

WORK SESSION – SEPTEMBER 11, 2007

Mayor R. E. Bruchey, II called this Work Session of the Mayor and City Council to order at 4:03 p.m., Tuesday, September 11, 2007, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers M. E. Brubaker, L. C. Metzner, P. M. Nigh and A. Parson-McBean; City Administrator Bruce Zimmerman, City Attorney John Uner, and D. K. Spickler, City Clerk. Councilmember K. S. Cromer was not in attendance.

2007 Citizen Recognition Award/Board and Commissions Luncheon

The Annual 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.

The luncheon will be held at the Washington County Museum of Fine Arts at 12:00 p.m. on Friday, November 16, 2007.

Karen Giffin, Director of Community Affairs, announced the first Autumn Arts Festival will be held throughout City Park on September 15 and 16, 2007. This is an expansion of the former Jonathan Hager Days.

Fireworks at Fairgrounds Park – July 4, 2009, 2010 and 2011

Karen Giffin, Director of Community Affairs, and Ted Bodnar were present. In 2008, the City of Hagerstown will be in the last year of a three-year contract with Fireworks Production, Inc. This contract is for the fireworks portion of the Fireworks at Fairgrounds Park Event.

In the past, Councilmember Metzner has asked City staff to work with Ted Bodnar to assist in hiring the same fireworks company that was used for the previous events. Mr. Bodnar has contacted the company, and they are willing to do the same display as in previous years for \$ 15,000 for each of the three years, (currently the cost is \$ 14,000 per year). If the Mayor and City Council approve, City staff would like permission to enter into another three contracts with Fireworks Production Inc. for the 2009, 2010 and 2011 Fireworks at Fairgrounds Park Event. The event is held on July 4 of each year.

Since the event also features entertainment, Staff would like to have the following budget for entertainment and other needs:

1. \$ 7,000 for entertainment
2. \$ 7,000 for advertising, trolley, entertainers' lodging, children's acts and other miscellaneous items

The costs have not been this great in the past for entertainment; however, this cost accounts for rising fees.

City staff would need to budget for City Services each year and this can be determined through the budget process. It was the general consensus to approve extending the contract.

CSAFE After School Programs

Chief Arthur Smith and Carolyn Brooks, CSAFE Director, were present to provide information about CSAFE. CSAFE after school programs have been apart of the CSAFE initiative Youth Prevention element since inception in 1998. CSAFE afterschool programs operate three days weekly commencing in October and ending in May. Participants are assisted with completion of homework assignments, are provided a nutritional snack, and enjoy supervised recreation. Enrichment includes but is not limited to field trips, guest speakers, arts and crafts.

Each program site invites 20 to 25 students from grades 3, 4 and 5 to participate. Students are recruited by mailing letters of invitation to parents and referrals from school staff.

The programs in Hagerstown have been recognized as one of the best in Maryland. They are monitored by unannounced site visits. CSAFE helps teach life skills and helps increase self-esteem. Character Counts is reinforced in day to day activities. The program provides information on gang prevention and gang intervention.

Gordon and Janet Bartels work with the CSAFE program. CSAFE helps these students cope with issues and provides a place for them to complete homework. The Bartels assist with a literacy program and tending a garden. The produce from the garden is taken home by the children for their families. There is no charge for the produce.

Misty Winter, Antietam Academy Middle School counselor, stated a total of 38 students were involved in the CSAFE program at Eastern Elementary. Many of these students would have no supervision if they were home. The program included a homework club. The size of the classroom limited the number of students.

Councilmember Parson-McBean asked for information regarding CSAFE in order to speak to Governor O'Malley about additional funding for the program.

Chief Smith stated, from a law enforcement standpoint, the best investment to be made is to help improve the lives of "at risk" children and give them a stake in the community.

Councilmember Parson-McBean is concerned the funding streams are the same as they have always been and no new funding is being brought in. She is concerned that more money goes toward policing than teaching and helping children.

Mayor Bruchey recognized that Luis Vitalli, Antietam Troop 265, was present. He is working to obtain a merit badge.

Extension of Sewer Allocation Deadlines for New Residential Development

Kathleen Maher, Planning Director, presented a proposal to extend the sewer allocation deadlines for new residential development projects in the City to December 31, 2009.

This recommendation is being made because the market slowdown and the impact of the excise tax have slowed the pace of residential permit activity considerably and as a result, deadlines are beginning to fall on sewer allocations made to approved development projects within the city.

Staff feels that the extension of the deadlines is crucial to protect the economic viability of these approved development projects within the city and to protect the investments which have been made on infrastructure and home purchases in the in-progress developments. In addition, staff feels that it would not be advisable to withdraw sewer allocation from legally platted and recorded lots.

Staff feels that December 31, 2009 is a reasonable new deadline date, because builder's reports indicated that the market slowdown should begin to ease by the end of 2008 and that residential permit activity should pick up again in 2009.

It was the general consensus to extend the sewer allocation deadlines for new residential development within the city to December 31, 2009.

Amendment of Residential Rehab Tax Credits Program

Kathleen Maher, Planning Director, was present to discuss a proposal to amend the Residential Rehab Tax Credit Program to allow new units created through adaptive re-use projects to be eligible for the program.

Last month, Sharon Disque presented the recommendations from the Upper Floors Report for local government actions to assist with adaptive re-use and re-occupancy of upper floors downtown. One of the observations was that the Residential Rehab Tax Credit Program which the City and the County adopted prohibits use of the program for newly created units. This provision was attempting to prevent further subdivision of existing residential property into multi-family units and inadvertently also prohibited creation of new residential units through adaptive re-use of nonresidential spaces.

Staff recommends that the Mayor and City Council amend Section 223-13 of the City Code by altering subsection C6 as follows:

6. No additional residential units shall be added to ~~the existing residential~~ property; **however residential units may be created through adaptive re-use of nonresidential space if zoning permits such activity.**

It was the general consensus to introduce an ordinance to amend the City Code by altering subsection C6 to amend the Residential Rehab Tax Credit Program.

Ordinance Amending Fire Prevention Code

Gary Hawbaker, Fire Chief, and Tom Brown, Fire Marshall, were present to discuss amendments to Chapter 98, Fire Prevention of the City Code. Chief Hawbaker stated Mr. Brown will be retiring after many years of service.

The primary reason for the amendment is to update the Municipal Infraction section to match the identification numbers that recently changed in the national codes. This also provides an opportunity to “cleanup” some of the language and request changes based upon our experience with legal and illegal fireworks during the past few years. An amendments proposed to change the title of Assistant Fire Marshal to “Deputy Fire Marshal” so that all personnel statewide are identified by the same nomenclature, and indicating that personnel statewide having this title meet the same training and certification standards. The proposed amendments have been reviewed by Mark Boyer, City Attorney.

There could be a minimal increase in general fund revenue because of the addition of Municipal Infractions and fees for illegal fireworks.

It was the general consensus to proceed with the amendments. An ordinance will be presented for introduction on September 25, 2007.

Homestead Real Estate Tax Credit Percentage (Cap on Assessment Growth)

During the 2007/08 budget review process earlier this year, the Mayor and Council expressed an interest in reviewing the City’s decision last November to join the County in lowering the cap on the growth in owner occupied real estate assessments from the maximum allowed growth cap of 10% under State law to a lower 5% cap amount for the 2007/08 fiscal year. There was some discussion of whether it would be more beneficial to lower the tax rate by a cent or two, rather than cap the assessment growth at a lower maximum percentage. The State did not lower its cap. If the City and County were planning to make a change in these caps for the 2008/09 fiscal year, the decision would need to be made and the State Department of Assessments and Taxation notified by November 15, 2007.

Alfred Martin, Finance Director, presented a comparison of the effect of a 110% - 105% Assessment CAP and a one cent tax rate reduction on an owner occupied, principal residence. Review of sample bills show the 105% annual assessment growth CAP is more beneficial to the homeowner than a one cent reduction in the City tax rate. The CAP showed an annual savings of \$ 62.66. Reduction of the tax rate by one cent showed an annual savings of \$ 17.28.

Councilmember Metzner asked how the State is identifying owner-occupied properties. Mr. Martin indicated the State reviews mailing addresses and property addresses.

Councilmember Metzner asked for information about other municipalities that have approved a tax CAP. He would not recommend changing the CAP at this time. He would like to see how the City's tax rate and assessment values compare with other municipalities. He is also concerned about the trickle down effect to renters. He asked if the City could have a different tax rate for owner occupied homes, rental properties and other classifications. Mr. Martin will gather more information.

It was the general consensus of the Mayor and City Council to keep the tax CAP at the current level.

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.

Councilmember Parson-McBean would like to discuss the Doleman Black History Museum, an idea for a water park in Hagerstown, and funding through a program similar to the Neighborhood Improvement Program with the Delegation.

Councilmember Brubaker believes the library expansion project is the single, most important project for downtown. The project will need strong Delegation support.

Councilmember Metzner stated the City should insist on receiving its share of the hotel/motel tax or an explanation as to why the revenue generated from within the City limits could not be allocated to the City. He doesn't think any other topics should be discussed.

Mayor Bruchey pointed out the City received support from the Delegation last year on several projects, i. e. Central Booking and the Barbara Ingram School for the Arts. Revenue sharing was not discussed in depth last year.

Councilmember Brubaker pointed out that the City receives a lower percentage per capita of Program Open Space funds than other municipalities in Washington County.

Mayor Bruchey indicated the MML Legislative Committee will be discussing hotel/motel tax revenue for municipalities and other revenue options. The Committee will consider asking for enabling legislation allowing the municipalities to impose their own hotel/motel tax. He believes there may be options available but additional revenue will be offset by reducing other revenue from the State.

Councilmember Nigh is concerned that the Mayor and City Council are not recognized as a government.

City Administrator's Comments

Bruce Zimmerman, City Administrator, no additional comments.

Mayor and City Council Comments

Councilmember A. Parson-McBean had no additional comments.

Councilmember M. E. Brubaker had no additional comments.

Councilmember L. C. Metzner expressed sympathy to the family of Gordon Lynn who passed away suddenly yesterday.

Councilmember P. M. Nigh asked that a notice be run on Channel 6 informing people of a meeting to discuss refugees in Hagerstown and Washington County on September 19, 2007. Councilmembers agreed to run this notice. A leash law is being drafted and will be presented to the Mayor and City Council in October. She reported a shuttle service is available for people employed in the Hopewell Valley. The service is provided by the Department of Social Services. A September 11 remembrance service was held in the Council Chamber this morning. A piece of stone from the Pentagon will be on display in the City Hall lobby.

Mayor R. E. Bruchey, II announced the Remembrance Service will be re-broadcast on Channel 6 on September 11 and September 12, 2007.

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 5:38 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: September 25, 2007