

WORK SESSION AND EXECUTIVE SESSION – October 5, 2010

Mayor R. E. Bruchey, II called this Work Session and Executive Session of the Mayor and City Council to order at 4:05 p.m., Tuesday, October 5, 2010, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers W. M. Breichner, M. E. Brubaker, F. W. Easton, A. C. Haywood, City Administrator Bruce Zimmerman, City Attorney John Urner, City Attorney William Nairn and City Clerk D. K. Spickler. Councilmember L. C. Metzner was not present.

WORK SESSION – October 5, 2010

2010 United Way Campaign

Bruce Zimmerman, City Administrator, introduced Dani Frye who is the United Way Campaign Chairperson for this year's campaign.

Leah Gayman, United Way Executive Director, Carolyn Brooks and Andrew Sergeant were also present.

Ms. Gayman stated the United Way goal this year is \$ 1,600,000. She thanked Ms. Frye for heading the campaign. Ms. Brooks noted that Ms. Frye brings enthusiasm, excitement and energy to the City's campaign.

Ms. Gayman stated the challenges are increasing. This doesn't lessen the need for fundraising but makes it more difficult. The local United Way supports 50 agencies. The Day of Caring will be held on Friday, October 22, 2010.

If someone wants to volunteer to help the United Way, they should contact Ms. Gayman.

Hagerstown Suns – Lease Extension at Municipal Stadium

Rodney Tissue, City Engineer, stated two months ago the City Council exercised a Lease Transfer Agreement to recognize the change in ownership of the Hagerstown Suns. The new owners would like to extend the lease with the City for one additional year for the 2011 baseball season.

Tony Dahbura, Co-owner, and Will Farley, Assistant General Manager, were present to introduce themselves, to request various improvements to the stadium, to discuss terms of a lease renewal option, and to commence a healthy working relationship between the City and the owners.

The current lease with the Suns was for an initial two year term that ended December 31, 2009. The lease has three, one year renewal options, the first of which has been exercised by the Suns and expires on December 31, 2010. This lease was assigned to the new ownership as of June 27, 2010. The new ownership group submitted a letter

exercising the option to renew for 2011. In order to fund more improvements to the stadium and to improve the fans' experience, the owners recently asked for two changes to the lease, and are as follows:

1. Broaden the language in the lease restricting non-baseball events so that the Suns could host events at their discretion without prior City approval
2. Broaden the Suns advertising ability to include both the inside and the outside of the stadium. The City's sign ordinance would have to be amended to accommodate this request.

Staff anticipates that the Hagerstown Suns will exercise the final renewal for 2012 by November 2011. A new lease will need to be renegotiated during 2012.

Annually the City completes projects to improve the stadium. This past year the electric serving the field lights was upgraded. Generally the improvements are approved by the owners and the City of Hagerstown. Staff has met with the new owners and during the off-season they have asked that City staff complete the following improvements to the stadium:

1. Replace all backstop netting (\$ 20,000)
2. Replace carpet in both locker rooms (\$ 4,000)
3. Build new expanded lockers in both locker rooms (\$ 2,000)
4. Move washer and dryer out of the visitor's locker room into a separate room on the west end of the clubhouse and move wall as necessary (\$ 4,500)
5. Haul all warning track stone dust away as part of the outfield restoration (\$ 1,000)
6. Eliminate the basketball court beyond right field and restripe to add more parking (future fireworks will be shot from a mobile unit on the field surface) (\$ 1,000)
7. Install a trail to the hospital lot if the owners can arrange a deal with the hospital (\$ 3,000)
8. Reset the irrigation system due to on field grading (\$ 5,500)
9. Miscellaneous repairs to be determined (\$ 5,000)

The total estimated cost to complete these items is \$ 46,000. Funding for the requested work is \$ 35,000 from CIP Municipal Stadium Improvements and the balance from operating funds and/or CIP fund balance.

The new owners have made a commitment to upgrade the outfield and have indicated they will manage and fund those changes. Removing the "infamous" hump in left center field would involve major work to not only the field, but the masonry wall, fence, and irrigation system. Therefore, the owners have modified that plan with their goals being:

1. Getting rid of the "bumpiness" of the outfield
2. Planting the appropriate grass and establishing better turf
3. Addressing warning track issues

4. Addressing the irrigation system

More radical fixes to the outfield grades may be done after next season.

The owners are continuing to finalize their home game schedule and fireworks dates. They would like to wait to present this to Council until they hire a new General Manager for these dates to be selected.

Mr. Dahbura stated the other two co-owners, Bruce Quinn and Dr. Matesh Khotari, were not able to attend this meeting. He and Dr. Khotari feel very strongly that the Suns are a community asset. The new owners are committed to keeping the Suns in the City. They are exploring the possibility of renovating the stadium so it is a venue of choice for the next 50 years. Baseball parks are no longer just for baseball, they are multi-use facilities for the community. Utilizing the stadium as a multi-use facility would be a community asset. Many of the requested improvements are in response to requests from the Washington Nationals to use the stadium as a player training facility. Mr. Dahbura indicated non-baseball events would be family friendly.

Councilmember Haywood suggested that renovations to the stadium may be facilitated by more non-baseball events.

Councilmember Brubaker would support allowing administrative approval for events, except for the larger ones. Mr. Dahbura stated it would be a hindrance to ask permission for each individual event if it is truly a community commitment. Councilmember Breichner stated the Council would need detailed information for events such as a rock concert.

Councilmember Haywood stated the City should review uses for subletting the stadium. Mr. Dahbura indicated they have not discussed subletting the stadium.

Councilmember Haywood would like to see a financial outlay report. She supports events to raise money and could support administrative approval.

Mr. Dahbura indicated the new owners are putting their own resources into renovations. He also indicated they reviewed the current conditions and feel comfortable with the list.

Councilmember Brubaker asked if it would be helpful to make the agreement for a term of two years. Mr. Dahbura stated because the timing of the renovations is unknown and the parameters could change, a one year agreement with renewal options would make sense.

Councilmember Easton asked what alternative funding sources have been explored. He asked if there are alternatives that would allow the new owners to fund the additional \$ 11,000.00. Mr. Dahbura stated they are looking at ways to increase sales to provide extra funding.

Councilmember Haywood stated the Suns need to be more autonomous and it will work better for both parties.

Mr. Dahbura stated the current business model needs to be improved. There is an opportunity to be mutually successful. Each year will most likely require a similar list of renovations. Councilmember Breichner asked how much of the work can be done by staff. Mr. Tissue indicated several items could be completed by staff. The backstop netting and the irrigation system would have to be completed by professionals. Councilmember Haywood asked if the work can be completed within the budgeted amount. Mr. Tissue indicated it is possible.

Councilmember Breichner asked about the budget for general upkeep. Mr. Tissue stated planting will start in the spring. There is a cushion for unexpected costs.

Councilmember Brubaker stated he could support the advertising, if it is done tastefully. If the sign ordinance is changed, he would like to see how it would affect other areas in the City. He looks forward to working with the new owners.

Mr. Dahbura stated the new owners want to move baseball forward in Hagerstown. He thanked Mr. Tissue, Bruce Zimmerman and Junior Mason for working with the new owners.

The outfield work started today. The grass was removed and it will be reseeded.

Mr. Zimmerman summarized the discussion as follows:

1. There is interest in renewing the lease
2. Address the two conditions identified
3. Non-baseball event revenue can be tied to renovations
4. Consideration of advertising on the exterior of the stadium
5. It would be an enhancement to use the old hospital parking lot
6. Completing the items on the list, if they can be done for \$ 35,000.00

The Mayor and Council agreed with the summary of the discussion.

The proposed lease identifies five events the Suns can conduct on their own. The lease requires City approval but does not specify the request comes before the Mayor and Council. When a general manager is hired, the fireworks dates will be set. The request would then be reviewed by the Mayor and Council.

Task Force Follow-up: Curb and Sidewalk Task Force, Trash and Recycling Task Force, Green Task Force

Rodney Tissue, City Engineer, reported the recommendations of the three Task Forces were presented to the Mayor and Council in January and March.

The major recommendation of the Curb and Sidewalk Task Force was the concept of the City taking over the replacement of curbs in the City assuming a funding source could be found. The Task Force suggested that the imposition of a storm water utility fee could generate the funds for the City to fund curb replacements but the City Attorney recommends an Attorney General's option to confirm that this is compliant with Maryland law. Mark Boyer, City Attorney, drafted a letter seeking direction if the City is ready to obtain an Attorney General opinion.

The task force recommended the sidewalks remain the adjoining owner's responsibility. The idea of a stormwater utility fee is that owners would pay a small amount each year, rather than having a large bill when the work is required. The City would complete the curbing work.

Councilmember Breichner asked if the fee would be a significant amount. Mr. Tissue stated staff would have to assess how much the fee would be.

Councilmember Haywood asked about the parameters for the stormwater utility fee. Mr. Tissue stated he understands this legislation will be presented during the next session. Councilmember Haywood thinks having two stormwater fees would have a negative impact on citizens.

Councilmember Brubaker asked if curb and sidewalk work is typically completed at the same time. Mr. Tissue indicated if there is a grass strip between the curb and sidewalk, repairs are easier.

