

WORK SESSION AND EXECUTIVE SESSION – November 21, 2006

Work Session – November 21, 2006

Mayor Robert E. Bruchey, II called this Work Session and Executive Session of the Mayor and City Council to order at 4:02 p.m., Tuesday, November 21, 2006 in the Council Chambers at the City Hall. Present with the Mayor were City Council Members K. B. Aleshire, K. S. Cromer, L. C. Metzner, P. M. Nigh, and A. Parson-McBean, City Administrator Bruce Zimmerman, City Attorney John Urner and City Clerk D. K. Spickler.

Preliminary Agenda Review

The preliminary agenda was then reviewed.

Consent Agenda

A. Public Works: Street Sweeper – Atlantic Machinery, Inc. (Silver Spring, MD)

\$ 184,361.00

B. Water and Sewer:

1. Repair Transformer - NWL Transformers, Inc. (Bordentown, NJ) \$ 16,824.71
2. Water and Wastewater Treatment Chemicals - Multiple Vendors \$ 734,417.80
3. Ciba Magnafloc Chemical - George S. Coyne Chemical Co., Inc. (Croydon, PA) \$ 24,900.00
4. Kent Hydraulic Breaker - Standard Equipment Company (Frederick, MD)
\$ 17,119.00
5. John Deere Backhoe - Standard Equipment Company (Frederick, MD)
\$ 74,199.00

C. Parks and Recreation: 2007 Chevrolet Silverado 3/4 Ton Pickup Truck - Criswell

Chevrolet, Inc. (Gaithersburg, MD) \$ 18,240.00

D. Engineering: Wheaton Park Restrooms - Plumbing Contract (tentatively approved at the November 7, 2006 meeting)

E. Light: 37 ft. Aerial Bucket Truck - Altec Industries, Inc. (Plains, PA) \$ 93,325.00

F. Community Affairs

1. 2007 Western Maryland Bluesfest Budget - \$ 198,000.00 – discussed later in the meeting
2. 2007 Music by the Lake Sumer concert Series Budget - \$ 9,500.00

Kevin Moriarty, Arts Council Director, and Karen Giffin, Director of Community Affairs were present to discuss the Music by the Lake series. The \$ 9,500.00 is the funding included in the City's budget. This does not include Arts Council grants or funding.

It was the general consensus of the Mayor and City Council to include approval of the consent agenda as presented on the agenda for November 28, 2006.

Councilmember Aleshire stated a public hearing will be held in January to discuss zoning text amendments. He recommended that home occupations be permitted under a Planned Unit Development (PUD) designation.

Resolution: Sports Management Agreement with Washington County Sports Foundation, Inc. (Ice Rink)

It was the general consensus of the Mayor and City Council to include approval of the Sports Management Agreement on the agenda for November 28, 2006.

Resolution: BMX User Agreement

Councilmember Nigh stated she wants to make sure the BMX track use complies with the requirements of Program Open Space (POS) funding. It was the general consensus to approve the agreement.

Resolution: Non-Alcoholic Beverage Supplier Agreement

Karen Giffin, Director of Community Affairs, and Lewie Thomas, Recreations Facilities Coordinator, presented bid information for the Non-Alcoholic Beverage contract at Fairgrounds Park, Claude M. Potterfield Pool and Hagerstown Greens at Hamilton Run.

A group of City staff members reviewed the proposals. After meeting with the two bidding companies, Pepsi-Cola and The Coca-Cola Company, the group analyzed the information and recommend accepting the proposal submitted by Coca-Cola to be the non-alcoholic beverage supplier for a five (5) year period.

Councilmember Metzner suggested removing the words "Non-Alcoholic" from the agreement. It was the general consensus of the Mayor and City Council to formally accept the proposal at the November 28, 2006 meeting.

Resolution: Lease for Property Known as Spickler's Market Located at 17 E. Franklin Street

There were no questions about this lease renewal.

Resolution: Approval of Lease between City and Board of Education – Barbara Ingram School for the Arts

Kathleen Maher, Planning Director, stated this lease must be approved before the \$ 400,000 bond money will be released. There is a clause in the agreement that states the City of Hagerstown will transfer the property if ownership is required in another name. It was the general consensus to approve the lease at the November 28, 2006 meeting.

