

WORK SESSION – January 10, 2012

Mayor R. E. Bruchey, II called this Work Session of the Mayor and City Council to order at 4:04 p.m., Tuesday, January 10, 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.

Strategic Community Impact Plan (SCIP) 2012-2106 Presentation

Bradley Sell and Leah Gayman were present to discuss the SCIP. The SCIP is a long-range strategic plan to improve the quality of life in Washington County, Maryland. In June of 2009, the Community Foundation of Washington County and United Way of Washington County partnered to develop a comprehensive, community-wide needs assessment aimed at identifying and prioritizing the most pressing issues facing the community and the best ways to align resources to address those issues.

The first edition of the SCIP was inspired by the Community Report Card published by the Hagerstown-Washington County Industrial Foundation (CHIEF) in 2005 and 2007. SCIP expands the template first created by CHIEF to include goal-setting and strategy development.

While both United Way and Community Foundation will be using this document to guide their work, their vision is that other funders will also use this report as a tool to guide them in their grant decision-making. Ms. Gayman and Mr. Sell encourage all public and private organizations to work collaboratively to address the goals and strategies included in the SCIP. By working together, they will identify gaps in services, become more efficient and effective while gaining a well-rounded understanding of the challenges they face and their responsibility to the community served.

The focus group development goals and strategies for the following:

1. Education
2. Arts, Culture and Tourism
3. Jobs and Economic Development
4. Disability
5. Transportation
6. Public Safety
7. Family Safety and Security
8. Health and Well-Being
9. Older Adults
10. Self Sufficiency
11. Civic Engagement

The Community Foundation used the SCIP when rating the funding requests they received.

Councilmember Brubaker asked how the information in the SCIP is being presented to the community. Mr. Sell indicated they are talking to elected officials and representatives of non-profit groups. He hopes this will help get the word out in the community.

The original group will remain together to review and update the SCIP as additional information is gathered. The group will meet again in January and determine how to make these things happen. It is hoped they will be able to track who is providing assistance in these areas.

Mr. Sell indicated the Washington County Commissioners have visited the Day Center in Cumberland so they are aware of what it takes to run the center.

Mayor Bruchey pointed out the City of Hagerstown provides funding for some of these goals. Ms. Gayman stated the group may, at some point, ask the City for input on a project. The requests are not always for money.

Councilmember Brubaker appreciates the group's proactive approach.

Mr. Sell stated he hopes the City may have funding available to satisfy a particular goal. He indicated there are about 8 people from City staff on the impact group. He stated they hope to have a Community Dashboard on the website.

Mr. Zimmerman stated this is a good process and it will help people in the community receive the services they need.

Washington County Community Lobbying Coalition

Brien Poffenberger, Director of Chamber of Commerce, was present to discuss the Washington County Community Lobbying Coalition agenda for 2012. The Coalition is requesting \$ 5,000 from the City of Hagerstown to support its work. The City has been a partner in the Coalition for several years.

The agenda includes:

1. Professional Court Bridge and Extension
2. Funding to Market the Sesquicentennial Anniversary of The Battle of Antietam and Other Local Civil War Events
3. Amendments to One Maryland Tax Credit
4. Creation of a "Small Business" New Jobs Tax Credit
5. Watch List
 - a. County's Gaming Revenue
 - b. University System of Maryland at Hagerstown Operational Funding
 - c. Hagerstown Community College Operational Funding
 - d. State Funding Opportunities for Renovations of Municipal Stadium

- e. Protection and Expenditure of Funding Designated for Fort Frederick
- f. Forestall Shifting State Costs to Local Government
- g. PlanMD
- h. Chesapeake Bay TMDL's

Mr. Poffenberger thanked the Mayor and City Council for being a partner in the coalition for eight years. This year's agenda includes hosting a reception for the entire legislation. Funding for the reception is included in this year's budget.

Mayor Bruchey asked if moving the Board of Education offices has been discussed with State officials. Mr. Poffenberger stated it is important to have a plan developed. The Coalition has not addressed a proposed relocation.

Councilmember Brubaker stated the Coalition members will need to be flexible this session, in order to make the best choices as opportunities come up. He stated the Coalition gives the partners a combined voice in Annapolis.

