

64TH SPECIAL SESSION, WORK SESSION AND EXECUTIVE SESSION –
FEBRUARY 21, 2012

Mayor R. E. Bruchey, II called this 64th Special Session, Work Session and Executive Session of the Mayor and City Council to order at 4:07 p.m., Tuesday, February 21, 2012, 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, and City Clerk D. K. Spickler.

64TH SPECIAL SESSION – February 21, 2012

On a motion duly made by Councilmember W. M. Breichner and seconded by Councilmember F. W. Easton, the Mayor and City Council unanimously agreed by voice vote to meet in Special Session at 4:07 p.m.

A study is to be completed by The Ripken Group to determine the economic feasibility of a new or rehabilitated stadium. The study will include information on the expected economic impact on job creation, job retention, and revenue. The study is anticipated to be completed within 60 days. Mayor Bruchey indicated it may be completed by the end of March, 2012.

Councilmember Metzner stated the study should show whether this market is capable of sustaining a minor league baseball team.

Councilmember Brubaker pointed out a number of items in the Winchester study seem pre-disposed and not from an objective analysis. He hopes this study provides an analysis, with realistic costs and expectations.

Councilmember Haywood stated a multi-use facility is more relevant in her opinion.

Approval of Funding for Minor League Baseball Stadium Study

Action: On a motion duly made by Councilmember W. M. Breichner and seconded by Councilmember A. C. Haywood, the Mayor and City Council unanimously agreed by voice vote to approve of up to \$ 20,000 in City funding support for a Minor League Baseball Stadium Study. The study will focus on the economic impact of minor league baseball in Hagerstown and will also include a market analysis. The Washington County Commissioners previously approved up to \$ 20,000 in funding for the study during their meeting on February 14, 2012. Both the County and City have authorized Hagerstown-Washington County Industrial Foundation, Inc. (CHIEF) to contract with a consulting firm to undertake the study. The source of the City's funding for this study shall be the Capital Improvement Program Fund Balance.

On a motion duly made, seconded and passed, the special session was closed at 4:16 p.m.

WORK SESSION – February 21, 2012

Preliminary Agenda Review

Consent Agenda

A. Department of Community and Economic Development:

1. Contract for July 4th Fireworks at Fairgrounds Park for FY 2013, 2014 and 2015 – Fireworks Extravaganza (Rochelle Park, NJ)
\$ 17,500/year (\$ 52,000 for all three years)

B. Department of Utilities:

Water:

1. Fire Hydrants and Lugs – HD Supply Waterworks, LTD (Martinsburg, WV) \$ 35,058.60
2. Pressure Transducers – ABB Inc. (Wickliffe, OH) \$ 30,142.96

Wastewater:

1. Rebuild Nitrified Recycle Pumps – AR&E (Hagerstown, MD)
\$ 25,078.00

C. Utilities: Wastewater Division: 6” Portable Pump – Godwin Pumps (Upper Marlboro, MD) \$ 39,219.16

Approval of a Resolution: Lease Agreement for Parking with Maryland State Department of Assessments and Taxation for Central Lot

Approval of a Resolution: Lease Agreement for Parking with Maryland State Department of the Judiciary for North Potomac Street Parking Deck

The Maryland State Department of Assessments and Taxation is requesting a lease for ten parking spaces in the Central Lot for two years. The annual payment is \$ 5,760.00

The Maryland State Department of the Judiciary is requesting a lease for five parking spaces in the North Potomac Street Deck for two years. The annual payment is \$ 3,730.00.

While not a requirement of the City of Hagerstown, signing of the leases will satisfy obligations for the state agencies in regard to their budget process. The City of Hagerstown does not require lease agreements for utilizing the parking lots.

It was the general consensus to include approval of both leases on the February 28, 2012 agenda.

Approval of a Resolution: Changing Name of Gerber's Alley to Gerbers Avenue

Staff received information from the United States Postal Service that the dwelling unit at the rear of 276 South Potomac Street will no longer receive their mail due to the "rear" designation. To address the issue, staff recommends addressing the unit from Gerber's Alley and change the name to Gerbers Avenue.

It was the general consensus of the Mayor and City Council to include approval of the resolution on the February 28, 2012 agenda.

Approval of a Resolution: Approving and Consenting to the Ninth Amended and Restated Trust Agreement with Local Government Insurance Trust (LGIT)

LGIT has made amendments to the Eighth Amended and Restated Local Government Insurance Trust Agreement. The amendment requires 101 approvals from its members for final passage and LGIT requested the City issue a resolution to consent and approve the Insurance Trust Agreement. The change to the Trust Agreement reduces the number of Trustees from 13 to 12, eliminating a swing vote that was deemed difficult to fill. The change does not affect the premium rates for the insurance coverage(s) the City has with LGIT.

Approval of the resolution will be included on the February 28, 2012 agenda.

**Approval of Water Division Upgrade to the Remote Input/Output Cabinet and DCU at the W. M. Breichner Water Treatment Plant – ABB, Inc. (Wickliffe, OH)
\$ 285,377.00**

In FY11, the Water Division initiated the five year upgrade path to replace/upgrade the Remote Input/Output (RIO) cabinets for the SCADA System at both water treatment facilities. These systems were installed in 1997 and have not been supported for approximately five (5) years. Purchase of spare parts to keep the system operational is no longer an option. The approved FY12 CIP Budget identified funding to begin the SCADA upgrades at the Breichner Plant, once work at Willson was complete or at such a time that the upgrade was needed to keep the Breichner Plant operational. This is a sole source project in as much as the City has standardized to ABB.

Councilmember Brubaker asked when the Breichner Plant is operational. Nancy Hausrath, Water Operations Manager, indicated currently only during the winter months. The plant is run to supply zones and to supplement the system. Councilmember Brubaker asked if the plant is subject to low volume issues. Ms. Hausrath indicated this has not been an issue.

Councilmember Breichner stated the dam at Potomac Edison is critical to the operation of the Breichner Plant.

Ms. Hausrath indicated they hope to run the plant more consistently starting in April.

This completed the preliminary agenda review.

Request for Carnival from Hagerstown Roundhouse Museum

Robert Tracey, Jr., President of the Board for the Hagerstown Roundhouse Museum, requested permission to use the City owned vacant lot at the corner of Potomac Street and Memorial Boulevard for a carnival. The dates of the carnival will be Tuesday, May 1, 2012 through Saturday, May 12, 2012. Mr. Tracey stated the group realizes this may be the last year the lot will be available.

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

Narcotics Task Force Annual Report

Chief Arthur Smith, Sgt. Curtis Wood, Captain Mark Holtzman and Sgt. James Hurd were present to discuss the Narcotics Task Force (NTF).

Sgt. Wood is the NTF Director for 2011. The NTF was formed in 1986 and is a joint venture between the City, the County and the State's Attorney's office. The NTF opened 236 cases in 2011, resulting in 306 arrests. Illegal use of prescription drugs is a growing trend. They seized 22 weapons during the year. Weapons included handguns and tasers.

Sgt. Wood stated the use of "spice" is increasing. This is a blend of herbs and spices that is sprayed with an unknown substance that causes a high similar to marijuana. Some people have had severe reactions, such as seizures, to smoking "spice". Sgt. Wood stated Ocean City, Maryland has passed an ordinance prohibiting "spice".

Sgt. Wood mentioned a meth lab was recently shut down in Clear Spring. The DEA removed all the equipment, which is highly flammable. Removal can be costly.

Chief Smith indicated he is not aware of any drug task force that has the same longevity as the NTF. The role of the NTF has expanded as departments have downsized. He is concerned about the increase in prescription drug abuse.

Councilmember Breichner asked if the presence of a lab at the new State Police Barrack will affect the City's and NTF's process for testing drugs. Chief Smith indicated there will not be any expansion of services.

Councilmember Haywood asked how prescription drug abuse is detected. Chief Smith stated the DEA's diversion unit responds to complaints about pharmacies or physicians. Sgt. Wood indicated they receive information from pharmacies about excessive numbers of prescriptions written or filled.

Councilmember Brubaker asked if purchasing "spice" is illegal. Chief Smith stated every time an illegal substance is identified in the spray, the company making it changes the ingredients.

Chief Smith stated the Ocean City ordinance covers anything similar to this item. The State is reviewing what language can be used to cover all varieties of the spray. The Health Department is also working on a generic classification for this substance, making it illegal in all forms.

Councilmember Easton asked what happens to items (cars or cash) seized in an operation. Chief Smith stated vehicles are typically incorporated into fleets. Firearms are typically destroyed. Money is spent according to DEA guidelines.

Sgt. Wood stated the NTF is a professional, hard-working group that is making the community better.

Agreement with Emergency Communication Center Governing Board

Chief Arthur Smith presented an agreement to the Mayor and City Council for their review. The agreement establishes a governing board for the Washington County Emergency Communications Center (E.C.C.). The purpose of this agreement is to allow the users of this center to have a voice in the operations and management of the center. The users include the Sheriff's Office, Hagerstown Police Department, Maryland State Police, Hagerstown Fire Department, County Emergency Management and the Volunteer Fire and Rescue Association.

Approval of the agreement will be scheduled for the February 28, 2012 Regular Session.

U. S. Army Reserve Center Discussion

Eric Deike, Public Works Manager, stated staff was notified in the summer of 2010 that the U. S. Army Reserve property (located on the corner of E. Franklin St. and Willard St.) had little to no activity on site for quite some time. The maintenance (mostly grass mowing) was marginal at best. In an effort to contact the U.S. Army, the City's attorneys discovered that the property was actually owned by the City of Hagerstown and leased to the U.S. Army in 1956 for the next ninety-nine years.

The term of the lease began on May 1, 1956 and ended on June 30, 1956 unless and until the Government gave notice of termination or they abandoned activities on the property for one (1) year. The lease would not extend beyond June 30, 2055. Total payment for this lease was one dollar.

In the following years, the U.S. Army erected multiple buildings, fencing, lighting and paved large areas for parking and a helicopter landing pad. The three buildings house offices, a gymnasium, cafeteria, shooting range, vehicle maintenance operation and storage.

The City's attorneys have been in contact with the U.S. Army in regard to returning the property to the City. The last real communication with the U.S. Army indicated they

were no longer interested in using the property and would return it to the City possibly by the summer of 2011. Since that time, there has been little communication with the U.S. Army in regard to this matter. Multiple attempts to contact the U.S. Army have failed to produce any return contact.

There has been little to no military activity on this site since early 2010 as best anyone can determine. Attempts to elicit a response from the U.S. Army have failed. An engineering firm overseeing the maintenance and preservation of the property has been the only real contact in the last eight months. They, too, have failed to receive any response from the U.S. Army regarding relinquishing use of the property.

Staff is seeking Mayor and Council direction on how to proceed. Staff can continue to find a U.S. Army representative that will work with the City to formally relinquish control. So far, those efforts have produced little. The City could pursue the legal rights under Paragraph 6 of the lease effectively terminating the lease after 30 days notice to the U.S. Army.

The property is zoned R2. This is a residential zoning district. If the City wishes to use the property for its own purposes, i.e. golf course or maintenance facility, it may do so. If the property is sold or leased, the R2 zoning classification regulations would have to be complied with.

Councilmember Easton stated it would be nice to see some activity there. The property has been abandoned. There are usually young men riding bicycles on the roofs of the buildings.

It was the general consensus of the Mayor and City Council to pursue the legal rights outlined in Paragraph 6 of the agreement and send the government a letter advising them the lease is being terminated.

Multi-Family Dwelling Design Requirements

Kathleen Maher, Planning Director, and Stephen Bockmiller, Zoning Administrator, presented final draft amendments to Article 4 (Zoning) of the Land Management Code, pertaining to development standards associated with multi-family developments.

Even in the current economic climate, there are parties that are expressing interest in possible development of new multi-family communities. Review of current industry data suggests that at the present time, multi-family development is the only component of the residential construction industry showing a trend toward growth.

The Department of Community and Economic Development desires to implement design standards for multi-family developments in case new projects are entered into the land development process, which address concerns identified through the implementation of multi-family communities constructed in the last 10 to 15 years.

The goal of these amendments is to ensure quality designs that blend into the surrounding community rather than stand as an alien pod of jumbled buildings in isolation from the surrounding community. The buildings should be oriented to the street, rather than interior oriented. The amendments include a process for developers to submit an amenities plan.

