

42<sup>nd</sup> SPECIAL SESSION AND WORK SESSION – December 12, 2006

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Mayor Robert E. Bruchey, II called this 42<sup>nd</sup> Special Session and Work Session of the Mayor and City Council to order at 4:06 p.m., Tuesday, December 12, 2006 in the Council Chambers at the City Hall. Present with the Mayor were City Council Members M. E. Brubaker, K. S. Cromer, L. C. Metzner, P. M. Nigh, and A. Parson-McBean, City Administrator Bruce Zimmerman, City Attorney John Urner, City Attorney William Nairn, City Attorney Mark Boyer and City Clerk D. K. Spickler.

Appointment of Martin E. Brubaker, City Councilmember

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. S. Cromer, the Mayor and City Council unanimously agreed by voice vote to meet in Special Session at 4:07 p.m.

Councilmember L. C. Metzner made a motion to appoint Martin E. Brubaker as Councilmember to serve the remaining term of former Councilmember Kristin B. Aleshire. Councilmember K. S. Cromer seconded the motion.

Motion carried, 3-1 with Councilmember P. M. Nigh voting No.

The oath of office was then administered to Councilmember M. E. Brubaker by Mayor R. E. Bruchey, II.

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. S. Cromer, the Mayor and City Council unanimously agreed by voice vote to appoint Councilmember Brubaker as the ex-officio member of the Planning Commission.

The Special Session was then adjourned.

Work Session – December 12, 2006

Preliminary Agenda Review

The preliminary agenda was then reviewed.

**Consent Agenda**

- A. Public Works: Skid Loader - Bobcat of Hagerstown (Hagerstown, MD)  
\$ 55,075.61
- B. Parks and Recreation: Skid Loader – Bobcat of Hagerstown (Hagerstown, MD)  
\$ 37,368.88

C. HPD:

1. Heat Pump Installation, Johnston Controls (Sparks, MD) \$ 14,000.00
2. 6 Police Sedans (Dodge, includes all requirements/accessories of HPD) – Hetrick Fleet Services (Denton, MD) per State contract award \$ 120,792.00

D. Engineering:

1. 2007 Overlay List
2. 2008 Pavement Preservation List

The vendor for the skid loaders for Public Works and Parks and Recreation is listed as sole source in order to match the existing equipment. It would not be beneficial to share the use of the skid loaders between the departments because they are used extensively.

Councilmember Metzner had a question about the heat pump at HPD. Mayor Bruchey suggested discussing the question later in the meeting, if Chief Smith is able to attend.

**Introduction of an Ordinance: Mechanical Codes**

**Introduction of an Ordinance: Electrical Codes**

**Introduction of an Ordinance: Plumbing Codes**

Rodney Tissue, City Engineer, and Mike Heyser, Building Inspector, stated these changes are proposed in order to standardize the mechanical, plumbing and electrical codes. Mr. Heyser stated the codes govern installation and modification of electrical and plumbing systems. Existing systems will not be subject to the changes, unless they are in violation at this time. Major changes include: all new kitchens must be vented to the outside and the requirement of an emergency switch to turn off electrical service to a boiler/furnace.

It was the general consensus of the Mayor and City Council to move forward with introducing these ordinances.

**Resolution: To Adopt the Revised Public Ways Construction Standards**

The Public Ways Construction Standards were adopted in 2002. This is an update, to be implemented as of January 1, 2007 which affects new development in the City of Hagerstown.

It was the general consensus of the Mayor and City Council to include adoption of the revised standards on the agenda for December 19, 2006.

**Resolution: Rename Alley 4-53 to Musey Avenue**

Mr. Tissue stated there are four residences that front this alley. The properties will be easier to locate by emergency services if the alley is named. Notices have been sent to the property owners regarding the name change. No major concerns have been expressed.

It was the general consensus of the Mayor and City Council to move forward with renaming the alley.

### **Golf Cart Rental Extension**

Junior Mason, Parks and Recreation Superintendent, stated the golf cart lease expires at the end of December, 2006. The company has offered to extend the lease for five years and provide 20 new carts. This will be discussed at a later date.

### **Approval of 2007 Sewer Capacity Allocation Program**

Kathleen Maher, Planning Director, and Michael Spiker, Director of Utilities, reported that Maryland Department of the Environment (MDE) has approved the amendments reviewed by the Mayor and City Council in November. It was the general consensus of the Mayor and City Council to approve the 2007 Sewer Capacity Allocation Program. It was the general consensus to approve the 207 SCAP.

### **Approval: Flow Transfer Agreement between the City of Hagerstown and the Board of County Commissioners of Washington County (for Washington County Medical Center)**

Mr. Spiker indicated approving the flow transfer agreement would conclude the items discussed at an August, 2006 work session. MDE has given their approval of the agreement. The County Commissioners approved the agreement in August. A sentence has been added to the agreement indicated that it would become effective at the time of issuance of an occupancy permit for the new hospital. It was the general consensus of the Mayor and City Council to schedule approval of the agreement

### **Resolution General Obligation Bonds**

On November 7, 2006, the Mayor and Council approved an enabling ordinance which was introduced on October 24, 2006, for staff to proceed with issuing up to \$ 9,965,000 in general obligation bonds. As directed by the ordinance, a resolution has been prepared for Mayor and Council approval providing the details of the bonds, prior to their issuance as spelled out in the ordinance. It was the general consensus of the Mayor and City Council to proceed with adoption of the ordinance. This will allow the City to proceed with locking in the funding for the various projects at today's attractive rates. The project list includes resurfacing, Public Works vehicles, Market House HVAC, Edgewood Dual Highway Intersection, Eastern Boulevard Widening, Wheaton Park Wall, Jonathan Street Streetscape Improvements, A & E District Streetscape Improvements, and various system improvements in light, water and sewer.

As discussed, Staff will come back to the Mayor and City Council as part of the standard purchasing and bidding policies for permission to start or award contracts for those projects that were not already approved.

It was the general consensus of the Mayor and City Council to approve the resolution.

Approval of \$ 150,000 of funding support for the design of Edgewood Drive/Route 40 intersection will be added to the agenda for December 19, 2006. The design work funding was approved by the Mayor and City Council in March, 2006. An agreement has been submitted for approval.

This completed the review of the preliminary agenda.

#### HIP Awards

Susan Delauter, Human Resources Administrator, announced the recipients of the “HIP” Employee awards for the months of September and October 2006.

The September award was presented to Scott Kiser, Paul Yeager and Daniel Craigie from Public Works, Central Maintenance Garage. These three employees installed a bulk fluid dispensing system, which resulted in cost savings and less spillage.

The October award was presented to Thomas Wilkins, Engineering and Inspections Department. Mr. Wilkins received the award for his outstanding performance in extraordinary circumstances. He assisted a man with a medical condition until paramedics arrived.

Each recipient received a monetary award, a certificate and a paperweight. It was noted that Mr. Wilkins is donating the monetary award to the Toys for Tots program.

#### Downtown Walking Brochure Information

Tom Riford, Executive Director of the Hagerstown/Washington County Convention and Visitors Bureau, and Roger Keller distributed copies of the new Downtown Walking Tour Brochure to the Mayor and City Council. They thanked City staff for their assistance in providing information for the brochure.

#### Pavement Preservation Program

Rodney Tissue, City Engineer, and Alex Moyseenko, Construction Inspection Supervisor, presented a new strategy for “pavement preservation” to the Mayor and City Council for their review. With asphalt costs increasing 85% in the last four years, and with advancements in other pavement preservation techniques, staff recommends the City revise their approach to maintaining the 110 centerline miles of street pavement.

The “pavement preservation” program is more of a systematic process to maintain, upgrade and cost effectively preserve the street pavement. By using various pavement

preservation strategies, in addition to overlaying, staff feels the overall life of the pavement can be extended. This is a more proactive approach, where the pavements in good or fair condition would be treated to extend their life before they become structurally damaged. Pavement preservation is “using the right treatments, on the right road, at the right time.” Beginning in 2008, Staff proposes preservation treatments that would include:

- A. Surface milling and application of hot mix asphalt overlay (i.e. blacktop overlay)
- B. Slurry seal
- C. Crack filling with asphalt cement

Staff requests that the Mayor and City Council approve the list of streets proposed for overlay in 2007 and review the list of streets for pavement preservation in 2008.

