

SPECIAL SESSION – September 20, 2005

Mayor Richard F. Trump called this 8th Special Session, Work Session and Executive Session of the Mayor and City Council to order at 4:00 p.m., Tuesday, September 20, 2005 in the Council Chambers at the City Hall. Present was Mayor Trump, City Council Members K. B. Aleshire, K. S. Cromer, L. C. Metzner, P. M. Nigh and A. Parson-McBean, City Administrator Bruce Zimmerman, City Attorney Bill Nairn and City Clerk D. K. Spickler.

PUBLIC HEARING – FY 2004/2005 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT

Each year, the City of Hagerstown must submit to the U.S. Department of Housing and Urban Development a Consolidated Annual Performance and Evaluation Report (CAPER). The purpose of the CAPER is to permit City officials, HUD and the general public to review the activities undertaken utilizing Community Development Block Grant Funds (CDBG), determine if the City is meeting the regulatory requirements of the CDBG program, and to evaluate the City's progress made in meeting the goals established in its five year Consolidated Plan.

This CAPER provides details of the operation of Hagerstown's CDBG program for the fiscal year from July 1, 2004 through June 30, 2005. The budget for the program during this period was \$ 3,306,202 which included a grant of \$ 1,159,000 from HUD, anticipated program income of \$ 1,198,658 and carryover from the previous year of \$ 948,544. Expenditures for the period totaled \$ 2,745,122. Excluding \$ 370,303 spent on general administration, fair housing and planning, the amount expended on projects total \$ 2,374,819 of which \$ 2,147,063 or 90.41% went to activities directly benefiting low and moderate income persons. This is the third of the three year certification period, during which at least 70% of the amount expended on projects must benefit low and moderate income persons. For the three year period ending on June 30, 2005, \$ 6,636,549 or 93.60% has benefited this population.

There was no testimony concerning the CAPER presented.

The hearing was closed at 4:05 p.m.

WORK SESSION – SEPTEMBER 20, 2005

On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to call to order the Work Session for September 20, 2005.

Mayor's Report

Mayor R. F. Trump stated the collection for items for Hurricane Katrina victims is going very well. Seven truck loads have been sent to Mississippi. He thanked the community for their efforts.

The annual Chamber of Commerce Celebration of Business will be held on September 29, 2005. Thomas Newcomer (R. Bruce Carson Jewelers) and Carol Norton (Carol and Company) are being honored.

Firefighting Book and Radio Show

Captain Justin Mayhue just recently published his second book on Hagerstown Firefighting history. He has spent hundreds of hours researching and talking to people to make sure the proud history of the department is not lost forever. The first volume features information on the motorized equipment. The second volume is a chronological history. Copies of the books may be purchased at various bookstores, Hallmark stores and the Visitor's Center. The cost is \$ 20.00 each.

Public Educator Mike Weller has started a weekly radio program entitled "Good News Hagerstown" on WJEJ 1240 AM. He plans on talking about the good things that are happening in the City every Wednesday at 2:00 p.m. The department is extremely fortunate to have Public Educator Weller who is recognized as one of the top Public educators in the Country.

Refugee Placement Program

Martin Ford, Maryland Department of Human Resources, was present to discuss the arrival of Meskhetian Turkish refugees in the community. David Engle and Roslyn Martin, Department of Social Services, were also present.

Mr. Ford stated Rev. Heath had been scheduled to attend this meeting but he was unable to do so because he is assisting with Hurricane Katrina relief efforts.

There is a federally funded office to resettle immigrant refugees. These refugees are entitled to benefits from the time they arrive. The Virginia Council of Churches has helped approximately 800 refugees resettle in Maryland in the past few years. There were 90 refugees located in Hagerstown last year. It is expected there will be 140 refugees this year. The refugees will receive English language instruction through the Department of Social Services. The program has been successful and most refugees have been employed within five months.

Mr. Engle stated Washington County has a very successful Welfare to Work program. The

program has reduced the number of cases from 1,500 to just over 300. Ms. Martin is the director of this program. She helps these people become integrated into the community. There is Federal and State support available for these efforts. The Department of Social Services will be working with other agencies to address additional needs of these families.

Councilmember Parson-McBean asked if Hagerstown has a choice in accepting these refugees. Mr. Ford stated refugees are re-locating to Hagerstown now. He suggested that the Mayor and City Council contact the Virginia Council of Churches if they have concerns.

Councilmember Parson-McBean stated her concern is that additional residents will add to the problem of limited affordable housing.

Councilmember Cromer asked what services the Virginia Council of Churches provides. Mr. Ford stated the Council places the refugees and then the Department of Human Resources helps with other needs.

Councilmember Nigh asked where the funding comes from. Mr. Ford stated it is Federal funding. Funding is provided for eight months and most refugees find a job within five months. Councilmember Nigh asked if the homes will be overcrowded. Mr. Ford stated he doesn't believe there will be a negative impact on housing. Councilmember Nigh stated she believes it will because of the Hurricane Katrina victims who are coming to this area.