The Planning Commission held a public hearing on the matter and recommends approval of the presented proposal.

A Public Hearing will be held before the Mayor and City Council on February 28, 2012.

Reprogramming of CDBG Funds to Complete Neighborhood Projects in FY12

Jonathan Kerns, Community Development Manager, and Jim Bender, Assistant City Engineer, were present to discuss the reprogramming of CDBG funds to complete Neighborhood Projects in FY12.

In an effort to positively impact City neighborhoods, Community Development staff and Parks & Engineering staff have worked together on a concept plan that would result in five neighborhood based projects being completed in the current fiscal year. Community Development Block Grant Funds (CDBG) are available for these projects.

In order to carry out these projects, the FY2012 CDBG Annual Action Plan must be amended. The amendments to the Action Plan would consist of addition of the proposed projects and the reprogramming of FY2012 CDBG funds for the proposed projects. The funds would be reprogrammed from CDBG activities that are no longer in operation and CDBG activities that are underutilized.

The projects include:

1. Park Circle Improvements: This project is requested on behalf of the area neighborhood groups. Completion of this project would greatly enhance the safety of Park Circle's pedestrian crossings, promote increased use of City Park, and further progress in becoming a more walkable City. Cost: \$ 36,000
2. Virginia Avenue/West Howard Street Crosswalk Improvements/Audible Pedestrian Signal: Completion of this project would greatly enhance the safety of the pedestrian crossing for both streets, promote increased use of City Park, and further progress in becoming a more walkable City. Cost: \$ 15,000.
3. Hellane Park Walkway Improvements: Completion of this project would improve the deteriorated surfaces of existing park walkways, enhance the safety of the walkways, and promote increased use of Hellane Park. Cost: \$ 40,000.
4. Potterfield Pool Wheelchair Lift: Completion of this project will improve handicap accessibility at Potterfield Pool and fulfill a recently adopted

ADA requirement of having two means of handicap access to a public pool. Cost: \$ 10,000

5. Alms House Surface Lot Improvements: Completion of this project would strengthen the neighborhood, improve the property aesthetics, ease the strain on parking for area residents, and increase property values. Cost: \$ 50,000

Councilmember Brubaker asked how it will be decided who parks at the Alms House. Mr. Zimmerman indicated some neighborhood parking has been by permit.

Councilmember Metzner asked if there are alternatives for parking lots that don't create impervious areas. Mr. Bender stated a new style stormwater management system was used at the Digby Parking lot.

It was the general consensus of the Mayor and City Council to move forward with the amendments to the FY2012 CDBG Annual Action plan.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember M. E. Brubaker attended meetings in Annapolis with the Community Coalition. There is a good rapport with the leadership of the House of Delegates and the Senate. It was mentioned to representatives that a stadium may be discussed with them soon. He is concerned that the urgent care facility downtown may be closed. He stated a promise was made by Washington County Hospital that an urgent care office would be maintained in the downtown area.

Councilmember W. M. Breichner stated hospital officials did promise to maintain an urgent care office in a downtown location. He believes a better location would be at the Housing Authority office on Baltimore Street. This is an important service to Hagerstown citizens.

Councilmember L. C. Metzner had no additional comments.

Councilmember A. C. Haywood had no additional comments.

Councilmember F. W. Easton wondered if the City could help with marketing of the urgent care facility. He thanked the Maryland Theatre for their hospitality today. He stated the tour was informative.

Mayor R. E. Bruchey, II offered condolences to Gary Spielman's family. He was a retired police lieutenant. He is discussing the situation with the urgent care facility with people at Meritus Health Care. He hopes a downtown location will be maintained. He

commended Benito Vattelana, Maryland Theatre Acting Executive Director, for his efforts at the Theatre. He also attended the coalition meetings in Annapolis.

EXECUTIVE SESSION – February 21, 2012

On a motion duly made by Councilmember W. M. Breichner and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to meet in closed session to consider the acquisition of real property for a public purpose and matters directly related thereto, #3, to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, #4 and 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 at 5:28 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, and Donna K. Spickler, City Clerk. The meeting was held to discuss property acquisitions, amendments to a lease and Historic District Commission membership. No formal action was taken at the meeting. 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: March 27, 2012