

37th SPECIAL SESSION, WORK SESSION AND EXECUTIVE SESSION – October 17, 2006

WORK SESSION – October 17, 2006

Mayor Robert E. Bruchey, II called this Work Session and Executive Session of the Mayor and City Council to order at 4:07 p.m., Tuesday, October 17, 2006 in the Council Chambers at the City Hall. Present with the Mayor were City Council Members K. B. Aleshire, L. C. Metzner, P. M. Nigh, and A. Parson-McBean, City Administrator Bruce Zimmerman, and City Clerk D. K. Spickler. Councilmember K. S. Cromer was not present and was not able to participate via speaker phone.

Mayor Bruchey announced the executive session scheduled for 4:00 p.m. and the Special Meeting has been postponed. This meeting will not be a special session.

National Conflict Resolution Day Information

Mayor Bruchey presented a proclamation to Valerie Main, Washington County Community Mediation Center, Inc., recognizing October 19, 2006 as National Conflict Resolution Day. Ms. Main stated the Mediation Center has worked with the Board of Education to develop two conflict resolution pilot programs in the schools.

Preliminary Agenda Review

The preliminary agenda was then reviewed.

Consent Agenda

- A. Public Works: Vehicle Replacement -2007 Chevrolet Silverado ¾ Ton Pick Up – Criswell Chevrolet, Inc. (Gaithersburg, Maryland) \$ 21,080.00
- B. Engineering: Replacement Vehicle for Unit 706 – 2006 Ford Focus – Miller Brothers Ford (Ellicott City, Maryland) \$ 10,541.00

There were no questions about the purchases.

Resolution: Homestead Real Estate Tax Credit Percentage

During the budget process, the State Delegation encouraged the County government to lower the cap on the growth in owner occupied real estate assessments from the maximum allowed growth cap of 10% under State law to a lower cap amount. The Mayor and City Council indicated during that time they were interested in reducing the cap on growth in existing property assessments for owner occupied real estate. It was the general consensus of the Mayor and City Council to approve the resolution.

Acceptance of Maryland heritage Area Authority Grants

The City has been awarded grants from the Maryland Heritage Area Authority in the amount of \$ 12,500 and \$ 55,000. Acceptance of the grants will be added to the agenda for October 24, 2006.

This completed the review of the preliminary agenda.

License Agreement for 122 North Potomac Street

The owner of 122 N. Potomac Street (Social Services), Potomac Building LLC, has requested permission to construct a concrete handicap sidewalk ramp in front of the building to facilitate access for disabled persons into the building. The proposed ramp would be a new encroachment into the public street right-of way, which would require a License Agreement with the City.

It was the general consensus to formally approve the license agreement at the October 24, 2006 meeting.

Discretionary Reserve Policy Review

In August, 2006, the City Council directed staff to develop a policy for the Discretionary Reserve to ensure that enough allocation is set aside for priority economic development and government projects which may arise in a year. The City Council decided that no action could be taken on the Linwood Hollow and New Haven requests until after such a policy was approved by the Mayor and City Council.

Staff has developed a recommendation based on the needs of potential economic development projects, schools, new residential development projects and inventory of undeveloped land within the City. For 2006, a total of 34,200 gallons per day (gpd) are being recommended with the following breakdown:

High Priority Economic Development and Revitalization Projects – 26,700 gpd
Schools – 0 gpd
Other Public Services – 5,000 gpd
Other – 2,500 gpd

For 2007, the amount would include 15,000 gpd, plus any carryover from 2006.

At present, 30,300 gpd is available in the Discretionary Reserve. In January 2007, another 15,000 gpd will be made available through the 2007 SCAP. Two residential development projects have requested a total of 4,000 gpd in their projects. Any unused allocation will carryover to the 2007 SCAP for the Discretionary Reserve.

Councilmember Aleshire indicated that residential development that is not revitalization is not high on his priority list.