Councilmember Nigh asked if there could be a problem with refugees not receiving vaccinations. Mr. Ford stated this program is 25 years old and, as far as he knows, there have been no disease problems.

Councilmember Aleshire asked how the Council of Churches chooses the number of refugees to be placed in a certain location. Mr. Ford stated there are affiliates all over the country. He is not sure how the numbers are chosen.

Councilmember Aleshire asked if the programs already in place in a community have an effect on the decision. Mr. Ford stated they look at housing costs, potential employment opportunities and the safety of the community. There are some states that do not participate, in part because they don't have a location of an affiliate.

Councilmember Aleshire stated he is concerned that the elderly in the community may not be able to find housing. Mr. Ford stated this population, in general, is young. Unlike immigrants, they are immediately eligible for medical and employment assistance.

Mayor Trump stated he welcomes them with open arms.

Use of Contracted Services

Rodney Tissue, City Engineer, and Eric Deike, Manager of Public Works, provided follow-up information to the Council's discussion surrounding the "street tree/sidewalk repair" contract that focused on the use of contracted services. When considering the overall workload and priorities, specifically in right-of-way maintenance, Staff advocates a balanced approach of using contracted services to supplement work that the Public Works staff completes. They recommend that the needed services be evaluated, such as sidewalk repairs, installation of handicapped ramps, etc., and contract with private firms when a reasonable evaluation indicates it is in the best interest of the City to do so.

The following is a comparison of some major services and how they are historically delivered in Hagerstown:

1. Trash collection - Contract: Residential Collection; In-House: collect from City properties and downtown street cans
2. Tree planting – Contract: Majority of street trees using Forest Conservation Act funds; In-House: all park trees, some street trees, all routine tree maintenance
3. Pavement maintenance – Contract: Overlays, crack sealing and major repairs; In-House: Prep work before overlays, pothole filling, curb patches, all snow removal
4. Stormdrain maintenance – Contract: Only major reconstructions; In-house: all inlet replacements and minor reconstructions
5. A.D.A. Compliance – Contract: All handicapped ramps at City streets and alleys; In-House: Some park compliance issues
6. Pavement markings – Contract: Marking newly overlaid streets, painting "long" lines; In-House: most maintenance of arrows, crosswalks, and painting parking spaces
7. Signs and traffic signals – Contract: Most new signal installations, little if any sign installation; In-House: all sign work, all traffic signal maintenance and some new

traffic signal construction

8. “City Owned” curb and sidewalk replacement – Contract: All curb work and most sidewalk; In-House: some sidewalk and most associated street patching
9. Public Buildings – Contract: Only specific major construction; In-House: most construction and almost all maintenance

Staff believes this balanced approach takes advantage of the skills, funds, and resources in an effective way to get infrastructure improvements completed. The main reasons for contracting services are to save money, projects can be completed quicker with less disruption, and in-house workload is significant. Contracting is useful to supplement what staff is doing. It does not “take away” work that leaves staff idle. Rather, it allows work to be done quickly. The current Public Works project workload for the next 4 to 6 months includes: sidewalk repairs due to street tree damage, continuous storm drain repairs, remodeling of the Central Maintenance Garage, the Accounting Office and the Engineering office, painting projects, bridge maintenance and repair of the stream walls along Marsh Run.

In the case of the “street tree-sidewalk repair” contract, the three reasons for contracting are met, so contracting is advisable

Councilmember Cromer asked if the trees were planted by the City. Mr. Tissue stated some are cases of the wrong tree being planted and others were the problem of not enough room to plant the tree in the first place. Councilmember Cromer asked why the property owner is not responsible for the sidewalk repair. Mr. Tissue stated the ordinance states the City will take care of damage caused by the planting of street trees.

Some of the trees may be removed. In other cases, changes would be made so the sidewalk is not broken again.

Councilmember Parson-McBean asked if the contractor would do this. Mr. Tissue stated they would, but Public Works would still have to go and inspect each location.

Councilmember Nigh asked if the contracts are yearly agreements. Mr. Tissue stated they are all done differently. It depends on the project and the situation. Councilmember Nigh stated she is concerned about the length of the contracts because of the time it took a contractor to complete work with the Water/Sewer Department.

Councilmember Nigh asked where the money comes from to cover the cost of the contractor for abatement of sidewalk problems. Mr. Tissue stated the property owner is responsible for payment and if they do not pay, a lien is placed against the property.

Mayor Trump thanked Staff for the additional information. He suggested developing a policy so that most contracts do not have to be approved by the Council.

Councilmember Aleshire and Councilmember Metzner stated they were in favor of awarding the contract for sidewalk repairs to Concrete Central. Councilmember Cromer, Councilmember Nigh and Councilmember Parson-McBean requested more time to consider the information presented before making a decision.

Preliminary Agenda Review

Bruce Zimmerman, City Administrator, stated there are two public hearings scheduled for September 27, 2005. One is a rezoning case and the other is on the water and sewer user fees.

Councilmember Metzner asked why another public hearing was being held for the rezoning request from Strategic Resources (a portion of the Harrison tract on Howell Road). Stuart Bass, Comprehensive Planner, stated a public hearing was held for this request but the applicant withdrew the request before the Mayor and City Council made a decision. Councilmember Metzner stated he thinks the three incumbents had no intention of granting the rezoning request before the election and he doesn't believe that opinion has changed.

Mr. Zimmerman stated Staff understands Councilmember Metzner's concerns. Kathleen Maher, Planning Director, stated the applicant understands and they still want to proceed with the rezoning request.

Mayor Trump asked when the Planning Commission recommended approving the rezoning request. Ms. Maher stated the Planning Commission recommended approval both times they discussed it. Mayor Trump stated he sees a need to discuss with the Planning Commission whether or not the Council is pro-growth and willing to accept compromises on some issues or anti-growth and oppose everything that is brought to the table.

Councilmember Aleshire stated anti-growth is a conflicting term to use for a group that is trying to promote growth in an intelligent manner.

Mayor Trump stated the chair had not recognized Councilmember Aleshire. Councilmember Aleshire stated it would be a case of unintelligent growth to approve a large development before knowing how the development will affect a road with an intersection that is already failing. Mayor Trump stated Councilmember Aleshire finds every objection possible to limit growth.

Councilmember Metzner stated Mayor Trump was out of order. Mayor Trump stated Councilmember Metzner was out of order. Councilmember Metzner left the meeting room at

this time. Mayor Trump stated it was time to take a pro-active approach to move growth forward and be involved in the process of determining where schools should be located and other issues.

Mr. Zimmerman suggested working through this request at the Staff level with the City Attorney to share the Mayor and City Council's concerns with the applicant. It can then be determined if the Mayor and City Council would be able to postpone the public hearing. Mr. Bass indicated there is a mandated process for rezoning requests and he isn't sure if the public hearing can be postponed.

Councilmember Parson-McBean stated the Council is for positive growth and responsible growth.

Councilmember Cromer and Councilmember Parson-McBean left the meeting at this time.

City Dumpster Program

Eric Deike, Manager of Public Works, stated one bid was received for the Fall (2005) and Spring (2006) Dumpster Program. The bid is from Allied Waste Systems in the amount of \$ 95.00 per dump and \$ 45.00 per ton in tipping fees.

Councilmember Aleshire asked if this program has helped with articles being placed on the sidewalks. Mr. Deike stated the program has helped with this and the manpower costs have been reduced.

All Councilmembers returned to the meeting at this time.

It was the general consensus to add the acceptance of the bid to the agenda.

Installation of Ramps for Handicap Accessibility at Public Alleys

Concrete Central, LLC submitted the only bid for the installation of ramps for handicap accessibility. The bid is not to exceed \$ 25,000.00. This item will be removed from the consent agenda and added to new business.

Sidewalk Relocation and Street Tree Planting on Maryland Avenue

Botanica Enterprises submitted the only bid for sidewalk relocation and street tree planting on Maryland Avenue, in the amount of \$ 27,940.00. Funding for this project is from Community Development Block Grant funds. This item will be removed from the consent agenda and added to new business.

Sidewalk Repairs at Street Trees

The contract for sidewalk repairs at street trees was previously discussed. This item will be removed from the consent agenda and added to new business.

¾ Ton Pickup Truck

Criswell Chevrolet submitted a bid of \$ 23,570.00 for a ¾ ton pickup truck with an extended cab and towing and snow plow options to replace Unit 202 in the Water/Sewer Department. This bid is through the State contract.

It was the general consensus to accept this bid.

¾ Ton Pickup Truck

Criswell Chevrolet submitted a bid of \$ 20,470.00 for a ¾ ton pickup truck with an extended cab and towing options to replace Unit 203 in the Water/Sewer Department. This bid is through the State contract.

It was the general consensus to accept the bid.

Sterling JetVac Truck

Maryland Industrial Trucks, Inc. submitted a bid in the amount of \$ 296,154.00 for a Sterling Vacuum/Sewer Jetter truck to replace Unit 507 in the Water/Sewer Department. This bid is through the Baltimore County contract.

Councilmember Cromer asked if there is money in the budget for this vehicle. Chris Bordlemay, Water and Sewer Department Assistant Manager, stated the money was not budgeted but a funding plan has been identified to cover the cost of the purchase. The vehicle will be used for jet cleaning the sanitary sewer pipes through out the City in preparation for television inspection related to the Infiltration and Inflow program. The truck will also be italicized to unclog sewer lines blocked by solid objects.

It was the general consensus to accept this bid.

Oxygen Compressor #2 Replacement

M2T Technologies Lotepro Group submitted the low bid of \$ 218,000.00 for the replacement of Oxygen Compressor #2. The compressor is used for process control and disinfection. Funding for this replacement is included in the bond issue that was completed in May, 2005.

It was the general consensus to accept this bid.

City-Wide Sanitary Sewer Testing & Sealing Contract

Tri-State Grouting, LLC submitted the low bid of \$ 314,500.00 for a city-wide sanitary sewer testing and sealing contract. As part of the Infiltration and Inflow remediation program, this contract will utilize a chemical grouting procedure to test and seal sanitary sewer pipes in various locations as determined by the Infiltration and Inflow study.

It was the general consensus to accept this bid.

8" and 12" Ductile Iron Pipe

Atlantic States Cast Iron Pipe Co. submitted the low bid of \$ 23,185.50 for the replacement of mains on West Oak Ridge Drive at South Pointe.

It was the general consensus to accept this bid.

Work Change Directive #13

Ulliman Schutte Construction submitted a price of \$ 17,500.00 for this change order. The change order involves the relocation of conflicting conduit in the Operations Building at the Waste Water Treatment Plant.

It was the general consensus to approve the cost of the change order.

Pre-approval of Water and Sewer Department Inventory

Chris Bordlemay, Water and Sewer Department Assistant Manager, stated the Purchasing Department has traditionally purchased certain items for the Water and Sewer Department to restock the inventory of commonly used parts and materials. Some of these purchases exceed the \$ 10,000.00 limit established by the purchasing policy as the limit above which Mayor and City Council approval must be obtained. The Water and Sewer Department is requesting approval to purchase up to \$ 350,000.00 in established inventory items throughout the fiscal year (FY 06) without presenting each purchase to the Mayor and City Council. In FY 05, the department purchased \$ 333,821.16 worth of inventory. The cost of most of the parts and materials purchased in this manner are reimbursed to the City by billing them out to contractors and developers.

It was the general consensus to approve the purchase of items to restock the inventory.

Uniforms for Hagerstown Police Department

Hoffman Clothiers, Inc. submitted a price of \$ 14,458.00 for various parts of the police uniform. It was the general consensus to approve this purchase.

Body Armour

Atlantic Tactical, Inc. submitted a bid in the amount of \$ 18,566.38 for ABA Extreme Level 2 vests and tactical vests for hostage negotiators. This bid is through the Montgomery County Contract.

It was the general consensus to approve the purchase of the vests.

2005 Jeep Liberty

Hertrich Fleet Services, Inc. submitted a bid in the amount of \$ 18,049.00 for a Jeep Liberty to replace Unit 302 in the Parks and Recreation Department. This bid is through the State contract.

It was the general consensus to approve this purchase.

2005 Chevrolet ½ Ton Pickup Truck

Criswell Chevrolet, Inc. submitted a bid in the amount of \$ 14,658.00 for a Chevrolet ½ ton pickup truck to replace Unit 313 in the Parks and Recreation Department. This bid is through the State contract.

It was the general consensus to approve this purchase.

Resolution: Support for the Hagerstown Neighborhood Development Partnership's Application for Move-In Hagerstown Program

Larry Bayer, Community Development Department Manager, stated the Hagerstown Neighborhood Development Partnership (HNDP) has established a new incentive program for persons buying homes in the redevelopment area of Hagerstown, funding for which will be provided from the sale of tax credits provided under the Maryland Department of Housing and Community Development's Community Investment Tax Credit program. HNDP is requesting a resolution of support for the application. There is no requirement of City money.

It was the general consensus to approve the resolution in support of this program.

This completed the review of the preliminary agenda.

Water and Sewer Rate Project Status Report

Alfred Martin, Finance Director, stated in accordance with the direction given by the Mayor and Council, they have shared the consultant's recommendations with all three of the municipal resale customers and have either met with the Mayor or the full Mayor and Council of each town. They have also shared the recommendations with the County staff and with the County Water and Sewer Infrastructure Committee and have gotten their feedback. Staff has asked the consultants to take another look at one or two items in their study and to work with them in developing a cost based municipal resale rate class for the three municipal customers. They have updated the survey of other comparable community rates to add a comparison for small or single person users of 6,000 gallons per quarter and have included the Town of Middletown, Maryland with its inclining block rate structure to the list. The feedback received has been positive.

A new rate comparison was distributed. Mr. Martin pointed out that some customers will see a decrease because the booster charges are being eliminated. The recommended wholesale rates are lower than the original recommendation due to these customers being responsible for the final distribution of water to their respective customers as well as the customer service responsibilities. These recommendations will be presented at the public hearing scheduled for September 27, 2005.

