

Unveiling of Street Name at E. Washington Street Entrance to A & E Parking Deck and Ribbon Cutting Ceremony for Barbara Ingram School for the Arts, 7-11 S. Potomac Street

Prior to the start of this work session, members of the Mayor and City Council attended the naming of Renaissance Way (former Cramer Alley) and the Barbara Ingram School for the Arts ribbon cutting ceremony.

WORK SESSION – October 20, 2009

Mayor R. E. Bruchey, II called this Work Session and Executive Session of the Mayor and City Council to order at 4:57 p.m., Tuesday, October 20, 2009, in the Council Chamber, 2<sup>nd</sup> Floor, at City Hall. Present with the Mayor were Councilmembers W. M. Breichner, M. E. Brubaker, F. Easton and L. C. Metzner; City Administrator Bruce Zimmerman, and D. K. Spickler, City Clerk. Councilmember Haywood was not present.

Proclamation: Character Counts! Week

Mayor Bruchey presented a proclamation recognizing Character Counts! Week to Carolyn Brooks, Sherie Harne and Cort Meinelschmidt.

Preliminary Agenda Review

**Consent Agenda**

A. Police Department:

1. Toughbook Laptops – Pelican Mobile (Hanover, MD) \$ 85,806.00
2. Audio/Video Recording Equipment for CID – McEnroe Voice & Data (Hunt Valley, MD) \$ 24,762.00
3. Alternate Light Source for Crime Lab – SPEX Forensics (Edison, NJ) \$ 10,556.00
4. Compound Microscope – Nikon Instruments, Inc. (Linthicum MD) \$ 13,169.80

B. Public Works: Road Salt – Mid Atlantic Salt, LLC (Lyndora, PA) \$ 70.64 per ton

Bruce Zimmerman, City Administrator, reported this price is a 17% decrease from last year. Eric Deike, Public Works Manager, stated the delivery charge will vary per load.

C. Light Department: ABB Circuit Breakers – WESCO Distribution (Norristown, PA) \$ 40,160.00

D. Water and Wastewater Departments:

1. Water: Miscellaneous Inventory – HD Supply Waterworks, LTD (Martinsburg, WV) \$ 44,652.94

2. Wastewater – Service Agreement for Oxygen System – M2T Technologies (Peekskill, NY) \$ 20,000.00

E. Engineering:

1. Memorandum of Understanding (MOU) for Bridge Rehab Funds
2. Burhans Boulevard Traffic Flow Improvements

Rodney Tissue, City Engineer, stated the Engineering Department oversees the biannual inspections of the City's 12 major structures. The most recent bridge inspections indicate that extensive repairs are needed to three bridges on Burhans Boulevard. Federal Aid funds are available for major bridge rehabilitation and staff has been in contact with Washington County staff in an effort to obtain this funding. The first step in using Federal Aid funds would be the execution of the MOU that is being presented to the Mayor and Council for their review.

Councilmember Brubaker stated the City taxpayers are already paying state taxes and they should not be required to pay an additional 20% (which is the City's portion of the match).

It was the general consensus to approve the MOU.

Mr. Tissue stated based on a recent traffic study, the addition of a second northbound thru lane on Burhans Boulevard is critical. Traffic frequently backs up from the Church St./Salem Avenue intersection through the Franklin Street intersection disrupting and delaying traffic flow on West Franklin Street. This small contract would be for the curb/sidewalk modifications shown on the plan. The entrance to the shopping center on Burhans Boulevard will be right in, right out.

**Acceptance of Energy Efficiency and Conservation Block Grant (EECBG)**

Mr. Deike reported the City has been awarded a grant from the Department of Energy in the amount of \$ 179,500.00. The projects identified for the grant funding are: Parking Deck Lights, Traffic Signal Lights and Residential Light Bulb Give-Away.

It was the general consensus to accept the grant.

**Approval of Amendment to Power Service Agreement with Allegheny Energy Supply**

Michael Spiker, Director of Utilities, reported the negotiations between Allegheny Energy Supply and the City have concluded with an accepted contract extension and a new price point for the term of the extension. The existing Power Service Agreement will be extended for a period of two years, from the initial expiration date of May 31, 2011 through the new expiration date of May 31, 2013. The megawatt hour (MWh) charge for service during the two year extension period will become \$ 64.85. The two year extension price represents a reduction of approximately 10% of the existing \$ 71.89

per MWh charge. The contract extension will be formally approved at the October 27, 2009 meeting.

This completed the review of the preliminary agenda.

### The Ferguson Group

Kareem Murphy and Melissa Hyman, The Ferguson Group (TFG), provided a history and background of the City of Hagerstown's contract with The Ferguson Group.

Mr. Murphy reported funding has been secured for a water system upgrade (\$ 300,000), Eastern Boulevard (\$ 380,000) and the Minority and Women-Owned Business Development Project (\$ 100,000). The Ferguson Group is not accustomed to seeing that level of success in the first year of a contract.

Ms. Hyman indicated the funding is in process. When the bills are finalized (hopefully by the end of November) the funding will be transmitted to the City.

Mr. Murphy reported there is \$ 900,000 pending for acquisition of police radio equipment. This request is supported in both the House and the Congress. Senator Mikulski, with assistance from Senator Cardin, was able to submit the full funding request for this project. Senator Cardin took the lead for the Doleman Black History Collection funding of \$ 150,000. Funding is pending for this project also.

Mr. Zimmerman stated staff met with Mr. Murphy and Ms. Hyman earlier today to discuss the current federal agenda. Mr. Murphy indicated they also discussed the 2011 cycle. If the Mayor and Council continue the contract, TFG wants to be sure they are ready to submit requests.

Councilmember Metzner asked if there has been any discussion with the County Commissioners about partnering with the City for The Ferguson Group. A portion of the approved funding will be used to assist the County with the Eastern Boulevard project.

Councilmember Brubaker stated members of Congress should be reminded that the water and wastewater collection system rehabilitation (\$ 24 million) serves a wide range of citizens and much of the metropolitan area of Hagerstown.

Councilmember Easton asked what TFG's perception is of the working relationship with Senator Mikulski, Senator Cardin and Congressman Bartlett. Mr. Murphy indicated the primary relationship is between the elected officials. That relationship appears to be strong. TFG keeps in contact with the district staff members for each office.

Mr. Zimmerman stated the City has done well in receiving stimulus funding for the planned water upgrades, police assistance and utilities. Funding for transportation projects has not been approved.

Mr. Murphy stated it appears there will be two years of success. The best thing for the Mayor and Council to do is travel to Washington and meet with the legislators again. February would be the best month to do this.

Councilmember Brubaker asked if TFG could schedule these meetings soon so the legislators have time to meet with Mayor and Council members.

Mr. Zimmerman stated it would be helpful for TFG and staff to start developing the federal agenda in January. Mr. Murphy stated if the Mayor and Council want TFG to start working on the agenda now, they will. The current contract is through January 15, 2010.

Councilmember Metzner stated he understands that TFG works with staff to determine what the City's priorities are and match the requests to appropriations.

Councilmember Easton asked how the City's 4.3% return on the investment compares to other clients. Mr. Murphy indicated this is low, but the return on investment increases as more requests are made. Councilmember Metzner stated Mr. Murphy cautioned the Mayor and Council to not expect a return in the first year but there was a return.

Mayor Bruchey pointed out that no money has been received at this point. There has been no movement with the SAFETEA LU program. Mr. Zimmerman stated it would be accurate to say the money is set aside for the funded projects.

Councilmember Brubaker stated the funding is a direct benefit to the citizens. Councilmember Easton believes there needs to be collaboration with the County and other entities for the cost of the lobbyist. The County has not been asked to work with the City and the federal lobbyist. Mr. Murphy stated they have models to use that would work with this kind of partnership.

No decision was reached concerning the renewal of the contract with TFG.

#### Hagerstown Suns Additional Information

Lewie Thomas, Recreation Facilities Manager, and Bob Flannery, Hagerstown Suns General Manager, were present to provide additional information about the stadium sponsorship.

According to the Stadium Authority, most agreements for naming a stadium are made between the team and the sponsor. Mr. Flannery indicated the City would have the opportunity to discuss the sponsorship after a sponsor is chosen.

Councilmember Brubaker asked what the traditional process is between a municipality, the team and the sponsor. He wants to make sure the City's interests are protected. Mr. Thomas indicated the City may specify what types of sponsors would be acceptable.

Councilmember Breichner asked if the Council wants to give up the name of Municipal Stadium. Councilmember Brubaker does not like naming rights but he won't stop this one.

Councilmember Metzner stated any amended agreement must include language that reserves the City's right to have control over the stadium name. He stated there is an agreement for the Mike Callas stadium.

Mr. Flannery and staff will search for other agreements and return with the information.

#### Police and Fire Retirement Plan Amendments

Donna Frazier, Director of Human Resources, stated Mary Claire Chessire, the attorney of record for the Police & Fire Employees' Retirement Plan, has provided one Plan Amendment to update job titles for covered employees and rules regarding limitations in benefits.

It was the general consensus to introduce the appropriate ordinance at the October 27, 2009 meeting.

#### Urban Greening Grant Program

Rodney Tissue, City Engineer, and Kathleen Maher, Planning Director, reported that the Chesapeake Bay Trust selected the proposal to enhance the City's tree canopy. The Trust awarded the City a grant in the amount of \$ 35,000.

Review of the award letter indicates that the grant award is contingent upon the City providing a 100% match to the \$ 35,000 but they made a condition that the City cannot use "fee in lieu" of funds collected from developers under the Forest Conservation Ordinance. This condition was unexpected and to address this, staff has met with Al Martin. Mr. Martin has suggested that the \$ 35,000 match for the City be taken from fund balance for projects completed under budget or from the CIP contingency. The other minor condition is that staff needs to provide a species list to the Department of Natural Resources for approval.

Mr. Tissue estimated that 250 trees can be purchased with the grant and matching funds.

Councilmember Metzner is not in favor of spending unbudgeted money for non-essential services. Mayor Bruchey asked if a written explanation of the prohibition of using payment in lieu of funds is possible. Mr. Tissue will contact the Trust.

Councilmember Breichner agrees that this is not the right time to spend unbudgeted money.

This will be discussed again next month, after Mr. Tissue contacts the Trust.

#### Stormwater Management Ordinance Revisions

Rodney Tissue, City Engineer, and Jim Bender, Assistant City Engineer, were present to discuss revisions to the Stormwater Management Ordinance. The Stormwater Management Act of 2007 directed the Maryland Department of the Environment (MDE) to revise the regulations regarding stormwater management in Maryland. MDE's implementation of these new regulations will require the City to revise Chapter 213 of the City Code. Changes will also be required to the City's processes for reviewing and approving plans for new developments.

The new MDE regulations mandate the use of Environment Site Design (ESD) techniques to manage stormwater. ESD's main purposes are to (1) optimize conservation of natural drainage patterns and vegetation, (2) minimize impervious surfaces, and (3) increase infiltration and groundwater recharge. A basic principle of ESD is to use a series of small-scale practices close to the place where runoff is being generated, instead of a few larger facilities downstream that provide "regional" stormwater management.

Staff is working to develop a draft stormwater ordinance that addresses the new MDE regulations. The draft ordinance must be submitted to MDE for review and approval no later than November 11, 2009. Assuming that MDE approves the draft, staff will work with the City Attorney to prepare a final version for review and approval by the Council. The revisions to the stormwater management ordinance must be in place by May 14, 2010.

Councilmember Brubaker suggested contacting other jurisdictions in similar situations.

It was the general consensus to have staff develop the appropriate revisions and submit them to MDE for review. Staff anticipates that the ordinance will be presented at a Work Session meeting in January or February. This would lead to formal adoption of the ordinance at a Regular Session meeting, with the ordinance becoming effective prior to the deadline in May.

#### CITY ADMINISTRATOR'S COMMENTS

*Bruce Zimmerman, City Administrator*, asked Mr. Tissue to provide an update of the Jonathan Street project. Mr. Tissue reported that the major components are nearing completion. All the curbing is in place on the north portion of the project. The next step is to pave the street and install the sidewalks. The contractor has 35 days to finish the project. The project will not be completed within this time. Mr. Tissue stated the road will be opened by the winter. Some sidewalks may have to be installed in the spring.

### MAYOR AND COUNCIL COMMENTS

*Councilmember M. E. Brubaker* commended the engineering department for discussing the City's transportation needs with the new Secretary of Transportation. The state is making an effort to maintain capital expenditures. The intersection areas are important on the state roads within the City. He thanked the State for the aid they have provided so far. Mr. Tissue indicated the state will be installing countdown pedestrian lights at many locations because of Councilmember Brubaker's comments.

*Councilmember L. C. Metzner* thanked everyone for the concern for his father-in-law. He remains in intensive care at Walter Reed Medical Center.

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

*Councilmember Easton* mentioned a new restaurant will be opening at the former Grille at the Park Circle. On November 1, 2009, the Contemporary Gallery of Arts will host a special event. He thanked the electric department for responding to an electric outage on Sweeney Drive.

*Mayor R. E. Bruchey, II* stated Bill Baker submitted the name of Renaissance Way for the former Cramer Alley. After the unveiling of the new name, members of City government attended the ribbon cutting at the Barbara Ingram School for the Arts. He thought it was remiss to not have Vincent Groh help cut the ribbon. Mr. Groh donated the building to the Board of Education and \$ 250,000 for the renovation. He thanked Mr. Groh for his contribution.

### EXECUTIVE SESSION – October 20, 2009

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 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, before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process, #14 and 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 at 6:55 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. Easton, Councilmember A. C. Haywood, Councilmember L. C. Metzner, City Administrator Bruce Zimmerman, and Donna Spickler, City Clerk.

The first item was removed from the agenda. The meeting was held to discuss potential members of the Hagerstown Housing Authority, the Planning Commission and the Ethics Review Board.

No formal action was taken at the meeting. The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: November 24, 2009