

WORK SESSION AND EXECUTIVE SESSION – SEPTEMBER 4, 2007

WORK SESSION – September 4, 2007

Mayor R. E. Bruchey, II called this Work Session and Executive Session of the Mayor and City Council to order at 4:03 p.m., Tuesday, September 4, 2007, 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, and D. K. Spickler, City Clerk.

Lobbyist for Transportation Projects

Staff is requesting that the Mayor and Council consider a proposal from the Greater Hagerstown Committee to seek State and Federal funds for transportation projects.

In March of this year, the City Council endorsed a map that shows the list of priority road projects within or adjacent to the City of Hagerstown. The purpose of this map was to establish the priorities for future projects in the coming years.

Recently, the Greater Hagerstown Committee discussed hiring a lobbyist to seek State or Federal funding for certain components of these projects. This is an effort that all of the local entities must work on together in order to secure State Highway or Federal funding. The plan is to seek funding of approximately \$ 50,000 per year from the County, City, Maryland Municipal League, businesses, and smaller towns. The Greater Hagerstown Committee is hoping to receive \$ 25,000 from the County and \$ 10,000 from the City each year. A steering committee would be set up and each government entity would have one representative for each \$ 5,000 contributed.

Noel Williams, Greater Hagerstown Committee, and Rodney Tissue, City Engineer, was present to discuss the request. Senator Donald Munson was also present.

The Community Transportation lobbyist group is similar to the community lobbying effort that has been in place for the past two years. Funding requests, in addition to lobbying for transportation, will be made. Mr. Williams indicated the group is looking to gain support for the process. The Chamber of Commerce would administer the effort. There would be a 10 member steering committee. Priorities would be reviewed annually. It is anticipated this would, initially, be a five year effort, from 2007 to 2012. Lobbying would begin at the State level and expand to the Federal level in 2009.

Long range projects include: I-81 widening, I-70 upgrade, Northeast by-pass study and commuter rail service. Short range projects include: US 40/Edgwood Drive, Eastern Boulevard, US 340/Keep Tryst Road and Southern Boulevard.

Councilmember Metzner expressed concern that city taxpayers are being asked to pay more than other taxpayers. The County should be representing City taxpayers as they do

County taxpayers. He mentioned the County approved the building of a home at the place where Paul Smith Boulevard is supposed to connect with Dual Highway.

Councilmember Brubaker stated some of these projects have not been presented to the Mayor and City Council for review. No plan has been approved for the Northeast bypass. He thanked the presenters for developing this proposal for consideration.

Councilmember Metzner pointed out the City approved funding for its portion of the Eastern Boulevard project. Councilmember Brubaker stated Eastern Boulevard, from Jefferson Street to Marsh Pike needs to be finished by the County. He doesn't understand the rationale for focusing on projects far outside the urban growth area.

Art Callahan, Greater Hagerstown Committee, suggested discussing this with the 2+2 Committee. Councilmember Metzner stated the County must decide where to best spend their money. He supports the projects, but many do not have an impact on the City.

Councilmember Parson-McBean is concerned that city residents will be providing funding one more time for a lobbyist that will support ideals that are on the fringes of Hagerstown. She thinks the City would benefit from the services of a Federal lobbyist. The City and the County need to prioritize the projects. She asked how the lobbyist will be selected. Brien Poffenberger, Chamber of Commerce, stated the steering committee would select the lobbyist.

Councilmember Metzner stated he thinks Eastern Boulevard is the top priority for the City.

Councilmember Brubaker would possibly support a regional, community effort if it is modeled after the plan for the joint lobbyist from last year. However, the project list would have to be more focused.

Mr. Williams indicated the steering committee could change the priorities.

Councilmember Parson-McBean stated she knows there are lobbyists who can provide the services the City needs.

Mr. Williams stated the same presentation will be made to the County Commissioners and the Washington County Chapter of the Maryland Municipal League. A decision is being requested by the end of September, 2007.

Mayor Bruchey stated the transportation needs that will economically benefit the community should be top priorities. It is important that the City has its own priorities. He thinks the plan for a transportation lobbyist is fair and reasonable. He will discuss the list with the County Commissioners.

Trick or Treat

The Mayor and City Council agreed to hold Trick or Treat Night on Wednesday, October 31, 2007 from 6:00 to 8:00 p.m.

Augustoberfest Charitable Foundation Salutes 20 Years of the Schmankerl Stube

The Augustoberfest Charitable Foundation would like to host a fundraiser event on May 16, 2008 from 5:00 to 10:00 p.m. at University Plaza. The event will feature German cuisine, entertainment and beverages. The meal would be a sit-down meal, and the event would hold seating for 250 attendees.

The Augustoberfest Charitable Foundation will also be saluting the Schmankerl Stube Bavarian Restaurant on their 20 years of service in downtown Hagerstown. The committee would like to hold the event at University Plaza. The committee has contacted and is working with Dr. David Warner of the University System of Maryland

The Augustoberfest Charitable Foundation will pay for any City services needed, which is estimated at \$ 850.

The Augustoberfest Charitable Foundation is asking the Mayor and City Council for permission to serve beer and wine to ticket holders of the event that are 21 years of age and older, and to exempt the event from the Open Containers Law. The Foundation would use the natural gated area of the Plaza and other fencing, if necessary for the perimeter. The Foundation would acquire any needed permits.

Members of the Augustoberfest Charitable Foundation were present at the meeting.

It was the general consensus of the Mayor and City Council to approve the fundraiser event on May 16, 2008.

Terps Boulevard

Due to the frequency of the comments from Myron Martin, owner of Martin's Elevator, staff understands that Council wishes to discuss this matter. Rodney Tissue, City Engineer, provided background information.

On one hand, there is a developer that wishes to completely build out his development prior to opening Terps Boulevard to thru traffic. On the other hand, there is a local businessman, Mr. Martin, who believes the road should be opened to the public immediately so that his truck traffic does not "surprise" the new residents in this development.

In an attempt to achieve a reasonable compromise, an agreement was established by staff and endorsed by the Planning Commission on November 29, 2006. The current

route that the trucks are taking to get to the interstate from Martin's Elevator involves the use of Rhode Island Avenue in the City, a residential street.

The following is provided for the Mayor and Council's consideration:

1. At the preliminary consultation for the project in December 2003, the Planning Commission directed the developer to design what would become Terps Boulevard as a "main road in the development as a connector between Maugansville Road and MD Rt. 58. This road should be designed to handle significant traffic. The Planning Commission would like to see multiple turn lanes, a landscape median, traffic calming measures, etc."

Mr. Tissue notes the road was designed to convey trucks and is superior in all regards to Rhode Island Avenue for conveying trucks.

2. No driveways enter onto Terps Boulevard. All residential driveways are located off adjoining minor streets and no homes front on Terps Boulevard.
3. The paving of Terps Boulevard is a "major collector" class paving section and therefore, can handle truck traffic.
4. Earlier this year, when Mr. Martin was complaining about the lack of information being conveyed to potential home buyers, Mr. Tissue made a decision to install a sign to note that thru traffic would eventually use Terps Boulevard. Note that the signs do not mention "trucks" or the volumes, but the signs can be modified.
5. It is not possible to sign Rhode Island and Terps Boulevard for "no truck traffic" as trucking companies on Florida Avenue must have reasonable ingress/egress to their businesses. Excluding trucks on one street forces them onto others.

Mayor Bruchey asked if truck traffic on Marshall Street could be restricted to city owned businesses only. This may not be possible legally.

Councilmember Metzner hopes to meet with Mr. Martin to discuss the situation next week. He believes the solution is to make sure there aren't 300 trucks traveling on Marshall Street and Rhode Island Drive. He would suggest alternate routes with the opening of Terps Boulevard. He thinks Mr. Martin has finally convinced the Mayor and City Council it is dangerous for his trucks to be traveling in the City of Hagerstown.

Councilmember Cromer stated she is not sure it will be as dangerous as has been indicated. She understands Mr. Martin indicated he will use Terps Boulevard instead of Marshall Street. She stated Mr. Martin should lobby the developer, who is constructing

the road, to open it. She is concerned that Mr. Martin has stated there will be 300 trucks per day on Terps Boulevard.

Councilmember Brubaker stated this project has been discussed since 2003, when the Planning Commission reviewed the plans.

Councilmember Nigh asked what part of the project is Phase 1 and which is Phase 2.

Terps Boulevard is not owned or maintained by the City and the City cannot make the decision to open it. Councilmember Nigh pointed out that when the road is dedicated to the City, maintenance will be the City's responsibility.

It was the general consensus to keep the existing signs on Terps Boulevard.

Councilmember Parson-McBean thanked Mr. Martin for taking advantage of the political process.

#### US Rt. 40 – Retrofit Sidewalk Program – Use of Grant Fund

The City has received a \$ 100,000 grant from the Maryland State Highway Administration for the installation of sidewalks along US Rt. 40. This is a 100% grant program and can be used anywhere on US 40 to enhance the sidewalk system. Two options are available to install the sidewalks. The first option is on the Dual Highway between Richardson's Restaurant and Manor Drive. This would be a continuation of the sidewalk program that was started several years ago to enhance sidewalks on the Dual Highway. The ultimate goal is to have sidewalks along that side of US 40 from the downtown to Eastern Boulevard.

The other option is in the west end along US 40 in the vicinity of Wakefield Road, Devonshire Road, and Nottingham Road. This is a residential area where no sidewalks exist on US 40. Sidewalk money would likely go further in this area but it is less likely that the sidewalks would be used by pedestrians to the degree that they would be adjacent to Manor Drive.

Staff is requesting that Council provide direction as to which location to use this grant money for sidewalk installation.

It was the general consensus to use the grant to install sidewalks on the Dual Highway between Richardson's Restaurant and Manor Drive.

Bruce Zimmerman, City Administrator, stated this grant has been a good resource for the City.

Councilmember Cromer would like to discuss the possibility of the City securing a contractor to repair sidewalks and curbs if there are a large number of homeowners in an area required to repair their sidewalks. The homeowners could divide the cost and it

would be more economical. It was the general consensus to include this discussion on a work session agenda.

Councilmember Parson-McBean stated Delegate Joann Benson has said there is additional funding available for sidewalk repair. Rodney Tissue, City Engineer, will research this.

#### September 25, 2007 Meeting with Washington County Delegation

The Mayor and Council are scheduled to meet with the Washington County Delegation at 2:00 p.m. on Tuesday, September 25, 2007 in the Council Chamber. A copy of the City's 2007 Legislative Priorities and a summary of the results of the 2007 Legislative Session were provided for the Mayor and Council's review.

Mayor Bruchey asked the Council to review the information and determine other issues to include by the next work session. He informed the group that the Maryland Municipal League has received a legislative request that would allow municipalities the right to collect city hotel/motel taxes. He would rather receive a portion of the Washington County hotel/motel tax.

#### City Administrator's Comments

*Bruce Zimmerman, City Administrator*, had no additional comments.

#### Mayor and City Council Comments

*Councilmember A. Parson-McBean* reported Building Community met with the Hagerstown Police Department and were able to come to a consensus of working together. She thanked the members of Building Community for their efforts.

*Councilmember M. E. Brubaker* is concerned there is continued pressure to focus on areas outside the Urban Growth Area. The Mayor and City Council have to focus on the community within the boundaries that are currently established for the next 20 to 25 years.

*Councilmember K. S. Cromer* supports the transportation projects discussed but she is frustrated that the City is not treated as part of the County. City residents are County residents as well. She will bring this issue to the 2+2 Committee for discussion. She indicated the County is waiting on the City for a counter proposal for revenue sharing. The County wants to use the current model for calculating the tax set off amount.

*Councilmember L. C. Metzner* informed the group there will be a yard sale at Hope Church at 920 W. Washington Street on Saturday, September 8, 2007.

*Councilmember P. M. Nigh* reported there was a traffic problem on Northern Avenue earlier today. She apologized to motorists who were caught in the traffic. She asked if

Mr. Hicks (who spoke during citizen comments in August, 2007) had been contacted regarding his sidewalk. Councilmember Metzner, Bruce Zimmerman and Rodney Tissue have all met with Mr. Hicks. She thanked the Secretary of Public Safety for implementing a new policy in which prisoners will be released from their home city rather than from the city where they are incarcerated. This should have a positive impact on Hagerstown. She asked everyone to keep Wanda Miller, Public Works, in their thoughts.

*Mayor R. E. Bruchey, II* announced Market in the Square will be held on September 6, 2007 and the City Market is open every Saturday. The first annual Autumn Arts Festival will be held in City Park on September 15 and 16, 2007. Activities will be held at the Hager House, the Roundhouse Museum, the Mansion House and the Museum of Fine Arts. Bluesfest and the City Park received recognition in the Hagerstown Magazine's Hot List Issue.

EXECUTIVE SESSION – September 4, 2007

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 5:29 p.m. to consult with counsel to obtain legal advice, #7, and to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, #4. No formal action was taken at the session. The meeting was held in the Council Chamber, 2<sup>nd</sup> floor at the City Hall. The meeting was adjourned at 6:20 p.m.

-

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: September 25, 2007