

WORK SESSION AND EXECUTIVE SESSION – November 18, 2008

Mayor R. E. Bruchey, II called this Work Session and Executive Session of the Mayor and City Council to order at 4:05 p.m., Tuesday, November 18, 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.

Mayor Bruchey drew the winner of the Herald Mail's Apple Taste Test, held at the City Farmers Market.

Preliminary Agenda Review

**Consent Agenda**

A. Police Department:

1. Storage Building for Shooting Range Brothers Construction, LLC (Boonsboro, MD) \$ 10,995.00
2. Police Radios – Motorola \$ 842,777.00
3. Document Imaging System – Unity Business Systems (Poquoson, VA) \$ 48,090.72

Councilmember Metzner asked how realistic the bond financing is for the police radios. Alfred Martin, Finance Director, indicated rates are beginning to decrease and other options are available, such as short term financing for the radio system. Councilmember Brubaker stated this was also included in the coalition's lobbyist list. Bruce Zimmerman, City Administrator, stated it is more likely State funding will be obtained for the transportation project on the list.

B. Engineering: Installation of Street Trees – Aspen Landscape Contractors (Silver Spring, MD) \$ 81,425.00

C. Water/Wastewater Department:

1. Water Meters - L/B Water Service, Inc. (Chambersburg, PA) \$ 109,696.80
2. Change Order 6 – SCADA – Hazen and Sawyer (Baltimore, MD) \$ 21,096.00
3. Wastewater Treatment Chemicals- Various Vendors - \$ 52,643.52
4. Engineering Services for Collection System Rehabilitation – Black & Veatch Corporation (Gaithersburg, MD) \$ 270,000.00

D. Community Development: Contract for Property Maintenance Code Repair Work – Trim Master, LLC (Hagerstown, MD) \$ 19,995.00

E. Planning Department: Consultant Services to Undertake Study of Doleman Collection – Mary Beth Corrigan (Kensington, MD) \$ 30,000.00

### **Acceptance of Heritage Area Grant for Interpretive Plaques Project**

A grant was submitted to the Maryland Heritage Area Authority for round two of the City's Civil War Interpretive Plaques project. In July, notification was received that the grant application was successful and the City was awarded \$ 4,000.

This completed the preliminary agenda review.

### **Program Open Space (POS) Proposed Projects for FY 2010**

Junior Mason, Parks Superintendent, informed the Mayor and City Council that applications for Program Open Space (POS) are now being accepted.

The anticipated POS allotment for Washington County for FY 10 is projected to be approximately \$ 160,000, a significant decrease from previous years. With this in mind, staff included five projects on the FY 2010 priority list. They are:

1. Funkhouser Park – Play Equipment
2. Hager Park – Play Equipment
3. Fairgrounds Park - Dog Park
4. Pangborn Park Lake – Fountains
5. City Park – Park Benches and Picnic Tables

Four of the five projects were submitted to the State for funding by Community Parks & Playgrounds (CP&P), however, notice of award will not be received until April 2009. It is highly unlikely that the City will be awarded CP&P funding for more than one project.

Mr. Mason stated the Board of Parks was not in favor of fencing for the start of a dog park. Mayor Bruchey suggested replacing the dog park project with extending the golf netting at the golf course.

Councilmember Brubaker stated the City continually receives the lowest percentage per capita of POS funding. He anticipated the City will only receive \$ 32,000 to \$ 35,000 this year.

Councilmember Nigh stated the concern of the Board of Parks is the limited information they have about the group who is working on the dog park. She asked if there is anything available in the County for the location of a dog park.

Councilmember Cromer wondered if the American Little League could use the field they have at Fairgrounds Park full time and use the location of their second field for the dog park.

Councilmember Metzner doesn't recall approving the concept of the dog park and funding shouldn't be discussed until the concept is approved. Bruce Zimmerman

reminded the Mayor and Council they asked that the dog park be included near the top of the POS list last year.

Councilmember Parson-McBean stated the parking at Wheaton Park should be a higher priority than a dog park.

Councilmember Brubaker stated he thinks the projects eligible for Community Parks and Playgrounds funding should not be included on the POS list, even if they aren't funded.

It was the general consensus to approve the POS list as follows:

1. Funkhouser Park – Play Equipment
2. Hager Park – Play Equipment
3. Golf Course – Golf netting at #2 fairway
4. Pangborn Park Lake – Fountains
5. City Park – Park Benches and Picnic Tables

Councilmember Nigh stated the dog park concept needs to be discussed by the Board of Parks.

#### Award of Contract for Doleman Collection Assessment and Feasibility Study

Kathleen Maher, Planning Director, stated the Mayor and City Council accepted the \$ 15,000 grant award from the Maryland Heritage Area Authority for the Doleman Collection Assessment and Feasibility Study in January, 2008. The initial Request for Proposals in the spring did not secure any responses. After adjusting the RFP to respond to feedback received from a consultant, the RFP was put back out and four responses were received by the deadline. A review committee determined that one of the proposals was best qualified for the project and decided not to open the other price proposals. The reason for this decision was that the selected consultant included a very detailed and superior plan for inventory and assessment of the collection and exhibited good experience in conservation of historic artifacts.