Approval of Agreement with Maryland Department of the Environment (MDE) for Enhanced Nutrient Removal (ENR)

Mike Spiker, Director of Utilities, and Donnie Barton, Wastewater Superintendent, stated this agreement allows the City to receive 100% of the funding from the State of Maryland for the work. The amount of funding is \$10.1 million. This will cover the cost of the design and engineering. An additional agreement will be required for the funding for construction of the project. It was the general consensus to approve the agreement at the November 28, 2006 meeting.

Approval of Agreement: Washco Developments, Inc. for Water Service Loop for Taylor's Run Development

Mr. Spike indicated this is a standard agreement for water service. This property is located at Route 63 and Wright Road, near Williamsport. It was the general consensus to approve the agreement at the November 28, 2006 meeting.

License Agreement: Potomac Square Development

Jim Bender, Assistant City Engineer, stated this agreement is for the redevelopment of the Massey property on Baltimore Street. This will allow steps and stoops to be built at the residences. It was the general consensus to approve the agreement at the November 28, 2006 meeting.

This completed the review of the preliminary agenda.

Hagerstown Greens at Hamilton Run – Golf Season Pass Rates

Junior Mason, Parks Superintendent, presented information comparing the rates for 9 hole golf courses and cart rentals. Because of continued increases in operating expenses, Staff and the Board of Parks and Recreation are recommending increasing the fees for cart rentals. At this time, staff does not recommend an increase in the greens fees.

The proposed cart rental rates are as follows:

Regular 9-hole	\$ 10.00
Senior 9-Hole	\$ 9.50
Regular 18-hole	\$ 16.00
Senior 18-Hole	\$ 15.00

It is also recommended to eliminate the “family” rate and replace it with paying the “individual” rate plus \$ 150.00 per person to add a spouse or dependent child. As an alternative to purchasing a season pass, a coupon booklet will be offered.

It was the general consensus of the Mayor and City Council to approve the proposed rates for golf cart rentals and eliminating the family rate.

Bluesfest Budget

Carl Disque, Chairman, and Karen Giffin, Director of Community Affairs, then discussed the 2007 Bluesfest Budget. Mr. Zimmerman pointed out the City’s support of \$ 47,000 is not included in the \$ 198,000 budget. Ms. Giffin stated grants are being sought at the Federal level with assistance from a consultant.

Councilmember Parson-McBean had suggested seeking grant funding to help address the social issues in the community.

Policy for Snow Removal from Sidewalks

Rodney Tissue, City Engineer, and John Lestitian, Chief Code Officer, were present to discuss the procedures that will be followed during significant snow events. The goal of the snow removal policy is to outline procedures and protocol to reasonably enforce Property Maintenance Code Section 302.3.1 on snow removal.

The removal of snow and ice from sidewalks is important for the health, safety and welfare of the citizens. Property Maintenance Code Section 302.03.1 states “All public sidewalks shall be maintained free from accumulations of ice and snow. Within the City’s business district, the pedestrian areas must be maintained within four hours after the storms subsides; however, if the storm subsides between the hours of 9:00 p.m. and 5:00 a.m., the deadline for compliance shall be extended to 9:00 a.m. following this time period. In all other areas of the City, the pedestrian areas shall be maintained as above within 10 hours after the storm subsides. Ice and snow conditions that remain unabated in excess of the above time restrictions are declared a nuisance and are subject to abatement by the City or its contractors. All costs associated with the abatement of said nuisances shall be the responsibility of the property owner and be billed and collected as per the City Code. The penalty is a \$ 200.00 Municipal Infraction Citation. The Administrative Fee for abatement of ice and snow accumulation shall be set at \$ 60.00 per abatement (\$ 50.00 plus \$ 10.00 technology fee).

The City will endeavor, in partnership with other governmental offices and community organizations to develop a registry of property owners who are physically and financially unable to maintain their sidewalks free from the accumulations of ice and snow. This coalition will endeavor to coordinate volunteer efforts to abate these locations.

