

33RD SPECIAL SESSION, WORK SESSION AND EXECUTIVE SESSION –
December 7, 2010

Mayor R. E. Bruchey, II called this 33rd Special Session, Work Session and Executive Session of the Mayor and City Council to order at 4:07 p.m., Tuesday, December 7, 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, City Attorney Mark Boyer and City Clerk D. K. Spickler.

33RD SPECIAL SESSION – December 7, 2010

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed to meet in Special Session at 4:07 p.m.

Approval of an Ordinance: Amending the City Code: Chapter 64 Building Construction, Article I, Building Standards, Including Sprinkler Requirement Exemptions

Action: Councilmember L. C. Metzner made a motion to approve an ordinance to amend the Code of the City of Hagerstown, Chapter 64, Building Construction, Article I, to provide for updated Building Standards which includes a requirement for the installation of a residential sprinkler system in newly constructed one and two family dwellings. One-family detached dwellings are exempt from this requirement. This requirement will become effective for building permit applications received after February 1, 2011. Councilmember W. M. Breichner seconded the motion.

Discussion: Mayor Bruchey asked if there was any interest in exempting buildings from the requirement if certain building materials are used. Councilmember Haywood indicated she would like to research the details of this.

Motion carried, 3-2 with Councilmember F. W. Easton and Councilmember A. C. Haywood voting No.

On a motion duly made, seconded and passed, the special session was adjourned at 4:09 p.m.

City Attorney Mark Boyer left the meeting at this time.

WORK SESSION – December 7, 2010

Meeting Management System

Scott Nicewarner, Director of Technology and Support Services, and Donna Spickler, City Clerk, were present to provide additional information about a meeting management system.

During the past several months, the Mayor and Council have been discussing the possibility of utilizing a “paperless” meeting management system.

Based on staff review, the following benefits were noted:

1. Used by all departments for managing agendas and meeting packets.
2. Department efficiencies are created by reducing the time involved in assembling and distributing meeting packets.
3. Manageable workflow of agenda item materials for each meeting.
4. Instant availability of materials to the Mayor and Council, Board members, staff and the public, once packet is complete.
5. Ability to make private notes on agenda in preparation for the meeting.
6. Historical documentation (minutes, agendas, meeting packets, City Code, etc.) readily available to participants at the meeting for reference.
7. Meeting transparency and increased communication capabilities with public.

Supply costs (paper and copy charges) were reduced significantly in July, 2009 when the number of printed Mayor and Council packets was reduced. Staff now has access to the packet through the City’s shared network. Additional supply costs would be reduced with the expansion of this system to Boards and Commissions that currently rely extensively on paper packets. Each member of the Mayor and Council or Board would need access to a computer (laptop, iPad or other device) during the meeting.

If the Mayor and Council wish to pursue this initiative further, staff would recommend approval to request an RFP from vendors for a three year “Software as a Service” arrangement. Using this technology would streamline the process and provide greater efficiency.

Councilmember Metzner stated he believes the real savings will be in the efficiency of the meeting preparation process. Mr. Nicewarner stated the capability to easily search past documents will also be a benefit.

Mr. Nicewarner stated many vendors provide the software as a service with a subscription service. The price range for this service is \$ 4,000 to \$ 8,000.

Councilmember Brubaker stated he anticipates discussing increased productivity during the coming budget season.

Mr. Zimmerman pointed out this will move the City in a “paperless” direction. Some cost saving measures have already been implemented and this system will provide increased efficiency.

It was the general consensus of the Mayor and Council to request an RFP from vendors for further information and cost estimates.

Recommended Zoning Text Amendments for Wind and Solar Energy Systems

Clayton Zug, Planning Inspector, and Kathleen Maher, Planning Director, were present to discuss amendments to the section relating to solar collection systems.

On November 2, 2010, the Mayor and Council were in agreement on all sections of the proposed ordinance except for section K.8.d (solar collection systems).

After further review and meeting with Phil Kelly from Millennium 3 Energy, staff proposes the following recommendations to ratify the comments surrounding the subject. An updated version of the wind and solar text amendments, including these recommendations, was presented to the Mayor and Council.

Recommendations:

1. Ground-mounted solar collection systems are permitted in any zoning district: Ground-mounted solar collection systems are permitted as an accessory use and shall comply with height and setback requirements for accessory uses.
2. Building-Mounted solar collection systems are permitted in any zoning district: Building-mounted solar collection systems may not exceed twelve inches in height on gabled or hipped roofs or ten feet on flat roofs. No lot or building coverage restriction.

Key factors include:

1. In urban environments, solar collection systems are the alternative energy of choice for efficiency and cost effectiveness.
2. Since solar is the alternative energy of choice in urban environments, developments in those environments should have the least restrictions.
3. Ground-mounted solar collection systems are not common for residential applications due to expense.
4. 93% of the parcels in the City are under 0.5 acres – Not likely for many effective wind energy systems.
5. Less restriction on solar collection systems will allow for more alternative energy developments overall.

The Historic District Commission would have to approve structures in the historic districts. Councilmember Haywood asked if the members are aware of the design standards and type of structures. Ms. Maher indicated no cases have been presented to the HDC. Councilmember Haywood does not think approval of the HDC should be

required for wind and solar systems. Ms. Maher indicated any outside changes would be reviewed by the HDC.

Mayor Bruchey stated this is another example of the City mandating what they can or can't do with their property.

Councilmember Brubaker asked why the 20% restriction of usable rear yard space (recommended by the Planning Commission) was changed to 100%. Mr. Zug stated the 20% was recommended by the Planning Commission and was not attached to anything else in the ordinance.

Councilmember Brubaker stated the Planning Commission is trying to make sure a property owner doesn't fill their whole yard with a wind or solar system. Councilmember Haywood pointed out staff has indicated a study would be done of a proposed system. She does not think someone would fill their entire yard with a system.

Councilmember Metzner stated he is not familiar enough with the system to know whether or not a large system (entire yard) would be enough to provide power for his house. He stated the Mayor and Council have an obligation to regulate property uses and other issues. He would like more information on the systems.

Mr. Zug stated a 600 square foot area of solar energy collection would provide half the energy for a 1,800 square foot home. Staff wanted to promote as many alternative energy sources as possible.

Ms. Maher suggested keeping the non-residential systems at the existing setbacks and residential systems at not more than 20% of the usable space of the property given setbacks.

It was the general consensus to get more information and discuss the requirements further.

Washington County Recycling Boxes

Rodney Tissue, City Engineer, was present to provide information about the Washington County recycling boxes. Cliff Engle, Deputy Director of the Division of Environmental Management for the County, and Tony Drury, Recycling Coordinator, were also present. Throughout Washington County, the County Division of Environment Management provides roll-off dumpsters for residents to drop off recyclable items. Within the City, the County provides dumpsters at the following locations:

1. Dual Highway at the Ames Shopping Center
2. Hospital parking lot adjacent East Baltimore Street
3. Parking lot in front of the former Giant Eagle on North Burhans Boulevard
4. South End Shopping Center adjacent to Maryland Avenue

The intent of these dumpsters is to allow all residents to drop off paper and commingled (glass, plastic, and aluminum) items for recycling. Over the past months, there has been discussion and some concerns expressed about the program Washington County provides within the City limits. Unfortunately, the dumpsters, which are very visible to the public, are routinely abused. It is not unusual for violators to drop off appliances, mattresses, and large pieces of furniture, etc. The County has indicated that at times, they have cleaned up hundreds of pounds of trash from locations including clothing, wood, carpet, insulation, furniture and household trash.

Section 117.9 of the City Code regarding dumpsters states that “all new dumpsters or central trash drop off areas established in the City require an enclosure to block the dumpster from being visible from the public right-of-way or street”. These requirements have not been applied to the County’s dumpsters. It should also be noted that the City’s curbside recycling program lessens the need for City residents to use the dumpsters.

Mr. Tissue has discussed the matter with Mr. Engle. The staff at the County is also frustrated by the abuse that this program receives. Mr. Engle provided several options that they are currently considering to improve the program. They are as follows:

1. Placement of an additional container at the locations and evaluate the resulting performance. The idea would be that the extra container would have a generally positive effect by keeping the excess materials off the ground.
2. Remove the dividers in the containers and accept all of the recyclables as single-stream. This might be helpful as it is generally thought that the paper container section fills up faster and causes much of the overflow issues. Allowing the recyclables to become mixed together would allow small glass and metal containers to fill in spaces between the cardboard.
3. Converting the “gable topped” boxes that are currently in place to an 8 yard front end box. This replacement would be about two of the 8 yard boxes for each gabled top roll off box, but the footprint would be roughly the same. Since it would only take a few minutes for a front end loading truck to arrive and dump each of the 8 yard boxes, the time savings, coupled with the ability of the front-end loader trucks, may make the program more cost effective and allow for a daily pickup schedule at each location.
4. Relocate the dumpsters to areas less visible to the public to lessen the negative visual impact created by the dumpsters and the trash on these nights.
5. The last option would be for the City to request that the program be eliminated within the City limits.

Staff is seeking the Mayor and Council’s direction on whether they wish to continue this program, and if so, their preference for desired changes to enhance the appearance of these dumpsters.

Councilmember Easton asked if alternative sites have been reviewed. He would support removal of the containers. The containers are not user friendly.

Mr. Engle stated alternative sites have been looked at. Signs prohibiting dumping have been placed at some locations. Councilmember Metzner pointed out there is a state law prohibiting dumping, which appears to be occurring at these sites.

Councilmember Breichner wondered if removing these collection bins would encourage people to participate in curbside recycling programs or take the items to the landfill on their own.

Councilmember Haywood thinks other sites may be more suitable and would encourage reviewing the current location.

Mr. Engle stated educational programs and outreach may help people be more aware of the allowable items. Mr. Drury has been visiting municipalities to increase recycling efforts.

Councilmember Metzner suggested having the City's sign department create large signs indicating "No Dumping" to place at the container. The signs could be in place for a few months to see if they make a difference. Mr. Tissue and Mr. Engle will work together on the signage.

It was the general consensus of the Mayor and Council to review alternate locations for the bins, with increased monitoring potential.

Program Open Space (POS) Annual Program FY 12

Rodney Tissue, City Engineer, and Junior Mason, Superintendent of Parks, were present to discuss the annual Program Open Space (POS) projects.

The following projects are being considered for submission to the program:

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| 1. | Hellane Park – Walkway Improvement | \$ 36,000 |
| 2. | Potterfield Pool – Double Tube Slide | \$ 13,500 |
| 3. | Potterfield Pool – Pavilion | \$ 9,000 |
| 4. | Hagerstown Greens – Golf Cart Storage Building | \$ 9,000 |

Councilmember Metzner would like to see the parking lot improvements at the Digby Lot (in City Park) included on the list.

Councilmember Haywood has received requests for a dog park. Mr. Mason indicated a dog park would require a couple acres of unused space. Councilmember Haywood stated this would be a good discussion for the Parks Board to have. She would like to include discussion of a dog park on a future agenda.

Councilmember Breichner pointed out parks are spread out over the City and input from the Parks Board would be helpful in determining future needs and uses. Councilmember Haywood stated this further highlights that a citizen board is needed to review park needs and give greater credibility to projects. This could increase the potential for Program Open Space funding.

Councilmember Brubaker asked that all Mayor and Council members receive a copy of the past funding for City projects from POS, in comparison to other municipalities.

It was the general consensus of the Mayor and Council to submit the list, as presented, with the addition of the Digby Parking lot.

Memorial Park Concept Plan

Rodney Tissue, City Engineer, presented a concept plan for a new park called Memorial Park. The City's recently adopted Strategic Plan suggests the City develop additional parks and expand trail systems in the City. In addition, staff has discussed creating a small park area with a focus on recognizing and honoring veterans and/or worthy citizens who have contributed to the community. While a small monument was erected on the east side of Memorial Boulevard several years ago, it is not readily accessible and is rather isolated. To address these issues, staff is suggesting the creation of a park that could be used for formal memorial events but also includes a passive area where citizens could visit and remember those memorialized there.

The proposed location for Memorial Park is on the City-owned property in the northwest corner of East Memorial Boulevard and south Potomac Street, directly across from Bester Elementary School and the City's Public Works offices. This location was chosen for the following reasons:

1. The corner property is highly visible but is currently an underutilized gateway into the downtown area.
2. Similar to other communities, Hagerstown should have an area that is specifically to honor, memorialize, and recognize veterans and/or noteworthy citizens who contributed to the continued development of Hagerstown.
3. This location is directly across from Bester Elementary School, which the Board of Education has indicated will be rebuilt in the near future. This is an opportunity for those students to learn about the history of Hagerstown, important citizens that contributed to the community, or develop some form of environmental education.
4. There is an active Neighborhood's 1st group in the Locust Point area and this project would support and benefit the area.
5. The park would also provide a destination for residents who wish to walk.

The park would be similar in size to Oswald Park (roughly 200' x 150'). The park would consist of a formal main entry plaza that would front on South Potomac Street, where there could be memorials, remembrance walls, plaques, etc. The balance of the

park would be a more passive area with walks, paths, recreational trails throughout the area that would eventually be lined with memorials or other amenities. An area to view the water in Marsh Run is also suggested.

Staff suggests a Phase I “base” project that includes the formal entry plaza, grading, landscaping, and some base trails. A portion of this could be completed in-house by staff. This Phase I cost is estimated to be from \$ 100,000 to \$ 150,000.

Future phases would include the parking lot, bridge over to Public Works, environmental areas and the plaques, sculptures and other amenities for the park. These could be installed over time and could be in partnership with others.

If the Mayor and Council authorize a Phase I development, staff would develop plans and Phase I construction could begin in 2011, if enough Block Grant Funds can be secured to do the work. The current Capital Improvement Program budget is \$ 55,000 in Community Development Block Grant funds for the development of the park.

Councilmember Breichner pointed out this site was originally intended to be used for a facility for the street department. Mr. Tissue indicated there would still be space for such a facility.

Councilmember Breichner stated the Korean War Veterans are looking for a location for a memorial also. Mayor Bruchey stated there could be different monuments along the pathway through the park.

Councilmember Haywood asked if new sidewalks will be installed on the perimeter of the area. Mr. Tissue stated not much can be done because of Marsh Run.

Councilmember Easton thinks the park is a good idea. He believes there could be creative ways to fund the project, without the City taking on the full burden of the cost. Sponsorships from corporations and others and selling bricks may be viable options.

Councilmember Brubaker likes the concept of people advocating memorials in the park helping with funding.

This proposal is just for a veteran’s military park. Other portions of the park could be used for educators and others in the community.

Councilmember Metzner likes the idea of a Hall of Fame type recognition for citizens of the City.

The Mayor and Council agreed this was the best location for the memorial park.

Councilmember Brubaker mentioned it would be good if there was a trail between this park and municipal stadium.

It was the general consensus to move forward with this project.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, reminded everyone that the last yard waste pick up will be December 14, 2010.

MAYOR AND COUNCIL COMMENTS

Councilmember F. W. Easton had no additional comments.

Councilmember A. C. Haywood offered condolences to the family of Austin Rinker, who passed away recently. Mr. Rinker was involved in CRS and the community suffered a great loss with his passing.

Councilmember L. C. Metzner had no additional comments.

Councilmember W. M. Breichner had no additional comments.

Councilmember M. E. Brubaker had no additional comments.

Mayor R. E. Bruchey, II attended the Swearing-In Ceremony for the newly elected County Commissioners. He thanked everyone who helped with the City Park Tree Lighting. He thanked City employees for their generous donations to the Toys for Tots program and during the November collection of items and cards for soldiers.

EXECUTIVE SESSION – December 7, 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 to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, #4, to consult with counsel to obtain legal advice, #7 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 5:45 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, City Attorney William Nairn, Deborah Everhart, Economic Development Director, John Lestitian, Department of Community and Economic Development Director, Al Martin, Budget Office, Michelle Burkner, Acting Finance Director, Donna Frazier, Human Resources Director, Rodney Tissue, City Engineer, and Donna K. Spickler, City Clerk. The meeting was held to discuss business incentives for an existing business to expand, settlement of a lawsuit with a software

company and various personnel issues. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the meeting was adjourned at 7:26 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: January 25, 2011