

WORK SESSION AND EXECUTIVE SESSION – December 8, 2009

Mayor R. E. Bruchey, II called this Work Session and Executive Session of the Mayor and City Council to order at 4:03 p.m., Tuesday, December 8, 2009, in the Council Chamber, 2nd Floor, at City Hall. Present with the Mayor were Councilmembers W. M. Breichner, M. E. Brubaker, F. Easton, A. C. Haywood and L. C. Metzner; City Administrator Bruce Zimmerman, City Attorney John Urner, and Donna Spickler, City Clerk.

Work Session – December 8, 2009

Meeting with Senator Munson, Delegate John Donoghue and Delegate Leroy Myers

Delegate Donoghue and Delegate Myers were present to discuss legislative issues. Senator Munson was included via a conference telephone call. Mayor Bruchey thanked them for their past support.

Delegate Donoghue reported the funding for the library expansion and the new State police barracks money is secure, even with recent budget cuts. He assured the Mayor and Council that the USMH center is doing well and everything possible will be done to preserve the funding.

Delegate Myers reported Secretary Skinner was impressed with the USMH facility. The center needs to keep growing and increasing class selections.

Delegate Donoghue stated in order to have a say in the budget, legislators have to vote in favor of it for discussion to continue.

Senator Munson indicated the task force study of the university shows that the program is working well. The admission has increased. He stated the decline in State revenues has slowed. The State is not receiving the anticipated revenues, but it appears things are improving. If everyone stays fiscally prudent, it is possible to work through the decline sooner than anticipated. The Governor may have to use the rainy day fund to counteract the shortfall. Delegate Donoghue indicated the rainy day fund should be used before further reductions are passed to municipalities.

Senator Munson indicated the bond rating needs to be held steady for the future financial health of the State. He stated focus needs to remain on economic development.

Councilmember Brubaker stated new storm water management regulations will make development more difficult. There may be alternative environmentally friendly solutions. A copy of a letter sent to the Maryland Department of the Environment from the City of Hagerstown will be provided to Senator Munson, Delegate Donoghue and Delegate Myers.

Delegate Myers asked for a summary of stimulus money projects for the City. Senator Munson reported the leadership committee will be reviewing many things in regard to the Chesapeake Bay. He thinks the standards will be difficult to meet. He will provide information to the City. Delegate Donoghue reported the number of families served at the Health Department has increased due to the new state health care program.

Councilmember Metzner thanked the three legislators for their clear support of the City.

Councilmember Haywood asked what opportunities have been realized from this downturn for a more sustainable City and County. Delegate Donoghue stated progress has been made with the library and the university. He will continue to look for projects for downtown. Delegate Myers credited people for doing more with less. Senator Munson stated efficiencies have been reviewed as State employees were required to take furlough days.

Councilmember Easton stated this meeting was important for elected officials and citizens.

Phase II of Comprehensive Rezoning – Evergreen and YMCA

At the last discussion of the Phase II comprehensive rezoning, the Mayor and City Council finalized all of the rezoning recommendations with the exception of the Evergreen parcel at the corner of MD 60 and Eastern Boulevard and the YMCA. The Mayor and City Council requested that the Planning Commission consider alternative rezoning recommendations for the two parcels of Professional Office Mixed-Use (POM) for Evergreen and Neighborhood Mixed-Use (N-MU) for the YMCA.

Mayor Bruchey asked for a consensus from the Council for these two properties:

1. Evergreen – Recommended for Rezoning to R2 - Staff went back through the files and found that the Planning Commission considered POM in the spring and decided against it in favor of R2. POM was not felt to be a suitable enough step down in zoning to provide the transition between C4 and R1 that they desired. For this reason, staff did not request another review of POM by the Planning Commission.

It was the general consensus to move forward with POM zoning for the Evergreen property.

2. YMCA – Recommended for Rezoning to R1 – At their meeting on November 25, 2009, the Planning Commission considered the Mayor and City Council's request for consideration of N-MU zoning as an alternative to R1 for the YMCA. Because the YMCA building type and site layout do not comply with the standards for N-MU, staff drafted some text amendment language for the PC's consideration to accommodate existing developments which are rezoned to N-

MU. After much debate on the matter, the Commission decided to remain with their recommendation of R1 zoning.

It was the general consensus to move forward with R1 zoning for the YMCA property.

Mayor Bruchey indicated approval of the zoning will be included on the agenda for December 22, 2009.

