

WORK SESSION AND EXECUTIVE SESSION – OCTOBER 2, 2007

WORK SESSION – October 2, 2007

Mayor R. E. Bruchey, II called this Work Session and Executive Session of the Mayor and City Council to order at 4:00 p.m., Tuesday, October 2, 2007, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers M. E. Brubaker, K. S. Cromer, L. C. Metzner and P. M. Nigh; City Administrator Bruce Zimmerman, and City Attorney Mark Boyer. Councilmember A. Parson-McBean was not present.

Memorandum of Agreement with the General Services Administration

A Memorandum of Agreement was presented to the Mayor and City Council for their review. The agreement is with the General Services Administration and is for the The Hagerstown Telework Center. The City shall maintain a minimum of 25 work stations at the Center.

Councilmember Brubaker asked what amount is expected to be received. Michael Pellegrino, Hagerstown Telework Center, stated the amount will be \$ 193,789.00.

It was the general consensus to authorize the Mayor to sign the agreement and then to formally approve the agreement during the October regular session.

CID – Take Home Vehicles

This item was removed from the agenda.

Disposal of Police Vehicle

Vehicle number 69 is a 1996 unmarked Crown Victoria with 125,724 miles. This vehicle is being replaced and is scheduled for disposal. Chief Arthur Smith requested that it be donated to retired Maryland State Police (MSP) Trooper Doug Lowery for use as a K9 vehicle. Mr. Lowery retains his bloodhound and has on numerous occasions responded to the City, on request, to assist HPD in tracking assignments when the on-duty MSP bloodhound was unavailable.

Mr. Lowery has a K9 cage but no vehicle suitable for installation. The Crown Vic would work for this purpose. It is proposed that the City forgo the minimal amount of revenue which would be gained from the vehicle auction to recognize the valuable assistance which Mr. Lowery provides. If the City had to purchase its own bloodhound and train a handler, the cost would be much higher.

It was the general consensus of the Mayor and City Council to approve this recommendation.

Proposed Leash Law

Pursuant to the request of the Mayor and Council, Mark Boyer, City Attorney, has prepared an amendment to the Washington County Animal Control Ordinance as adopted by the City. Enforcement powers, of necessity, remain with Washington County and the Animal Control Board.

Chief Arthur Smith has spoken with the Director of the Washington County Humane Society who has declined to take part in the administration of this ordinance or any municipal specific amendment to the County Ordinance. Chief Smith then contacted Ms. Kelly Tracey-Martin of the Animal Control Board who was receptive to providing assistance in this matter. Mr. Boyer's suggestion, with which she was agreeable, is to develop a form similar to that used by the Humane Society which would be issued by City Police or Code personnel and transmitted to the board. Fines for violations of the leash law would accrue to the County and hearings if requested would be conducted by the Animal Control Board. Ms. Tracey-Martin further stated that the Chief would need to have this proposal reviewed by the County Attorney and if acceptable, by County government.

The documents have been delivered to Mr. Downey, County Attorney, for his review.

The proposed ordinance amends the City Code by changing the definition of "Animal at Large" in the County's Animal Control Ordinance to include an unleashed dog on the public sidewalk, street, etc. Mr. Boyer does not believe any change is necessary to Section 27(a) of the County's Animal Control Ordinance, which is the prohibition against animals being at large.

Mr. Boyer suggested that the 2+2 Committee discuss the proposed leash law.

Councilmember Metzner recommended passing the ordinance as soon as possible. He doesn't believe there will be a large amount of enforcement time necessary. There is already a law dealing with animal waste.

Councilmember Nigh asked who takes care of the animal waste law. Chief Smith stated there is a form to fill out and to be returned to the Humane Society.

The leash law would be an amendment to the County Animal Control Ordinance. Mayor Bruchey stated the City would have to find a way to enforce the ordinance since the Humane Society has indicated they would not enforce a municipal specific amendment. Mr. Boyer stated the City has approached the Animal Control Board for enforcement of the ordinance.

City Snow Removal Operations

The Department of Public Works recommends that the Mayor and Council review the current procedures of the city's snow plowing and snow removal operations. Eric Deike,

Manager of Public Works, requested that any changes or recommendations be discussed at this time so said changes can be incorporated into the snow operation procedures.

The clearing of snow from the streets and sidewalks is an important service provided by the City of Hagerstown. Streets need to be made passable first for emergency vehicles and second for the day-to-day business of the citizens. Sidewalks also need to be cleared for the safety and welfare of the City's citizens. Each storm is different and the operations will be modified as necessary to accommodate the changing weather conditions.

Public Works currently requires every employee within the department to work during snow events. If the forecast predicts the snow will last less than 12 hours or drop less than 4 inches of snow, the department will handle the event during one shift. However, a forecast that shows the storm lasting more than 12 hours or that more than 4 inches of snow will fall, the department will go into 12 hour shifts to ensure enough manpower is available to handle the event. Personnel from other departments will assist during the bigger snow events.

The Department will use a variety of vehicles on pre-determined routes, depending upon the weather conditions.

The City's streets are divided into two main categories: primary streets and secondary streets. Examples of primary streets are Washington, Franklin, Potomac, Prospect, Wesel, Burhans, Eastern and Wilson whereas they carry the main flow of traffic; typically have higher vehicle speed limits posted; and connect the main areas of the city. Some are designated as snow emergency routes as listed in the city ordinance.

Secondary streets are the smaller, lower speed limit streets that serve many of the residential areas. Examples would be Spruce, Guilford, Devonshire, Alexander, Country Club Road and Vale Streets.

The primary streets are given priority and plowed first. The secondary streets are then treated. If snow continues to accumulate, the focus is on clearing the primary streets until the storm subsides and trucks can be diverted to the secondary streets. Priority streets are given priority and plowed first. The secondary streets are then treated.

Sidewalks are usually not handled until after the storm subsides. This, too, is dependent upon the nature of the storm. As in the winter of 2003/04, ice was a recurring issue. Sidewalks were addressed quickly for the sake of safety.

The city owned buildings downtown including City Hall, the Roslyn Building, the Elizabeth Hager Center and the Market House are overseen by the custodial crews. The other city owned sidewalks are handled by the street crew. The street crew begins the sidewalk detail downtown in the square.

For years, the policy has been that alleys are not plowed within the city. In most cases, there is no place to push the snow due to the close proximity of the buildings. If the snow is pushed to the street, there typically is no place for the additional snow. The other option is to remove snow from the alley, which is a labor intensive process.

There are exceptions to the alley policy. There are a handful of residents whose homes face an alley and not a street. These are plowed as if they are a street. The alleys to the existing parking deck and to the new parking deck, once it is in operation, will also be kept open.

From time to time, the City is asked to plow privately maintained streets. The current policy is that private streets are not plowed with city resources. Most private streets have not been constructed per the city's construction standards and are planned that way from the initial design phase.

There are several general issues that may or may not ever be resolved. Plowing involves the process of pushing the snow out of the main flow of traffic. It is not a snow removal process whereas the snow is hauled to another location. Plowed snow is typically pushed to the sides of a street into parking spaces, onto sidewalks and across the openings of alleys. In the midst of a storm, the clear priority is to open the streets for vehicular traffic. The issue becomes what to do with the snow pushed into the parking spaces, alleys and sidewalks. Residents and businesses, especially downtown, sometimes push the snow back into the street. What ensues is a never ending battle about where to place the snow.

A snow removal procedure is usually only taken under extreme circumstances due to its costs and inconvenience. Streets have to be closed and vehicles moved for this operation to be efficient and effective. Any vehicular traffic slows the process down. Parked vehicles obviously block the ability of the crew to effectively remove the snow. Both scenarios also raise the risk of damaging vehicles.

A discussion with the Mayor and Council in 2004 revealed that staff was to focus more attention to snow removal in the downtown area. This is due to a healthier business district with raised expectations for a clean, accessible downtown.

Staff made some adjustments in the winter of 2004/05 to keep parking spaces open but to keep costs in check. The clearing of these spaces was accomplished by pushing the snow to the furthest parking space within a group of spaces or piled in the Center Parking Lot.

Snow operations have cost the city \$2,847,648 over the last ten years. The winters of 2002/03 and 2003/04, two of the worst winters in Maryland's history, nearly cost the City of Hagerstown one million dollars in clean-up costs alone.

It is due to these high costs that snow removal operations are always carefully considered. If the forecasts call for a warming trend, the removal of snow is typically put

on hold. Should a heavy snow be predicted with continuous cold temperatures, the removal of snow is absolutely taken under advisement. If it is early in the snow season and it appears overall costs will be high, no snow removal may occur. If it is later in the season and there is a good handle on the budget costs, where is more likely a possibility that snow removal will occur. Whatever the situation, the options are discussed between the Manager of Public Works and the City Administrator. As many factors are possible are considered before a decision is made.