Mr. Lestitian stated railroad properties are not typically cleared of snow. The City will remove the snow and submit a bill to the railroad if the property is not cleared. There may be no recourse if the bill is not paid.

Neighborhoods Helping Neighbors

This winter will be the second in which the Neighborhoods 1st program in conjunction with Code Compliance has matched those who are physically unable to clear snow and ice from their sidewalks with volunteers who are willing to provide this service free of charge.

Neighborhoods 1st maintains a list of those folks who are willing to volunteer. When Code Compliance learns of an individual who cannot remove the snow from their sidewalk, they contact the Community Development Coordinator who then matches up a volunteer with the property owner. This program worked well last winter and it is being offered again this year.

Mayor Bruchey suggested contacting church groups for volunteers. There is no minimum age for volunteers. Minors would have to have parental consent to volunteer. Students could use the volunteer hours to meet the Community Service hours requirement for graduation.

Roslyn Building

On October 10, 2006, the Mayor and Council authorized staff to begin the planning for the possible reuse of the upper floors of the Roslyn Building as condo residential units.

Staff has met with John Urner, City Attorney, concerning this project. During the meeting he pointed out several issues that need to be considered. Of particular interest was that the City would loose control of the exterior of the building. Since this is an important building in the downtown area, Staff felt that further discussion with the Mayor and Council was warranted before any additional effort was put into the plan.

Councilmember Metzner expressed concern that condos would become rental units.

Larry Bayer, Community Development Department Manager, stated there is 500,000 square feet of vacant space available for use in the downtown area. This could be used as an example of prime consideration for people to live downtown. Mr. Zimmerman stated there is some sense of urgency to do something positive for E. Franklin Street.

It was the general consensus to not proceed further with the reuse plan at this time.

The programming of CDBG funding was then discussed.

CDBG Reprogramming of Funds

Staff was present to discuss reprogramming of \$ 22,000 in CDBG funds from CDC Projects to planning under program administration. These funds will be used to assist Hagerstown Neighborhood Development Partnership (HNDP) with the cost of completing a housing market analysis, beginning a vacant upper floors initiative and evaluation of properties considered for acquisition by HNDP. The funding is already included in the CDBG budget. Approval of the reprogramming would move funding from one use to another.

Councilmember Aleshire stated this type of study is overdue. He feels it is important, regardless of the HNDP request. Part of the \$ 22,000 would be used to assist in funding the survey. The market analysis will include the majority of Hagerstown. This would be a joint effort with the HNDP. The City will have a copy of the completed analysis.

Councilmember Cromer asked if the study could be completed by City staff. Mr. Bayer indicated City staff would not have the expertise or time required to complete the study. Mayor Bruchey stated it appears some Council members would support the reprogramming if an agreement is developed to ensure the City has ownership of the study. Mr. Urner stated the Council could determine if they want to move forward after the study is completed. Mr. Bayer indicated each part is a separate initiative. It was the general consensus to approve the reprogramming, if there is joint ownership of the market analysis.

Homeless Day Shelter

Larry Bayer, Community Development Department Manager, David Jordan, Executive Director of Community Action Council, and Dale Bannon, United Way Executive Director, were present to discuss ideas for the creation of a homeless day shelter in Hagerstown.

Mayor Bruchey stated the possibility of developing a homeless day shelter that will offer services to help people be more self sufficient has been discussed. This type of program would also help get a handle on the homeless situation. The discussions have been very preliminary. Location of the shelter and development of a budget have been considered. He anticipates that entities, other than government entities, would participate.

Mr. Jordan stated they are considering a center that would be open from 8:00 a.m. to 6:00 p.m. This center would not be a place to “warehouse” people but would provide assistance to people. A homeless management system would be developed that all service organizations would have access to. This would help track the number of homeless people and what services would benefit them.

Mayor Bruchey stated service providers will be providing information at the next Homeless Task Force meeting on December 6, 2006. A tour of the various service

providers' facilities will be offered on December 15, 2006. He invited the Council to attend these meetings.

Councilmember Nigh expressed her concern that more homeless people are coming to Hagerstown. She is also concerned about the duplication of services provided. She would like to see a shelter located somewhere in Washington County.

Mr. Bannon indicated every shelter has been conducting surveys during November. Accurate statistics are needed in order to address the issue of the transient homeless population. Each person receiving services will be tracked and all the service providers can follow the person. After the information is compiled it will be presented to the Mayor and City Council.

Mr. Jordan stated this is not intended to be a permanent day shelter. The people using the services need to be functioning in the community or moving on. In order to be successful, this has to be a joint partnership with the City of Hagerstown, the Washington County Commissioners and the service providers. He does not want the location of the shelter to be in the middle of downtown. The program would require an identification card for participants.

Councilmember Cromer asked if the REACH shelter receives United Way assistance. Mr. Bannon stated they do, but not for the homeless program. REACH also provides transportation for senior citizens and this is the program assisted through United Way.

Mayor Bruchey stated this is not just a Hagerstown problem, it is a County problem and a partnership is needed to be successful.

Annexation Review – Hospital Relocation Plan

On February 2, 2006, the City received an annexation review application for water service for the new hospital from Raymond Grahe of the Washington County Health System. At the direction of the City Attorney, staff delayed processing of the application until a number of milestones had been reached:

1. Zoning approval by the County Board of Zoning Appeals
2. Site Plan approval by the County Planning Commission
3. Approval of off-site infrastructure improvement plans by the City's Water and Sewer departments
4. Approval of the flow transfer plan for sewer allocation by the City and the Maryland Department of the Environment
5. The Judge's decision to uphold the Board of Zoning Appeals' approval of the hospital's location on Medical Campus Road.

In late October, the Planning Department received a pre-annexation agreement signed by James Hamill, for the new hospital as required by the Annexation Policy in order to receive water service for the new location. Since the Health System related lands, which

are contiguous to the City boundary and the proposed hospital parcel do not have common ownership corporations, a pre-annexation agreement for the new hospital is the appropriate step per the Annexation Policy.

As is the accepted process, when an applicant elects not to contest the Annexation Policy requirements and submits a pre-annexation agreement or annexation petition, review by the Annexation Review Committee is not required. A letter is sent to the applicant indicating approval through the Annexation Policy provided the applicant complies with all conditions for water service. Staff is ready to send that letter.

Councilmember Metzner stated if the pre-annexation agreement is not approved, the City will still have to provide water and sewer to the hospital.

Councilmember Aleshire stated the hospital has not yet met the zoning requirement for the relocation. Mr. Urner stated the hospital would have some kind of zoning when they approach the city for potential annexation. He feels this consideration is independent of the zoning issue. He stated the pre-annexation agreement is not the water service application. It is a request for water service to that property in exchange for a petition to annex, when and if they become contiguous. The amount of water requested will be a function of the zoning. If they aren't approved for zoning, they won't be asking for a large amount of water.

Councilmember Metzner stated if the agreement is not approved, they would receive water service and the City would not be in a position to require annexation if the Council decides to consider annexation. If the agreement is approved, the City may determine it would be beneficial to annex the property. If the agreement is not approved, the City loses any control of the property. Acceptance of the agreement does not bind the City to annex the property. Annexation would be considered at a later time, if the property becomes contiguous to the City.

It was the general consensus to approve the pre-annexation agreement.

Civil War Trails Signs Agreement

In 2003, the Maryland Department of Business and Economic Development made a request to locate three Civil War Trails signs in downtown Hagerstown. In May, 2003, the Mayor and City Council granted permission to locate the signs on the side of the Visitors' Center. The temporary easement/entry agreement paperwork was not finalized at that time. Since the 2003 request, the State has installed a National Road sign on the Visitors' Center wall which has lead to an alternative location solution for the Civil War Trails signs.

At DBED's request, the "gateway" sign would be located on the Visitor Center wall, between the two windows. The other two signs would be located on the side of the N. Potomac Street Parking Deck. The Washington County Convention and Visitor's Bureau

has offered to pick up the \$ 200 per sign per year annual maintenance fee, which is paid to the State.

It was the general consensus to approve the “permission for temporary easement/entry agreement” between the City and DBED on installation and maintenance of the Civil War Trails signs on the Elizabeth Hager Center and the N. Potomac Street Parking Deck.

Downtown Banners and Directory Signs

This summer, the City received grant funds from the Maryland Heritage Area Authority for new banners for downtown light poles, downtown directory signs for pedestrians and interpretive places on downtown buildings. The total grant amount is \$ 12,500. A \$ 12,500 match is required from the City.

Staff plans to replace the existing green downtown banners with new banners in three alternative designs that would be scattered throughout the downtown for greater visual interest. The directory signs are to be installed at six key locations in the downtown. The goal is to both highlight what the downtown has to offer and to direct visiting pedestrians to major downtown destinations and nearby major attractions. Staff is working with a team of local historians and the Tourism director on location, wording, and graphics for the interpretive plaques. The goal is for the plaques to tell the story of important events and activities during the Civil War in downtown Hagerstown for location at the site of related activities.

It was the general consensus of the Mayor and City Council to proceed with bidding for the design and manufacturing of the downtown banners and directory signs projects. Staff will return later with the proposed interpretive plaques.

City Administrator’s Comments

Bruce Zimmerman, City Administrator, stated City offices will be closed on November 23 and November 24, 2006 in observance of the Thanksgiving holiday.

Mayor and City Council Comments

Councilmember P. M. Nigh suggested that the Community Foundation take care of the homeless shelter. There will be extended holiday hours at the City Market. A retired employee, Lenny Morris, is a patient at the Veterans Administration Center. She asked that people consider sending him cards. She stated she hopes Medicare will cover the additional expenses for patients.

Councilmember L. C. Metzner stated he was astounded to read that 36% of students in Washington County schools live in poverty. He thinks the Economic Development Commission should be pursuing businesses that provide higher wages. Warehouse jobs are not the answer. He thanked the Boards and Commissions members for their valuable service to the citizens. He encouraged Board members to consider applying for the

vacant council seat. He also encouraged qualified citizens to apply. He asked everyone to remember those serving in the military during this Thanksgiving season.

Councilmember K. S. Cromer asked if the hospital has considered keeping the existing facility open when they relocate. Councilmember Metzner stated they have indicated the only way to receive money for the new hospital is to demolish the existing hospital. Councilmember Cromer asked if the Council had agreed they were not going to do anything until the proper zoning was approved. Councilmember Metzner stated the Council agreed they would not spend a great deal of time doing the work for the water request.

Councilmember Cromer reminded everyone the deadline to apply for the vacant council seat is November 27, 2006.

She stated she has noticed that city employees have spent most of November putting up the holiday decorations. Even though she appreciates the decorations, she is concerned about the total cost of decorating and un-decorating. She thinks it would be more cost effective to hire seasonal employees to do this work. Mr. Zimmerman stated there would be additional expenses to hire seasonal employees. Permanent staff members do the decorating. He stated it has been considered to expand the decorating. Councilmember Cromer stated she would like to see a cost analysis for the decorating. She thanked Sandy and Rich Holler and Wanda Guderjohn for Christmas trees to the City. She stated a Teen Idol audition will be coming to Hagerstown.

Councilmember K. B. Aleshire stated the tree lighting in the square was very well attended and nice. He does not agree with the logic considered for the hospital's request to the County to waive \$ 1.1 million in fees.

Councilmember A. Parson-McBean thanked the UAW for giving out Thanksgiving baskets of food. She thanked Michael Miller of the Virginia Council of Churches for his presentation at the Building Community meeting on November 20, 2006. The next Building Community meeting will be held on December 11, 2006. The topic will be the increasing cost of utilities and what assistance is available. She thanked everyone involved for the clean up on Franklin Street. The street is much safer now.

Mayor R. E. Bruchey, II announced the Heritage Preservation plaques at the corner of Jonathan and Church Streets will be dedicated on November 30, 2006 at 10:00 a.m. A holiday open house will be held downtown from November 30 to December 2, 2006. The City Park lighting will take place on December 1, 2006. He has spoken with residents at Summerland Manor about the tax credit program. He expects this will be discussed further at a work session.

EXECUTIVE SESSION – November 21, 2006

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by

voice vote to meet in closed session at 6:28 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. 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 6:43 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: