

WORK SESSION AND EXECUTIVE SESSION – July 22, 2008

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Mayor R. E. Bruchey, II called this Work Session and Executive Session of the Mayor and City Council to order at 4:05 p.m., Tuesday, July 22, 2008, 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.

High Performance Awards “HIP” – Employee Award Program

Susan Delauter, Human Resources Administrator, announced the recipients of the HIP award for the month of June, 2008.

Scott Kiser and Paul Yeager, Central Maintenance Garage, were presented with an HIP award for their efforts to build devices and create new tools to save time and money with vehicle maintenance.

Frank Nuice, Public Works, was presented with the award for helping increase recycling efforts, especially at special events, with containers for recyclables.

Delbert Horst, Public Works, received the award for using energy saving fluorescent light bulbs at City Hall. The bulbs cost \$ 21.00 less each and save energy.

Larry Siecker and Darryl Reid, Public Works, received the award for solving a lingering drain problem at City Hall. A contractor had made a proposal to complete the work but Mr. Siecker and Mr. Reid determined the problem and corrected it.

Antietam Fire Company 200th Anniversary Events

Harold Semler, Chairman of Bi-centennial Committee and Secretary of Antietam Fire Company, and Jeanne Barkdoll, stated the Antietam Fire Company will be celebrating its 200th anniversary on September 19, 2008. They will be hosting a bi-centennial banquet for the members to remember those lost as well as recognize the members that are still active within the fire department.

On September 12, 2008 there will be a presentation of the Sate Flag by Donald Munson and a presentation of the American Flag by Senator Barbara Mikulski. On September 16, 2008 there will be an open house from 10:00 a.m. until 4:00 p.m.

Charter Review Committee Recommendations

Doug Wright and Dr. Kenneth Krell, Charter Review Committee, thanked the Committee members for their work. This group of volunteers met fifteen times since May 2, 2007 and reviewed the entire charter document, line by line.

Their recommendation encompasses a number of items, the majority of which are minor. The following items were highlighted:

1. Council Voting (Sections 206, 208, and Section 304.d)
Votes on all matters except ordinances or the filling of vacancies will require three votes, including the Mayor's in the case of a two-two tie of the Council. Votes on ordinances and the filling of vacancies will require three votes, period. The Mayor will not get a vote on these items. This includes the budget.
2. New Election Dates (Sections 209 and 210)
Following the upcoming elections the primary and general elections, will be moved to the same time of year as the State and National elections, except they will be in the year between the Presidential election and the Gubernatorial election.

The 2009 election schedule, following the current Charter, calls for the following schedule:

Primary – March 10, 2009

General – May 19, 2009

The 2013 election schedule will be:

Primary – September 10, 2013

General – November 5, 2013

This was done to ensure that the issues of the City were not lost during other campaigns. This will mean that the Mayor and Council elected in 2009 will serve approximately 4 ½ years until the next Mayor and Council can take office.

3. Non-Partisan Elections (Section 510)
The proposed revision is also calling for a change from partisan elections to non-partisan elections starting with the 2013 elections. The Primary will determine the top ten candidates for Council and top two candidates for Mayor.
4. Vacancies (Section 515.A)
Party affiliation will not be a criteria in filling vacancies on the Council or Mayor.

The Washington County Board of Elections submitted a letter highlighting their feeling that the City needs to consider a realignment of the City electoral schedule to become congruent with either the quadrennial Presidential or Gubernatorial elections. The maintenance of non-congruent City Elections causes great concern to the Board and its staff by the imposition of substantial additional administrative burdens and expense to the process. In consideration of the administrative burdens, the Election Board has

determined that effective after the 2009 City of Hagerstown elections, neither the County Election Board nor any member of its staff will provide any administrative or other services to the City in connection with the conduct of City Elections except as expressly required under the provisions of State law. The only service presently required to be provided by the County Board and its staff to municipalities in connection with the conduct of their elections is the delivery of a current voter registration list; which statutory duty the Board will continue to discharge as required.

Other municipalities in the County and in the State conduct their own elections. Staff was asked to contact the Maryland Municipal League for more information regarding this. The Committee had discussed the timing of elections and realized the financial obligation would have to be discussed by the Mayor and City Council. Councilmember Brubaker asked for a ballpark estimate of the costs, the amount of involvement of other County election boards and how many municipalities hold non-partisan elections. There are four municipalities that do not hold non-partisan elections.

The wording of the tie vote sections needs to be reworked to make the intent of the review committee absolutely clear. The City Attorneys will review the wording and the Mayor and Council will further discuss the timing of the election.

Councilmember Nigh is concerned how this change will affect voters. She is also concerned that the process to obtain an absentee ballot is difficult.

Councilmember Parson-McBean wants the City's election to maintain the quaint feel of Hagerstown and have votes remain connected to the elected officials.

Mark Boyer, City Attorney, summarized there are two issues to discuss further: voting language and the election date. The Council will discuss the recommendations further after additional information is provided.

Mayor Bruchey thanked the Committee for their efforts.

Preliminary Agenda Review

Consent Agenda

- A. Community Affairs: Application Permit for Augustoberfest
- B. Community Development: Rehabilitation Contract for 333 S. Mulberry Street – Dale M. Ford Construction (Boonsboro, MD) \$ 62,500.00
- C. Fire Department: Airmation Units – Air Technology Solutions (Burlington, NJ) \$ 163,098.89
- D. Engineering:

1. Architectural Design of Renovations to Roslyn Building and Portions of City Hall – Harne Bowen Architects (Myersville, MD) \$ 61,660.00

Councilmember Brubaker may not be in favor of moving to the next phase for this project when the cost estimates for construction are received.

2. 2008 Pavement Preservation Program and Ice Rink Driveway Reconstruction – Craig Pavement, Inc. (Hagerstown, MD): Not to Exceed \$ 440,000.00 for Pavement Preservation, Not to Exceed \$ 60,000.00 for Ice Rink Driveway

Councilmember Brubaker had made a proposal to defer bond funding for these projects. Alfred Martin, Finance Director, stated the consent form could be revised to keep flexibility in place to use future bond issues to fund these projects. It was the general consensus to change the language. Rodney Tissue, City Engineer, indicated the price of liquid asphalt has doubled since January. The slurry program has been abandoned and projects have been curtailed in order to stay within the budget. Councilmember Parson-McBean indicated a Transportation Committee is looking for new ways to use transportation funds to help cover these costs. She stated federal funds and state grants should be considered.

3. Installation of Sidewalks and Alley modifications for the Handicapped – Royal Construction (Arlington, VA) Not to Exceed \$ 40,000.00

Mr. Tissue indicated it will take several years to complete the necessary sidewalk repairs throughout the City.

4. Curb and Sidewalk Replacement Program – Royal Construction (Arlington, VA)
 - A. Approval of Unit price for City Ordered Abatements
 - B. Replacement of Curb and Sidewalk Damaged by Street Trees, Not to Exceed \$ 100,000.00

The same flexibility with bond funding will be included for these projects. Part of this bid includes prices for homeowners who wish to secure a contract with the contractor.

5. 2008 Chevrolet Uplander Minivan - -Replacement of Unit 710 – Criswell Chevrolet, Inc. (Gaithersburg, MD) \$ 13,998.00

This Unit is the department's oldest vehicle and repair costs are starting to increase.

6. Reconstruction of Alley 3-38 – Huntzberry Bros, Inc.
(Hagerstown, MD) \$ 36,035.00

E. Public Works:

1. LED Signal Lights – RGA, Inc. (Powhatan, VA) \$ 16,999.00
2. Signal Controller Cabinet – Econolite Control Products, Inc.
(Hanover, MD) \$ 11,375.00
3. ¾ Ton Pickup – Replacement of Unit 14 – Criswell Chevrolet, Inc.
(Gaithersburg, MD) \$ 16,703.00

Eric Deike, Public Works Manager, stated this vehicle is 13 years old and has 80,000 miles on it. It is used for construction projects.

F. Wastewater Department:

1. Emergency Repair of Sewer Line – Western Maryland Parkway –
Henson & Sons, Inc. (Hagerstown, MD) – Cost per hour \$ 220.00
2. Service Agreement for Oxygen System – m2T Technologies
(Peekskill, NY) \$ 19,400.00

Work is anticipated to begin on the capital improvement projects in the late fall.

G. Water Department:

1. Large Water Meters – HD Supply Waterworks, LTD (Martinsburg,
WV) \$ 20,013.00
2. Small Water Meters – L/B Water Service, Inc. (Chambersburg,
PA) \$ 225,827.50
3. Water Pipe for Tammany Lane and Maugans Avenue – Griffin
Pipe Products Co. (Florence, NJ) \$ 51,500.00

Nancy Hausrath, Water Operations Manager, stated the pipe for the Maugans Avenue project does not have to be purchased and it will be removed from the consent form.

4. Change Order #5 – West End Reservoir Phase I – Hazen and
Sawyer (Baltimore, MD) \$ 130,519.00

Michael Spiker, Director of Utilities, stated the change order leaves room for funding for the moving of the second tank.

5. Inventory Purchase – HD Supply Waterworks, LTD (Martinsburg,
WV) \$ 59,427.88

Approval of Agreement: Supply for Electric Service for the City of Hagerstown's Allegheny Power Commercial and Industrial Accounts

Mr. Spiker stated the Allegheny Power rate structure has changed and the City is trying to secure a longer term agreement. Quoted prices are valid for 24 hours. If the pricing looks good on July 29, 2008, Mr. Spiker will present an agreement for approval. The range is currently 8 to 15 cents.

This completed the preliminary agenda review.

A recess was taken.

Proposed Land Management Code

Stephen Bockmiller, AICP Development Review Planner/Zoning Administrator, stated the Planning Commission discussed the request for a minor adjustment to the language of the permitted uses in the IR and IG districts, which was raised during testimony provided at the Mayor and Council's public hearing on the Land Management Code. The Planning Commission recommends that Municipal Recreation Facilities and Indoor Private and Commercial Recreation Facilities be permitted uses in the IR and IG districts.

This will allow all municipal recreation uses (currently permitted) and only those commercial and private facilities that are located indoors.

Introduction of the Ordinance to create the Land Management Code will be included on the agenda for July 29, 2008.

Peddler's License Update

During Mayor and Council comments at the May 13, 2008 Work Session, a question was raised concerning the issuance of Peddlers permits and the regulations for mobile vendors.

Donna Spickler, City Clerk, reported Peddlers Permits are issued through the City Clerk's office. There are two classifications of Peddlers. Class I is a peddler selling from a wagon, pushcart or other vehicle. The license fee is \$ 125.00 per year. Class II is a peddler selling only from packs, baskets or similar containers. This license fee is \$ 50.00 per year. Examples of mobile peddlers include food carts, magazine sales, event peddlers, and ice cream trucks.

There has been an increase in the number of peddlers selling food, i.e. hot dog carts and mobile kitchens. These are Class I peddlers and must also obtain a permit from the Washington County Health Department.

In addition, permits are issued for temporary/transient dealers. The minimum fee for this type of merchant is \$ 1,000.00. An example would be a business having permission

from the property owner to set up food or other merchandise for sale at that location for a period of less than one year, such as outdoors in a vacant lot.

In order to provide reasonable regulations and to protect existing businesses, staff is seeking direction from the Mayor and Council for additional classifications and possible limitations on the number of permits issued during the year. Additional classifications and definitions would allow a more comprehensive review of each application. The current fee structure has not been revised since 1992 and should also be reviewed.

Councilmember Metzner thinks the door to door sales people should be required to carry identification, indicated they have complied with City requirements and paid their fees. He suggested making the door to door permit fees higher than seasonal businesses. There should be a definition in the ordinance for a seasonal business person who is selling from an outdoor location and the fee should be more reasonable.

Councilmember Metzner asked what is regulated with the license. The application includes information for the type of items for sale and the general location of the sales person. Protection for established businesses is part of the license also.

It was the general consensus to have the City Attorney and staff members draft an ordinance for the Mayor and Council's review.

Green Practices for the City of Hagerstown

As a follow-up to suggestions from Councilmember Metzner and consistent with actions taken in other Maryland counties and municipalities, a "Task Force" has been assembled comprised of Mike Spiker, Kathy Maher, Mike Heyser, Eric Deike, Alex Rohrbaugh and Rodney Tissue to evaluate and hopefully improve the City's Green Practices.

Green Practices increase the efficiency with which buildings and facilities use energy, water and material resources, and reduce impact on the natural environment from new development. These Green Practices reduce the impact on the environment, reduce operating costs, and improve public health, and help us sustain our lifestyle.

Staff envisions this as a first discussion on this topic. The Task Force is requesting that the City Council review ideas for Future Green Initiatives and provide direction to staff as to which ones they would like to see further developed.

Staff has prepared the following list of practices that are being observed to decrease the energy and natural resource consumption as a City government.

1. Traffic signal lights are being changed from incandescent bulbs to LED to use less energy.
2. Public Works is changing out the lights in many of the City buildings using bulbs that use less wattage.

3. Public Works continues to eliminate window unit air conditions, when practical, in favor of more energy efficient central air where possible.
4. The Light Department is replacing the mercury vapor street lights with more efficient high pressure sodium lights.
5. The City has curbside recycling of mixed paper, commingled aluminum/glass/plastics as well as yard waste.
6. The Synagro pelletizing of the solid waste at the Hagerstown Wastewater Treatment Plant provides an agricultural use for the pelletized solid waste in lieu of total disposal in a landfill.
7. Planning regulations now include requirements for open space, landscape requirements such as buffers and islands in parking lots and stormwater management regulations require enhanced water quality as well as quantity control.

Staff developed a list of ideas to improve the “green” practices. Many buildings today follow the Leadership in Energy and Environmental Design (LEED) green building rating system, which provides a standard and certification for environmentally sustainable building construction.

The following ideas were endorsed by the Mayor and Council:

1. Require LEED Certification for all City Capital Improvement Projects. For minor projects such as the renovation of the Roslyn Building, we would do whatever is practical to meet LEED requirements.
2. Discount building permits for LEED projects in the private sector.
3. Provide a tax credit on commercial projects that are LEED certified at least through the silver level (if there is State enabling legislation).
4. Authorize energy audits of all City buildings, provided they are done in-house as much as possible.
5. Provide bike racks at the appropriate City municipal facilities.
6. Encourage or require recycling at all City-sponsored events and in City facilities.
7. Develop an educational brochure to encourage residents in Hagerstown to be cognizant of their consumption of energy and natural resources by outlining strategies to help reduce stormwater run-off, increase alternative transportation opportunities, and restore and/or protect native vegetation.

The following ideas were considered but not completely endorsed by the Council:

1. Purchase hybrid car or no emission vehicles for the appropriate fleet vehicles.
2. Require paperless meetings where practical for City Boards by eliminating paper packets in favor of electronic packets. This was endorsed if grants are obtained for the computers.

The Council rejected the idea to require landlords to have an energy audit when they decentralize their heat system (in a rental structure) to individual unit heat system.

Other ideas presented included:

1. Reduce impervious asphalt surfaces by having narrower streets, smaller parking lots, and consider pervious surfaces.
- 2.. Encourage rain harvesting for people to collect water from rooftop runoff to use for irrigation
3. Encourage green roofs and consider pilot projects on the Department of Public Works building on Memorial Boulevard or the Market House.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, stated Harold Semler wanted to confirm with the Mayor and Council that Channel 6 can be utilized for notifying the public about the Antietam Fire Company anniversary activities and to work with Karen Giffin, Director of Community Affairs, to develop programs to do this. A seminar for realtors to learn the benefits of living in the City will be held on July 24, 2008. The Beautification Advisory Committee is seeking nominations for awards.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember A. Parson-McBean thanked her neighbors who are enduring the road work on Jonathan Street. She thanked Rodney Tissue and staff for making sure information was distributed to residents.

Councilmember M. E. Brubaker visited many downtowns during a recent vacation. He sees potential for Hagerstown.

Councilmember K. S. Cromer had no additional comments.

Councilmember L. C. Metzner stated Hope Bridge Church will be holding a community block party this weekend. There will be free activities and entertainment.

Councilmember P M. Nigh thanked Public Works employees for fixing storm drains and the Wastewater Department for replacing sewer lines. The number of calls for CRS at their west end location has continually increased. She asked what is happening with the entrance building at Fairgrounds Park. The building was provided to house the Citizens on Patrol group. Walmart donated money to assist in repairs of the building. She would like to utilize the building for Neighborhoods 1st. Mayor Bruchey suggested putting information together and discussing this at a Work Session. Councilmember Nigh asked if fundraising activities could be implemented to obtain money for the repairs. Volunteers can paint, but only to a certain height because of liability.

Mayor Robert E Bruchey, II had no additional comments.

EXECUTIVE SESSION – July 22, 2008

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 meet in closed session at 6:37 p.m. to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, #1. The following people were in attendance: Mayor R. E. Bruchey, II, Councilmember M. E. Brubaker, Councilmember K. S. Cromer, Councilmember L. C. Metzner, Councilmember P. M. Nigh, Councilmember A. Parson-McBean, City Administrator Bruce Zimmerman, City Finance Director Alfred Martin and City Clerk Donna Spickler. The topic was to consider appointments to the City's volunteer boards. No formal action was taken at the session. The meeting was adjourned at 6:43 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: August 26, 2008