Mayor Bruchey suggested removing snow from the streets following the same schedule as established for street sweeping.

Councilmember Metzner asked if snow removal would occur at Cortland Manor. Mr. Deike stated only a portion of the streets in Cortland Manor have been accepted by the City. The streets that have not been accepted are not built to City standards and were constructed as private streets. Mr. Tissue indicated Cortland Manor was originally intended to be a gated community. The main street will be plowed but the others will not. It is the developer's responsibility to remove snow from private roads.

Policy on Removal of Snow from Sidewalks

Rodney Tissue, City Engineer, and John Lestitian, Director of Code Administration, were present to discuss the snow removal policy. The goal of this policy is to outline procedures and protocol to reasonably enforce Property maintenance Code Section 302.3.1 on snow removal.

Cindy Blackstock, Community Development Coordinator, stated the Neighbors Helping Neighbors program provides citizens as a way to help people remove snow and ice to comply with snow removal regulations.

Property owners are required to keep their sidewalks free of ice and snow. In the downtown area, owners must comply within four hours after the snow stops. If it snows overnight, property owners have until 9:00 a.m. to clear their sidewalks. In areas outside the downtown core, property owners have ten hours to clear the sidewalk. The Code Compliance Office is notified when City sidewalks are clear of snow. Violations will not be issued until notice is received. After posting notice on a property, when the time expires, an abatement contractor will be sent to the property. There are fees associated with the abatement. Citations are issued after the first violation. The citation carries a \$ 200.00 fine, in addition to the abatement costs. Voluntary compliance is increasing.

Mayor Bruchey asked if the handicap ramps at each intersection should be opened by the adjoining property owners. Mr. Tissue stated the policy requires the property owner is expected to keep the ramp open. Councilmember Metzner stated the ramps could be plowed in by City snow plows and it shouldn't be up to the property owner to clear away a snow bank. He agrees that areas of egress and ingress should be clear. Mayor Bruchey stated maybe there should be a program for clearing the ramps like Neighbors Helping Neighbors.

Railroad properties are notified of violations, but they are under no obligation to clear the property. Mayor Bruchey stated the railroad should be aware that the City's Public Works Department has cleared their property.

Memorandum of Understanding (MOU) – Construction of US 40/Edgewood Drive Intersection Improvements

In July 2006, the City Council approved a motion for the funding of the construction of the US 40/Edgewood Drive improvements. Review of this 2006 motion indicates that based on the Maryland 2006 State Highway Administration (SHA) \$ 12 million project estimate, the City committed up to \$ 2,400,000 (40% of the local share) to this project. This included \$ 1,650,000 toward general construction and up to \$ 750,000 from the Water and Sewer funds for relocation of utilities. Based on current information from the SHA, the construction cost is now estimated at \$ 12,282,675, an increase of \$ 282,675. In addition, the estimated cost for relocation of all utilities has dropped from \$ 2,813,920 to \$ 807,070.

The July 25, 2006 construction funding plan was based on the March, 2006 construction estimates of \$ 12,000,000 as prepared by the SHA. Over the last 18 months, the cost of the project has increased. Staff has worked several times with the SHA in an attempt to lower the costs of the project and to stay as close to the \$ 12,000,000.

According to the September 5, 2007 memo from the State Highway Administrator, Neil Pederson, the construction cost estimate is now \$ 12,282,675 and the State Highway has drafted the final MOU for the construction of this project. In this MOU, the fixed costs that the City initially requested are not recognized, but rather a 20% cost of the entire project (or 40% of the local share) is allocated to the City of Hagerstown. As the project design is completed, settlement is made with property owners, and the bids are obtained, the estimated costs may go up. This would effect the City's overall contribution. Staff has reviewed this MOU and discussed it numerous times with the State and the County. It is unlikely that a cap can be placed on anyone's share of the project. For the project to move forward, staff is recommending we accept the MOU on the condition the City can withdraw from or modify the project before construction if the bids are deemed unreasonably high.

Council must consider these three points:

1. City must fund 20% of the \$ 282,675 (\$ 56,535) project estimate increase. We would suggest using excise tax funds that were formally earmarked for the "Marshall Street Reclamation" project but not needed.
2. City must accept the 20% cost share with a condition that if the project is over the estimate that Council can revisit the City's share of the cost.
3. It is unclear if the \$ 750,000 in utility funds (approved in July 2006) is all needed as the utility cost estimates are going down. However, this may mean additional general fund revenues may be needed to meet the 20% share.

The State has provided this schedule:

1. October, 2007 – Approve MOU
2. December 18, 2007 – Advertise for bids
3. Spring, 2008 – Start construction
4. Summer, 2009 – Construction complete

Staff notes that no right-of-ways have been obtained by SHA, but initial contacts with the property owners have been made. This allows the SHA to bid the project.

Staff requests that Council review the attached MOU for the US 40/Edgewood Drive project and offer input. It is anticipated that Council approve this MOU at the October regular session so the project can continue forward.

The Washington County Commissioners reviewed the MOU at their meeting today.

Councilmember Brubaker supports working with County staff to include a cap on the costs. He asked if the utility cost is a total cost or just a prorated cost just for the City of Hagerstown. Mr. Tissue understands the \$ 800,000 is the total utility cost. It includes mostly water main, which the City could replace. If the City assumes a larger utility cost, it would spread the cost over the entire Urban Growth Area. The utility costs include relocation of existing services and not traffic signals. Mayor Bruchey and Councilmember Brubaker stated if the City was responsible for more of the utility work, there would be less general fund money needed.

Councilmember Brubaker indicated the SHA has stated once the final project cost is approved any additional costs the County and the City would be responsible for 100% of the costs.

Councilmember Metzner expressed his concern that this is a temporary fix to a major traffic problem. His concern increased when a house was built at the intersection where the County had indicated a road would be built. There has been no action to build roads. He would like to see action on a road plan.

Mr. Tissue will meet with the SHA to incorporate Mayor and Council comments.

Northern Avenue Traffic Pattern Change

With the major modifications to the intersection of Northern Avenue/Eastern Boulevard/Rt 60 by the *Stone House Square* developer, staff took this opportunity to evaluate the lane assignments and signal system on Northern Avenue. The signals on Northern Avenue studied are at Potomac Street, Hamilton Run/entrance to Longmeadow Shopping Center, and Oak Hill Avenue.

Historically, the interior lane in each direction has been used as a dedicated left turn lane. In effect, this section of Northern Avenue only has one thru lane in each direction. The interior lanes are dedicated for left turns only, and a left turn arrow is provided on the signal. However, for the following reasons, Staff feels that this is inefficient:

1. Delays are caused because the thru traffic volumes are increasing at a rate where the capacity of the single thru lane is being exceeded (approximately 600 – 800 vehicles per hour in each direction). It is desirable to have an additional thru lane if possible.
2. The traffic volumes do not justify exclusive left turn lanes on Northern Avenue at any of the intersections. The westbound lefts are particularly light volumes.
3. By adding an additional thru lane and eliminating the exclusive lefts, a shorter signal cycle can be used and ultimately reduce the delay for everyone, even the side streets.

Staff and consultants utilized SYNCHRO computer software to model and evaluate the signalized corridor. Staff recommends the most efficient traffic operations in this corridor would be to make the following changes:

1. On Northern Avenue, eliminate the exclusive left turn lanes at Potomac Avenue, Oak Hill Avenue, and Hamilton Boulevard in both directions and re-assign this lane as shared left and thru lane.
2. Westbound on Northern Avenue, the exclusive “left arrow” signal phase would be eliminated. Motorists can enter southbound Potomac Avenue, Oak Hill Avenue and Hamilton Boulevard by turning on a “green ball” westbound. These are low volumes. This may discourage thru traffic from entering the residential areas.
3. Eastbound on Northern Avenue, the exclusive “left arrow” signal will remain and will be concurrent with the eastbound green ball. Motorists can head north on Potomac Avenue, into the shopping center or toward Maria Goretti under the protection of a green arrow. This arrow would “drop out” when westbound has a green ball.

Based on the results of the traffic modeling and capacity analysis, the above changes will improve the level of service and reduce delay and queue length.

This implementation will take several phases:

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| Phase I | Remove the westbound left phase at Oak Hill Avenue and Hamilton Boulevard, remove the existing left turn signs and add shared lane signs on the signals. This will be done within one week. |
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| Phase II | Developer complete all work at Potomac Avenue and Eastern Boulevard (accommodating shared left lanes). |
| Phase III | Develop final optimized timing plan and implement in December, 2007. |

No Council action is requested on this matter. Staff desired to make Council aware of the change in the traffic pattern and the basis of why the change is being made. Recent traffic counts and analysis indicate that this is inefficient.

It was the general consensus to approve the changes.

Winter Street School – Proposed Changes in Traffic Pattern

Rodney Tissue, City Engineer, stated Winter Street School has a large amount of student pedestrians and students commuted to and from school by their families. The pedestrians and the “parent traffic” create congestion and the Board of Education has requested the City’s assistance in mitigating these issues. There is no room on the school property to address those issues. Therefore, in conjunction with efforts from the Hagerstown Police Department, Staff has developed a plan to attempt to address some of the concerns.

The amount of student pedestrians and “parent traffic” in the area has caused concerns for the Board of Education. To mitigate these issues, the Board of Education and Hagerstown Police Department has asked the Engineering Department to implement a plan on a temporary basis that would eliminate thru traffic in the left most lane on West Franklin Street and West Washington Street. The purpose of this temporary closure would be the following:

1. Evaluate if the prevailing travel speed in the area is reduced when the third lane is eliminated.
2. Eliminate aggressive driving in the left most lane.
3. Evaluate if congestion caused by the large volume of parent drop-off continues to back into the thru lane on West Franklin Street or West Washington Street if designated drop-off areas are provided adjacent the school.

Hagerstown Police Department staff and the Board of Education will attempt to assess if this temporary plan improves and addresses these issues. The Hagerstown Signal Department will implement the plan within the next couple weeks and the lane closure would be placed on the street for about two weeks during the evaluation period.

In the event that this accomplishes the goals, the Board of Education and the Police Department will request that a permanent closure of the left most lane would be

implemented by creating additional on-street parking and left turn lane rather than a thru lane.

No Council action is requested on this matter. Staff desires to make Council aware of this temporary change in traffic pattern and also the basis of why the change is being implemented.

Councilmember Nigh stated there is also a problem with traffic at Bester Elementary. She asked if a recent change has alleviated some of the problems. Motorists are asked to Only make a right turn out of the school. Mr. Tissue stated he feels the solution is to separate the parent drop off and school bus drop off areas.

Scheduling of Pangborn Park Dedication

The fountain at Pangborn Park has been installed. The date of October 16, 2007 has been suggested for the dedication of the fountain, at 3:00 p.m.

City Administrator's Comments

Bruce Zimmerman, City Administrator, provided an update of the transfer of the School of the Arts property to HNDP. The State Board of Public Works is reviewing the documents and it appears the approval of the transfer will be completed on October 17, 2007.

Mayor and Council Comments

Councilmember M. E. Brubaker stated the Eastern Boulevard project approval does not set a precedent for what the Mayor and Council may do in the future. Visitors from Wesel visited City Park and it was nice to see the park being enjoyed by so many people. He met the Mayoress and Vice Mayor from Wesel and they were very congenial.

Councilmember K. S. Cromer also was able to meet the officials from Wesel. It was interesting to discuss the different forms of government. They also discussed the difference in the media and citizen support. Diane Eaves submitted a letter indicating the Washington County Teen Pregnancy Prevention Coalition is meeting during October, which is designated as "Let's Talk Month". She expressed sympathy to Councilmember Parson-McBean and her family on the passing of her father.

Councilmember P. M. Nigh expressed condolences to the family of retiree Leroy Munson. She expressed her concern that the chimenae fireplaces are being used to burn trash. There is a paragraph in the fire code that would address this. She asked that this be explained. She asked if layoffs occurred because there is only one paper published per day. Dan Dearth, Herald Mail Company, indicated there were no layoffs.

Councilmember L. C. Metzner stated Pangborn Park is being used by many people. This park has been improved and is very nice. He expressed his condolences to the Parson family.

Mayor R. E. Bruchey, II stated services for Bishop Tom Parson will be held on Friday, October 5, 2007 at 11:00 a.m. He expressed his sympathy to Bishop Parson's family. The Wesel Mayoress and Vice Mayor and their spouses were visiting Hagerstown last week. He enjoyed talking with all the visitors. The unemployment rate in Wesel has diminished from 30% to 13%. The visitors commented about how clean Hagerstown is. The sister city affiliation has been in existence for 55 years.

EXECUTIVE SESSION – October 2, 2007

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote of all members present to meet in closed session to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, #4. No formal action was taken at the meeting.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: December 18, 2007