In order to implement the necessary rate increases this fiscal year in time to meet the budgetary and revenue requirements of the water and sewer funds, after considering the comments received at the public hearing, an ordinance to change the rates will need to be introduced at a special meeting in October in order for it to be adopted at the regular meeting on October 25, 2005. The ordinance would then become effective 30 days later on November 24, 2005. This schedule would allow the rate changes to be implemented on bills issued after December 1, 2005.

License Agreement: 403 Belview Avenue

Jim Bender, Assistant City Engineer, stated the City owns an undeveloped street right-of-way (May Street) adjacent to 403 Belview Avenue. The owner of #403, Glennon Kreher, has requested permission to install a 10' x 14' storage shed in the right-of-way. The City Departments consulted have no objection to the proposed license agreement, on the condition that the shed not be installed on a permanent foundation or slab.

Councilmember Aleshire asked why the shed does not fit on the property. Mr. Bender stated it makes sense for the owner to place the shed next to his driveway.

It was the general consensus of the Mayor and City Council to approve the license agreement.

Request to Quit Claim: 1.14 acre parcel on Virginia Avenue

Jim Bender, Assistant City Engineer, stated the City owns a 1.14 acre parcel of land with frontage on the south side of Virginia Avenue. Tammy Whitney, the owner of 1078 Virginia Avenue, also owns a landlocked parcel of land to the rear of # 1078. Ms. Whitney is in the process of selling # 1078. She has requested that the City quit-claim its parcel of land to her so that she can construct a single-family dwelling on the landlocked parcel to the rear.

Staff feels that the Council can choose one of at least four options:

1. Quit-claim some or all of the property to Ms. Whitney as requested
2. Sell some or all of the property to Ms. Whitney
3. Sell the entire property to another party (which would prevent Ms. Whitney from developing the landlocked parcel)
4. Retain the entire property under City ownership (which would prevent Ms. Whitney from developing the landlocked parcel)

Parcel 657, owned by Ms. Whitney, does not have public street frontage. According to the City's Subdivision and Zoning Ordinances, this property cannot be developed without street frontage. By acquiring all (or at least a portion) of the City-owned property and combining it with Parcel 657, Ms. Whitney would attain the street frontage required to develop the parcel.

There are several factors that the Council should consider as it deliberates on this request:

1. There are no plans to construct a public street on this land, and it is unlikely that any road will be built there in the future.
2. The dimensions and configuration of the parcel limit its development potential. The City-owned parcel, by itself, is too narrow for many uses (although it is conceivably wide enough for a single family dwelling unit or for use as a small recreational area.
3. The current zoning on the parcel is a mix of IG (Industrial General) and R-1 (Residential). Due to building setback requirements in the IG district, the property is not wide enough to allow any structures to be constructed on the IG-zoned property. For all practical purposes, the property would have to be rezoned prior to any development.
4. According to the City's Public Works Department, the City spends \$1,000 to \$1,200 annually to maintain the front portion of this parcel.

5. The Hagerstown Light Department has reviewed the proposed, and Mike Spiker, the manager of HLD offered this comment: "I see parcel P666 (the railroad-owned property) as potential development that will require high voltage three phase electrical requirements and a public street lighting system. The rights-of-ways for those systems, along with other city utilities, would be in the existing strip of land owned by the city. Acquiring future rights-of-ways would be hindered by the transfer of property to a third party. I would request that none of the property be transferred, but be held for future development potential."

6. It may be possible to convey a narrow strip of this land to Ms. Whitney to connect Parcel 657 to Virginia Avenue, and still have the City retain the front portion of this lot

Mayor Trump asked how difficult it would be to make the alley a road. Mr. Bender stated this would not be possible because it would not be able to meet the standards for streets and roads of the City.

It was the general consensus of the Mayor and City Council to not grant the quit-claim. None of the alternatives presented were acceptable.

Report From the 2+2 Committee/Hospital Sewer

Councilmember Aleshire and Councilmember Metzner presented a status report of the 2+2 Committee meetings.

John Uner, City Attorney, arrived at this time. William Nairn, City Attorney, left the meeting.

Councilmember Metzner stated at a request from the Economic Development Commission, he and Councilmember Aleshire formed a committee with Commissioner Dori Nipps and Commissioner James Kercheval to develop a resolution to the affect of the annexation policy on the Hopewell Valley Area. This is the gem of the County's potential development. The County's fear was the policy would negatively affect this development. He stated this was the main reason the County sued the City in regard to the annexation policy. A group consisting of former Councilmember N. Linn Hendershot, the City Attorney and Commissioner William Wivell, met to try to settle the suit, but were unsuccessful. The suit went to court and the City won, with the exception of a few areas. Things remained stagnant for a time, until Tractor Supply showed an interest in developing in the Hopewell Valley. After that, the 2+2 Committee was formed to try to develop an agreement that would ultimately make Hopewell Valley exempt from the annexation policy. Meetings began and this was the main topic of discussion. The Committee looked for ways to supplement the revenue stream in exchange for exempting Hopewell Valley. The ways to supplement revenue involved growth. During this time, the City

was faced with sewer limitations mandated by the Maryland Department of the Environment. The Board of Education then came forward and stated all the schools were over capacity and no more growth could occur.

