contingent upon the developer gaining approval of a remediation plan by the County Commissioners to address the school overcrowding issue.
8. Smart Growth Goals, Measures and Indicators Report: Less than 50 permits for new residential dwelling units were issued, which exempts the City from undertaking the Priority Funding Area growth goals analysis required for this section of the Annual Report.

Ms. Maher announced that Stuart Bass, Comprehensive Planner, will be leaving the City and taking a new position in Pittsboro, North Carolina. Mr. Bass has been involved in a number of projects while with the City of Hagerstown. She thanked him for his service.

2010 Small Areas Plan/Comprehensive Rezoning Phase IV Discussion

Kathleen Maher, Planning Director, and Alex Rohrbaugh, Planner, was present to provide information regarding proposed rezonings associated with the draft 2010 Small Areas Plan and the 2008 Comprehensive Plan. The Phase IV rezonings are all located within the three Special Planning Areas covered in the Small Areas Plan: East End/Hospital Area, Jonathan Street Area, and Locust/Mulberry Area.

These recommendations are the result of a lengthy and arduous review process by the Planning Commission. A Public Review meeting was held on May 26, 2010. The Commission then took the comments reviewed under advisement, and along with the recommendations from the Comprehensive Plan and the Small Areas Plan, formulated the proposed zoning changes.

The following is an overview of the Special Planning Areas under review in the 2010 Small Areas Plan (which discusses land use):

1. East End/Hospital: The Hagerstown East End Redevelopment Plan, prepared by a private-sector group, describes potential revitalization strategies, including the replacement of Municipal Stadium. This study needs public input before it can be adopted by the City. Further efforts should better define the desired future arrangement of land uses.
2. Jonathan Street: Once the commercial center of Hagerstown's African American community, this neighborhood has distinct character that has been negatively impacted by remaining industrial and rail-related uses.
3. Locust/Mulberry Street: This neighborhood stretches northeast of the downtown, between Fairgrounds Park and the Jonathan Street Special Planning Area.

The proposed rezonings for Phase IV are the Planning Commission's recommendations, but are subject to change based on review and discussion. Three proposed rezonings were opposed during the public review meeting:

1. Area 1 – Proposed rezoning of SignHere property on East Antietam Street from IR to POM.



2. Area 8 – Proposed rezoning of old Car Wash property on Jonathan Street from R2 to D-MU (opposed by members of a nearby church)  
A car wash would not be permitted under the proposed zoning.
3. Area 18 – Proposed rezoning of building of 241 Prospect Avenue from IR to C2.  
The existing liquor store is a non-conforming use in the IR Zoning District.

Despite the opposition raised, the Commissioners decided to stay with the Small Areas Plan recommendation and that is what is being forwarded to the Mayor and Council.

A Public Hearing before the Mayor and City Council is scheduled for August 24, 2010.

#### Review of North Potomac Street Streetscape Project Additional Scope of Work

Rodney Tissue, City Engineer, was present to provide additional information for the North Potomac Street Streetscape Project. In May, the City approved a \$ 133,720.00 contract for the streetscape enhancements in the “000” block of North Potomac street. Construction began in mid-June. The funding acquired leaves a balance of approximately \$ 78,000.00 for additional work. Since the funding from the Maryland Heritage Grant requires a 100% match, the City needs to expand the scope-of-work to at least \$ 200,000 or concede some of the grant back to the State.

In June, the Mayor and City Council directed staff to obtain price proposals for alternatives to expand the project’s scope. The proposals are as follows:

1. Mill and repave North Potomac Street with decorative paving  
Low bid: \$ 27,538.00
2. Add landscaping and artwork in the bike alcove in front of the North Potomac Street Parking Deck using students from the Barbara Ingram School for the Arts  
Budget: \$ 7,000.00
- 3A. Replace deteriorating awnings on the Visitors Center at North Potomac Street using more vibrant colors  
Low bid: \$, 2776.00
- 3B. Add new signs as improvements to make the center easier for visitors to find  
Low bid: \$ 3,800
- 4A. To improve pedestrian environment, overlay McCardell Alley (half block alley which runs from North Potomac Street to the intersecting alley near

the University System of Maryland). Stamp pavement with brick pattern and paint red.  
Low bid: \$ 18,125.00

- 4B. Improving the lights in the same alley using LED fixtures. All work by City Light.  
Budget: \$ 7,000.00

The total cost of all these additional items is \$ 66,239.00. This amount plus the base Streetscape Project gives a total project of \$ 199,959 which fully leverages the Maryland Heritage grant of \$ 100,000. To move forward, the Council must approve the paving contract with Craig Paving for items 1 and 4A in the amount of \$ 45,663.00. Award of the awning and sign contracts will be done at the staff level.

McCardell Alley is planned to be closed to vehicular traffic. A removable bollard will be placed at each end to block the alley. During ski season, the alley will need to be open to vehicles to accommodate Bikle's Ski Shop. Any closures will be coordinated with the owners of the shop.

It was the general consensus of the Mayor and Council to move forward with the improvements.

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

*Bruce Zimmerman, City Administrator*, reminded everyone that August 3, 2010 will be National Night Out at Fairgrounds Park from 6:00 p.m. to 8:00 p.m.

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

*Councilmember F. W. Easton* attended Smithsburg Pride Days and participated in the veterans ride. He is pleased there are groups discussing a memorial for all veterans. There is a forum on illegal immigration at Dimensions on July 20, 2010. There will be a Big Brothers/Big Sisters motorcycle ride on September 11, 2010. He has raffle tickets available.

*Councilmember A. C. Haywood* attended Bike Night in Williamsport, Maryland on July 17, 2010. Food vendors were at the event. They were placed outside the blocked off area and existing businesses were busy as well.

*Councilmember L. C. Metzner* had no additional comments.

*Councilmember W. M. Breichner* had no additional comments.

*Councilmember M. E. Brubaker* commended Debbie Everhart, Economic Development Director, and other participants who helped with the tour of Hagerstown that was held last week. The tour was very informative.

*Mayor R. E. Bruchey, II* attended the Civil War Trust teacher's convention last weekend. The improvements made at Hager Hall are exciting.

EXECUTIVE SESSION – July 20, 2010

On a motion duly made, seconded and passed, the Mayor and City Council unanimously agreed by voice vote to meet in closed session to consult with counsel to obtain legal advice, #7 p.m. in the Council Chamber, 2<sup>nd</sup> Floor, City Hall, Hagerstown, Maryland. The following people were in attendance: Mayor R. E. Bruchey, II, Councilmember W. M. Breichner, Councilmember M. E. Brubaker, Councilmember F. W. Easton, Councilmember A. C. Haywood, Councilmember L. C. Metzner, City Administrator Bruce Zimmerman, City Attorney Mark Boyer, Rodney Tissue, City Engineer and Al Martin, Finance Director. The meeting was held to discuss an issue with one of the City's residential rental properties. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the meeting was adjourned.

Respectfully submitted,

Donna K. Spickler, City Clerk  
(by video)

Approved: August 24, 2010