

39TH SPECIAL SESSION, WORK SESSION AND EXECUTIVE SESSION –
November 7, 2006

39th Special Session – November 7, 2006

Mayor R. E. Bruchey, II called this 39th Special Session to order at 4:04 p.m. Present with the Mayor were Councilmembers K. B. Aleshire, L. C. Metzner, P. M. Nigh, A. Parson-McBean; City Attorney William Nairn, City Administrator Bruce Zimmerman and City Clerk D. K. Spickler. Councilmember K. S. Cromer was not present but was participating in the meeting via speaker phone.

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember A. Parson-McBean, the Mayor and City Council unanimously agreed by voice vote of all members present to open the 39th Special Session.

Approval of an Ordinance: General Obligation Bonds

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance as introduced authorizing the City of Hagerstown to issue and sell, upon its full faith and credit, general obligation bonds in one or more series in an aggregate principal amount not to exceed \$ 9,965,000. Proceeds from the sale of the bonds will be used for the public purposes described in detail in the ordinance together with related expenses and costs of issuance. Staff is hereby also directed to proceed with developing the necessary detailed resolutions and other documents to proceed with the sale of the bonds as directed by this ordinance. The detailed resolution will be presented to this body for approval at a future date prior to the issuance of the bonds as specified in the ordinance.

On a motion duly made, seconded and passed, the Special Session was closed at 4:06 p.m.

WORK SESSION – November 7, 2006

Washington County Sports Foundation, Inc. Annual Report

Brit Miller, Board of Directors, presented the annual report of the Washington County Sports Foundation. During the past year, revenue has increased and cooperation between the organizations at the rink has increased. The Hagerstown Youth Hockey Association (HYHA) has been a major factor in putting manpower into the projects to make them successful. By working together, the Foundation has moved forward in providing a clean, secure, nice ice, family atmosphere facility that provides unequalled entertainment. A full line of programmed classes and entertainment is provided.

The Hagerstown Ice and Sports Complex still faces challenges from the summer slow down in participation. This is being addressed through summer camps and off ice programs. They are looking for community sponsors for the following projects:

1. Maintenance of compressors
2. Maintenance of water tower
3. Room for exercise equipment for use by citizens of Hagerstown
4. Moving of lights and sound system to the front office
5. Security system for rink (cameras)
6. Maintenance of sound equipment

A review of the financial statement shows that revenue from operations increased 18.5% for the year ended June 30, 2006. Expenses increased by 13%. Mr. Miller presented a five year budget, which reflects 1% growth per year.

Councilmember Aleshire suggested including membership numbers in future reports. He noted that the City's subsidy of the facility changed in 2003/2004. The report shows a decrease in expenses but the City began paying for utilities at that time. The amount for the facility in the current budget is \$ 194,600.

Management and Operations Agreement with The Washington County Sports Foundation, Inc.

The Mayor and City Council approved the development of a Management and Operations Agreement which would be entered into between the City of Hagerstown and the Washington County Sports Foundation, Inc. The Agreement would provide for the Washington County Sports Foundation, as a contractor of the City of Hagerstown, to run the day-to-day operations of the Rink. The agreement would obligate the Washington County Sports Foundation to provide the City annual business plans and monthly financial information, and commit to measurable programmatic and financial outcomes. In addition, under this Agreement, the City would assume the annual financial obligation of the building utilities.

Karen Giffin, Director of Community Affairs, and William Nairn, City Attorney, were present to discuss the agreement. Ms. Giffin indicated this is an addendum to the original lease. The agreement includes a specific dollar amount that the City will pay. Councilmember Aleshire stated a specific amount should not be included.

Mr. Nairn will meet with the Board of Directors to discuss an agreeable definition of "inappropriate behavior" in the agreement. It was the general consensus of the Mayor and City Council to revise the agreement as discussed.

Mr. Nairn then left the meeting.

2007 Sewer Capacity Allocation Program – Proposed Amendments

Kathleen Maher, Planning Director, and Michael Spiker, Director of Utilities, were present to discuss proposed amendments to the 2007 SCAP. The changes are being proposed to improve the administrative process, to provide more capacity for adaptive re-use projects and non-residential development, and to incorporate the new policy for Discretionary Reserve awards. Staff would like to receive approval of the proposed changes prior to sending the draft 2007 SCAP to the Maryland Department of the Environment for their review and approval. The goal is to adopt the 2007 SCAP by the end of December in order to enable allocation of sewer in January, 2007.