The review committee is recommending awarding the contract to Mary Beth Corrigan. The consultant's price proposal of \$ 30,000 meets the project budget of \$ 30,000. Half of the project cost, \$ 15,000, will be covered by a grant from the Maryland Heritage Area Authority. The remaining \$ 15,000 is in the FY 2009 budget in the grant fund from FY 2008 General Fund contingency. The project deadline is September 1, 2009.

It was the general consensus to schedule awarding the contract to Mary Beth Corrigan for the regular session.

West Franklin Street & Burhans Boulevard – Traffic Congestion Recommendations

Rodney Tissue, City Engineer, stated staff (for several months) has monitored the situation where during peak traffic periods, West Franklin Street (US Route 40) traffic experiences congestion between Potomac Street and Burhans Boulevard. There is also congestion on Burhans Boulevard between Franklin Street and Church Street/Salem Avenue.

Staff and the City's consultant prepared a study with recommendations for improvements, and submitted them to the State Highway since Route 40 is under their jurisdiction. The report considered seven alternatives to address the congestion on West Franklin Street, Burhans Boulevard and Salem Avenue. The traffic consultant recommended that Alternative #7 be chosen. Alternative 7 includes:

Phase I (near term improvements):

1. Partner with the State Highway Administration to widen West Franklin Street, between McPherson Street and Burhans Boulevard to provide a separate westbound right-turn lane, and install countdown pedestrian crosswalk signals.
2. Optimize the timing of the signals on Burhans Boulevard at Franklin Street and at Salem Avenue.
3. Restripe Burhans Boulevard between Salem Avenue and Cook Street to provide two southbound thru lanes.

Phase II (long term improvements)

1. Remove parking from Church Street between McPherson Street and Burhans Boulevard and stripe as 4 lanes.
2. Once a plan is developed to provide off-street parking, remove 21 parking spaces from both sides of Salem Avenue, between Burhans Boulevard and High Street, widen the 38 foot street to 42 feet, and restripe this block as 4 lanes (2 in each direction). This would not be recommended until the 21 lost parking spaces could be mitigated by building a neighborhood parking lot.

Councilmember Brubaker suggested looking for federal funding for the project. Councilmember Parson-McBean suggested looking for grants also.

It was the general consensus to move forward with formally approaching the State Highway to widen West Franklin Street at Burhans Boulevard and to include the recommendations of the Alternative 7 as a project in the Capital Improvement Program. In addition, grant funding will be sought.

It was reported that Jonathan Street will be reopened within the next few days. It will remain open during the winter. In the spring, the utility replacement project will be restarted and the street will be closed.

Charter Review – Discussion of Time Limit of Tax Credit

John Urner, City Attorney, stated there are two provisions in § 711 of the Charter that deal with specific tax relief authority that the State has delegated to municipalities. The first is intended to cover personal property. There is not a time constraint for personal property. The other provision covers real property. There is a five year limitation associated with this section. In order to change the five year limitation, the City would have to approach the State for enabling legislation.

Councilmember Metzner asked how the Council discusses exemptions for undeveloped property. Mr. Urner indicated this type of exemption is covered under the annexation laws. Exemption from taxation through annexation can occur when there are specific conditions applicable to that property that put it in a different situation from other properties in the city.

Councilmember Brubaker asked if the City's Charter prohibits exemptions through an annexation agreement. Mr. Urner indicated the annexation law is different from the City Charter.

Councilmember Metzner asked if taxes for an annexed property can be phased-in over a period of time. Mr. Urner stated the annexation agreement can include this condition.

CITY ADMINISTRATOR'S COMMENTS

*Bruce Zimmerman, City Administrator*, had no additional comments.

MAYOR AND COUNCIL COMMENTS

*Councilmember A. Parson-McBean* attended the National League of Cities Congress of Cities Conference last week. She attended work shops and will provide the information to staff members. She thanked staff for their part in keeping the City going.

*Councilmember M. E. Brubaker* stated the Eastern Boulevard project is progressing well.

*Councilmember K. S. Cromer* had no additional comments.

*Councilmember L. C. Metzner* thanked all veterans for their dedication. He noted that change is taking place, from the results of the presidential election.

*Councilmember P. M. Nigh* stated the crime watch has been reorganized in the west end. It is now called Watch 2.

*Mayor R. E. Bruchey, II* expressed condolences to the family of former Councilmember Larry Vaughn who passed away on November 16, 2008. He

congratulated long time Suns employee, Carol Gehr, who has been named Female Executive of the Year for 2008. He attended the grand opening of the Academy Theater (former Tusing Warehouse). He stated he has discussed an urgent care center being located downtown.

EXECUTIVE SESSION – November 18, 2008

On a motion duly made by Councilmember A. Parson-McBean and seconded by Councilmember K. S. Cromer, the Mayor and City Council unanimously agreed by voice vote to meet in closed session at 5:41 p.m. to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, #4 and to consult with counsel to obtain legal advice, #7 (two items). 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 Attorney John Urner, Finance Director Alfred Martin, Economic Development Director Deborah Everhart, Planning Director Kathleen Maher, Director of Utilities Michael Spiker, City Engineer Rodney Tissue and City Clerk Donna Spickler. The topics were to discuss a request for water service, the status of a change order request and a proposal to annex one property. No formal action was taken at the session. The meeting was adjourned at 6:33 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: January 27, 2009