

WORK SESSION, 85TH SPECIAL SESSION AND EXECUTIVE SESSION – October 14, 2008

Mayor R. E. Bruchey, II called this Work Session, 85th Special Session and Executive Session of the Mayor and City Council to order at 4:15 p.m., Tuesday, October 14, 2008, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers M. E. Brubaker, K. S. Cromer, L. C. Metzner, P. M. Nigh and A Parson-McBean; City Administrator Bruce Zimmerman, City Attorney John Urner, and D. K. Spickler, City Clerk.

Joint Meeting with County Commissioners

The following Washington County Commissioners were present: John Barr, President, Terry Baker, Vice President, Kristin B. Aleshire, James Kercheval and William Wivell. Also present was Greg Murray, County Administrator.

Kevin Lewis, Washington County Emergency Operations Manager, proved an update on the 911 Center. The group is developing operational procedures as they prepare to move into the center, in January, 2009.

Sheriff Mullendore stated a committee was created to handle issues of commonality in order to lessen confusion when the center is operational.

Police Chief Arthur Smith stated job descriptions are being developed for the center. The committee is still waiting on the retirement actuarial information that was authorized by the County Commissioners and Mayor and City Council. It is anticipated that the information will be sent within the next two months.

Mayor Bruchey stated it appears the project is on track.

Request for Water Service at Hagerstown Regional Airport

Tim Troxell, Washington County Economic Development Commission, Michael Spiker, Director of Utilities, and Kathleen Maher, Planning Director, presented a request for water service for a client near the regional airport. The client intends to build a hanger outside the City's medium growth area. They are asking for an exemption from the water policy.

Councilmember Metzner feels as though this is another project in which the City has been approached last. Mr. Troxell indicated City staff was involved as of August 19, 2008. Councilmember Metzner stated the Mayor and Council should have been involved from the beginning. Councilmember Nigh agreed. Councilmember Cromer suggested working out these issues within the 2+2 Committee meetings.

Widening of Alley 3-42 (Access to A & E Parking Deck)

Rodney Tissue, City Engineer, provided updated information for the ongoing improvements in the Arts & Entertainment District. The next step in the overall improvement plan is the widening of Alley 3-42, from East Washington Street to the A & E Parking Deck.

In 2005, an agreement with the following items was approved with Bowman 2000 LLC:

1. Bowman will terminate the lease with the property at 23 East Washington Street (currently an adult bookstore) on December 31, 2008.
2. Bowman will demolish the exiting building.
3. Bowman and the City will subdivide the property as exhibited in the development agreement.
4. The city will pay for the land obtained from Bowman, for the demolition costs, and for all the improvements made to the public ingress and egress from East Washington Street (the widening of Alley 3-42).

When the Council committed to the agreement in 2005, it was anticipated that \$ 300,000 would be provided by the County to assist in the completion of this improvement in the Arts & Entertainment District. This project is a very important improvement in the downtown by improving access to the parking deck and eliminating the bookstore. The total cost of the project is estimated to be \$ 600,000. The City is asking the County to continue the partnership that was established for the construction of the parking deck.

Commissioner Aleshire stated it is important to continue supporting this project, especially for the Maryland Theater, Barbara Ingram School for the Arts and the Washington County Library and other similar projects.

Councilmember Metzner stated he would appreciate any consideration given to the continued partnership. This is a vital project for the City of Hagerstown.

Commissioner Wivell asked what the potential funding source would be, since the project is not on the County's Capital Improvement Project list. Mr. Murray stated funding could be from the hotel/motel tax or from cash or CIP reserves. The funding source will be discussed prior to the Commissioner's making a commitment. Mr. Barr stated the improved access to the A & E Parking Deck would be an enhancement to all the private and public projects in this area.

The County Commissioners agreed to continuing the partnership and providing funding, in principal.

Doub Farm & Faison Development Projects

Councilmember Metzner stated he would be agreeable with any conditions the County wished to place on the Doub development in a pre-annexation agreement. Then, it would be up to the owner and developers to determine if they were agreeable with the conditions. He stated it is important for the citizens, landowner and developer to get this project moving forward. He asked the County Commissioners to consider granting express approval for the annexation.

Councilmember Brubaker stated there are many forward looking things in the Doub proposal that are not in the Faison proposal. He stated that conditions should be applied to both projects equally.

Commissioner Aleshire has been trying to compare the technical issues of the two proposals. It appears that the Faison project is further along in the review and approval process. If the express approval is not granted, the Doub project could still be submitted for approvals during the five year waiting period.

Commissioner Kercheval asked what zoning the City is requesting. Councilmember Metzner stated express approval is being sought for C4 zoning.

Councilmember Brubaker stated each proposal should be considered individually because the needs are substantially different between them. He is concerned that one proposal requires more assistance from the City to complete.

Councilmember Brubaker stated he sees the second access for the Doub project being a major issue. Commissioner Aleshire stated he thinks connectivity in the urban area is paramount. He does not have a problem granting express approval for the Doub project. He knows there will be more discussion regarding the fiscal impact of both projects.

Mayor Bruchey stated this was included on the agenda to request express approval for the zoning at the Doub project location.

Councilmember Metzner stated this discussion has also provided an opportunity to discuss other potential uses for the properties in this area. He would like to continue joint discussions about what uses would be advantageous to the entire eastern area.

Councilmember Brubaker, Councilmember Metzner and Councilmember Parson-McBean agreed to formally request the County Commissioners to consider granting express approval for the zoning at the Doub property. Councilmember Cromer and Councilmember Nigh did not agree.

Edgewood & Dual Highway Intersection Project Update

Rodney Tissue, City Engineer, reported the funding for this project is still in place at the State level. Construction is expected to begin in the Spring of 2009.

Eastern Boulevard should be substantially completed this fall. Jonathan Street will be reopened during the winter, while construction is suspended. It will be closed again in the Spring to complete the project.

Mayor Bruchey stated he was aware of the water request for the airport project in early September. He and a group of City staff were working on developing an agreement, unaware that the 2 + 2 Committee was discussing it also. He stated he was sorry that the information had not been conveyed sooner.

John Urner, City Attorney, left the meeting at this time.

SPECIAL SESSION – October 14, 2008

On a motion duly made by Councilmember A. Parson-McBean and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed to meet in special session at 5:39 p.m.

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember A. Parson-McBean, the Mayor and City Council authorized the application/permit agreement with the Doleman Black Heritage Museum. Also, according to the City of Hagerstown's Open Containers Law, the Mayor and City Council may permit the possession of alcoholic beverages in open containers on the streets, lanes, alleys, sidewalks, parking lots or public ways of the City during special events upon application or upon its own initiative. Therefore, the Mayor and City Council formally approve the possession of alcoholic beverages (beer and wine) in the University Plaza for October 19, 2008 for a fundraiser for the Doleman Black Heritage Museum. Hours of the reception are to be 5:00 p.m. to 8:00 p.m.

The Special Meeting ended at 5:40 p.m.

WORK SESSION – October 14, 2008

Hagerstown Suns Fireworks

Lewie Thomas, Department of Recreation Manager, and Joel Pagliaro, Hagerstown Suns, presented the proposed dates for 14 fireworks shows in 2009. Each date follows the guidelines set by the City Council of no more than two shows in a row and Sunday night shows must take place the night prior to a holiday.

It was the general consensus to approve the fireworks schedule as presented.

Proposed Fountain in Park Circle

Rodney Tissue, City Engineer, stated a request was received from the Hagerstown Garden Club in September 2007, indicating they would like to partner with the City of

Hagerstown to install a fountain in the current grass circle at Park Circle. The Garden Club obtained a “used” fountain they wish to donate to the City.

In January of this year, staff reviewed this proposal with Council and it was the general consensus of the Mayor and Council to accept the donation and for staff to seek State funding for the project. The Garden Club, in cooperation with City staff, applied for a Maryland State Scenic Byways Grant. Unfortunately this grant was denied by the State last month. Therefore, staff is returning to review the project again with Council and to offer an alternative funding plan.

Staff is asking the City Council to authorize the construction of this project and approve a Memorandum of Understanding with the Hagerstown Garden Club. If the Council authorizes the construction of the project, Parks Department staff will construct the pool, install the fountain, authorize the necessary plumbing and electrical contracts, and complete the installation for Spring 2009 startup. The final estimate of costs is \$ 85,000.00. The Garden Club has obtained \$ 34,000 and City funding of \$ 55,000 is included in the CIP budget. The Garden Club would give \$ 31,000 of the \$ 34, 000 to the City and would keep the remainder for upkeep.

Councilmember Nigh stated she appreciates this project and it will enhance the area.

Charter Review Discussion

The proposed Charter changes were then discussed.

Mayor Bruchey asked the Council to consider extending the tax exemption time to more than five years. Councilmember Brubaker is willing to consider this. The flexibility provided by extending the time could be helpful.

Councilmember Nigh expressed concern that members of several City boards are not Hagerstown residents.

Councilmember Metzner is in favor of keeping the same election date and keeping elections partisan. The Charter review committee recommended not using the same election schedule as for the Gubernatorial or Presidential election.

It was noted that page 31 of the revised charter should reflect that vacancies are filled by a specific party.

Councilmember Parson-McBean supports keeping the elections partisan. She stated political party affiliation does make a difference, especially when requesting assistance from the State.

Councilmember Brubaker supports retaining partisan elections.

Councilmember Metzner suggested keeping the election dates the same and asking the Board of Education to consider closing schools for the primary and general city election, which would alleviate concerns of security.

Councilmember Metzner stated the changes recommended by the Charter Review Committee were extensively discussed and considered. Section 304, Mayor Powers and Duties, was revised to make it clear when the Mayor's vote is required.

Councilmember Parson-McBean would like to discuss how the State of the City address is presented. This will be scheduled for a future work session.

City Administrator's Comments

Bruce Zimmerman, City Administrator, stated new federal funding from HUD is available for foreclosed properties. Housing Authorities may be eligible to apply for money and the City may have to move quickly to approve the acceptance of the funding for the Housing Authority.

Mr. Zimmerman and Alfred Martin, Director of Finance, have been reviewing the budget and monitoring the effect of the economic status on the budget. Information will be presented to the Mayor and Council as it becomes available. The City is in reasonably good shape, in spite of the unpredictability of the market.

Mayor and Council Comments

Councilmember P. M. Nigh stated it is unfortunate that Statton Furniture is closing. She asked that emergency telephone numbers be posted at the A & E Parking Deck for when the gate malfunctions. She thanked the water and sewer department for their work on Jonathan Street.

Councilmember L. C. Metzner thanked the County Commissioners for the discussions earlier in the meeting. He is cautiously optimistic that funding will be provided for the parking deck. He thanked City staff for being proactive in reacting to the current economic status.

Councilmember K. S. Cromer stated there were a number of kids on bikes in downtown on Monday evening. They were in the streets also.

Councilmember M. E. Brubaker had no additional comments.

Councilmember A. Parson-McBean attended an open house at the Memorial Recreation Center on October 11, 2008. She and City staff hosted a meeting with Secretary Skinner, Department of Housing and Community Development, earlier today. Secretary Skinner toured Hagerstown and viewed the Doleman collection.

Mayor R. E. Bruchey was pleased that so many people attended the annual Harvest Hoedown.

EXECUTIVE SESSION – October 14, 2008

On a motion duly made by Councilmember K. S. Cromer and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote to meet in closed session at 5:37 p.m. to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, #1 and to consult with counsel to obtain legal advice, #7. The following people were in attendance: Mayor R. E. Bruchey, II, Councilmember M. E. Brubaker, Councilmember K. S. Cromer, Councilmember L. C. Metzner, Councilmember P. M. Nigh, Councilmember A. Parson-McBean, City Administrator Bruce Zimmerman, City Finance Director Alfred Martin, City Engineer Rodney Tissue and City Clerk Donna Spickler. The appointment of specific individuals to the City's Boards and Commissions was discussed. Additionally, the Mayor and City Council discussed demanding that a contract be fulfilled, prior to taking further action. No formal action was taken at the session. The meeting was adjourned at 5:45 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: November 25, 2008