Councilmember Easton thinks the City should wait for the Attorney General's opinion. He would not support an additional fee.

Mayor Bruchey pointed out the City of Frederick uses tax revenue to maintain the curb.

It was the general consensus to request an opinion from the Attorney General regarding the curb fee.

The Trash and Recycling Task Force reviewed the trash and recycling collection issues in great detail. During the next several months, the City must finalize what services to include in the re-bidding of the collection contract. The contract expires December 31, 2011. Mr. Tissue would like to have a new contract approved by the Council in August, 2011. In his opinion, the major recommendations of the Task Force included the following:

1. Change from twice a week trash collection to once a week collection (except for the City Center)
2. Change from dual stream (two bins) recycling to single stream (all recyclables in one container)
3. Issue single stream recycling containers to all residential units

4. Implement a recycling incentive program such as Recycle Bank
5. Develop a program to collect downtown commercial business trash and recycling since the program is now only for residential units.

Councilmember Haywood stated the majority of waste in restaurants is recyclable.

Councilmember Easton likes all five ideas. He is concerned with the cost of issuing recycling containers. Mr. Tissue stated this will be a significant cost but it will be an investment in the community. Grant funding will be explored.

Councilmember Haywood asked if the parameters for collection for downtown commercial businesses could be established. After the parameters are established, the businesses should be polled to determine their interest in a program like this. Mr. Tissue would like to start working on this idea immediately. He thinks the program, if implemented, should be mandatory participation.

The Green Task Force made several recommendations to the Mayor and Council in March, 2010. The following is an update on the progress on the recommendations:

1. City Green Purchasing Policy: The Purchasing Policy is being updated and it includes a new “green” section. This will be on the Council agenda in November.
2. Transportation: Staff is starting the process to develop a “Complete Streets” Design Standards. This should be completed by Spring 2011. In addition, the City has established a standing Bicycle Advisory Committee who has met five times and is actively working on many bicycle-related issues in the City.
3. Energy Conservation/Assurance: There hasn’t been any movement to establish an administrative office position with the responsibility for the development of a formal sustainable energy based resource management program. Staff continues to look for grant opportunities that may fund such a position. Engineering staff and Public Works staff are working together to develop a plan for an energy audit, as inexpensively as possible.
4. Reduce Impervious Surfaces (in new construction): The 2009 Stormwater Management Ordinance was passed by the City Council a few months ago. This ordinance requires developers and re-developers to reduce impervious areas by using environmentally sensitive site design.
5. Educational Outreach: Funding has not been secured for extensive educational opportunities. However, staff did publish and disseminate a recycling flyer and an energy conservation brochure in the utility bills.
6. Forest Canopy: Staff secured two Tree Planting Grants and are seeking more Forest Conservation funds to help meet the Urban Tree Canopy cover goal of 30% coverage by the year 2050. The goal was not officially adopted by the City Council but staff continues to use this as a goal.
7. Green Advisory Committee: No movement on establishing a permanent “Green Advisory Committee”

Mr. Tissue asked if the Council wished to establish a permanent Green Committee. A permanent committee would be similar to the bicycle advisory committee. The members could bring a number of ideas to the table for discussion. Mr. Tissue suggested keeping the original members in place.

Mr. Tissue will provide names for membership to the Mayor and Council for consideration.

#### Proposed Traffic Calming Program

Rodney Tissue, City Engineer, presented a proposed plan to manage traffic calming requests. The Engineering Department receives frequent requests and Mr. Tissue believes that the City should endeavor to install physical traffic calming devices when warranted. To this end, the program establishes a systematic way of evaluating the requests with the ultimate goal of the City installing physical calming measures where warranted and to eliminate requests where the perception of speeding is not substantiated by facts.

This program was developed by studying the best practices of numerous jurisdictions in Maryland, Virginia and the District of Columbia. Many communities actively install physical calming devices. Staff believes this program will be a great asset in evaluating the many requests received.

The Board of Traffic and Parking reviewed the program and are recommending the Council approve it.

The decision to use a particular device at a particular location should be made on the basis of an engineering study of the location. While this policy provides qualifications for allowing traffic calming devices and standards for their application, the policy is not a substitute for engineering judgment. Qualified engineers need to exercise the engineering judgment inherent in the selection of traffic calming devices, just as they are needed to locate and design the roads and streets which the devices complement. This engineering judgment shall be exercised by the City Engineer.

Traffic and speeding are number one problems in neighborhoods. There are a number of possibilities for calming traffic. A request would be made with a petition from the neighborhood. If it is determined there is a problem, staff would meet with the neighborhood and work out solutions. This would provide a true assessment, rather than an opinion.