The following amendments are proposed:

1. Page 1, Introduction – updated language
2. Page 2, Definitions – Since the completion of older residential projects has freed capacity in the “existing development” category, moved additions and adaptive re-use projects from “new” to “existing” to free up capacity in the “new development” category.
3. Pages 2-3, Allocation of Capacity – Reduced allocation for new residential development from 60,000 gpd to 59,200 gpd to make up for deficit in 2006. Decreased allocation for existing residential development from 88,000 gpd to 68,000 gpd. Increased allocation for existing non-residential development from 20,000 gpd to 40,000 gpd.
4. Pages 3-4, Residential Allocation Guidelines for New Development – Placed a cap on the amount of sewer that any one “new residential development” can request at no more than 50 units per award cycle. Upon award of sewer, developer must identify the lot or unit numbers which will utilize the allocation.
5. Pages 4-5, Residential Allocation Guidelines for Existing Development – upon award of sewer, developer must identify the lot or unit numbers which will utilize the allocation.
6. Page 5 – Non-Residential Allocation Guidelines – Award of allocation is at the date of site plan signature by the Planning Department and as available capacity permits.
7. Page 6 – Allocation for Existing Residential Projects for Calendar Year 2007 – Only four existing subdivision projects will need sewer in 2007 and only one will need sewer in 2008. Created new category for “additions to and adaptive re-use of existing building” and set aside 96 units of sewer for it. Set aside 50 units of sewer for new units on old infill lots.
8. Page 6-7 – Discretionary Reserve Allocation Guidelines – Deleted former prioritization list and added new policy as discussed in October.
9. Page 8 – Schedule for Master List awards – updated dates
10. Page 9 – Policy for Use of Remaining Allocation in Discretionary Reserve – outlined policy on carry-overs as discussed in October.

Bruce Zimmerman, City Administrator, stated these revisions would not change the basic parameters of allocation.

Councilmember Aleshire pointed out that including a limitation of 18 months ensures that a developer would not be able to hold allocation indefinitely.

This policy applies only to properties within the City limits of Hagerstown.

The policy will be presented for adoption in December.

Wheaton Park Restroom

The Parks Department is constructing the restrooms in Wheaton Park. Similar to the project recently completed in City Park, the Parks Department requested that bids be obtained on the plumbing as this requires a licensed professional. Three local plumbers were asked to bid. Beaver Mechanical Contractors, Inc. submitted the low bid of \$ 40,800.00. The work includes constructing a sewer line from Clarkson Avenue, water service line installation, all plumbing within the new building, furnishing and installing all fixtures, a water fountain, and miscellaneous plumbing.

Staff is recommending that the contract be awarded to Beaver Mechanical Contractors, Inc. of Hagerstown. Upon evaluating the bids, staff feels some additional work can be completed by City staff and the bid can be reduced to \$ 34,150.00. The project is fully funded by Community Development Block Grant Funds.

Staff is requesting that Council provide preliminary approval of the contract for Wheaton Park Restroom plumbing. The final approval would be given at the November 28, 2006 regular session. Staff desires to commence the work immediately since losing three weeks in November would affect the completion time of the restroom. It was the general consensus to approve the contract and allow work to begin. Formal approval is scheduled for November 28, 2006.

Locust Street Enhancement Project – Streetscape and Parking

The FY 06/07 budget includes funding to re-pave Locust Street from East Washington Street to Broadway. When the City Council approved this street for paving in December, 2005, a condition was included that paving should be coordinated with any streetscape improvements planned by the Community Development staff to improve the livability of the neighborhood. The concepts are now prepared and ready for Council input.

On a related issue, in July 2005, the Council approved staff recommendations to permanently establish parking on the east side of North Locust Street between East Franklin Street and Broadway. Staff has now reviewed the same issue from Locust Point to East Franklin Street and recommend the alternating parking be stopped and permanently establish parking on the east side.

The Streetscape project, from East Washington Street to Broadway, includes landscaped bumpouts (or islets), additional street trees, eliminating inlets that are not bicycle safe, and removal of unnecessary signs. The members of the Neighborhood Group living along North Locust Street are supportive of the plan. The estimated cost of the project is \$ 100,000. The scope is limited by existing utilities, the Fire Department's desire not to narrow intersections, and the strong desire not to lose any on-street parking.

Staff surveyed the residents and property owners adjacent to Locust Street between Locust Point and East Franklin Street. More than 150 surveys were sent out and 22 responses were received. Of those 22 responses, 19 agreed the alternating parking should stop and 14 agreed that permanent parking on the east side is best. The Board of Traffic and Parking recommend permanent parking on the east side.

Councilmember Nigh asked if there is a bike lane from North Avenue to Locust Street. Mr. Tissue stated there is not a marked path, but the area is used as a bike path.

It was the general consensus to authorize staff to complete the design and construction documents and to authorize staff to permanently establish parking on the east side of Locust Street from Locust point to East Franklin Street.

South Potomac Street Sidewalk Improvements

Rodney Tissue, City Engineer, was present to continue the discussion of the South Potomac Street Sidewalk Improvements project. The project was discussed at the October 17, 2006 meeting. The project includes widening 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. Funding for the project includes funding from local businesses, the Maryland Heritage Area Program and bond financing.

The deadline to use the Maryland Heritage Area Program grant is June, 2007. The City was not awarded Community Legacy Funds for this project. The amount of bond financing will need to be increased for this project, if approved.

Mayor Bruchey suggested considering doing something with the entire block on S. Potomac Street. He asked if this project would integrate with future projects. Mr. Tissue stated this would compliment other projects.

A concern has been raised about deliveries to restaurants if the street is closed. Mayor Bruchey stated the taxi stop area could be used as a delivery place for restaurants without alley access.

Councilmember Cromer asked if the street would be narrower because of the project. Mr. Tissue stated it would not. There would be two travel lanes with no parking on the East side.

It was the general consensus of the Mayor and City Council to move forward with the design of the sidewalk widening.

City Administrator's Comments

Bruce Zimmerman, City Administrator, reminded everyone City Hall will be closed on Friday, November 10, 2006 in honor of Veteran's Day.

Mayor and City Council Comments

Councilmember A. Parson-McBean thanked all veterans.

Councilmember K. B. Aleshire had no additional comments.

Councilmember L. C. Metzner thanked all veterans. He suggested planning a bus trip for World War II veterans to visit the Memorial in Washington, DC. The Mike Callas Stadium was dedicated on November 3, 2006. He stated it is a wonderful stadium that was put in place through a public/private partnership. The City agreed to finance the synthetic turf and the major donor is expected to pay the \$ 150,000 in full by the end of the week.

Councilmember P. M. Nigh stated she hopes the problems that occurred at the North High stadium on Friday are worked out. She stated she received a letter in regard to Port Java at the Longmeadow Shopping Center. The City cannot do anything because the center is privately owned. She apologized for not having a Veteran's Day ceremony planned at the monument on Memorial Boulevard. She stated Mayor Bruchey should not have submitted a letter to the editor endorsing a candidate as Mayor. She thought the letter was hurtful.

Councilmember K. S. Cromer thanked the veterans. She would support the idea of a bus trip. She thanked everyone for their efforts to make the Mummer's Parade a success again this year. She thanked the Signal Department for getting the City ready for the holiday season. She asked if time has been scheduled with the Virginia Council of Churches to discuss the refugees. Mr. Zimmerman stated the Maryland Office is being contacted. Councilmember Cromer stated she hopes to be present at next week's meeting. She urged everyone to vote.

Mayor R. E. Bruchey, II stated he has spoken with the person who sent the letter about Port City Java. The problem is occurring when groups of teenagers gather there. The problems have been handled by the police department and the Longmeadow Shopping Center security guards. He would like to see open mic night return to Port City Java.

The Gridiron Championship Classic will be held on November 10, 2006 at South High Stadium. This North High vs. South High game has been a tradition for 50 years. The dedication of Mike Callas Stadium at North High was good. He congratulated North

High for winning the first varsity football game at the stadium. He thanked Hagerstown Ford for their donation in repairing the Zamboni at the Ice Rink.

Mayor Bruchey stated the letter to the editor reflected his feelings only. He spoke from the heart and urged anyone to contact him who wished to discuss the letter.

EXECUTIVE SESSION – November 7, 2006

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember A. Parson-McBean, the Mayor and City Council unanimously agreed by voice vote to meet in closed session at 5:18 p.m. to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, to remain in the State, #4. No formal action was taken at the session. The meeting was held in the Council Chambers, 2nd floor at the City Hall. The meeting was adjourned at 5:20 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: