

WORK SESSION AND EXECUTIVE SESSION – November 2, 2010

Mayor R. E. Bruchey, II called this Work Session and Executive Session of the Mayor and City Council to order at 4:04 p.m., Tuesday, November 2, 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, L. C. Metzner; City Administrator Bruce Zimmerman, and City Clerk D. K. Spickler.

WORK SESSION – November 2, 2010

Citizens Police Academy Graduation

The following people completed the fourth Citizens Police Academy: Brenda Baker, Robert Baker, Brenda Black, Tyree Burnett, Vincent Herold, Eugene Knable, Dominique Knight, George Knode, Anne Martin, Laura Menard, Barbara Jean Ostrum, Wanda Pipkin, Nancy Rouse, Melanie Sylvester, Perrin Wells, Kelly Wright, and Loretta Wright. Each participant was presented with a certificate by Mayor Bruchey, Chief Smith, Charles Summers and Office Jerry Kendle.

Mills Park Trail Update

Rodney Tissue, City Engineer, and Junior Mason, Parks Superintendent, stated Mills Park, located at the end of Belview Avenue, is an underutilized City park and it is not widely known that it is a City park. Mills Park contains small playground equipment, 10-space parking lot, and an existing pavilion. Included in the current Capital Improvement Program budget is the “Mills Park Hiker/Biker Trail.” The goal of this project was to provide more public use of Mills Park. Staff believes that the proposed trails would be utilized by the neighborhood for recreational walking, as these trails are very popular in other City parks.

In 2009 staff reviewed the project with the Mayor and Council. In July 2009, Council approved the Phase I plan and asked staff to seek grant funding for future phases.

Phase I includes trails, generally in the open, grass areas of the park and would connect Belview Avenue to the City-owned lot along Northern Avenue. It would include constructing the trail and trail amenities. This portion of the work can be completed with in-house staff except for the possible paving of the trails. The CIP includes \$ 23,557 that has been carried over as unspent CIP fund balance. This is adequate to construct the Phase I trail and provide some trail amenities.

Phase II includes a connection to Northern Avenue across the front of the Legion property, a boardwalk across the wetlands, and two bridges over Hamilton Run. This portion of the trail requires extensive environmental permitting that could take two years to acquire. Staff feels we can complete this work in-house as well, except for paving. In July, staff applied for a “Greenway Trail Grant” from State Highway to construct Phase

II. If the grant is awarded to the City, the CIP also includes a \$ 7,500 in General Fund transfers to act as a match to this grant.

It was the general consensus to authorize staff to implement Phase I, beginning in November 2010 and for staff to complete the planning, environmental permitting, and design of Phase II which may take up to two years.

Recommended Zoning Text Amendments for Wind and Solar Energy Systems

Kathleen Maher, Planning Director, and Clayton Zug, Planning Inspector, were present to review the Planning Commission's recommendations for amendments to the Land Management Code for wind and solar energy systems.

Based on further review and public comments, the Planning Commission recommends the following:

1. Building-mounted wind turbines: Height maximum of 10 ft. for both building-mounted wind and solar energy systems.
2. Ground-mounted solar: No lot limitation provision, excluding C1 zoning district. Systems are subject to district setbacks.
3. Ground-mounted solar: No change in original proposed language.
4. Freestanding wind energy systems: No change in original proposed language.
5. Geo-thermal systems: Not included in text.
6. Solar farms: No change, but could research for future text amendment.
7. Solar collection systems: Not included in text. The Mayor and City Council may want to consider an incentive program.
8. Definitions: No change.
9. Freestanding wind energy systems: No change.
10. Non-profit exemptions: No exemption, utility use addressed in zoning ordinance.

Councilmember Brubaker pointed out the comments from public hearing were reviewed and considered by the Planning Commission and some changes were recommended.

Councilmember Haywood does not agree with the restrictions for the ground mounted solar systems. She stated if maintenance of the area is an issue it should be addressed at that time, not limited from the beginning.

Councilmember Metzner stated he does not support a complete prohibition of the solar systems in residential areas.

Mr. Zug indicated the City of Frederick allows for solar systems in any zoning district as long as the square footage does not exceed the original structure. He reported an energy engineer would recommend a roof mounted system.

Councilmember Breichner stated there are two ways to use the collected energy. One is to sell it back to the producer and the other is to store it in battery packs. Mr. Zug indicated technology for small storage is not available at this time.

A building permit would be required for a system. The application would be reviewed by the Zoning Administrator and by City light staff. A permit could be issued within a few days.

It was the general consensus to agree with all recommendations, except for those for the ground mounted solar systems. Additional information will be provided for further review.

Hagerstown Revolving Loan Fund Guidelines

Larry Bayer, Community Development Director, and John Lestitian, Department of Community and Economic Development Director, provided revisions to the previously discussed guidelines for the Revolving Loan fund.

The five areas of concern expressed by the Mayor and Council were the public benefit/job creation, application fee, membership of the senior staff committee, periodic staff reports and the appeal process.

The following highlight the edits:

1. Public Benefit: The revised proposal calls for the creation of one full-time job for each \$ 35,000 or fraction thereof spent. The total compensation, including benefits not mandated by law, on an annualized basis must be equal to at least 110% of the federal poverty level for a family of four. That amount is \$ 11.51 per hour. The owner(s), if actively working in the business, are to be counted in the job creation calculation.
2. Loan Application Fee Schedule:

\$ 5,000 to \$ 50,000	\$ 100.00
\$ 51,000 to \$ 100,000	\$ 150.00
\$ 101,000 - \$ 150,000	\$ 200.00
\$ 151,000 - \$ 200,000	\$ 250.00
3. Senior Staff Committee: Shall consist of three members appointed by the City Administrator.
4. Staff Reporting: At least biannually, staff shall report to the Mayor and Council the status of the loan program and a summary of the loan portfolios.
5. Appeal: Additional direction is needed on the appeal process. As written, all appeals to include decisions made by the HRA, would be heard by the HRA. There was some interest in having loans over a certain dollar amount heard by the Mayor and Council.

Councilmember Breichner thinks the applicant should be able to appeal a decision of the HRA to the Mayor and City Council. Mr. Bayer indicated some Mayor and Council

members had asked that they be taken out of the appeal process. Mr. Lestitian stated there could be an appeal of record. The Mayor and Council would review the HRA action (not the decision) and make a finding based on the process.

Councilmember Metzner believes an appeal of record is a good compromise. This satisfies his concerns of being arbitrary and capricious. The Mayor and City Council would not have the responsibility for making a decision on the loan approval but the process instead.

Councilmember Brubaker asked if the Mayor and City Council could overturn a decision based on this review. Councilmember Metzner indicated they could.

It was the general consensus to include an appeal of record to the Mayor and City Council in the revised guidelines. Approval of the guidelines will be included on the November 23, 2010 agenda.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember F. W. Easton had no additional comments.

Councilmember A. C. Haywood had no additional comments.

Councilmember L. C. Metzner urged everyone to vote today.

Councilmember W. M. Breichner had no additional comments.

Councilmember M. E. Brubaker thanked everyone who attended the Mummer's Parade. He appreciates the efforts of those who make the parade a success. He also urged everyone to vote.

Mayor R. E. Bruchey, II thanked everyone involved in making the 86 year old tradition of the Mummer's Parade a success.

EXECUTIVE SESSION – November 2, 2010

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember W. M. Breichner, the Mayor and City Council unanimously agreed by voice vote to meet in closed session consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, #4, and to discuss the appointment, employment, assignment, promoting, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, #1 at 5:08 p.m. in the Council Chamber, 2nd

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, Councilmember L. C. Metzner, City Administrator Bruce Zimmerman, Deborah Everhart, Economic Development Director, Michael Spiker, Director of Utilities, John Lestitian, Department of Community and Economic Development Director, and Donna K. Spickler, City Clerk. The meeting was held to discuss a contract for services and potential incentives for a potential relocation to the City Center. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the meeting was adjourned at 5:43 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: December 21, 2010