Councilmember Aleshire indicated there were many entities that were approaching the Committee asking them to look at their project.

Councilmember Metzner stated the way the Committee was set up, they knew if they all agreed on something, there would most likely be three votes in favor of any proposal from both bodies. He stated this changed with the election held in May, 2005.

Councilmember Aleshire provided information about the current status of the issues discussed. Those items are:

1. Annexation Policy – reviewed existing UGA to define areas the City would be expected to grow, developed conceptual ideas of how to have existing developments annex into the City, concern of charge for annexation review committee application process
2. Flow Transfer/Interconnector – the issue of the agreement having a term limit and the necessity for this agreement to have no term limit, possible restructuring of agreement and extension of line further to north to capture existing JSA areas, work out issues of development continuing on first come first serve basis
3. APFO – concerns with Board of Education being determining factor for timeframe for city growth to occur, differing opinions on how to “control” growth and process to implement those controls, how to address county minor lot exemptions and city infill development
4. Water/Sewer Rates – issue of the negative effect that increases to County customers and businesses that rate changes would have, possible method of both decreases on the impact to these customers in exchange for increased allocation on the County system, consider longer time frame to spread increase/impact out over to affected customers
5. Water/Sewer Allocation – awaiting report from Water/Sewer Advisory Commission to provide direction on what capacity is left where and how to best use it, changes in development patterns may provide possible changes in flows to improve long term capacities relief and use in both systems that need to be acted on by both groups, reviewed possible/pending State policy that will limit growth through mandatory capacity management plans
6. Hospital – developed conceptual plan to provide sewer from City plant that will not affect city capacity, have not addressed road impacts beyond staff level discussions, joint effort for State support on East End redevelopment as a

priority places designation

7. Zoning inside UGA – have not discussed urban density issue, joint planning effort to reevaluate the UGA every 5 years for update/changes, outline policies for how much of each type of growth will occur and whether this will be in City/County (Hopewell)

8. Downtown redevelopment – met with members of EDC to develop strategy for tax incentives and marketing enhancements, consider having Chamber and EDC develop strategy to present to both bodies for approval, need for development of inventory of vacant units and redevelopment potential that will affect infrastructure

9. Excise tax – agreed to formula for across board fee that would be shared to provide funds for impact from new growth, consider joint body of engineering depts. to meet annually to review and recommend uses of portion for road improvements as it relates to development in pipeline contributing, discuss impact on affordable housing issue and how to address it

10. Revenue sharing removed from consideration further sharing of transfer tax and tax setoff, developed amount for hotel motel sharing and general fund contributions toward joint projects, consider a large scale study of each department to determine what functions may be beneficial for consolidation and how to best achieve it

Councilmember Aleshire stated they were close to resolution on a number of items, but another item negatively impacted the first item.

Councilmember Nigh asked who initiated the discussion of consolidation. Councilmember Metzner stated it was discussed from the beginning. Councilmember Aleshire stated the idea came from the discussion of revenue sharing.

Councilmember Metzner suggested this may be the time to start thinking about an agreement for comprehensive zoning with the County instead of a monetary benefit for exempting the Hopewell Valley.

Councilmember Aleshire indicated Commissioner Kercheval has requested a meeting with the two new Councilmembers to discuss these items and inform them of the issues. The idea was presented to form another group of four people.

Councilmember Nigh stated she doesn't understand why the issues can't be discussed with the full Council.

Councilmember Aleshire stated it doesn't matter to him if this committee continues, or continues with other people or with all five members of both bodies. He is concerned that there are issues that need to be resolved.

Councilmember Cromer asked if it is worthwhile to continue the 2+2 Committee. Councilmember Aleshire stated it is in order to keep the communication lines open. Councilmember Metzner stated it doesn't matter to him how the group continues, but one accomplishment has been the constant dialogue with the County Commissioners. He stated the biggest issue for the community is to get a hospital.

Councilmember Aleshire stated it isn't apparent why the hospital keeps postponing the request for zoning. The EDC has placed the hospital on the "fast track". Others that have been on the "fast track" have sought zoning first.

Councilmember Cromer asked Councilmember Aleshire if he wanted to stay on the 2+2 Committee.

Mayor Trump asked if the Council thought another group could be effective. Members would not necessarily be members of the Mayor and City Council.

Councilmember Metzner stated he is not interested in getting recommendations from outside the Council. The 2+2 Committee has asked staff to make presentations when necessary. Staff has also experienced a communication problem with the County.

Councilmember Aleshire stated they are close to agreeing on some issues. They could present their plan and ask to be shown a way to accomplish the plan.

Mayor Trump stated he met with Paul Bailey, Board of Education President. He suggested looking at each item and determine who to include in the discussions in order to get the issues resolved.

Councilmember Parson-McBean asked if there is something in a conceptual stage that can be given to Staff to develop a plan. Councilmember Aleshire stated there are some like this and others to work through.

Councilmember Nigh expressed her concern that there was very little feedback concerning the discussions of the 2+2 Committee.

Councilmember Metzner suggested picking one topic for the Mayor and City Council to discuss at the next work session and then taking that issue to the 2+2 Committee for review. He thinks that issue is the hospital relocation. He wants the City to not be blamed anymore for the

hospital's delay. Councilmember Aleshire stated this would be where Staff is involved and moves a plan forward.

Councilmember Parson-McBean asked if one of the topics from the list can be discussed at each future work session.

Mayor Trump suggested adding a discussion of the hospital to the next work session agenda. He asked if the Council agrees that this is the key issue. Councilmember Metzner stated he thinks this an issue that can be completed.

Councilmember Parson-McBean questioned if this is the key issue. Councilmember Metzner stated he thought this issue would be a workable one.

Mayor Trump suggested the Council obtain as much information regarding the hospital's relocation. Councilmember Parson-McBean stated she does not want to become tainted by outside influences.

Councilmember Cromer will attend the next meeting of the 2+2 Committee.

Zoning Ordinance Issues

Councilmember Aleshire stated current development within the city limits of Hagerstown could require approximately 3,000,000 gallons of water and sewer service. There is also vacant land that could be developed that may impact the City's ability to provide service. He stated it is more than blatantly obvious there are problems with the infrastructure, as indicated by the MDE Consent Order and the Board of Education capacity situation. State directives are expected that will govern how all entities are allowed to grow. He understands that the Comprehensive Plan is being updated and zoning changes will be a part of the update. However, with the growth the City is experiencing, does the Mayor and City Council want to be in a reactive or proactive mode. He sees the issue on two levels. One is that there is a finite amount of land, sewer capacity and infrastructure. He asked how the Mayor and City Council want the City to look when it is full. He doesn't believe the Mayor and City Council want to see every parcel of R-3 property developed with 22 units per acre.

Councilmember Metzner pointed out the Comprehensive Plan will be completed by the end of 2006. He asked if the changes should be implemented at that time. Development will continue to occur during this time.

Mayor Trump stated the City has to plan how to strengthen the infrastructure. He stated the City needs to determine how to handle the school capacity situation. He encouraged the Council to consider allowing denser growth within the city limits because it will occur outside and the

infrastructure will continue to deteriorate.

Councilmember Metzner stated he is not willing to do this and the City needs to work with the reality of what is occurring.

Councilmember Parson-McBean stated there are examples all over the country showing that gentrification gets worse before it gets better.

Councilmember Aleshire stated his concerns are not an anti-growth sentiment. The changes to the zoning ordinance he is proposing will not end growth but instead create a plan for how that growth ultimately occurs.

Councilmember Metzner stated he believes the majority of the Council is not willing to wait until the Comprehensive Plan is complete before discussing zoning changes.

Kathleen Maher, Planning Director, stated the text amendments could be completed easily, but map amendments would require information from the Comprehensive Plan in order to do comprehensive zoning.

Councilmember Metzner stated they want the Comprehensive Plan completed, and completed rapidly. He suggested Staff concentrate on having this completed prior to 2007. Ms. Maher stated State law dictates the timing of the comprehensive plan update.

Councilmember Metzner stated Staff is hearing that what is being proposed is unacceptable. He doesn't want Staff to tell the Council why it can't be done; he wants Staff to tell him how they can move forward now. He stated he thinks the Council needs more information sooner than the time frame that has been presented.

Councilmember Aleshire presented a list of possible changes to reduce residential density for future development in existing and annexed areas. His changes include revising the square footage requirements for single family, two-family and townhouse homes in the R1, R2, R3 and R4 zoning districts. The revisions also include changes in the number of units allowed per acre. He presented the following notes:

1. In the R-1 PUD 75% of the units must be single family with 25% remainder either two-family or townhouse. Townhouse only allowed as part of PUD in the R-1 district.
2. In the R-2 PUD, 50% of units must be single family, and 25% in the R-3 PUD.
3. All PUD development 25% Open Space, which shall not consist of SWM or FRO areas. All PUD open space must provide at least .02 acres/unit of contiguous space as

part of this provision.

4. Should review the need to allow PUD in the AT, C1 and C2 districts.
5. Need to speak with County about high density zoned land on corporate borders.
6. Need to review current zoning of all vacant land for suggested changes before development occurs.
7. May consider requirement that all R-2 and R-3 property greater than 10 acres provide minimum of 25% single family homes as part of the overall development. There could be density bonuses for this.

Bruce Zimmerman, City Administrator, stated he understands the Mayor and City Council wants Staff to develop a different approach that allows the Council to move forward with zoning amendments. Staff will review and provide additional information.

City Administrator's Comments

Bruce Zimmerman, City Administrator, had no additional comments.

Mayor and City Council Comments

Mayor R. F. Trump stated he heard from the Council that they do not agree with the Planning Commission, or with Staff. He stated the Council needs to start believing in Staff and those that make presentations to the Mayor and City Council. Councilmember Metzner stated he thought the Mayor's comments portion of the agenda was at the beginning of the meeting. Mayor Trump stated Councilmember Metzner was out of order.

Councilmember A. Parson-McBean reported that 57 minority businesses have signed up to be a part of the minority business program being implemented. This initiative is progressing. Wal-Mart has agreed to allow these businesses to advertise in the lobby during the month of October. She stated the Speak Up newsletter questioned the definition of a minority business. She stated the definition used here is by State law.

Councilmember Parson-McBean stated Ronda Gundy approached her about putting together a fundraising activity for Hurricane Katrina victims. There will be a planning meeting held on Thursday, September 22, 2005 to being planning for the event. All are welcome to attend.

Councilmember K. B. Aleshire stated there were about 200 people at a hearing for a development just outside of Williamsport. He pointed out this development will, most likely, be requesting City of Hagerstown services. He indicated plans for development were sent to the Board of Education for many years and the response was always that school capacity would be okay. The Board is now suddenly indicating schools are beyond capacity. He stated a meeting

needs to be held with the Board. There needs to be a plan on how to address this. He stated it is his understanding that the City is only going to be adopting the school portion of the County's Adequate Public Facilities Ordinance. There are twenty areas that he doesn't think are appropriate for the City to consider when they adopt the document. He asked for an update of the forest conservation violation by Mr. Fulton. He asked for an opinion from the attorney. He stated there are two meetings that the Council should consider attending. The first is a State planning meeting on October 14, 2005. The second is a meeting with MDE on November 15, 2005. There will be a meeting of the Water Quality Advisory on Friday, September 23, 2005 to discuss water and sewer infrastructure.

Councilmember Aleshire stated he thought the story in the newspaper regarding the recent release of a department head was in poor taste. The article implied the department head was let go because of a letter that was written. There was a press release issued in reference to the release and there was no information in that release about the letter.

He stated, on behalf of the City and those individuals who have worked hard on the BluesFest and Augustoberfest, he takes offense to the article regarding the downtown harvest festival. Those events were described as lacking social values.

Councilmember L. C. Metzner mentioned the cartoon in the Sunday newspaper which was about the Mayor and City Council. He tried to come up with a response. He thanked Mary Haines for her letter to the editor. In reference to the article about the downtown harvest festival, he stated he did not say what was reported that he said. He did say he was concerned about the City sponsoring the event. He stated the First Amendment gives States the right to be involved in religion. It is the Fourteenth Amendment that gives him the rights to hold office. He will do everything he can to make sure everything he is associated with does not interfere with anyone's rights of religion and he will also make sure that government does not take an affirmative effort to support any religion. He stated he will not play the newspaper game. He thinks they made a fortune off the Willie Mays issue and now they are trying to do the same thing with religion.

Councilmember K. S. Cromer stated she agrees with Councilmember Aleshire concerning the article about the City letting one of the department heads go. She stated it was irresponsible and wrong for the article to include a reference to a letter that had been written.

She stated she received a letter from a citizen asking for assistance with the bird problem. She asked if this was going to be discussed at a meeting. Mr. Zimmerman stated this is a problem every year and is a bigger problem when the birds are in trees on private property. He stated the City tries to offer assistance to relocate the birds. Councilmember Parson-McBean asked if there is any way to get ahead of the problem. Mr. Zimmerman stated they have been told the birds roost in certain locations because of heat. He asked that any calls about birds be directed to Staff, who will try to provide assistance.

Councilmember P. M. Nigh stated she is concerned that people will have trouble paying their electric bills. The State of Maryland will still be regulating residential electric rates. Michael Spiker, Hagerstown Light Department Manager, stated the City has not raised rates. Information and tips to conserve energy will be provided on Channel 6. There will be an informational presentation about gangs on Thursday, September 22, 2005 at the Police Station. The Citizens on Patrol program still needs drivers and riders. Anyone interested in being a part of the group should contact the police department.

EXECUTIVE SESSION – September 20, 2005

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote to meet in closed session at 7:20 p.m. in accordance with the provisions of the Annotated Code of Maryland, State Government Article, Section 10-508(a) #3 to consider the acquisition of real property for a public purpose and matters directly related thereto and #4 to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State. No formal action was taken at the session. The meeting was held in the Council Chamber, 2nd floor at the City Hall. The meeting was adjourned at 8:13 p.m.

Respectfully submitted,

Donna K. Spickler
City Clerk

Approved: _____