Kathleen Maher, Planning Director, suggested that, if the Mayor and City Council wish to develop this policy, it be included as part of the 2007 SCAP revisions that will be presented for approval in November, 2006. The Mayor and City Council will consider this discretionary reserve policy during the review of the SCAP.

Requests for Sewer Allocation from the Discretionary Reserve

The 2005 and 2006 Sewer Capacity Allocation Programs set aside a certain amount of allocation for the Discretionary Reserve to allow the Mayor and City Council to award sewer allocation beyond the normal allocation process to enable priority development projects to move forward.

In July, Staff received Discretionary Reserve requests from two new residential development projects: Linwood Hollow (Startzman rezoning) for 3,000 gpd New Haven (Haven Road annexation) for 1,000 gpd. During the review of this request on August 7, 2006, the Mayor and City Council directed staff to research the potential for future requests from new residential development projects, to develop a policy for set asides within the Discretionary Reserve for high priority projects, and to learn more about the two applicants' plans for future requests for sewer.

There are currently six active "new" residential development projects which will require additional sewer allocation in 2007 and beyond for a total of 930 dwelling units, or 186,000 gpd of sewer. There are another six residential development projects which are in the planning stages, totaling 1,108 dwelling units; although only 83 of those units have APFO approval.

If the Mayor and City Council adopt the proposed set-aside policy for the Discretionary Reserve, there would only be available a total of 2,500 gpd for lower-priority commercial and industrial developments and residential subdivisions. The requests for these two applicants total 4,000 gpd and thus exceeds the recommended allotment for this category by 1,500 gpd. The 2006 experience has shown a growing demand for non-residential sewer allocation to the point of possible postponement of allocation for one or more retail projects this year, unless they make Discretionary Reserve requests. Given the circumstances, staff feels it might be appropriate to deny both applications and reserve the 2,500 gpd allotment for other higher priority projects to the Mayor and City Council.

It was the general consensus to deny the requests.

Downtown Area Street Sweeping Schedule

Public Works currently operates two street sweepers throughout the city on a schedule of Monday through Friday. The downtown areas, including parking lots, are swept daily with the sweepers working around any parked vehicles. To access the parking spaces, the areas must be posted with "No Parking" signs the day before the street sweeping

occurs. This method is used throughout the city, but does not occur on a weekly basis on downtown streets.

In an effort to more effectively control litter and keep the downtown area clean, staff is recommending that a permanent street sweeping schedule be established in the downtown area. The general boundaries of this area would include Burhans Blvd. to the west, Cannon Ave. to the east, Randolph and Bethel Streets to the north and Baltimore Street to the south. Streets with metered parking spaces would be swept from 6:00 a.m. to 8:00 a.m. Streets with non-metered parking spaces would be swept from 9:00 a.m. to 11:00 a.m., to allow residents time to leave for work or to move their vehicle.

Permanent signs designating the schedule would be installed along each street with implementation by December 4, 2006. The signs could convey a positive and encouraging message to comply such as “help keep our streets clean” or similar wording.

Councilmember Parson-McBean asked how much the street sweeping impedes traffic. She had received a complaint.

Councilmember Metzner stated this is a great program and recommended putting the schedule on Channel 6. He is concerned about the early hours in a residential area.

Downtown Pedestrian Safety Improvements

A major focus of the “Livable City Program” is to make Hagerstown more comfortable and safe for pedestrians. Based on input from downtown residents, pedestrians and from staff observation, staff believes that motorists need to be more aware of and more closely obey the law regarding their interface with pedestrians.

Staff is recommending that we, as a city, implement a public awareness campaign that motorists must stop for pedestrians in crosswalks. This could be done in conjunction with enhancing the crosswalks and walk routes in the downtown.

The Engineering Department would take the lead in completing the following improvements:

1. “Stop for Pedestrian” signs – signage at the Rt. 40 gateway to the downtown for motorists and at intersections for turning vehicles
2. Education signs for pedestrians – signage listing the meaning of the crosswalk indications
3. Pavement markings – non-existent or faded pavement markings will be updated
4. Handicapped ramps – installation or replacement of ramps

5. Pedestrian lights – additional pedestrian lighting at the intersection of Locust Street/Antietam Street and Locust Street/Baltimore Street. Funding will be added to future budget requests.
6. State Highway Issues – notify the State Highway Administration of any deficiencies noted on Route 40 during a traffic survey

Education will be a key to the success of this program. Attempts will be made to raise driver's awareness of how they should modify their behavior when they are in high-pedestrian areas. A promotional campaign to raise awareness regarding the traffic laws relevant to pedestrian safety is being developed.

The Engineering Department will continue to work with the Hagerstown Police Department's Downtown Squad to enforce the pedestrian vehicle laws at the crosswalks. While this is difficult to actually "catch" motorists that violate these laws, staff believes that additional awareness by everyone will minimize these events from occurring.

Councilmember Metzner stated the pedestrian lights should be installed as soon as possible. This should be funded before the next budget year. Rodney Tissue, City Engineer, will obtain cost information. He stated the Board of Traffic and Parking is supportive of this plan.

It was the general consensus to move forward with this plan.

Safe Routes to Schools Grant Application

In conjunction with the Hagerstown Police Department and the Washington County Health Department, Staff is seeking Council's authorization to request funds from a Maryland State Highway Administration (SHA) program that promotes safe walk routes to schools. Rodney Tissue, City Engineer, stated the program can fund both capital projects and enforcement. The program is a 100% grant, no match is required. Stuart Bass, Comprehensive Planner, has attended the seminars on the program and the City is thereby eligible to apply for funds.

Staff is requesting permission from the Mayor and Council to submit a grant request to SHA through the Health Department for the following projects:

1. Installation of concrete sidewalk along Maryland Avenue between Wilson Boulevard and Downsville Road in the amount of \$ 155,000 to create a walk route from the south end of Hagerstown to the existing sidewalks on the South Hagerstown School campus.
2. Installation of enhanced pedestrian lights at Winter Street and Salem Avenue, Winter Street and West Washington Street, and Church Street and Nottingham Road. These lights would be similar to the one at Walnut Towers and the Hagerstown Police

Department has suggested that crossing guards would be assisted by these lights. The total estimated cost for these three lights is \$ 45,000.

3. Increased enforcement and public education in the amount of \$ 85,000. This would include a public awareness campaign, enforcement efforts in the area of schools, speed trailer, officer training, a variable message sign to warn motorists of school being in session, etc. Lt. Reynolds discussed the details of this plan.

It was the general consensus to submit a grant request to the SHA.

Proposed Locust Street Improvements

Discussion of this item has been postponed.

Proposed Potomac Street Improvements

Rodney Tissue, City Engineer, stated the City's Arts & Entertainment District Plan and the 1997 Comprehensive Plan recommend the creation of opportunities for outdoor dining and pedestrian enhancements in the Arts & Entertainment District in particular, and the downtown in general. To that end, the current fiscal year 06/07 budget provides for two projects in the 000 block of North and South Potomac Street to improve the aesthetics of the streetscape. These two blocks are realizing significant private investment, new businesses, and are the best opportunities in the downtown for sidewalk activity such as dining or commercial sidewalk sales.

The purpose of the proposed South Potomac Street project is to widen the sidewalk on the east side (between the Shindel Rohrer building and Antietam Street) and install brick pavers in the sidewalk. To widen the sidewalk, approximately six on-street parking spaces will be removed, as the new Arts & Entertainment District Parking Deck is immediately adjacent to this area. The widened sidewalk would be a great opportunity for outdoor dining or commercial sales. This project is endorsed by the adjoining property owners and they have agreed to partially fund the project. Funding for the project includes the following: \$ 35,000 from DEMCORE, Bowman Development and Schmarkel Stube; \$ 55,000 from Maryland Heritage Area Program (confirmed); \$ 45,000 in Community Legacy Funds (not confirmed to-date) and \$ 150,000 from proposed 2006/07 bond financing. This work will be coordinated with the Hagerstown Fire department as the First Hagerstown Hose station is located in this area.

The work on North Potomac Street is limited to improving the aesthetics of the street. This includes landscaping the existing bumpouts, replacing the trees that are declining, and improving the appearance of the tree planters. The proposed funding for this portion of the work is \$ 50,000 in 2006/07 bond financing.

Staff wishes to confirm that both projects are endorsed by the City Council and that staff should complete the design of both projects.

Councilmember Metzner expressed concern about removing six parking spaces before the new parking deck is totally operational, including the planned entrance from E. Washington Street.

Councilmember Aleshire asked if funding will be lost if the project is postponed. He wondered how deliveries would affect traffic when this project is complete.

It was the general consensus of the Mayor and City Council to discuss these projects further.

Jonathan Street Utility Replacement & Streetscape Enhancements

Staff reviewed the conceptual design of the Jonathan Street project with the Council in April and June. Based on that feedback, the consultant continued the design efforts and the plans are now 70% complete. Prior to staff authorizing the consultant to complete the plans, the Council must direct staff as to the final scope of work. Rodney Tissue, City Engineer, stated the requested property owner list has been provided to the Mayor and City Council. Staff also seeks feedback from the Council on schedule and financing for this major public works project.

Burying selected overhead wires and moving the rest to new poles in the rear of the properties is a major decision that needs to be made before Staff can progress. Mr. Tissue has met with Verizon staff and legal counsel and it appears that since the work is for aesthetic improvements only, the City would be fully responsible for the cost of relocating the wires.

Based on the 70% complete plans, the consultant has estimated the cost of the project (without burying selected overhead wires) is \$ 3,900,000. If this scope of work is selected, staff feels the project would be ready for construction in 2007, as little or no right of way is needed.

If burying selected overhead wires and moving the rest to new poles in the rear of the properties is included to improve the aesthetics of the streetscape, the additional estimated cost is \$ 1,350,000. If this is included, the project could not begin before 2008 (at the earliest) as right-of-entry agreements would be needed from every property owner fronting the project. Staff would recommend hiring a right of way agent to assist in obtaining these right-of-entry agreements with the 67 owners impacted by the wire relocation.

Funding the project will be by General Obligation bonds for both the General Fund and the Water and Sewer fund. For the base project (without moving and burying selected wires) funding would be approximately as follows: \$ 2,325,000 from General Fund, \$ 1,300,000 from Water and Sewer Fund, and \$ 275,000 from City Light. If

relocating the overhead wires is added to the project, the additional cost of \$ 1,350,000 would be almost entirely the responsibility of the General Fund, with City Light's relocation costs being about \$ 120,000 of this total.

Councilmember Metzner stated he would support moving forward with the base project, without moving wires, in order to get the project started and completed. Councilmember Aleshire and Councilmember Parson-McBean agreed.

It was the general consensus of the Mayor and City Council to move forward with the project, without burying selected overhead wires and moving the rest. The total cost of the project will be \$ 3,900,000.

2006/07 Bond Financing Needs

Alfred Martin, Finance Director, stated the proposed bond financing was reviewed in May as part of the budget review process with the Mayor and Council. At that time, it was noted that staff would probably be recommending that a 2006/07 fiscal year non-MDE financing bond be completed prior to December 31, 2006, in order to take advantage of the "bank qualified" debt capacity in calendar year 2006. In order to meet this deadline, the debt issuance process needs to begin in October.

Councilmember Aleshire pointed out the Mayor and Council would be deciding on an additional \$ 500,000 in new spending. He asked which projects on the list are committed projects. He asked why the Wheaton Park Wall is on the list. Mayor Bruchey indicated the wall was removed to eliminate a problem with drug dealing. The community is asking to have the wall put back up. Councilmember Parson-McBean stated a promise was made to the community that it would be replaced and that promise needs to be kept. A question was raised as to who recommended removing the wall in the first place.

Councilmember Metzner stated he supported the list of projects, both committed and uncommitted.

Councilmember Nigh stated she is not in favor of the funding for Edgewood Drive/ Dual Highway or North Potomac Street. She asked for more information about renovating the space at CMG and the list of vehicles for public works.

Mr. Martin stated the enabling ordinance needs to be approved by November 1, 2006 in order to allow time to formally close on the bonds and receive the bond proceeds before the end of the calendar year. The enabling ordinance does not approve the project list. There will be an opportunity for the Mayor and Council to further review the list of projects.

The financial projection model contemplated a June 2006 tax supported debit issuance of \$ 5,100,000 and only a one half year interest payment of \$ 133,875 in the 2006/07 fiscal year. Mayor and Council modifications in the approved budget reduced this amount of \$ 29,575, but added \$ 295,000 in debt service for paying off the Tax

Increment Financing done by the developer of the shopping center at the Center at Hagerstown. The Mayor and Council should also be aware that two of the committed general tax supported projects will require additional bond financing in either late 2007 or early 2008. They are \$ 1,650,000 for Edgewood/Dual Highway intersection improvements and \$ 2,000,000 for the balance of estimated construction cost for widening Eastern Boulevard. While both of these amounts are contemplated to be funded by future developer contributions, we will not be able to delay the start of these projects until those funds are received. We will need to issue general obligation bonds and then hopefully will have sufficient annual new development contributions to cover the annual debt service. The City, however, will still be responsible for paying the debt service even if there is not adequate development.

It was the general consensus of the Mayor and City Council to schedule the introduction of the enabling ordinance for the October 24, 2006 meeting. There are still questions about specific projects that will be reviewed prior to the issuance of the bond.

City Administrator's Comments

Bruce Zimmerman, City Administrator, stated Rodney Tissue had pointed out the theme of several topics at this meeting were to make Hagerstown more livable, more accessible and more comfortable for residents.

Mayor and City Council Comments

Councilmember P. M. Nigh commented that the street lights on N. Potomac Street look nice. She asked for more information about the Virginia Council of Churches and why they are placing refugees in Hagerstown. She stated information was provided to the Mayor and Council that Russian immigrants would be coming to the area but not from other countries. She asked who pays for the amenities for the refugees. She is concerned the City will not be able to afford providing services and amenities for large numbers of refugees.

Councilmember L. C. Metzner commended the emergency personnel on their response to the recent incident involving refugees. He wants to make sure the people who have immigrated here feel welcome and wanted. He hopes this incident will produce a better way to communicate with non-English speaking people. He wished Councilmember Cromer a quick recuperation.

Councilmember K. B. Aleshire stated he has difficulty accepting the fact that a school administrator was assaulted by two students and it was not reported in the Herald Mail newspaper. The school did provide the information to the newspaper. He pointed out the presence of danger often lies within the walls of the school. He looks forward to the Board of Education handling this incident with the proper protocol.

Councilmember A. Parson-McBean stated the Harvest Hoedown, held on October 14, 2006, was well attended. She stated the Virginia Council of Churches will be invited to a

Building Community meeting in November. She would like to discuss what caused the break down in communication during the emergency incident with the refugees. She expressed condolences from the Jonathan Street community to the family of Charlie Wivell. She will be attending the Peter Rawlings Fellowship this weekend.

Mayor R. E. Bruchey, II attended the Fairgrounds 5k on October 14, 2006. He was not able to attend the Hoedown but understands the Fairgrounds Park was alive with activity. He thanked everyone involved with event. He reminded everyone that Downtown Live and the Gala in the Stacks will be held on Saturday, October 21, 2006. He will be attending the MML Fall Conference this week.

EXECUTIVE SESSION – October 17, 2006

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. B. Aleshire, the City Council unanimously agreed by voice vote to meet in closed session at 5:59 p.m. in accordance with the provisions of the annotated Code of Maryland, State Government Article, Section 10-508(a) #1 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 and to consult with counsel to obtain legal advice, #7. 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 6:58 p.m.

Respectfully submitted,

Donna K. Spickler
City Clerk

Approved: _____