Home Occupation Amendments

Stuart Bass, Comprehensive Planner, was present to answer questions. Staff was directed by the Planning Commission to modify the home occupation provisions of the Land Management Code as follows:

A definition was created for a home workstation. This is proposed as a permitted accessory use to all legal residences. There will be no visible exterior evidence of any use other than a residence. The Planning Department will produce an application form that requests an outline of the nature of the business in order to issue a zoning certificate.

The intent is to eliminate the necessity, expense, time delay and inconvenience of a special exception from the Board of Zoning Appeals for those uses that are clearly of no consequence to the neighbors, (i.e. bookkeeping, internet based businesses, etc.). The current provision for Special Exceptions for Home Occupations is proposed to be removed. The current practice of a home occupation as defined and allowed would be eliminated and no longer allowed within the City.

The Planning Commission held a public review meeting on July 29, 2009. No public comments were received. The Planning Commission is forwarding this text amendment with a positive recommendation for adoption.

A Public Hearing was held on November 24, 2009. There have been no comments to date. An introduction of the ordinance can be scheduled for the December 22, 2009, if desired.

Councilmember Haywood asked the Council to consider including a statement permitting an overlap of students arriving for a private music lesson. Mayor Bruchey asked if there could be something concise added. Approval of the amendment will be scheduled for December 22, 2009.

Mayor Bruchey announced the discussion of the improvements to the "000" block of North Potomac Street would be delayed until presenters arrive.

Overview of the Bicycle Master Plan

Rodney Tissue, City Engineer, stated the idea of developing a Bicycle Master Plan (BMP), was initiated in the Department of Engineering & Code Administration at the suggestion of the Board of Traffic & Parking and in response to the City's recently adopted Comprehensive Plan. A Bicycle Master Plan is also part of the Livable City initiative to improve and enhance quality of life for residents. Nationwide there is a strong movement towards developing urban bike routes and Americans are realizing that travel by bike has several benefits. Among them are:

1. Health and exercise
2. Environmental considerations
3. Enjoyment and recreation

Over the past year, staff has developed a draft Bicycle Master Plan with the following mission and visions:

1. Mission Statement of the Bicycle Master Plan is to make bicycling a safe, viable, and sustainable transportation option in the City of Hagerstown.
2. Vision Statement of the Bicycle Master Plan is that Hagerstown would have a comprehensive network of bike lanes for commuting and recreational use.

The purpose of this presentation to Council is simply to advise the City Council that staff is developing a bicycle master plan. It is expected that another presentation will be made to the Mayor and Council in February, after a series of meetings for input.

Councilmember Easton stated this is a good plan. Councilmember Metzner commended the Engineering staff for working on this project.

Mr. Tissue stated one component of the plan is parking. Another major component is educating riders. Councilmember Haywood suggested including a statement about the use of helmets.

Snow Operations Procedures and Policy on Removal of Snow from Sidewalks

Eric Deike, Manager of Public Works, and Rodney Tissue, City Engineer, were present to discuss the City's snow policies and procedures.

Mr. Tissue stated the property maintenance code requires public sidewalks to be maintained free from accumulations of ice and snow. The property owner is responsible for clearing the sidewalk within four hours after the storm subsides in the business district. In all other areas of the City, the pedestrian areas shall be cleared within 10 hours after the storm subsides. Ice and snow conditions that remain unabated in excess of the time restrictions are declared a nuisance and are subject to abatement by the City or

its contractors. All costs associated with the abatement shall be the responsibility of the property owner. A \$ 200 municipal infraction citation may also be issued.

No property owner will be notified of a violation until all City maintained sidewalks are cleared of ice and snow. Mr. Tissue informed everyone there is a program available for those financially and/or physically unable to remove the snow. The first priority is downtown. The second is the school walk routes and the third is the hospital and other neighborhoods. Mr. Tissue stated people will not be fined the first time they are notified of a problem.

Mr. Deike reported the crews start removing snow in the downtown area and work outward from there. Each storm is different and so is the process for dealing with the precipitation. Public Works currently requires every employee within the department to work during snow events. The forecast determines the length of the shifts. Personnel from other departments will assist during the bigger snow events. Snow removal in downtown usually involves a night time operation to remove. It is expensive and only done when absolutely necessary.

Freezing rain is forecast for this evening. Mr. Deike indicated there is a crew ready to start treating the roadways, if necessary.

Possible Streetscape and Sidewalk Improvements “000” Block of North Potomac Street

In September, 2009, the Mayor and City Council reviewed a letter from the Maryland Department of Planning indicating the City received a grant award of up to \$ 100,000 in fiscal year 2010 from the Maryland Heritage Area (MHA) Authority Financing Fund.