Councilmember Haywood asked if the Small Business New Jobs Tax Credit is a new tax credit. Mr. Poffenberger stated the intent of the tax credit is to amend the language as it applies within Washington County. Councilmember Haywood would like to review the parameters of this tax credit and determine how it would be successful. She recommended making the description on the list more specific. Mayor Bruchey stated the square footage criteria for the tax credit may not be applicable to the smaller businesses. The Mayor and City Council could recommend the language be revised. Councilmember Haywood asked where funding for the tax credit would come from. This information will be provided.

It was the general consensus of the Mayor and City Council to provide \$ 5,000.00 in funding for the Washington County Coalition again this year. A formal vote is not required for this action.

Proposed Changes to Historic District Review Process

John Lestitian, Director of the Department of Community and Economic Development, was present to review a staff concept of modifying the Historic District Review process in cases which involve Economic Development Projects.

State law establishes the structure, scope and general processes of historic district commissions. The City's Historic District Commission is established in the Land Management Code (LMC) and any amendments to this code are reviewed first by the Planning Commission.

Currently the Historic District Commission (HDC) applies a process in the LMC which may result in permitting a structure to be razed in whole or in part if the HDC finds the project meets established criteria to include determining if the project is of substantial

benefit to the City or in the best interest of the community. The criteria for this process are outlined in a policy adopted by the HDC in 2002. The LMC process first requires a denial by the HDC and then an application for a Certificate of Hardship. Throughout the existing process the HDC is the sole finder of fact, although their policy invites input from staff and the Mayor and City Council.

Staff envisions amendments to the LMC and the establishment of staff level processes which will accomplish the following:

1. Development of a streamlined process which does not require an initial denial by the HDC
2. Development of criteria for a staff recommendation to the Mayor and Council to include an economic development project.
3. Code amendments which will formalize approval criteria for a Certificate of Hardship which includes Mayor and Council endorsed economic development projects.

Mr. Zimmerman stated developers would not have to start the process with the HDC with the amendments stated.

Councilmember Brubaker wondered why the HDC would not have a chance to say the project is okay before it is reviewed by the Mayor and City Council.

Mr. Lestitian indicated Article 66b of the Annotated Code of Maryland regulates the guidelines of a Historic District Commission. Staff is looking to streamline the process.

Councilmember Breichner suggested that an economic development project be presented to the Planning Commission for input before it is reviewed by the Mayor and City Council.

Councilmember Metzner pointed out that, in the current process, a demolition may not even come before the Mayor and City Council. Staff's recommendations will make the process more streamlined.

Councilmember Easton asked if the amendments would make it possible to bypass staff completely. Mr. Lestitian stated there are criteria for a staff recommendation.

Councilmember Brubaker stated there are people serving on the HDC board and they should review the cases.

Councilmember Haywood would like the façade regulations to be less strict. She views the façade regulations to be a major detriment for developers.

Mr. Lestitian stated there is a vacancy on the HDC and he would like to have someone appointed to fill the vacancy in the next few weeks.

It was the general consensus to have staff work with the Planning Commission and the Historic District Commission to develop amendments to reposition the functions of the HDC in relation to development and create a streamlined process.

Stormwater – Update on Watershed Implementation Plan

Rodney Tissue, City Engineer, and Jim Bender, Assistant City Engineer, provided an update on the Watershed Implementation Plan (WIP). In July 2011, staff presented preliminary information on local efforts to prepare a WIP mandated by the Maryland Department of the Environment (MDE).

As discussed in July, the purpose of the WIP process is to identify and develop strategies to meet water quality improvement goals for the Chesapeake Bay watershed. Two milestone dates were established to measure progress toward the ultimate pollutant reduction goal: (1) by 2017, MDE will require counties and municipalities to meet 70% of the required reductions, and (2) by 2020, 100% of the pollutant reduction goals must be achieved. The local WIP team, comprised of representative from Washington County, member municipalities, Federal landowners, and the agricultural community, has been meeting regularly since March 2011 to develop a Phase II plan.

On November 18, 2011, at the request of MDE, the local WIP team submitted a draft plan for preliminary review and comment. The draft report described the local teams efforts to date, and laid out preliminary strategies to meet the mandated reductions in nitrogen and phosphorus pollution. Although MDE repeatedly assured each county that the draft report would be used to assess the progress that was being made, the local team was careful to state that any proposed strategies or programs presented in the draft report would be contingent upon available funding, and upon the approval of the local elected bodies.

For the City of Hagerstown, the draft report identified the following efforts and strategies to be pursued over the next five to ten years:

1. Street Sweeping: continue the City's current sweeping program, and possibly expand the scope of the program
2. Forest/Tree Canopy: continue (and possibly expand) the current Street Tree planting program
3. Urban Nutrient Management: decrease the nitrogen and phosphorus levels in stormwater runoff by reducing or limiting the amount of fertilizer placed on lawns and open space areas.
4. Stormwater Retrofits/Impervious Surface Reduction: MDE has stated that it is likely that the City will be required to remove 20% of the existing impervious surfaces that don't have any stormwater management controls, or construct new management facilities to provide treatment that is equivalent to this reduction. Based upon a preliminary analysis, staff calculates that this equates to the removal of over 300 acres of existing impervious surfaces, which is not practical. Therefore, staff must design new stormwater management facilities to provide the required treatment,

or must find ways to retrofit existing facilities to improve their pollutant reduction efficiency.

MDE developed a computer model that allows the WIP teams to “plug-in” different strategies and determine their effectiveness on pollutant reduction. Using this model and the five strategies listed above, staff conducted a preliminary analysis to determine how much work would be required in each category to meet the 2017 and 2020 goals. While this analysis is only based upon one possible scenario, the results give an indication of the scale of the effort that will be required. Using cost estimating guidance developed by MDE, staff calculates that the cost of this scenario could be in the range of \$ 30 to \$ 50 million between now and 2020. In addition to the challenges that the City faces on stormwater pollution, the County also has to prepare for an extensive program to repair or upgrade existing septic systems; preliminary estimates of the costs to deal with the septic systems alone are in the range of \$ 100 - \$ 200 million.

Mayor Bruchey asked if the report includes any information for Pennsylvania, Virginia and West Virginia. Mr. Bender indicated those states do have some regulations.

Councilmember Haywood asked if strategic plans to address partnerships were discussed. Mr. Bender stated there were no details of how a partnership would be addressed. He stated the State would not count what has already been done.

Councilmember Brubaker indicated the largest expense is foresting and retrofitting. He asked if the State is considering a bond issue to cover the expenses. He fears they are pushing the expenses to the local governments. He expressed his concern that MML did not include these requirements on their impact list of pending legislation. City residents will pay for these regulations twice.

Councilmember Brubaker asked if the Federal government has implemented the amount that has to be completed by December, 2012. Mr. Bender stated he thinks the County may be informed the required amount is lower.

Councilmember Easton inquired what happens if the City does not implement these regulations. Mr. Bender stated this question had been raised, but no answer was provided.

Staff will continue to attend meetings and provide updates to the Mayor and City Council.

Acquisition and Financing of Recycling Containers

Rodney Tissue, City Engineer, stated as a follow-up to the approval of the new trash and recycling program which began this week, the City will issue containers to all residential units within the City for recyclables. To this end, staff issued an RFP for the Acquisition and Delivery of Recycling Totes, and received five proposals. The proposals were reviewed by a selection committee. Mr. Tissue thanked staff for their work in

answering questions and resolving complaints as a result of the trash collection schedule change.

The staff selection committee unanimously recommends Rehrig Pacific Company as the vendor to supply recycling containers for the City of Hagerstown. The committee cites the following reasons:

1. The assembly and distribution of all containers is completed by Rehrig staff and not subcontractors.
2. Rehrig's containers appear to be the highest quality.
3. Rehrig's asset management software and ability to accurately track the location and distribution of the recycling totes is clearly the best. An accurate database is imperative to run the RecycleBank program and will lower administrative costs by minimizing the number of complaints and problems.
4. Rehrig's 10-year warranty appears to be the most hassle free.
5. References for Rehrig Pacific were very complimentary.
6. When you include the cost of the database software, handheld scanner and totes, Rehrig offers the best price.

This plan includes financing \$ 600,000 at 4% interest over a 10-year period. This financing will need to be approved by Mayor and Council at the regular session. The annual payback will be \$ 74,285, which is less than the earlier estimate, in the financial model to set the fee to residents. Due to the fact that the actual purchase price will be determined by the number of totes required, staff is recommending the bid be awarded with a not-to-exceed amount of \$ 600,000.

A very important concern for the City is an accurate database of which carts are assigned to which address. The City must provide Rehrig Pacific with an accurate list of addresses and tote sizes to be issued. To accomplish this, staff plans the following:

1. A postcard will be mailed to all residential unit owners in February, asking residents to decide which size tote they want.
2. The final database will be developed when the postcards are returned. Each tote will contain a Radio Frequency Identification Code that is unique to that container.

Distribution of totes is targeted for April 9, 2012 through April 20, 2012.

Waste Management has indicated that the recycling incentive program will be available to use by the citizens as soon as they receive their totes in April. Staff will provide full instructions on the use of the program by attaching it to the totes when they are delivered to residents. In addition, staff will offer to anyone who wishes to return their current bins, they will be retrieved by Rehrig Pacific and recycled into making new totes in the future.

Mr. Tissue stated staff will be providing status updates to the Mayor and City Council as the program progresses.

It was the general consensus of the Mayor and City Council to include approval of the contract to Rehrig Pacific and approval of the funding on the next regular session agenda.

East Avenue Park Concept Plan

Rodney Tissue, City Engineer, and Jonathan Kerns, Community Development Manager, reported the City Council recently approved the acquisition of the properties at 101 East Avenue and 144 North Locust Street. The purpose of this acquisition is to create a small park to improve the liability of the immediate neighborhood, add open space and public play area, and remove the pressure caused by the numerous rental units on on-street parking.

Two concepts prepared by the City's landscape architect were presented to the Mayor and City Council for their consideration. Concept A provides a contemporary approach, while Concept B is a more traditional layout.

Contract RFP-11-D-18 for the demolition of the building was competitively bid and twelve bids were received. Staff is recommending that the City award the demolition contract to Allegany Wrecking & Salvage in the amount of \$ 29,600. Funding for this project is included in CIP 752 with \$ 190,000 in reprogrammed bond funds.

If the contract is awarded in January, staff envisions the completion of the park by September, 2012.

The next steps in the process include approving the demolition contract and discussing the park idea with the neighborhood. It was suggested to discuss the two options with the people in the neighborhood. Residents will be asked for suggestions for names for the park.

Mark Haddock, Parks Maintenance Supervisor, and Andy Hoffman, Recreation Services Coordinator, were introduced. Mr. Tissue stated staff is attempting to strengthen the City's recreational programs. Both employees have experience that will assist in this endeavor.

Mayor and Council Budget Retreat

A possible date and time suggested for consideration of a Budget Retreat is late afternoon on January 31, 2012. The Budget Retreat was set for 4:30 p.m. on Tuesday, January 31, 2012.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, reminded everyone that City Hall will be closed on Monday, January 16, 2012 in observance of the Martin Luther King, Jr. holiday.

MAYOR AND COUNCIL COMMENTS

Councilmember F. W. Easton thanked the Washington County Museum of Fine Arts for the presentation to the City and County earlier today.

Councilmember A. C. Haywood had no additional comments.

Councilmember L. C. Metzner attended a meeting of the Washington County Criminal Justice Coordination Committee. He asked that a dialog be started with Sheriff Mullendore to discuss mutual issues, such as a day reporting program. He does not think a day center should be located downtown. He stated a meeting was held last week with Delegate Donaghue and Bruce Poole to discuss upcoming legislative issues. The State delegation is seeking input from the City on several projects. He stated if the City does not take funding for certain projects now, it may be 10 years before it is available again. He asked if the Mayor and City Council should send a letter (as a group) supporting a day reporting area. Mayor Bruchey stated the letter should be submitted to the Sheriff.

Councilmember W. M. Breichner expressed condolences to the family of Betty Stottlemeyer. Ms. Stottlemeyer was a retired City employee who was very dedicated. He stated the Digby Parking lot looks good.

Councilmember M. E. Brubaker urged Mayor and City Council members to keep the City's interest in mind as topics are considered and reviewed. He stated everyone needs to work together to protect the City's interest.

Mayor R. E. Bruchey, II offered sympathy to Betty Stottlemeyer's family. He reported there has been an increase in home invasions. There is a service offered through the police department where people can text a message to the police department. He suggested notices be sent out to residents reminding them of this program. The State legislative session starts on January 11, 2012. Mayor Bruchey will be serving on the MML Legislative Committee.

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 6:17 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: February 28, 2012