

WORK SESSION AND EXECUTIVE SESSION – OCTOBER 9, 2007

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Mayor R. E. Bruchey, II called this Work Session and Executive Session of the Mayor and City Council to order at 4:08 p.m., Tuesday, October 9, 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; Director of Economic Development Deborah Everhart, City Attorney Mark Boyer, and D. K. Spickler, City Clerk. Councilmember A. Parson-McBean and City Administrator Bruce Zimmerman were not present.

Proclamation – Character Counts! Week

Mayor Bruchey presented a proclamation to Carolyn Brooks in recognition of Character Counts Week.

Downtown Holiday Parking Program

The City will be kicking off the holiday season downtown on Monday, November 19, 2007 with the annual Hollyfest celebration. The tree lighting ceremony in the square will begin at 5:00 p.m. and the Hollyfest program at the Maryland Theater will begin at 7:00 p.m. Traditionally, the holiday parking program begins that evening.

Alfred Martin, Director of Finance, recommended that the City provide two hours of free parking in the North Potomac Street Parking Deck during the day on weekdays and free parking in the deck in the evenings after 7:00 p.m. and all day Saturday and Sunday. He stated staff also recommends the same free parking for the new Arts and Entertainment District deck on South Potomac Street. This program would run through Christmas Day. Parking at the downtown street and lot meters will continue to be free after 5:00 p.m. and all day Saturday and Sunday as it normally is through the year.

It was the general consensus of the Mayor and City Council to approve two hours free parking in the parking decks from November 19, 2007 through December 25, 2007.

West End Water Storage Tank Project Update

Michael Spiker, Director of Utilities, provided an update of the Water Division's project to construct two new west end water tanks. The Mayor and Council have previously approved the construction contracts for Phase I, the construction of the tank at the end of Rock Willow Avenue.

The West End Storage Tank Phase I project was initiated in January, 2004 in response to the Safe Drinking Water Act Enhanced Surface Water Treatment Rule. This mandate contained the requirement that all finished water reservoirs be covered by April, 2009. Concerns in regard to the age, condition, and financial ramification of repairs and upgrades of the existing reservoir dictated that new water storage facilities should be

constructed. The West End Storage Tank Phase I Project will entail the construction of a 6.4 million gallon covered concrete water storage tank, located on the north side of Route 40 at the end of Rock Willow Avenue. Improvements will also be made to the existing Pump Station 4, which will remain at the current location on the south side of Route 40, adjacent to the reservoir.

Nancy Hausrath, Water Operations Manager, and Mr. Spiker met with the neighborhood residents on the evening of September 14, 2007 to discuss the project. The majority of those in attendance expressed concerns in regard to dust, security, and future property maintenance. There, a cable gate will be placed at the entrance road, using road millings on the entrance road to limit dust, sweeping the city streets to minimize the dirt and dust, and clearing some of the underbrush on the perimeter of the property. The residents also expressed interest in the blasting procedure that will be utilized by C. W. Hetzer, one of the contractors on the project. Representatives from C. W. Hetzer, the engineering consultant Hazen & Sawyer, Ms. Hausrath and Mr. Spiker will be available on October 10, 2007 at 5:00 p.m. at the site on the end of Rock Willow Avenue to meet with those residents who are interested in the process that will be utilized.

The financing of the \$6.4 million project was approved by the Maryland Board of Public Works on August 1, 2007 through the Maryland Water Quality Financing Administration. Weather conditions throughout the winter months will dictate the tank contractor PreLoad Incorporated's actual construction process for the tank installation. A current completion date of October, 2008 is expected.

The West End Storage Tank Phase 2 Project will entail the construction of a "yet to be determined" million gallon covered concrete water storage tank, location on the south side of Route 40, within the exiting footprint of the West End Reservoir. Staff submitted the funding application in February, 2007 to the Maryland Depart of the Environment (MDE) for inclusion into the Intended Use Plan (IUP) for the Maryland Drinking Water Revolving Loan Fund. Staff will update the funding request when required.

Councilmember Brubaker stated the City may need to acquire additional reservation capacity. Mr. Spiker indicated there has not been an increase in flow.

The water model dictates another tank could be located on the east side, if needed. However, it is not required at this time.

C3 Downtown Parking Requirements

Stuart Bass, Comprehensive Planner, was present to discuss parking requirements in the C3 (Downtown) district. The current parking requirements (2 per unit, with a third required by Engineering) exceed the norms for residential parking requirements and are hindering the redevelopment of the existing building stock for housing. This point was brought forward by the development community and was also noted during the Design Workshop by the American Institute of Architect's Assessment Team in the Fall of '06.

Staff examined other cities' responses to this issue. Many communities have reduced parking requirements for the Central Business District or have in some cases eliminated these requirements altogether. The downtown parking requirement in Frederick is at 50% of the ordinance's ratios for other areas of the city. Frederick also provides for a "payment in lieu of parking" option, where fees are contributed to a parking fund specifically set aside for public parking with the Downtown. Falls Church is reducing the parking requirement to 1.5 per unit. Winchester and Cumberland basically exempt projects in their central business districts from parking requirements. Excessive off street parking requirements can reduce the amount of available land, limit the adaptive reuse, and increase the cost of housing. The nature of the Downtown warrants consideration of lower residential parking ratios.

The Planning Commission examined this issue extensively this year to formulate the revisions to the Zoning Ordinance. This proposal would require one parking space for a one bedroom unit, with an additional half space then required for each additional bedroom.

Councilmember Nigh stated former Councilmember Aleshire had recommended changing the parking requirements to one space per bedroom. It appears that recommendation is being reversed. Kathleen Maher, Planning Director, stated Councilmember Aleshire had suggested creating a different class for rehabilitated properties with different parking requirements.

The Planning Commission held a Public Review meeting on August 29, 2007 and is forwarding this proposed text amendment to the City Council with a positive recommendation for adoption. A Public Hearing is scheduled for October 23, 2007.

Hagerstown Suns Lease

Karen Giffin, Director of Community Affairs, Junior Mason, Superintendent of Parks and Recreation and Lewie Thomas, Recreation Facilities Coordinator, were present to discuss the Hagerstown Suns Lease.

The current lease with the Hagerstown Suns for use of Municipal Stadium will be finished in December, 2007. Enclosed is the proposed lease with the Hagerstown Suns. The proposed lease has a term date from January 1, 2008 through December 31, 2009. The Suns would have an option to renew for three (3) additional one (1) year terms.

The lease is similar to the current lease with some clarification and changes highlighted below:

1. Use: Included in the lease are annual events that the Suns host. The lessee can add other events but must have approval of the City. Scheduling of other events has been clarified.
2. Utilities, System and Maintenance: The grounds keeping reimbursement to the Suns was increased to \$ 3,000 per year. Included in the lease is a

Capital Improvement Fund of \$ 35,000 which would include mutually agreed upon projects.

3. Fireworks: A section is included which follows guidelines that the City has been using for the last two years.
4. Insurance and Hold Harmless: The amount of the insurance that the Suns need has been increased to a \$ 3,000,000 policy.

The lease agreement would be with NBP Mandalay Baseball Hagerstown Properties, LLC t/a The Hagerstown Suns. There is a rental/user fee of \$ 150.00 that goes to the City. The Suns would charge a maintenance fee.

Councilmember Metzner stated he does not recall authorizing fireworks past 11:15 p.m. Ms. Giffin and Mark Boyer, City Attorney, stated no time was included in the approval of fireworks in the lease. Councilmember Metzner suggested removing the fireworks permission section and adding a section that states fireworks are permitted, as approved by the Mayor and City Council.

It was the general consensus to remove the fireworks section from the lease and to discuss the 2008 fireworks schedule prior to approval of the lease.

Municipal Stadium Field Improvements

Karen Giffin, Director of Community Affairs, Alfred Martin, Director of Finance, Junior Mason, Superintendent of Parks and Recreation, Lewie Thomas, Recreation Facilities Coordinator, and Will Smith, General Manager, were present to discuss a Capital Improvements Project at Municipal Stadium. The project would be to reconstruct the infield.