At that meeting, the general consensus of the Council was to not proceed with a curb widening project, but to develop a plan for how to best utilize the grant. Council directed staff to explore options, poll the businesses in this block, and to present the information to the Mayor and Council for further consideration at a later date.

Based on Council direction, staff completed the following:

1. Invited all property owners and tenants of the block to a public meeting to discuss the project.
2. Four property owners (or property representatives) attended the meeting and the response to the proposal was favorable.
3. Mr. Tissue met with five other property owner/representatives and obtained their input on the project. These representatives also felt the work was a good idea and requested that the City proceed. Both restaurants in this block are particularly enthusiastic.

Based on the input of the property owners, staff prepared a streetscape improvement plan. The project includes the replacement of the concrete sidewalks with brick, bump outs in front of 40 and 41 North Potomac Street to create cafes, replacement of several

trees, the preservation of a loading zone in front of 35-39 N. Potomac Street and the removal of five basement doors in the sidewalk.

The updated cost estimate is \$ 205,000. To fund the project, \$ 100,000 in grant funds would be utilized from the MHA grant. In addition, \$ 78,713 would be from the Maryland State Aid in Lieu of Taxes Fund (money sent to the City for road and street related projects), and the balance of the funds would come from CIP fund balance or from unspent fund balance from projects that were completed under budget.

It was the general consensus to accept the grant and move forward with the project.

Park and Shop Program

Eric Deike, Manager of Public Works, and Jason Rodgers, Parking System Supervisor, were present to discuss a new parking program. This program would assist businesses in the downtown by encouraging patrons to visit the downtown shops and restaurants. Parking deck vouchers would be purchased at a discounted rate so the businesses could validate some portion of their patron's parking. This program would be called "Park and Shop".

The City would print parking vouchers that could be purchased by downtown merchants. The vouchers would be printed in \$ 1.00, \$ 2.00, or \$ 6.00 denominations. They would be available for purchase by the merchants at a rate of \$0.80 on the dollar. Merchants would then be able to purchase them as needed.

The City would advertise the program at both decks with a list of participating merchants so visitors to the downtown would know which businesses validate parking. It would be up to the individual merchants to determine when, or if, they are going to validate their patron's parking.

If approved, work could begin in January, 2010 on a marketing campaign with a February launch date.

It was the general consensus to move forward with the Park and Shop program.

City Administrator's Comments

Bruce Zimmerman, City Administrator, asked Rodney Tissue, City Engineer, to provide an update on the Jonathan Street project. Mr. Tissue reported the roadway was opened to traffic today. Motorists are asked to use caution when traveling on Jonathan Street. There is still some sidewalk work being completed. The utility replacement was the largest portion of the cost of this much needed project. Mr. Tissue announced that changes in traffic patterns were made on Burhans Boulevard today in the hope it will alleviate some of the congestion on Franklin Street.

Mayor and Council Comments

Councilmember A. C. Haywood welcomed the businesses Spirit of the Lotus Tea Company and Taj India to downtown.

Councilmember L. C. Metzner reminded people to shop downtown for unique Christmas gifts.

Councilmember W. M. Breichner had no additional comments.

Councilmember M. E. Brubaker thanked everyone who worked on the Jonathan Street project.

Councilmember F. Easton reminded everyone it is important to participate in the 2010 census. Funding to local governments from the Federal government is based on the census numbers.

Mayor R. E. Bruchey, II attended the ribbon cutting for the Spirit of the Lotus Tea Company. Moving to their current location should be good for this business. There was a large crowd at the City Park lighting on Friday evening. He thanked everyone who worked on this event.

Executive Session – December 8, 2009

On a motion duly made by Councilmember F. Easton and seconded by Councilmember A. C. Haywood, 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 discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, #1 and to conduct collective bargaining negotiations or consider matters that relate to the negotiations, #9 at 5:58 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. Easton, Councilmember A. C. Haywood, Councilmember L. C. Metzner, City Administrator Bruce Zimmerman, Larry Bayer, Community Development Manager, Alfred Martin, Finance Director, Maryland Theatre Board Members: Sam Young, Benito Vattelana, Don Bowman, Ron Bowers, Dr. Betty Morgan, Jay Constanz, Director, Mack Davis, Richard Phoebus, CHIEF, and Donna Spickler, City Clerk. The meeting was held to discuss the sale of property on S. Potomac Street, a

proposal for the McBare's building, an appointment to the Board of Zoning Appeals and a financial overview of contract negotiations. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the meeting was adjourned at 7:03 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: January 26, 2010