

WORK SESSION – DECEMBER 19, 2006

Mayor Robert E. Bruchey, II called this Work Session of the Mayor and City Council to order at 5:00 p.m., Tuesday, December 19, 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, and City Clerk D. K. Spickler.

Lobbyist Services

Brien Poffenberger, President, Hagerstown Washington County Chamber of Commerce, was present to discuss the 2007 Lobbying Effort. The partners are the Chamber of Commerce, CHIEF (Washington County Industrial Foundation), Greater Hagerstown Committee, Washington County Government and possibly the City of Hagerstown.

Mr. Poffenberger stated the successes of the lobbying efforts in 2006 included radio interoperability, protecting the gaming revenue in Washington County, State money for small water/sewer authorities and increased State funding for the Dual Highway/Edgewood Drive intersection. Councilmember Cromer wondered if the successes were achieved because of the efforts of the 2+2 Committee and the City and County governments. Mr. Poffenberger indicated the effort was successful because of the corroboration of all parties involved. There is a need for a unified community voice with the State legislature. The Legislature inquired during the last session if the City of Hagerstown was involved financially in the partnership. Councilmember Metzner indicated the City may have been involved if they had been invited to participate.

The goal of the 2007 effort will continue to be to protect County and City residents.

Councilmember Parson-McBean stated not everyone understands how to address the Senate and House of Delegate members. She meets with many State leaders each month. The largest city in the County should be involved.

Mr. Poffenberger stated Michael Johansen has been hired to monitor issues critical to Hagerstown and Washington County and to develop action plans as necessary. Mr. Johansen answers to a steering committee of the partners. Councilmember Cromer asked that all parties be provided status reports.

The following four key issues have been identified:

1. Fund agricultural commercialization
2. Protect state funding for central booking
3. Reform prisoner release program
4. secure state funding for library expansion

The 2007 lobbying effort would benefit the City because three of four issues directly affect City residents. The City would be joining a broad coalition, which consists of

private and public entities. The partnership could leverage other money and offer “due diligence”. The program cost is \$ 30,000.00. The Chamber of Commerce, CHIEF and Greater Hagerstown Committee are contributing \$ 3,000.00 each toward the cost. The Washington County Government is contributing \$ 7,500.00. The group is asking the City of Hagerstown to contribute \$ 10,000.00.

Councilmember Parson-McBean stated three of the issues are already being discussed in Annapolis. The prisoner release issue is not working in Hagerstown.

Councilmember Metzner stated there are two issues to consider. The Mayor and City Council need to decide if they want the City’s name to be on the list. The Mayor and City Council must also decide how much, if anything, to contribute to the effort. If no monetary contribution is made, will the City support the positions of the lobbying effort?

Councilmember Brubaker asked if there is a specific plan of action to reform the prisoner release program. Mr. Poffenberger indicated that some prisoners released from Roxbury Correctional Institute or the Cumberland Correctional Facility are dropped at the Hagerstown bus station, free of charge. Some of these prisoners stay in Hagerstown.

Mayor Bruchey indicated there is a difference in legislative priorities with the City, the County and this partnership. The identified issues are those that the group decided to pursue for Washington County.

Councilmember Nigh stated City taxpayers are also County taxpayers. She stated a contribution from the City is not fair to city residents. The members of the Mayor and City Council could travel to Annapolis and discuss the issues with the Delegation.

Councilmember Cromer asked why funding for a Central Booking facility and for the library expansion are on the list. Delegate Leroy Myers assured the Mayor and City Council in 2005 that funding was included in the capital budget for these two projects.

Councilmember Parson-McBean stated these issues appear to be of more benefit to Washington County than to the City. Hagerstown needs assistance for housing.

Councilmember Nigh stated Delegate John Donoghue represents the City of Hagerstown in Annapolis. He has indicated if the City needs something all they have to do is call him.

Councilmember Metzner suggested considering making a \$ 3,000.00 contribution to the partnership. Mr. Poffenberger stated a reduced amount limits the partnerships presence for emergency issues.

Alfred Martin, Finance Director, stated money is available in the General Fund Contingency. Councilmember Brubaker stated the return on the investment of a contribution would be impact on any one of these topics. If the City’s name is included, there should be a monetary contribution.

It was the general consensus to provide \$ 3,000.00 to the partnership. Approval of the funding will be added to the agenda for December 19, 2006.

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 5:50 p.m.

43RD REGULAR SESSION – DECEMBER 19, 2006

Mayor R. E. Bruchey, II called this 43rd Session of the Mayor and City Council to order at 7:01 p.m., Tuesday, December 19, 2006, 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 William Nairn and D. K. Spickler, City Clerk.

The invocation was offered by Rev. Pete Zurphrey, Union Bridge Church. The Pledge of Allegiance was then recited.

Mayor Bruchey announced the Rules of Procedure for this meeting will be followed as adopted March 28, 2006. It was announced that the use of cell phones and electronic devices during meetings is restricted and that all correspondence for distribution to elected officials should be provided to the City Clerk and should include a copy for the City Clerk for inclusion in the official record.

The next scheduled meetings are: Work Sessions beginning at 4:00 p.m. on Tuesday, January 9, 2007, Tuesday, January 16, 2007, Tuesday, January 23, 2007, Tuesday, January 30, 2007 (Tax Differential Meeting) and the Regular Session on Tuesday, January 30, 2007 at 7:00 p.m.

PRESENTATION – GRIDIRON CLASSIC MVP AWARDS

The Scholarship award was presented to the player from South Hagerstown High School who was voted MVP during the annual Gridiron Classic Football Game. The player from North Hagerstown High School had a prior commitment and could not attend.

Zeke Ricketts, North Hagerstown High School, was presented a \$ 250.00 check on behalf of the Hagerstown Kiwanis by William Breichner and Eric Reed.

The MVP from North Hagerstown High School will receive a check in the amount of \$ 250.00 from the First National Bank of Greencastle.

CITIZEN COMMENTS

Myron L. Martin, 13235 Maugansville Road, Hagerstown, Maryland, discussed the extension of Marshall Street. His family has a business that uses large trucks, located on the road. The extension is not open at this time. He is concerned that the road will not be

opened until a development is completed. If the trucks are not traveling through the development now, property owners may be surprised when they are traveling the road. He asked that the road be opened so no one is surprised.

James M. Devine, P. O. Box 2217, Hagerstown, Maryland, is concerned about the number of robberies that have occurred recently. He suggested developing a crime task force to address this. He reported the trash at the A. C. & T. property has been removed.

MINUTES

On a motion duly made by Councilmember K. S. Cromer and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve the minutes, as presented, for Mayor and Council meetings held on November 21, 2006 and November 28, 2006.

CONSENT AGENDA

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 approve the consent agenda as follows:

- 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. Installation of Two Heat Pumps - Johnston Controls (Sparks, MD)
\$ 13,424.00
 - 2. Six Police Sedans (Dodge, includes all requirements/accessories of HPD)
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Hetrick Fleet Services (Denton, MD) per State contract \$ 120,792.00
 - 3. K-9 and Associated Training - Rudy Drexler's School for Dogs, Inc.
(Elkhart, IN) \$ 10,500.00
- D. Engineering:
 - 1. 2007 Overlay List
 - 2. 2008 Pavement Preservation List

UNFINISHED BUSINESS

A. Approval of an Ordinance: Licensing and Inspection of Vacant Residential Structures

Action: Councilmember P. M. Nigh made a motion to approve an ordinance to amend the Code of the City of Hagerstown to add a new chapter 233 entitled "Vacant Residential Structures". This Ordinance provides for licensing and inspection of vacant residential structures (as defined therein) and the penalties for violation thereof. Councilmember L. C. Metzner seconded the motion.

Motion carried, 4-1 with Councilmember K. S. Cromer voting No.

B. Approval of an Ordinance: Licensing and Inspection of Vacant Commercial Structures

Action: On a motion duly made by Councilmember P. M. Nigh and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance to amend the code of the City of Hagerstown to add a new chapter 232 entitled "Vacant Commercial Structures". This Ordinance provides for licensing and inspection of vacant commercial structures (as defined therein), and the penalties for violation thereof.

D. Approval of an Ordinance: Subdivision Amendments

Action: 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 adopt an ordinance to update and amend the City Code, Chapter 219, Subdivision of Land; to provide a complete revision of the Subdivision Regulations.

NEW BUSINESS

A. Introduction of an Ordinance: To Amend the Mechanical Codes

Action: 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 introduce an ordinance to amend the Code of the City of Hagerstown, Chapter 64, Article VI, entitled "Mechanical Standards" to delete the *1990 BOCA National Mechanical Code* and adopt the *2003 International Mechanical Code* with local amendments.

B. Introduction of an Ordinance: To Amend the Electrical Codes

Action: 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 introduce an ordinance to amend the Code of the City of Hagerstown, Chapter 64, Article IV, entitled “Electrical Standards” to delete the *1990 International Electrical Code* and adopt the *2005 National Electrical Code* with local amendments.

C. Introduction of an Ordinance: To Amend the Plumbing Codes

Action: On a motion duly made by Councilmember P. M. Nigh and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance to amend the Code of the City of Hagerstown, Chapter 64, Article V, entitled “Plumbing Standards” to delete the 1990 BOCA National Plumbing Code and adopt the 2003 International Plumbing Code with local amendments.

D. Resolution: To Adopt the Revised Public Ways Construction Standards

Action: On a motion duly made by Councilmember K. S. Cromer and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to adopt a Resolution revising and amending certain Public Ways Construction Standards for the City of Hagerstown.

E. Resolution: Rename Alley 4-53 to Musey Avenue

Action: On a motion duly made by Councilmember P. M. Nigh and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to adopt a Resolution authorizing that the alley designated as 4-53 be named “Musey Avenue”. The Mayor and City Council further moved to authorize City staff to install proper street name signs, and to change the addresses of properties located on the alley as listed in the resolution.

F. Resolution: Approval of City of Hagerstown Public Facilities Bond of 2006

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember A. Parson-McBean, the Mayor and City Council unanimously agreed by voice vote to approve a Resolution authorizing the City of Hagerstown to issue and sell a \$ 9,965,000 general obligation installment bond to be designated as the City of Hagerstown Public Facilities Bond of 2006 as detailed in the attached resolution.

As required by the enabling ordinance adopted on November 7, 2006 and which became effective on December 8, 2006, the resolution enumerates

the uses of the bond proceeds and all the details regarding the bond and its sale. The resolution provides that the full faith and credit and unlimited taxing power of the City of Hagerstown shall be irrevocably pledged to the payment of principal and interest on the bond.

Discussion: Alfred Martin, Finance Director, reported the interest rate on the four bank proposals rang from 3.659% to 4.01%, which are excellent.

Councilmember Nigh expressed concern that the Arts and Entertainment Parking Deck is more costly than anticipated. She stated the City is still waiting on the monetary support from the County Commissioners.

G. Approval of 2007 Sewer Capacity Allocation Program

Action: On a motion duly made by Councilmember P. M. Nigh and seconded by Councilmember A. Parson-McBean, the Mayor and City Council unanimously agreed by voice vote to approve a resolution to create the 2007 Sewer Capacity Allocation Program. As required by the Consent Judgment, the 2007 SCAP has been approved by the Maryland Department of the Environment.

H. Approval of Flow Transfer Agreement between the City of Hagerstown and the Board of County Commissioners of Washington County (for Washington County Medical Center)

Action: Councilmember L. C. Metzner made a motion to approve a Flow Transfer Agreement between the City of Hagerstown and the Board of County Commissioners of Washington County. This agreement allows for the transfer of 120,000 gallons per day of wastewater flows from the City of Hagerstown's Wastewater System to Washington County's Wastewater System, specifically for those wastewater flows generated by the new Washington County Medical Center. The motion was seconded by Councilmember K. S. Cromer.

Discussion: Councilmember Nigh stated she does not approve fast tracking this project.

Motion carried, 4-1 with Councilmember Nigh voting No.

I. Approval of Memorandum of Understanding – Design of US40/Edgewood Drive Intersection Improvements

Action: Councilmember L. C. Metzner made a motion to authorize the approval of a Memorandum of Understanding (MOU) for the design of the US 40/Edgewood Drive intersection improvements. This MOU, between Washington County, Maryland State Highway Administration (SHA), and

the City of Hagerstown authorizes SHA to design the improvements to improve safety and capacity of the intersection. City funding of this portion of the project shall be as outlined in the March 28, 2006 action approved by the City Council. Councilmember K. S. Cromer seconded the motion.

Discussion: Councilmember Nigh stated this is part of the fast tracking of the project, which she is not in favor of.

Motion carried, 4-1 with Councilmember Nigh voting No.

J. Approval of Expansion of Heritage Area Boundaries Downtown

Action: On a motion duly made by Councilmember K. S. Cromer and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to approve the proposal to expand the Target Investment Zone boundaries in Downtown Hagerstown of the Heart of the Civil War Heritage Area. If approved by the State, this expansion will make additional properties eligible for State grant funding for heritage and tourism-support projects in the downtown.

K. Approval of Hagerstown Suns 2007 Fireworks Schedule and Use of the Parking Lot

Action: Councilmember L. C. Metzner made a motion to approve the fourteen licensed fireworks shows scheduled to be held at Hagerstown Suns baseball games during the 2007 season and that the Mayor and City Council's approval will exempt these fourteen shows from the City of Hagerstown's Noise Ordinance under section 155-3 of the City Code.

The Mayor and City Council also authorized the Hagerstown Suns to utilize the Municipal Stadium Parking Lot on Saturday, June 16, 2007 for the set-up of tents for the Citicorp's annual company outing. The Hagerstown Suns will secure all necessary permits and insurance.

Discussion: Councilmember Nigh asked that fewer fireworks be held. Councilmember Cromer noted the show planned for July 1, 2007 was moved to August 18, 2007. Moving this show will reduce the number of shows for the July 4th weekend to two. Councilmember Parson-McBean thinks fourteen shows are too many. Councilmember Brubaker asked if a consensus agreement had been made for fourteen shows. For business retention, Councilmember Brubaker suggested approving the fourteen shows.

Motion carried, 4-1 with Councilmember P. M. Nigh voting No.

L. Approval of funding for Legislative Lobbyist

Action: Councilmember L. C. Metzner made a motion to authorize the expenditure of \$ 3,000.00 from the General Fund Contingency in order to contribute toward hiring a lobbyist, along with the Chamber of Commerce, Greater Hagerstown, CHIEF and the Washington County Commissioners. The purpose of the lobbyist is as discussed at the earlier work session. Councilmember K. S. Cromer seconded the motion.

Motion carried 4-1, with Councilmember P. M. Nigh voting No.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, thanked the Mayor and City Council for their work in 2006 and wished everyone a happy holiday.

MAYOR AND COUNCIL COMMENTS

Councilmember P. M. Nigh expressed condolences to the family of Bo Myers, Public Works employee, and Mary Shank, retired Accounting employee.

Councilmember K. S. Cromer wished everyone a happy holiday.

Councilmember L. C. Metzner wished everyone a happy holiday.

Councilmember A. Parson-McBean expressed condolences to the Shank and Myers family. She extended season's greetings to the Staff and thanked them for doing their jobs diligently. She thanked the citizens for allowing the Mayor and City Council to be their voices. She is not against baseball, she wants to create a balance between residents and baseball events.

Councilmember M. E. Brubaker wished everyone a happy holiday. He is looking forward to his first full year of working with staff and citizens.

Mayor R. E. Bruchey, II believes there has been positive change between the Council and Staff and the perception of City Hall. He realizes the planned Edgewood Drive improvements will not solve the problem, but some improvement is better than none. The approval of the Flow Transfer agreement at this meeting shows everyone how well the two elected bodies can work together. He thanked the Suns for staying in the City. He wished everyone a Merry Christmas and a Happy New Year. He is looking forward to next year.

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 7:39 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: