

WORK SESSION AND EXECUTIVE SESSION – August 12, 2008

WORK SESSION – August 12, 2008

Mayor R. E. Bruchey, II called this Work Session and Executive Session of the Mayor and City Council to order at 4:10 p.m., Tuesday, August 12, 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 William Nairn, and D. K. Spickler, City Clerk.

Mayor Bruchey presented a Proclamation of congratulations to the Federal Little League team for earning a place in the Little League World Series. The president, Mike Conrad, was present to accept the proclamation.

Jonathan Street and Eastern Boulevard Project Status Report

Rodney Tissue, City Engineer, stated the project on Jonathan Street is still in the early stages. A detour plan has been implemented to direct traffic around the work area. The 200 block of Jonathan Street is currently closed to traffic, and the intersection of Jonathan Street and Church Street is also closed to allow the contractor to replace existing sewer manholes and water lines in the intersection. Columbia Gas has essentially completed their work to replace the gas mains and service lines for the entire length of the project.

The contractor's progress has been slowed by the presence of limestone rock that was encountered during excavation for the sanitary sewer installation. It appears that portions of the original sanitary sewer line (constructed in the 1920's) were installed by tunneling through the rock instead of trenching and removal. Consequently, the contractor must now remove the remaining rock in order to replace the sewer line.

The City and contractor are exploring various alternatives to deal with the rock issue in an efficient and cost effective manner. The Sewer Department staff feels it is in the long term best interest of the system to replace the pipe, so controlled blasting is the recommended option. Staff will negotiate and enter into a contract with a blaster to perform this work. This will be funded in full by the sewer fund. Once the rock has been removed, the contractor will immediately begin the installation of the new water and sewer mains in the 200 block.

Removing the rock over the sanitary sewer will add about two months to the project, and the project will be complete in the summer of 2009. The rock removal, plus the increases in liquid asphalt will consume the entire \$ 185,500 contingency set aside for the project.

Mr. Tissue stated people, in general, have been very tolerant of the inconvenience caused by the road closing. Letters will be sent to property owners where the blasting will occur. Signs will be posted stating there will be blasting in the area.

The timing of the signal lights is being reviewed in order to alleviate some of the traffic delays that are occurring.

Mr. Tissue provided an update of the project at Winter Street School. The lanes of traffic have been marked and parking will be restricted. School starts next week and it is anticipated the traffic pattern will help to ensure a smooth flow of traffic and student pick ups.

The contractor for the Eastern Boulevard project continues to make progress. New curb and base pavement has been placed on the eastern third of the road between Conrad Court and Jefferson Boulevard. Northbound traffic has been diverted onto the new pavement, while the contractor is switching over to widen the western side of the roadway. New sidewalks are being installed on the eastern side of the roadway. Over 90% of the new storm drains and utilities have been installed, and it is anticipated that this storm drain will be completed by the end of August.

The contractor plans to widen and pave the western third of the road over the next three to four weeks. Once that work is complete, traffic will be diverted onto the new pavement on the east and west sides of the road so that the contractor can reconstruct the central section of the street. Concrete medians will then be installed at various locations in the middle of the road to separate northbound and southbound traffic, and the new “partial” traffic signal at Opal Court will be installed.

The contractor appears to be on schedule and on budget. If weather conditions hold, substantial completion of the project is anticipated by November. The unprecedented increases in liquid asphalt prices will likely consume most of the contingency money set aside for the project; however, it appears that the final expenditure will be less than the \$ 4.4 million that the Council allocated for the project.

Community Parks and Playgrounds Program Funding for FY 2010

The Maryland Department of Natural Resources (DNR) is now accepting grant proposals for the Community Parks and Playgrounds Program (CP&P). The proposals will be reviewed and considered for submission to the Maryland General Assembly as part of the Governor’s FY 2010 budget proposal.

