

WORK SESSION – September 5, 2006

Mayor Robert E. Bruchey, II called this Work Session of the Mayor and City Council to order at 4:02 p.m., Tuesday, September 5, 2006 in the Council Chambers at the City Hall. Present with the Mayor were City Council Members K. B. Aleshire, K. S. Cromer, L. C. Metzner, P. M. Nigh, and A. Parson-McBean, City Administrator Bruce Zimmerman, and City Clerk D. K. Spickler.

2006 Citizen Recognition Award/Board and Commissions Luncheon

The Boards and Commissions Luncheon is held annually to thank those individuals who serve as appointed volunteers on various City committees. This event helps to recognize volunteers as well as build community pride. Staff recommends that the luncheon be held at the Washington County Museum of Fine Arts at 12:00 p.m. on Friday, November 17, 2006.

It was the general consensus to hold the luncheon on that date.

Old County Jail Monument

In September, 2004, the Mayor and City Council approved the construction of the Old County Jail Monument and a maintenance agreement. The Public Works Department will assist in the installation of the monument.

This project has been revised and is being reviewed with the Mayor and City Council. The proposed wording on the two signs has been revised to include a tribute to Bill Mason and adding a statement about the African-American Historical Association of Western Maryland.

It was the general consensus to approve the revised wording and to continue with the project.

Southeast Road Improvement Assessment District Preliminary Discussion

Rodney Tissue, City Engineer, was present to discuss the Southeast Road Improvement Assessment District. As a follow-up to the recent Council discussions regarding improvements to Edgewood Drive and the rezoning of a portion of the Harrison Property to allow 180 residential units, Staff has developed a preliminary plan for an Assessment District in the southeast sector of the City. Similar to the Assessment District that was implemented for Eastern Boulevard in May 2004; the goal of this assessment district is for development to fairly share the cost of road construction based on the traffic that it generates.

This Assessment District may be an interim step prior to implementation of a City-wide impact fee. In the meantime, since there is no development fees charged for

specific road improvement projects in this area other than the excise tax, staff is suggesting the implementation of an Assessment District.

This is the first of several discussions on this matter. Staff is asking for direction on the following issues:

1. What road construction projects should be included in the model that we wish to obtain developer funding for?
2. What developments that are proposed in this sector of the City should pay into this Assessment District. What is the boundary of the assessment area?
3. What portion of the road improvement costs shall be covered by development fees and what portion by other City revenue?

Only the Edgewood Drive intersection improvements are included in this initial proposal; however, two other future road construction projects could be funded from this Assessment District. The Mt. Aetna Road/Route 40 intersection relocation and the construction of Southern Boulevard could be considered.

A map was developed indicating which future developments would pay into the Assessment District, including the estimated evening peak hour traffic they would generate. All the development will collectively create over 5000 PM peak hour trips, which would more than double the traffic on the existing road network.

The assessment fee is the cost of the proposed road construction projects divided by the total number of trips generated by the proposed development yielding an assessment fee per trip. Developing an additional road-assessment fee needs to be carefully considered. A suggested fee is in the range of \$ 300 to \$ 400 per trip. Residential development, which typically generates fewer trips, could likely bear higher per trip rates. Residential units are currently paying \$ 13,000 to \$ 15,500 per unit in excise tax.

As an interim measure, staff recommends that Council pass the needed ordinance to adopt an assessment fee for this sector of the City. Staff recognizes that development is already paying excise tax and other development-related costs.

Mr. Tissue stated the Mayor and City Council will need to determine which construction projects to fund from this proposed assessment fee. Councilmember Metzner stated if the hospital approaches the City for annexation, they would have to determine what their contribution would be towards road improvements. Councilmember Metzner asked if annexation will be required for government uses, such as a new school. Councilmember Aleshire stated an annexation agreement should be required for water or sewer service, as established in the annexation policy. Councilmember Aleshire stated the basic question is whether or not the excise tax is sufficient to cover improvements and

expansion of roads in the county. He stated determining an assessment fee based on the number of road trips would be too difficult. If something other than the excise tax is considered, he stated it would need to be City wide.

It was the general consensus of the Mayor and City Council to discuss an impact fee for the City.

#### Joint Service Area (JSA) Expansion Request

Michael Spiker, Director of Utilities, was present to discuss a Joint Service Area expansion request. The owners of the Hunter Hills Apartments requested that the Washington County Department of Water Quality provide public sewer services to the property. This request was included in the recently approved Joint Service Area request with the Halterman Property. Due to the different nature of this request, a decision was made to present it as a stand alone issue. There are currently 105 apartments on the property and 20 acres of undeveloped land that the developer hopes to develop into approximately 60 duplex homes. The apartments are currently served by a privately owner sewer treatment facility designed for treatment of 30,000 gallons per day (gpd) of effluent. City Staff has met with the owner of the property who has expressed his desire to no longer operate the privately owned package plant and has requested public sewer service, which will in turn better facilitate the proposed development of the remaining property.

The City of Hagerstown has the following options: Deny the request and allow the Washington County Department of Water Quality to provide sewer service. Approve a JSA Agreement, assume ownership of the package plant and operate it as permitted. Approve a JSA Agreement, supply public sewer services to the property, remove the package plant from service, and request that MDE transfer the associated nutrient credits to our Wastewater Treatment Facility. Staff has contacted MDE in regard to the nutrient credit transfer. At this time, MDE responded with information stating that they would consider our request, as they have done with other requests of this nature, on a case by case basis. Staff will be meeting with MDE staff on September 9<sup>th</sup> to discuss this, and other issues.

In order to facilitate the approval of the pending Joint Services Area Agreement for the raw parcel of property adjacent to the Hunter Hills Apartment Complex, Mr. Spiker presented a Memorandum of Understanding between the owners of the aforementioned property and the City of Hagerstown. Mr. Scott Wade has retained legal counsel to represent the interests of the property owners in their interactions with the Maryland Department of the Environment. Mr. Wade has also solicited the assistance of ARRO Consultants in regard to the engineering and design elements of the existing package sewage treatment facility. Mr. Wade has continued to work through business issues in regard to the operation of the package plant versus the removal of the facility and the request to enter into a JSA Agreement with the City of Hagerstown for the apartment complex. The Wastewater Department does not desire to manage the stand alone package treatment plant. Mr. Wade has stated "I do not want to be in the sewer business", but does

not possess the required information to make a valid business decision at this time in regard to negotiating the value of the package plant and the associated value of the nutrient credits that could conceivably be transferred to our Frederick Street Facility.

The Utilities Department of the City of Hagerstown is assisting in this process and therefore would recommend that the raw parcel be considered for inclusion into the joint services area as we work jointly through the process with MDE.

Mr. Spiker stated MDE is reviewing this proposal. He expects to receive direction from MDE later this week. It was the general consensus to move forward with the approval of the JSA expansion request and the memorandum of understanding.

The Community Free Clinic City Funding was then discussed to allow time for Mr. Miller to arrive at the meeting

#### Community Free Clinic City Funding

The City has received a request from the Community Free Clinic for an additional \$ 10,000 to assist with operating expenses and \$ 27,000 to pay the cost of repairing the roof of their facility.

The additional \$ 10,000 will bring the City's annual contribution to \$ 50,000 which will match that being provided by the County. The FY07 CDBG budget provides the Clinic \$ 40,000 to pay a portion of the cost of patient laboratory test fees. There are sufficient CDBG funds available to assist the Clinic with the additional \$ 10,000 without exceeding the 15% Public Services limit.

The clinic has been experiencing roof leaks. They have received a quote of \$ 27,000 for the repairs, subject to change when the roofing material is removed. With few exceptions, CDBG funding to non-profits for capital improvements has historically taken the form of a loan, with the vast majority of these loans requiring a monthly principal and interest payment. Based upon the clientele served and its financial condition, staff recommends the City make the Clinic a deferred, 0% loan for \$ 30,000 (\$ 27,000 repair quote and \$ 3,000 to cover contingencies) to pay the cost of roof repairs.

Mayor Bruchey distributed a copy of the Clinic's financial statement for review.

Councilmember Nigh asked if the Clinic owns the building. Alfred Martin, Finance Director, stated the Clinic owns the building. Councilmember Metzner expressed his concern that information concerning the purchase of the building and donations received has been very limited.

Mayor Bruchey stated the money given to the Clinic through the Community Development Block Grant is for the procurement of medications. He asked the County for assistance and they are willing to help. The Clinic did not ask for money for the roof,

he offered it. If money was provided to replace the roof, there would be more funding available for medical assistance.

It was asked if there is a clause that the building cannot be sold. Councilmember Cromer stated another contractor may be able to do the roof work for less money. She will check on this.

Councilmember Metzner stated the request for information regarding the Clinic's financing is not meant to be mean or nasty. The Council has the responsibility of asking responsible questions. He is not opposed to providing the funding.

Councilmember Nigh asked for a listing of the people served at the Community Free Clinic and the Walnut Street Clinic. She wants to make sure local people are being served.

It was the general consensus to approve the additional \$ 10,000 and to wait for further information before proceeding with the funding for the roof replacement. Councilmember Aleshire noted he would not be in favor of funding to replace the roof. The roof request will be discussed at a future work session.

#### Update on Animal Control Ordinance Discussion

Chief Arthur Smith and Paul Miller, Director of the Humane Society, were present to discuss a revised Animal Control Ordinance.

Mr. Miller indicated a task force reviewed the existing ordinance in 2004. The group discussed concerns about the County ordinance and developed a section to deal with dangerous dogs. The revision also includes a leash law. The revised ordinance was submitted to the County Attorney's office. There has been no further review at this time.

There are two options for the Mayor and Council to consider. The Mayor and City Council could adopt their own leash law or approach the County Commissioners and ask them to adopt the revised animal control ordinance that has been presented. If the City adopts its own leash law, the enforcement issues would have to be determined.

Members of the 2+2 Committee will inquire about the status of the revised ordinance. Mr. Zimmerman will contact the County Administrator.

Councilmember Metzner suggested prohibiting motorized vehicles (motorized skateboards) in City parks. It was the general consensus to review the policy for dogs in city parks and to determine the status of the revisions to the County's Animal Control Ordinance.

Councilmember Metzner suggested this may be a good time to discuss a review of the Charter and Code.

### Mayor's Taskforce on Homelessness

Mayor Bruchey is developing a taskforce to discuss the homelessness issue in our community. Homelessness not only affects the homeless individual or family but also the business community, City and County resources, and the resources of many providers and citizens. He is convening a taskforce of a diverse group of individuals to better understand the problem and begin a dialogue about long lasting solutions.

The taskforce will seek to gain an understanding of homelessness, the effects of homelessness on the community, review solutions to the issue from a "best practices" perspective and develop recommendations to present to the community that will have a positive impact.

### City Administrator's Comments

*Bruce Zimmerman, City Administrator* thanked the police department for their vigilance in working on the problems at Meda's tavern. The next hearing before the liquor board will be on September 13, 2006.

### Mayor and Council Comments

*Councilmember A. Parson-McBean* thanked all the community services personnel for keeping the streets safe over the holiday weekend. She has been receiving calls about the activities at Cancun Cantina.

*Councilmember K. B. Aleshire* stated if street closures are going to occur on a regular basis, it should be discussed at a meeting. He reminded everyone the primary election is being held on September 12, 2006.

*Councilmember K. S. Cromer* mentioned the annual Alsatia Mummers Parade will be held on October 28, 2006. She stated RelocateAmerica.com has named Hagerstown as one of the top 100 cities. She asked if a retired police officer is reimbursed for time spent in court after the retirement. Councilmember Metzner stated they should not be, as they are no longer employed by the City. Mayor Bruchey will check into this.

Councilmember Aleshire left the meeting.

*Councilmember L. C. Metzner* stated Staff discussed the need to inspect vacant buildings for public safety several weeks ago. There was a fire fatality in a vacant building since that discussion. He stated something needs to be done. The inspection would be for the good of the community. He stated two buildings on West Franklin Street are not boarded up and there will soon be three corners vacant at the Jonathan Street and Franklin Street intersection. He stated the Department of Parole and Probation should not be located on this corner; it should be in the court building. The City needs to do something to rejuvenate this area. He has discussed some ideas with Mayor Bruchey.

He believes the Mayor and Council have made the right decision to keep the City election in May.

*Councilmember P. M. Nigh* stated the lease for the use of the Fairgrounds Entrance Building by Citizens on Patrol should be ready for approval soon. Work will begin in mid-September. She agreed that the Department of Parole and Probation should be relocated. She stated permits are required for work within the City limits and she will report any work being done without a permit.

*Mayor R. E. Bruchey* expressed condolences to the families of Lily Mason (widow of Bill Mason) and Lee Brandenburg (Mayor of Keedysville). He stated a September 11 Remembrance Service will be held in the Council Chamber on September 11, 2006 at 8:30 a.m. He thanked all the volunteers, sponsors and city departments for making Augustoberfest a success.

He stated the street closing mentioned by Councilmember Aleshire is a work in progress at this time. He will be bringing information to the Council.

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 5:40 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved:\_\_\_\_\_