Councilmember Brubaker stated it seems the number of signatures required for a petition from the neighborhood is high. If there is a Neighborhoods 1<sup>st</sup> group, the number of signatures would be easier to obtain. The number of signatures could be lowered.

Councilmember Breichner asked about four way stops. Mr. Tissue stated four way stops are effective when used for speed control on two roads with similar traffic volumes.

Councilmember Brubaker stated that all streets in the City could be considered, if a petition is presented.

Mr. Zimmerman stated it could take some time for the Mayor and Council to review this policy. A future discussion will be scheduled.

#### Department Review – City Clerk

Donna Spickler, City Clerk, and Brenda Hawbaker, Administrative Coordinator, were present to provide an overview of the City Clerk's office.

The City Clerk's office is the central location /repository for official City of Hagerstown government documents. The City Clerk serves as both a resource and support for members of the Mayor and Council. The office is a frequent first contact for citizens and provides a strong support role for City staff and operations.

Staff in the City Clerk's office includes an administrative coordinator and the City Clerk. Administrative support is shared with the Public Relations and Marketing Office.

Essential functions include attending all meetings and preparing minutes, preparing weekly agendas and meeting packets. The number of paper packets has been reduced in the last year. Documents are now available to Mayor and Council members and staff through Google docs. Staff is continuing to review the benefits of a paperless meeting system.

Citizens can access the weekly meeting agendas, minutes, the City Code and Boards and Commissions Applications from the City's website.

Staff is responsible for maintaining official documents. In 2009, the Mayor and Council considered and/or approved 26 ordinances and 59 resolutions. A large amount of time for staff is reviewing past records for use by other staff members.

The City Clerk acts as the liaison to the Maryland Municipal League. Legislation presented during the State General Assembly is tracked.

The roster of members for the City's Boards and Commissions is maintained by the City Clerk's office. Staff assists the Mayor and Council in the review and appointment of Board and Commission members. Staff is currently working with respective departments to update the City Code in relation to the Boards and Commissions.

Peddler and Auctioneer permits are issued by the City Clerk's office. Peddlers include door-to-door sales, food carts and one day vendors for the Mummer's Parade. In 2009, 90 year round peddler permits were issued. One day permits for the Mummer's Parade were 99. Staff from the Planning Office and the City Clerk's office are working together to update the requirements for peddlers to reflect current practices and trends.



The next City election will be held in 2012. The Charter was revised in 2009, changing the election date to coincide with the presidential election. The revision will change the dynamic of the Clerk's office in the next election.

Staff is exploring several initiatives, including options available for electronic storage of City documents and assisting other departments in updating various sections of the City Code to reflect current operations and remove antiquated language.

### **CITY ADMINISTRATOR'S COMMENTS**

*Bruce Zimmerman, City Administrator*, reported the second work stop day will be October 11, 2010. City Hall and other administrative services will be closed this day.

### **MAYOR AND COUNCIL COMMENTS**

*Councilmember M. E. Brubaker* stated he is proud the citizens of Hagerstown responded to a group attempting to bring hate to Hagerstown today with dignity. He is glad the City abided by its constitutional duty without giving credence to the hateful message that was displayed.

*Councilmember W. M. Breichner* had no additional comments.

*Councilmember A. C. Haywood* reminded everyone Harvest Hoedown will be held on Saturday, October 9, 2010. Dig In Hagerstown will have a booth at the Hoedown.

*Councilmember F. W. Easton* was pleased everyone was civilized at the demonstration at North High this morning. There was collaboration with many different police departments.

*Mayor R. E. Bruchey, II* thanked the citizens of Hagerstown who showed up at North High this morning. He was proud to be a part of the group promoting calm and unity.

### **EXECUTIVE SESSION – October 5, 2010**

On a motion duly made by Councilmember F. W. Easton and seconded by Councilmember W. M. Breichner, the Mayor and City Council unanimously agreed by voice vote of all members present to meet in closed session to consider the acquisition of real property for a public purpose and matters directly related thereto, #3, and to consider the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, #1 at 5:55 p.m. in the Council Chamber, 2<sup>nd</sup> Floor, City Hall, Hagerstown, Maryland. The following people were in attendance: Mayor R. E. Bruchey, II, Councilmember W. M. Breichner, Councilmember M. E. Brubaker, Councilmember F. W. Easton, Councilmember A. C. Haywood, City Administrator Bruce Zimmerman, City Attorney John Urner, John Lestitian, Department of Community and Economic Development Director, and City Clerk D. K. Spickler. The

meeting was held to discuss the status of a City Center building acquisition and various personnel matters. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the meeting was adjourned at 7:01 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: November 23, 2010