During the past few years, with funding from Community Parks & Playgrounds, Program Open Space and Community Development Block Grant, the City has been able to replace the 20+ year old play equipment in several of the parks. Funkhouser Park and Hager Park are the only parks that have not yet received funding for replacement play equipment. With this in mind, the projects listed below are in priority order as determined by Parks and Recreation staff:

1. Funkhouser Park – Barrier Free Play Equipment - \$ 35,000
2. Hager Park – Barrier Free Play Equipment - \$ 35,000
3. Pangborn Park – Lake Fountains - \$ 15,000

4. City Park – Park Benches and Picnic Tables - \$ 30,000

It was the general consensus of the Mayor and City Council to approve the list as presented.

Barbara Ingram School for the Arts “Taking Flight” Program

On July 29, 2008, the Mayor and City Council directed staff to bring the public art fund-raising project back for a workshop discussion to determine the amount of funding support the City will provide for the program. As described by the Board of Education staff, a donation of \$ 3,500 will fund a sculpture for the auction and a \$ 5,000 donation would secure a sculpture for the City. The surplus donated proceeds (after cost of production) and the auction proceeds will go towards the Barbara Ingram School for the Arts.

It was the general consensus to select the \$ 5,000 donation amount so that the City may keep one of the butterfly sculptures.

Bruce Zimmerman, City Administrator, stated Cindy Blackstock, Community Development Coordinator, will be coordinating activities within the Arts and Entertainment District, along with her other duties.

Expansion of the City Enterprise Zone

The City of Hagerstown and the Board of County Commissioners for Washington County are required to hold a public hearing for any expansion of the enterprise zone boundaries. The Board of County Commissioners will be holding their public hearing on Tuesday, September 9, 2008. The City’s hearing is scheduled for Tuesday, August 26, 2008.

The expanded district will include three additional properties along the north side of Weller’s Alley west of North Jonathan Street. Staff is not sure why this area was not included in the original boundaries and would like to have them included at this time. This is an area that would benefit from investment by the private sector.

Councilmember Parson-McBean stated Secretary Skinner’s office is interested in helping to create opportunities in the City’s blighted areas.

CITY ADMINISTRATOR’S COMMENTS

Bruce Zimmerman, City Administrator, mentioned that yard sale information will be included on an agenda in September.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember A. Parson-McBean visited Buckeystown during a day camp. She is impressed with what Hagerstown offers residents. She is looking forward to working with the Autistic Society.

Councilmember M. E. Brubaker congratulated the Federal Little League players.

Councilmember K. S. Cromer also congratulated the Federal Little League players.

Councilmember L. C. Metzner mentioned that the Pony League has a team in the Pony League World Series also. This is a very big deal for both organizations and both groups are to be commended for their efforts.

Councilmember P M. Nigh stated more than 900 people attended this year's National Night Out. She attended the service of celebration at Ebenezer AME Church in recognition of Leroy Jackson's 27 years of service. She also attended the wedding of Commissioner William Wivell.

Mayor R. E. Bruchey, II also congratulated the Pony League. He stated the County Commissioners did the right thing a few weeks ago when they gave awarded Federal Little League \$ 10,000 to continue the hopes and dreams of the players. Hotel/motel tax money was used.

EXECUTIVE SESSION – August 12, 2008

Councilmember Metzner stated he does not think any of the executive session items need to be discussed in closed session. He stated the portion of the meeting for the personnel issue is not necessary. The property being discussed for the library expansion should be discussed in an open meeting. No price for the properties is being determined. He stated if the Mayor and Council decide they are interested in acquiring the properties, an executive session to negotiate a price would be appropriate.

Councilmember K. S. Cromer made a motion to meet in closed session at 4:55 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. Councilmember L. E. Metzner seconded the motion. No material was included in the packet and Councilmember Parson-McBean and Councilmember Metzner stated it was difficult to consider an executive session without knowing what the issue is. Councilmember Cromer stated an email had been sent to all Council members.

Motion defeated, 1-4 with Councilmember M. E. Brubaker, Councilmember L. C. Metzner, Councilmember P. M. Nigh, and Councilmember A. Parson-McBean voting No.

Councilmember K. S. Cromer made a motion to meet in closed session to consider the acquisition of real property for a public purpose and matters directly related thereto, #3. Councilmember A. Parson-McBean seconded the motion.

Motion defeated, 2-3 with Councilmember M. E. Brubaker, Councilmember L. C. Metzner and Councilmember P. M. Nigh voting No. This motion is specifically for the properties associated with the library expansion. There are four other properties to be considered later.

Councilmember K. S. Cromer made a motion to meet in closed session to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, #4. Councilmember L. C. Metzner seconded the motion.

Motion defeated, 0-5 with Councilmember M. E. Brubaker, Councilmember K. S. Cromer, Councilmember L. C. Metzner, Councilmember P. M. Nigh and Councilmember A. Parson-McBean voting No.

Washington County Free Library

In March, the Library sent a letter to the Mayor and Council requesting the City provide a letter outlining the City's formal commitment to acquire the properties east of the Library fronting along E. Antietam Street and make them available for construction by no later than January 1, 2010.

In May, the City responded by letter stating that the City is committed to fund acquisition and demolition costs up to \$1.5 million. The City also stated at that time a three party agreement with Washington County and the Library to proceed. This agreement would provide the terms for the City to acquire the property for the Library in advance of final State and County government decisions on funding, and outline how the acquisition proceeds if eminent domain authority is required.

In July, the Library sent a response to the City's letter dated May 12, 2008, outlining their understanding of the City's commitment to budget \$1.5 million for their project. They stated that the Board of Trustees is willing to agree to reimburse the City for its costs in acquiring the property and demolishing the structures up to the \$1.5 million if construction of the Library does not begin by January 1, 2013. In addition, the Library has requested that the City include a Phase I Environmental Site Assessment as part of the land acquisition process.

Staff would request authorization to have the City Attorney finalize a Memorandum of Understanding to be approved by the Mayor and Council, the Washington County Commissioners, and the Library's Board of Trustees. Other authorization steps would include having staff move forward on the acquisition of the subject properties and authorize the City Attorney and staff to utilize condemnation, if necessary.

It was the general consensus to move forward with the acquisition of the property for the library expansion and to utilize condemnation, if necessary. William Nairn, City Attorney, stated the condemnation should not occur until the contract is in place with all three parties.

Rapid Lube

Rapid Lube is requesting Mayor and Council consideration of some type of tax rebate or economic development incentive to help with the financial burden that has occurred since the start of construction at the intersection of West Church and North Jonathan Streets.

In an effort to assist this business, the City has placed additional signage stating that Rapid Lube is accessible, and Engineering continues to reassess the sign situation. Additionally, the City has advertised on the back page of the Herald Mail and placed radio ads on WJEJ. Unfortunately, the owners have reported that the signs and advertising have not had the impact that was hoped.

Staff would not recommend a tax rebate for several reasons including charter limitations, and setting a precedent. Staff would, however, recommend some type of economic development incentive. Keeping in mind that there are other businesses in that area that have been impacted by this construction, staff recommends some type of advertising and marketing program for the businesses in the area that have or will be impacted by the construction. This program could be similar to the one used for the first block of South Potomac Street during the sidewalk and street improvement project.

Other businesses have contacted the City in regard to loss of revenue as well.

Councilmember Cromer pointed out the loss of revenue for some businesses may be as a result of the economy.

It was the general consensus to place additional signs in the area and to increase the advertising as a marketing plan for the entire area.

EXECUTIVE SESSION – August 12, 2008

On a motion duly made by Councilmember K. S. Cromer and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to meet in closed session at 5:17 p.m. to consider the acquisition of real property for a public purpose and matters directly related thereto, #3. 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, Economic Development Director Deborah Everhart and City Clerk Donna Spickler. The topic was to determine if there was interest in acquiring

three separate properties at various locations throughout the City. No formal action was taken at the session. The meeting was adjourned at 5:59 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: September 23, 2008