The infield has not had any major work done to it since the early 1980's. The field has been used hard for games, Junior Football and concerts. The Hagerstown Suns have done a good job in maintaining it. However, it is now time for major reconstruction and, if possible, Staff would like to proceed with the project this fall.

The major reasons for the reconstruction are two primary deficiencies:

1. The infield grass is severely saucer-shaped, meaning the elevation of the grass between the infield skin and mound collar is dished out.
2. Secondly, the elevation of the infield clay is considerably lower than the infield grass, creating a lip of up to 2" high.

The major part of the project would be as follows:

1. Bring in up to 100t of infield material, incorporate it into the existing clay and rough laser level.
2. Spread and nail drag calcined clay into the upper ½" or so and fine laser grade/compact.

3. Strip the grass from the infield, bring in sandy topsoil, laser grade with a cone laser and install thick cut sod.

The Hagerstown Suns (NBP Mandalay Baseball Hagerstown Properties, LLC) would contribute \$ 10,000 to the project. The City has \$ 15,000 currently in this project in CIP which was from the savings of an electric upgrade project at the stadium. The difference in the total cost would be \$ 10,500. If the Mayor and City Council wish to move forward on this project, City staff would propose going to the Board of County Commissioners of Washington County to ask for \$ 15,000 from the hotel/motel tax revenues. This would be the difference in the project plus a bull pen phone upgrade that the Hagerstown Suns would like to have done.

Mayor Bruchey stated he would be willing to ask the County Commissioners for the full \$ 35,000 for the project. Councilmember Nigh stated the City has put a lot of money into the stadium to take care of it. She suggested asking the Commissioners for the funding.

It was the general consensus to move forward with the project and to ask the County Commissioners for funding.

City Administrator's Comments

Deborah Everhart, Director of Economic Development, provided the Mayor and City Council with copies of Washington County's draft home rule charter. She also presented a copy of the draft report of the Excise Task Force report. Two new shopping centers are under construction. Stone House Square will include Lowe's, Weis, a bank and a Starbuck's Coffee shop. The Shoppes at Hagerstown includes Best Buy, Starbucks, Fedex/Kinkos, Hair Cuttery and Chipolte Grill. Hagerstown has been ranked 71st in a study of the areas best able to create and retain jobs. This ranking is just above San Diego. The 2007 Caldwell Banker home price comparison index ranked Hagerstown as the most affordable city. The average home price is \$ 316,450.

Mayor and Council Comments

Councilmember P. M. Nigh stated it is difficult for people to find jobs in Hagerstown. Most jobs only pay the minimum wage.

Councilmember M. E. Brubaker stated the event at University Plaza was very good.

Councilmember K. S. Cromer stated members of the 2 + 2 Committee have indicated the County Commissioners are not ready to revise the leash law. There will not be a way for the City to administer a leash law through the Animal Control Board or the Humane Society. The City Attorney contract will end at the end of the year. She stated it may be time to consider putting the contract out for bid. She is not unhappy with the current arrangement. She also suggested looking into the possibility of having an in-house attorney. She asked for cost information for all legal services.

Councilmember L. C. Metzner stated Councilmember A. Parson-McBean and her family are in his thoughts and prayers. He suggested discussing an in-house attorney at a later date. The current arrangement is working.

Mayor R. E. Bruchey, II asked how many minimum wage jobs are available. He suggested that the Mayor and Council hold a casual day one meeting per month. The money raised from the casual day would be added to the donations from City Hall casual days. The casual day will be held the third week of each month.

There being no further business to come before the Mayor and City Council, on a motion duly made, seconded and passed, the meeting was adjourned at 4:59 p.m.

City Hall Office/Roslyn Building Tour

At the conclusion of the work session, Staff was available to take the Mayor and Council through the upper floors of the Roslyn Building. As members continue to consider renovating the Roslyn building, Staff thought some might want to see the space.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: November 27, 2007