The 2007 Overlay list includes the following streets:

- A. Northern Avenue
- B. Westside Avenue
- C. N. Locust Street
- D. E. Antietam Street
- E. Mitchell Avenue
- F. Oak Hill Avenue
- G. W. Wilson Boulevard.

The 2008 Pavement Preservation list includes the following streets and treatments:

- |    |                     |               |
|----|---------------------|---------------|
| A. | Commonwealth Avenue | Overlay       |
| B. | Florida Avenue      | Overlay       |
| C. | Haven Road          | Overlay       |
| D. | Cannon Avenue       | Overlay       |
| E. | Guilford Avenue     | Slurry Seal   |
| F. | Magnolia Avenue     | Slurry Seal   |
| G. | Beechwood Drive     | Slurry Seal   |
| H. | Brinker Drive       | Slurry Seal   |
| I. | Potomac Street      | Crack Filling |
| J. | Wilson Boulevard    | Crack Filling |
| K. | Salem Avenue        | Crack Filling |

By approving these lists, the City is committing to a Capital Improvement Program of \$ 550,000 in FY 07/08 and \$ 350,000 in FY 08/09.

It was the general consensus to approve the lists for FY 07/08 and FY 08/09 as presented.

Suns Fireworks Schedule and Events in Parking Lot

Karen Giffin, Director of Community Affairs, Lewie Thomas, Recreational Facilities Coordinator, and Will Smith, General Manager of the Hagerstown Suns, were present to discuss the fireworks schedule for the 2007 season. Mr. Smith's request also includes permission to use the parking lot for Citi Corp's annual company outing. Mr. Smith stated they would obtain the necessary permits and provide an additional certificate of insurance for the parking lot space on June 16, 2007.

Mr. Smith stated the Suns are seeking approval for the same number of fireworks shows that were approved in 2006. Additionally, in accordance with previous stipulations, all fourteen shows are scheduled for weekends and holidays, and there will not be fireworks shows on three consecutive nights at Municipal Stadium.

Ms. Giffin stated the fireworks schedule needs to be brought to the Mayor and City Council for approval according to the noise ordinance.

Councilmember Cromer stated there are three shows scheduled for the July 4<sup>th</sup> weekend. She noted they are not consecutive, but three shows in the short period of time may be disruptive for people in the neighborhood.

Councilmember Parson-McBean thinks fourteen shows are too many.

Mr. Smith will try to reschedule one of the shows over the July 4<sup>th</sup> weekend. Councilmember Cromer indicated there are fourteen shows on the schedule, but fifteen shows actually take place. The fifteenth show is the confiscated fireworks. Mr. Smith stated if that show factors into the amount they are allowed to have, it will not be held. The fireworks shows are a valuable part of the promotional plan.

It was the general consensus to ask that the July 1 show be moved to a different date and to approve the use of the parking lot for the June 16, 2007 company outing. Approval of the revised schedule and use of the parking lot will be included on the agenda for December 19, 2006.

WWII Veterans Bus Trip to Washington, DC

The Mayor and members of the City Council expressed interest in providing a trip to the World War II Memorial in Washington, DC. Karen Giffin, Director of Community Affairs, was presented to discuss the vision for the trip.

It was agreed the City would organize the trip and seek sponsors for the cost of the trip. WWII Veterans should be eligible to attend, at no cost. Volunteers and family members would pay. The trip will be scheduled during the spring or summer.

Ms. Giffin will discuss this with the Convention and Visitors Bureau, the Joint Veterans Council and other groups. Further information will be provided to the Mayor and City Council.

#### Heritage Area Boundary

A portion of Downtown Hagerstown is a Target Investment Zone (TIZ) in the Heart of the Civil War Heritage Area. The Maryland Heritage Areas Authority (MHAA) has grants available for heritage and tourism-support projects in heritage areas for non-capital projects and capital grants. The capital grants are restricted to TIZ's. Hagerstown's Target Investment Zone is the first blocks of N. Potomac Street, S. Potomac Street, and W. Washington Street and Public Square.

Kathleen Maher, Planning Director, presented a proposal to expand the TIZ boundaries to make a larger area of the downtown eligible for capital grants from the MHAA. In order for projects in the expanded area to be eligible for grants in 2007, the expansion request needs to be approved at the February Board meeting of the MHAA. Since the deadline for submittal of the request is December 15<sup>th</sup>, the Mayor and City Council would need to authorize proceeding on December 12, 2006. A positive recommendation from the Advisory Board of the Heart of the Civil War Heritage Area would be needed on December 14, 2006.

In order for the expansion proposal to be successful, it must be demonstrated that the properties in the area have a high potential to leverage private investment, that the Heritage Area incentives will be capable of assisting with the leveraging of private investment for tourism-related preservation and economic development projects, that the expansion boundary overlaps other local, State and Federal "revitalization" designations, and that local and private interest are prepared to commit resources to economic development within the area.

Staff is proposing that the TIZ boundaries be expanded to the second block of W. Washington Street, the first block of Summit Avenue, the first block of W. Antietam Street and the north half of the second block of S. Potomac Street. This area contains four key tourism-related properties which could utilize the program's capital grant funds: the Washington County Free Library, the Discovery Station, the Miller House and the proposed site of the third parking deck for downtown.

It was the general consensus of the Mayor and City Council to submit a request for expansion of the TIZ.

#### Methamphetamine Presentation

Det. Sgt. Rodeheaver and Lt. James Pyles, Maryland State Police, presented information about the nationwide epidemic of methamphetamine.

The State of Maryland lacks adequate penalties for (1) the manufacture of this illegal drug, (2) any controls of the over-the-counter drugs which are used in the manufacturing process and (3) State regulations concerning the clean up for these labs.

Methamphetamine is not only highly addictive, with a very low rate of recover, but the labs in which it is produced are extremely dangerous from both an explosive and toxic waste standpoint. The costs alone of a laboratory raid and clean up will make this a serious threat to Washington County and to the State of Maryland.

Chief Arthur Smith, Hagerstown Police Department, stated it is important to seek legislation to enact basic and necessary controls. The main reasons are:

- A. Once you're an addict, there is no cure
- B. Clean up is expensive
- C. Lots of people will get sick and die
- D. It destroys the community

Councilmember Cromer asked if the penalties for methamphetamine crimes should be raised. Chief Smith stated they should be. Councilmember Parson-McBean recommended that the legislation also include assistance for those people who are addicts.

Chief Smith stated this legislation will be introduced during the 2007 Legislative Session. Maryland Municipal League support is needed for the legislation. Mayor Bruchey will discuss supporting the legislation with the MML Legislative Committee.

Chief Smith then discussed the purchase requests for HPD. The two heat pump replacements are the last to be replaced. The same vendor has been used for all the replacements.

The vehicle purchase of six police vehicles is part of the annual replacement plan. Dodge has reduced their prices for the police package. Gas mileage is anticipated to be better. The accessories with the police package are heavy duty. This would be an advance purchase for the FY 07/08 budget.

Chief Smith submitted a request for the purchase of a K-9 and the associated training. The K-9 Division is short one handler and dog. Rudy Drexler's School for Dogs, Inc. submitted a price of \$ 10,500.00 for this.

It was the general consensus to approve the three purchases discussed.

Councilmember Metzner suggested requiring a contract for those receiving specialized training. The contract would require the person to be employed for a certain number of years or to pay back the cost of the training.



Lobbyist Services

Mayor Bruchey stated a proposal has been made to jointly hire a lobbyist with the Washington County Commissioners, the Chamber of Commerce, Greater Hagerstown and the City of Hagerstown. The issues being considered are as follows:

- A. Central Booking facility
- B. Washington County Free Library
- C. Managed Growth Rural Heritage
- D. Prisoner Release program

He stated the City has been asked to contribute \$ 10,000 toward the total cost of the lobbyist. The Commissioners have agreed to contribute \$ 7,500.00.

Councilmember Brubaker asked who is hiring the lobbyist and providing the information on issues. Mayor Bruchey stated there was a significant list that was reduced to the four issues most important to the City and the County. The lobbyist would report to the committee, which consists of the Chamber, Greater Hagerstown, the County and the City.

Councilmember Metzner stated the Council needs to know what the other members have contributed. Councilmember Cromer asked that a formal presentation be made. Councilmember Parson-McBean agreed. Councilmember Brubaker stated the proposal should be considered for shared objectives.

Brien Poffenberger, Chamber of Commerce, will be asked to meet with the Mayor and City Council on Tuesday, December 19, 2006 at 5:00 p.m. This will be prior to the Regular Session.

Councilmember Nigh stated she does not think the lobbyists that have been hired have been beneficial. She thinks Mayor and City Council members should be the ones to lobby the assembly.

Councilmember Parson-McBean suggested talking with the members of the Rawlings Fellowship to see what can be done for Hagerstown.

FY 06/07 Financial Performance

Alfred Martin, Finance Director, was present to update the Mayor and City Council preliminarily on how the City is doing with the General Fund finances for the current 2006/07 fiscal year.

The good news is that growth, development and rising property values have lead to good increases in the City's major General Fund revenue source, property taxes. For 2006/07, the City didn't reach the budget target for property taxes, but they increased

\$ 2.9 million or 14.2% over the prior year. This is due to the impact of growth and new development, the City's annexation policy and increases in the market values of existing properties.

An area of concern is the drop in the level of developmental activity due to a slow down in the housing market and constraints on new development in the City due to a lack of school capacity. Compared to last year, there has been a significant slow down in the level of excise tax collections and new residential building permit activity. While there are still a number of approved subdivision lots in the development pipeline, a great concern is that due to the APFO and lack of adequate school capacity in the City, the Planning Department has been unable to accept any additional preliminary subdivision plats for Planning Commission review. It is not expected to hit budget targets for these revenues in 2006/07.

Overall, department managers are doing well in staying within their overall budgets for the first five months of 2006/07. Year to date actual expenditures are 39% of the full fiscal budget. There are some areas where costs are running higher than expected when the budget was developed. Those areas include vehicle operation costs (gasoline or diesel), overtime in some areas (primarily public safety) and retirement and termination payouts. There is also still the uncertainty of the severity of the winter weather. Department managers are taking steps to control these areas where costs are running higher than expected. They are managing vacancies, looking for cost savings and operating efficiencies and are committed to living within the budget.

Mr. Martin asked that the Mayor and City Council consider scheduling a Pre-Budget Retreat. The goals for the retreat would include:

- A. Updating the Preliminary Financial projections
- B. Reviewing the City's Financial Policies and discussing possible new ones
- C. Reviewing the budget process and calendar
- D. Receiving guidance from the Mayor and Council on their priorities for next year's budget

It was the general consensus to schedule a Budget Retreat on January 26, 2007. The meeting will be held in the afternoon.

#### City Administrator's Comments

*Bruce Zimmerman, City Administrator*, stated the list of projects for the bond financing includes the restructuring of debt for the Centre at Hagerstown. This will result in a significant savings to the City. He thanked the Mayor and City Council for working through a long agenda. He welcomed Councilmember Brubaker.

#### Mayor and City Council Comments

*Councilmember P. M. Nigh* had no additional comments.

*Councilmember L. C. Metzner* welcomed Councilmember Brubaker. He commented that the Christmas decorations are beautiful. He would like to see more money in the budget to increase the decorations around Hagerstown.

*Councilmember K. S. Cromer* welcomed Councilmember Brubaker.

*Councilmember A. Parson-McBean* also welcomed Councilmember Brubaker. Building Community sponsored a utility assistance fair on December 11, 2006. No one attended the informational meeting. Another meeting will be scheduled in February.

*Councilmember M. E. Brubaker* thanked the Mayor and City Council for their support.

*Mayor R. E. Bruchey, II* will be exploring ways to increase the amount of revenue sharing received by the City of Hagerstown. There will be a meeting with Senator Donald Munson and Delegate John Donoghue on Thursday, December 20, 2006 at 11:30 a.m. at City Hall. He asked the Council to bring their list of legislative priorities to this meeting.

There being no further business to come before the Mayor and City Council, on a motion duly made, seconded and passed, the meeting was adjourned at 7:13 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: