

WORK SESSION – DECEMBER 14, 2007

Mayor R. E. Bruchey, II called this Work Session of the Mayor and City Council to order at 10:12 a.m., Friday, December 14, 2007, 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 Mark A. Boyer and D. K. Spickler, City Clerk. The following members of the Washington County Delegation were present: Delegate Leroy Myers, Senator George Edwards, Senator Don Munson, and Delegate Chris Shank.

Library Expansion Project – State Funding Support

Delegate Shank reported the Maryland State Board of Education Superintendent has submitted the library expansion as part of her budget request. This is to be a regional project and 58% of the project will be eligible for State funding. The estimated costs will have to be updated and local support must be in place. The project will have to be part of the County's Capital Budget. Mayor Bruchey reported some property owners in the area have been contacted regarding the expansion. Funding is included in the City's CIP budget.

Councilmember Metzner expressed his concern that City taxpayers will be providing funding through three different sources. He stated he understands the County has to have funding in place before the project will proceed. He asked if the project will be delayed if the funding is not in the County's budget.

Delegate Shank indicated the County supports the project. He suggested the Mayor and Council discuss this with the County Commissioners. The City has gone above and beyond the municipal level for regional libraries.

Councilmember Metzner asked why it would be the City's responsibility to discuss the project with the County and not the Delegation's. He stated it has been clearly shown that the City has no impact on what the County does.

Senator Munson stated that a number of libraries have been built throughout the County and this expansion project is now at the front of the list. He believes this will be seriously discussed with the County in an upcoming meeting.

Councilmember Brubaker reported the project has been mentioned in the 2 + 2 meetings.

Councilmember Cromer suggested asking the Delegation to help in getting the County to move forward with the project.

Delegate Shank stated, in defense of the County, a request from the library had not been made until recently.

Liquor Board Proposed Legislation Regarding Sidewalk Cafés

Delegate Myers stated the request for this legislation will be discussed at the first meeting during the session.

Senator Munson stated this is a good project and has worked well in other areas. He wants to make sure the law enforcement community is supportive of the project. Mayor Bruchey indicated the Hagerstown Police Department has been involved in the discussions.

Delegate Myers asked how close to the street the café would be. There will be a mandatory clearance of 4 to 5 feet from the street.

Senator Munson left the meeting.

Maryland Municipal League Legislative Priorities

Recordation Tax Fees – Revenue to Municipalities: A bill was submitted during the last session but was not passed.

Program Open Space (POS) Funding Awarded to Municipalities: MML will be discussing the possibility of funding for POS being paid directly to municipalities instead of going through the County for approval and disbursement.

Councilmember Brubaker stated the City only receives 35% of the POS funding through the County. He is concerned because the City has 75% to 80% of the total population in the County.

Senator Edwards stated any legislation would be State wide and he believes a local bill would be difficult to get approved.

Mayor Bruchey stated this is an initiative from MML and that a plan has not been developed. He stated another MML priority is allowing municipalities to enact a local hotel/motel tax. He does not support this because it would be double taxation. He would support increasing the existing tax, with the understanding the increased revenue would go to the municipality.

Senator Edwards stated Allegheny and Garrett counties receive the hotel/motel tax collected within the municipal limits. Mayor Bruchey indicated the City does not receive any hotel/motel tax.

Delegate Shank stated that is not correct. Mayor Bruchey stated the City can request funding from the County. Last year some funding was provided for the Miss Maryland pageant and repairs at Municipal Stadium.

Delegate Myers suggested reviewing the process in Alleghany County. This may be the process the City wants to propose for legislation.

Delegate Shank stated half the funding from the hotel/motel tax in Washington County is provided to the Convention and Visitors Bureau (CVB) to market tourism and the hotel/hospitality industry for all of Washington County. The City benefits from this. Events sponsored by the City are also marketed through the CVB. The other half of the funding is for the County and municipalities can apply for funding for cultural, historical or recreational projects. He believes this funding has been used for Economic Development.

Mayor Bruchey stated he would like the City to receive part of the funding but he doesn't want to disturb the way the funds are allocated.

Delegate Shank isn't sure the tax revenue is being allocated the best way that it can be. Perhaps the Delegation should consider making the allocation friendlier to municipalities.

Councilmember Metzner stated telling the City they receive funding but they have to ask for it from another entity does not mean they receive the money.

Delegate Shank stated the Delegation would welcome Hagerstown and other municipalities to present a proposal for allocating the tax revenue. He is certain the Delegation would review a proposal.

Councilmember Metzner stated he is concerned that the City is continually asked to propose legislation instead of the Delegation proposing legislation to assist the City.

Delegate Myers stated the City needs to propose legislation that meets the City's needs.

Senator Edwards agreed with Mayor Bruchey that the answer is not implementing additional or dual taxes. He suggested discussing how to make the system that is in place better.

Proposed Legislation – Washington County – Property Tax Setoffs – Municipal Corporations

Mayor Bruchey presented proposed legislation that would make Washington County a "shall" county instead of a "may" county. The legislation outlines how the process would work and gives all parties the ability to discuss similar services that are provided to residents. The proposed legislation does not guarantee additional revenue but it does require the governing bodies to meet to discuss areas of double taxation.

Senator Edwards indicated some municipalities ask Allegany County to do certain things and the County does them. Some municipalities don't ask for anything else but the groups do meet.

Mayor Bruchey indicated the City receives a tax set-off payment for police and parks. There are other areas of duplicate services, such as planning, purchasing, attorneys and administrators. Currently, the County and City do not meet to discuss the areas of double taxation. The County determines the amount to be provided to each municipality.

Councilmember Metzner stated the County currently is under no obligation to discuss areas of double taxation. He stated reasonable discussions must take place.

Delegate Shank asked if the legislation would improve the situation. Mayor Bruchey believes it will.

Delegate Myers suggested reviewing the double taxation process in the four counties represented by the Delegation.

Legislation to Address Fire Marshall Powers State Wide

Examination of the law enforcement authority extended through the State Fire Code and state law to local jurisdictions was found to be lacking the necessary legal language, and certain law enforcement powers were found to be questionable. Those powers involved the on-site arrest of an individual by a fire marshal, as well as the authority to obtain and serve a criminal search and seizure warrant. Adoption of this legislation will not give fire marshals any additional authority beyond that which they had originally. This will, however, permit them to continue to perform their job in conformance with state law and in a safe manner for all personnel.

Senator Edwards asked what the City fire marshals do differently than State fire marshals. Chief Gary Hawbaker, Hagerstown Fire Department, indicated the City fire marshals deal more with code issues.

Senator Edwards asked if the City fire marshals sign building plans so the builder does not have to wait for the State fire marshal. Chief Hawbaker indicated they do.

Delegate Myers left the meeting.

What are the delegation's Legislative and Funding Priorities for the 2008 Legislative Session

Delegate Myers stated they have not met as the Delegation yet to discuss priorities.

Councilmember Metzner pointed out that traffic concerns are increasing in both Frederick and Washington County. Major roads need to be repaired. A joint effort is in place to make repairs at the Route 40/Edgewood Drive intersection. The \$ 12 million

project is only a temporary fix. There is nothing in the County's budget to widen Eastern Boulevard. There is funding in the City's budget to widen the section of Eastern Boulevard that is in the City. He asked for legislation to assist in road repairs and upgrades.

Delegate Myers indicated the State Highway Administration does not view these traffic issues as being significant.

Councilmember Metzner stated he is asking more for assistance from members of the Delegation in developing a plan for transportation priorities.

Delegate Myers indicated this Delegation is a good mix. He stated several of the items discussed during this meeting will be discussed further by the Delegation.

Senator Edwards stated road improvements may be necessary around Fort Meade. Recommendations have been made to fund mass transit differently and this may help free up funding for other projects. The groups involved should meet to discuss the issues more frequently and join together to ask for assistance.

Councilmember Brubaker stated he believes the City will be seeking State assistance for road improvements when growth resumes. Delegate Myers suggested developing a transportation project list as soon as possible.

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 11:17 a.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: January 29, 2008