

WORK SESSION – January 10, 2012

Mayor R. E. Bruchey, II called this Work Session and Executive Session of the Mayor and City Council to order at 4:05 p.m., Tuesday, December 13, 2011, 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, City Attorney William Nairn and City Clerk D. K. Spickler.

Joint Meeting with the Washington County Board of Education – Overview of City Schools and Capital Project Update – Bester and West City Project

The following Board of Education members were present: Jacquelyn Fisher, Donna Brightman, Karen Harshman, Edward Forrest, Paul Bailey and Justin Hartings. Superintendent Clayton Wilcox was also present. Wayne Ridenour, Board President, was unable to attend the meeting.

Boyd Michael, Deputy Superintendent, provided an update of the capital projects within the City limits. The new Bester Elementary School will be constructed on the same site as the existing school. The budget is \$ 23,000,000. The school will be a four-round facility, housing pre-K through Grade 5. Some of the original features will be incorporated, such as the emblem and the sign on the archway. The school will feature a large media center, science lab, instrumental music room, general/vocal music room, computer lab, art room and large resource spaces.

The West City Elementary School will replace both Winter Street School and Conococheague Elementary School. The school will initially be 64,000 square feet, with a seat capacity of 471. The facility could be expanded to seat 745 students. Site selection is currently taking place. It is being designed as a three-round facility. Total budget for the three-round school is \$ 18,600,000.

Instructional benefits of the new school will be expanded programs and instructional opportunities, maximized use of full-time staff, increased instructional efficiency, expanded amenities, eliminates portable classrooms and enhanced instructional technology. The new building will replace the 1st and 3rd lowest-rated buildings and will save millions of dollars in deferred maintenance. It will save a significant amount of money with the construction of one building vs. the replacement of two buildings.

Mayor Bruchey asked what is planned for the Winter Street building. Mr. Michael indicated nothing has been finalized. The Board has discussed “green space” with the City. Program Open Space money was used at that location, which requires continued permitted uses.

Mr. Michael informed the Mayor and City Council that plans for the East City High School have been moved from short term needs to long term needs. As the housing market slowed, so did growth in that area.

Mrs. Donna Hanlin, Assistant Superintendent of Curriculum, School Administration and Improvement, provided an overview of City Schools. There are 14 schools located within the City limits.

There are almost 3,000 students in seven elementary schools, with 70% being in the Free and Reduced Meals (FARM) program. Enrichment services are offered in all 14 schools and some offer incentives for teacher performance.

There are three middle schools and four high schools located in the City limits. Antietam Academy is a program, not a high school. Honors and merit classes are offered at all middle and high schools. Ms. Hanlin reported the number of students meeting the high school assessment tests is acceptable.

Councilmember Easton asked if the FARM number stated earlier is an increase from previous reviews. Ms. Hanlin indicated the 70% matches the historical trend. Mr. Michael indicated the numbers are lower in the middle and high schools.

Councilmember Breichner asked if there are plans to expand Fountaindale Elementary School. Mr. Michael indicated the number of students has decreased but expansion is included in the ten year plan.

Mayor Bruchey asked if there are plans to expand the educational opportunities at the Barbara Ingram School for the Arts. Mr. Wilcox has discussed the success of the school with the Board and plans are being made to expand the programs.

A brief recess was taken.

Preliminary Agenda Review

Consent Agenda

- A. Police Department: Police Cruiser – Brekford (Hanover, MD) \$ 25,912.00

Approval of a Resolution: Acceptance of Streets – Wareham Place and Meridian Drive

Rodney Tissue, City Engineer, stated Staff recommends accepting Wareham Place and Meridian Drive and rights-of-way as indicated. The City has always contemplated accepting these streets upon their completion. The streets were designed and constructed per the Public Ways Construction Standards. The Engineering Department's inspection staff monitored the construction, and "As-Built" drawings are on record and are acceptable.

Staff recommends that the Mayor and Council pass a resolution at the December 20, 2011 regular session meeting to accept the offer of dedication for these streets and rights-of-way into the public road system, conditioned upon receiving a one-year maintenance

surety per the Subdivision Ordinance. City staff will then begin maintenance of the roadway.

It was the general consensus to accept these streets.

Approval of a Resolution: Lease Agreement with Spickler's

Staff recommends approval of a lease with Paul A. Spickler located at 17 E. Franklin Street. The lease will be for four years, beginning on the 1st day of January, 2012 and terminating on the 31st day of December, 2015.

Approval of the resolution will be included on the agenda for December 20, 2011.

Approval of a Resolution: MOU with DLLR for Storage Room

Staff recommends approval of a Memorandum of Understanding (MOU) with the Department of Labor, Licensing, and Regulations, Division of Occupational Safety and Health (DLLR) for an additional portion of 14 North Potomac Street. DLLR currently leases a portion of 14 North Potomac Street and would like to lease an additional 287 square feet of storage space. The term of the MOU will be from July 1, 2012 to June 30, 2013.

Approval of the resolution will be included on the agenda for December 20, 2011.

Approval of an Agreement: Termination of Easement with Barvin LLC

Michael Spiker, Director of Utilities, stated located adjacent to the exterior face of the original 1881 Water Division Reservoir at Crystal Falls Road is an abandoned 10' x 10' block structure containing a diesel operated fire pump installed in 1969, which at one time served the fire suppression needs of the former Doubleday facility in Smithsburg, Maryland. The fire pump is non-operational, the structure has been abandoned, and the attached water lines associated with the pump have been disconnected for years.

FIL-TEC Incorporated purchased the former Doubleday facility and installed fire suppression equipment that no longer requires the use of the fire pump. The City has recently completed the dam restoration project at this location and desires to further restore the property by removing this abandoned structure. Barvin, LLC has agreed to relinquish their Deed of Easement with the City.

It was the general consensus to approve the agreement as presented.

Approval of a Maintenance Agreement: Cortland Manor Condominium Association for Street Lights

Michael Spiker, Director of Utilities, indicated a request was made by the Cortland Manor Condominium Association in regard to the operation and maintenance of the

privately owned street light system which contains 28 street light fixtures and poles and 3,925 feet of underground conductor under, across, and along Cortland Drive and little Hayden Circle. The fixtures and poles were installed to meet the Electric Division (ED) standards at the time of installation. The underground facilities will need improvement prior to acceptance to meet ED specifications so that the operation and maintenance of the private system will not cause any hardship upon the utility. The cost of electric usage, at the current Potomac Edison lighting rate for the City of Hagerstown, is approximately \$ 2,085.00 annually, and would be added to the General Fund's street light account.

The details of the maintenance agreement are as follows: The association agrees to upgrade and re-route the underground conductor as specified by ED engineers, the City agrees to pay the monthly electric charges and the ED agrees to perform maintenance and repairs of all conduit, conductor, poles, and fixtures on the street light system. Due to issues in regard to the granting of rights-of-way upon the numerous properties within the development, the Association will retain ownership of the stated street light system. The City of Hagerstown currently honors a similar agreement with Summerland Manor and Cortland Villas. The maintenance agreement, which has been reviewed and approved by legal counsel and reviewed and signed by the Association, was presented for the Mayor and City Council's review.

Approval of the maintenance agreement will be included on the December 20, 2011 agenda.

Approval of a Memorandum of Understanding for Mills Park Phase II

Rodney Tissue, City Engineer, reported in 2011 staff successfully completed the first phase of the Mills Park Trail system. Staff is pleased with the positive feedback regarding the trail, and this is the first step in fulfilling the park's Master Plan. For the construction of a Phase II Trail, the main goal is a trail/pedestrian route to Northern Avenue. The draft alignment of the Phase II Trail, which crosses a stream (Hamilton Run), and wetlands with a boardwalk, offering a unique environmental component. Staff recently successfully obtained a grant in the amount of \$ 24,640 from the Maryland State Highway "Recreational Trails" program. The City has budgeted a match of \$ 7,500 in CIP No. 737 for this project. The State requires the City to execute a Memorandum of Understanding before the grant can be processed.

It was the general consensus to approve the Memorandum of Understanding with the State Highway Administration.

Approval of Waste Disposal Agreement with Waste Management

Rodney Tissue, City Engineer, presented an Agreement between the City of Hagerstown and Waste Management for the disposal of residential trash (collected within the limits of the City of Hagerstown) at Waste Management's Mountain View Landfill near Upton, Pennsylvania. This is consistent with the collection contract approved by the

Council in October 2011 and was included in the funding model approved in November. Staff has reviewed the Agreement along with the City Attorney and they find the terms acceptable and recommend approval by the Council. The contract would run the length of the collection contract with the initial term being three years, January 1, 2012 through December 31, 2014. For the first 36-month period, the disposal fee is fixed at \$42/ton.

Approval of this agreement will be included on the December 20, 2011 agenda.

Approval of Police Department Hiring Incentives

Chief Arthur Smith reported the Police Department continues to hold seven sworn vacancies (plus one civilian) per current budgetary constraints. There are currently two sworn vacancies and a third vacancy likely to occur soon.

HPD has been filling vacancies with lateral (MD certified) or comparative compliance (certified in states other than MD) candidates who do not require the seven months of entrance level training prior to beginning the City's field training program. This practice nets a savings of 7 months salary and benefits and gets the officers on the street quicker. The market for these candidates, however, has become highly competitive as many agencies find themselves in a similar situation. Additionally, the federal government has not slowed their hiring and has further impacted HPD staffing levels.

Relief is expected, in the long term, when HCC begins their combined criminal justice AA degree program with a new police certification program. The first such candidates, however, are not expected to become available until some time in 2013.

In the mid term, staff is attempting to recruit persons to attend the Frederick City Police Academy (scheduled to begin on 3/5/12) prior to employment with HPD, with the City paying their tuition and other fees. HPD has asked to reserve three slots in this class against anticipated retirements in the next fiscal year.

It would assist in the current efforts to attract lateral and comparative compliance candidates to offer two incentives. The first is a signing bonus of \$ 5,000 (with a retention requirement) to better attract candidates. The second is to offer an incentive to current officers to recruit successful lateral/comparative compliance candidates.

Councilmember Metzner indicated this topic was discussed in executive session and is now being discussed during a public session, as agreed to by the Mayor and City Council.

Councilmember Easton suggested looking at the salary levels, as well as step increases, to be more attractive to prospective police officers. He understands this would need to be discussed with the union during negotiations.

Approval of the hiring incentives will be included on the December 20, 2011 agenda.

**Approval of Purchase: HPD – 50 Fixed Cameras – Unilux (Gaithersburg, MD)
\$ 242,500.00**

These cameras are part of the COPS Technology Grant program and are fully funded through the grant. They are to be deployed among the various neighborhoods and the downtown through the City and can be fixed or moved in response to changes in crime and disorder. They will be monitored by HPD personnel.

It was the general consensus to approve the purchase. It was noted that the cameras will be fixed and mobile, rather than only fixed.

This completed the preliminary agenda review.

Sustainable Community Plan Application

Kathleen Maher, Planning Director, was present to provide information about the Sustainable Community Area and Plan for Hagerstown.

Maryland's Sustainable Communities Act of 2010 created the Sustainable Community (SC) Program as the new revitalization planning program for Maryland. Sustainable Community Plans will replace Community Legacy Plans as a community's revitalization plan and basis for requesting State revitalization funding assistance. The goals of the program are to develop healthy local economies, protect and appreciate historical and cultural resources, mixed land uses, create and maintain affordable and sustainable housing and employment options, and protect and conserve the environment, and encourage walkability and recreational opportunities. In 2011, the State started accepting applications to this program. Applications must include a designated area and plan for revitalization of that area. Hagerstown's Community Legacy Plan is grand-fathered until June 2012, by which time the City would need to have a Sustainable Community Plan approved or become ineligible for certain State revitalization funding.

In the summer of 2011, the City formed a 15 member Sustainable Community Work Group to help the City finalize revitalization strategies for the SC Plan. The Work Group included community stakeholders from the business community, the Chamber of Commerce, the County School System, the Community Action Council, Hagerstown Housing Authority, Washington County Arts Council, neighborhood groups and City staff. City staff included members of the Departments of Community and Economic Development, Parks and Engineering, and Police. The Work Group was divided into sub-groups to cover the areas of housing, transportation, community facilities, economic development and downtown. The Work Group's recommendations were finalized in late October and incorporated into the City's Sustainable Community Plan.

The Sustainable Community Plan is consistent with the recommendations in the City's 2008 Comprehensive Plan, the City's 2008 Community Legacy Plan, the City's 2010 Consolidated Plan, the Mayor and City Council's 2010 Strategic Plan, the City's 2011

City Center Plan and Strategic Directions, and the recommendations of the SC Work Group in the fall of 2011.

The Sustainable Community Program requires proposal of a designated area. Once approved by the State, certain State revitalization funding programs will be targeted to these designated SC Areas if projects are consistent with the community's SC Plan. The proposed area encompasses 4.5 square miles at the heart of the City and includes the pre-1891 platted area of Hagerstown. This area is slightly larger than an earlier revitalization area designated for Hagerstown for Maryland Department of Housing and Community Development programs.

The following summary of intended outcomes provides broad statements that cover all of the proposed revitalization strategies in the plan:

1. Blighted buildings in Downtown area are brought under control and impact is improved.
2. Public infrastructure is sufficient and attractive to serve the needs of the SC workforce and residents.
3. Upper floors of commercial and mixed-use buildings are occupied with businesses and market rate housing to support positive economic activity at the heart of the SC Area.
4. Downtown cultural and educational anchors are expanded and enhanced to continue community's efforts that make the Downtown a regional destination for arts and entertainment.
5. Condition and value of housing stock in SC Area neighborhoods is improved.
6. Raw land is developed with good employment opportunities for SC Area.
7. Additional amenities created in SC Area to make living and working in this area more attractive to folks with choice.

Staff would like to submit the City's application to the State for the early January deadline, the second round of submittals for this new program.

Councilmember Haywood questioned the rationale of supporting redevelopment of vacant spaces rather than infill development and development of green space. She thinks the City should tackle the issue of underutilized property. Ms. Maher indicated as funding is requested in the future, the City will come back to this plan and the State will use it to review the relevance of the request.

Councilmember Haywood asked what is being considered to lower housing density. Ms. Maher stated lot size could be reduced in infill areas to encourage lower density housing. Staff is also considering strategies to lower density in older neighborhoods that have become too dense. Councilmember Haywood would like to see lower density and increased property values in neighborhoods. She also would like to see fewer multi-family units. Ms. Maher stated Staff is reviewing regulations for new projects, including street frontage and more traditional construction.

Councilmember Brubaker asked about the status of Plan Maryland. Ms. Maher indicated the Sustainable Community Plan is a different step in the Plan Maryland program. The program areas will be approved after Plan Maryland is in effect.

It was the general consensus to move forward with the application.

Automated Speed Enforcement System

Chief Arthur Smith, Hagerstown Police Department, and Rodney Tissue, City Engineer, were present to discuss a proposed contract from Brekford Corporation for the installation and maintenance of an automated speed enforcement system in the City of Hagerstown, and the enabling ordinance (as required by Maryland law). The proposed ordinance is required by State law in order to install and operate the system. After it is approved by Council, a separate ordinance will be presented establishing specific school zones.

Automated speed enforcement (ASE) systems employ cameras and speed detection equipment to identify and record vehicles exceeding the speed limit in a school zone by at least 12 miles per hour during certain hours and days of the week. They enable the enforcement of speed limits in targeted areas using far less staffing resources than manned enforcement operations. The system being proposed for the City of Hagerstown will utilize cameras and equipment in specified school zones only.

The installation and operation of such systems in Maryland is regulated by State law. All violations undergo a multi-stage review process before violation notices are issued. The final approval is by a sworn HPD member.

The overall goals of the ASE system are to improve the safety of motorists and pedestrians at locations where cameras are in place, and to improve overall motorist and pedestrian safety. Other Maryland jurisdictions employing ASE systems have seen such improvements in safety, as well as reductions in speeding at locations where ASE equipment is deployed.

Staff prepared and published a request for proposals (RFP #1502.11) for an automated speed enforcement system. A pre-bid meeting was held for interested contractors. Based on questions from potential contractors, 3 addendums to the RFP were issued. Staff received 5 proposals.

A review committee consisting of staff from the Engineering, Finance, and the Police Department met and evaluated each proposal based on pre-determined criteria. The committee selected Brekford Corporation as the recommended contractor.

All work performed will be done in accordance with Maryland State Law pertaining to speed monitoring equipment. Per the proposed contract, the company will provide the following:

- On-call technical service for the hours of daily operations by the Police Department;
- Initial event review, name and address acquisition, and online police review;
- Mailing of up to three (3) notices per violation (including late notices);
- Payment and mail processing of citations, telephone customer service, pay-by-phone, pay-by-web, Integrated Voice Response (IVR) system, document imaging, and online cashiering support to the cashiering efforts of The City of Hagerstown, MD;
- Support of a public web site and training for Police, City and court personnel;
- Standard Monthly, Quarterly, and Annual Reports (containing information to be defined by the City within 90 days of Notice To Proceed).
- Automated, online reporting capability.

In return for the above, the Contractor shall be compensated under this agreement at 39% of the monthly program payments. The contractor must provide a detailed system billing report each month showing all full payments (by citation number) to accompany each submitted invoice.

The use of speed cameras will also necessitate the passage of an enabling ordinance. Mr. Nairn has prepared a draft ordinance. The final version of the enabling ordinance will be presented after initial review by Council. Upon approval of the enabling ordinance, a separate ordinance will be prepared and presented to Council to establish the specific school zones, maximum speed limits, and fine schedule.

Based on the experience of other jurisdictions, staff anticipates that all costs associated with the installation, maintenance, and operation of the ASE system will be fully funded through fines collected from violators.

Tickets will be less than \$ 40.00. Violators will have the opportunity to take the ticket to court. The income from violations will go to the City, rather than to the State, as it currently does.

Chief Smith indicated that signs will be placed throughout the City notifying motorists of the speed cameras. After locations are selected, based on traffic and speed studies, the Mayor and City Council will formally approve the locations.

Councilmember Haywood asked for a copy of the contract. The contract will be available for the Mayor and City Council's review in the City Clerk's office.

Councilmember Haywood is concerned that the City may be obligated to pay a specified amount and ticket income would not cover the amount. Chief Smith indicated this contract is not structured that way.

Councilmember Haywood pointed out there is not an incentive to issue tickets. A violator will receive a notice in the mail of the violation, along with a photograph. The cameras are unobtrusive, with no flash or noise. If a camera needs to be moved to

another location, the company will be able to move it, at no additional charge to the City. The cameras will be maintained by the company.

Mr. Zimmerman summarized that staff is seeking approval of the contract with Brekford Corporation and introduction of the ordinance that would enable the program. There will a subsequent ordinance to establish the locations.

It was the general consensus to approve the contract and introduce the ordinance on December 20, 2011.

Mr. Nairn left the meeting.

Municipal Stadium Improvements for the 2012 Season

Rodney Tissue, City Engineer, was present to discuss improvements to Municipal Stadium. Annually, the City makes improvements to the stadium. During the past year, a complete renovation to the clubhouse and other improvements were made. This year the Suns are requesting that the City expand the deck seating area along the left field line.

In July 2011, the City experienced the destruction of one of the 30-year old field light standards by a wind shear. The other seven light standards were inspected and re-welded and stiffening struts were installed between the base plate and the pole. The out-of-pocket costs for these emergency repairs were about \$ 30,600, which depletes the CIP 040 budget allocated for Stadium improvements.

To support the fans and Suns, staff recommends that additional funding be allocated for Stadium improvements in 2012. The pole work was necessary but was not considered an improvement to the facility. In conversations with the Finance Department, staff suggests an additional \$ 50,000 in capital Improvement Program contingency funds be appropriated for improvements to the Stadium.

The plan is to spend about \$ 30,000 for deck seating enhancements and an additional \$ 20,000 for field improvements and various repairs around the facility. Staff feels this is an important step to take to support the fans and Suns.

Councilmember Brubaker is reluctant to approve improvements if a new stadium is going to be built or substantial improvements are made to the existing stadium. Councilmember Easton wondered if these enhancements would be replaced if other renovations are made.

Mr. Tissue indicated the plans show the field in the same place. The expansion of deck seating may be moved.

Mayor Bruchey has talked with all Council members about the stadium situation. He indicated they all agreed, as does staff, that the City needs to make a commitment of a significant amount for stadium improvements on a yearly basis. He stated the City needs

to commit \$ 140,000 annually. This would be for bonded debt payments for the Suns stadium to keep minor league baseball in Hagerstown. Mayor Bruchey indicated Bruce Quinn, Co-owner of the Suns, agreed to create a lease proposal and a business proposal based on the \$ 140,000 commitment.

Mayor Bruchey indicated the City currently pays \$ 194,000 per year for maintenance and improvements at the stadium. Transferring some of the responsibility to the Suns will free up \$ 60,000. The current amount from hotel/motel tax allocated to the stadium is \$ 49,088. The City would need to include an additional \$ 40,000.00 in the annual budget for the stadium. Mayor Bruchey indicated this could be covered through cost savings.

Councilmember Easton stated the current, or greater, level of minor league baseball needs to stay in Hagerstown with this commitment from the City.

Councilmember Metzner indicated the statement alone is not sufficient for the City's position. There are other parties that need to be involved. This was not discussed during an executive session but was discussed several months ago. During that discussion, it was stated that other groups should be involved as well.

Councilmember Haywood stated the Council needs to take into consideration that other events bring people to Hagerstown. She encouraged the County to also agree to making an annual financial commitment to stadium improvements.

Mayor Bruchey again stated the City's position is that the Mayor and Council supports professional baseball in Hagerstown and needs to retain professional baseball.

Councilmember Haywood indicated the goal is to continue to promote tourism. She would not want to promote one amenity at the expense of another. John Lestitian, Department of Community and Economic Development Director, indicated he believed the other events could be maintained at the current levels.

Councilmember Brubaker indicated the current hotel/motel tax revenue for the County is \$ 1.8 million. Half of this amount goes to the Convention and Visitors Bureau. He believes there are opportunities for obtaining more of the hotel/motel tax for the City by talking with the County Commissioners.

Mr. Quinn will be providing a draft long term lease proposal and long term plan.

Councilmember Brubaker stated other communities have received significant funding from the State for stadium improvements and construction. Mayor Bruchey agreed and indicated he has discussed this with the County Delegation.

Councilmember Easton stated this should be a community project as well.

It was the general consensus to approve the \$ 50,000.00 funding for the 2012 Season and to commit \$ 140,000.00 per year toward renovations and/or construction of a new stadium

Mayor and City Council 2012 Meeting Schedule

The Mayor and City Council reviewed a potential 2012 schedule. It was the general consensus to not meet on both the Primary Election and General Election days.

The following changes will be made to the schedule:

September 25, 2012 Regular Session will begin at 6:00 p.m.

November 20, 2012 will be the Regular Session for November

The schedule will be distributed to all interested parties.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember F. W. Easton had no additional comments.

Councilmember A. C. Haywood had no additional comments.

Councilmember L. C. Metzner had no additional comments.

Councilmember W. M. Breichner had no additional comments.

Councilmember M. E. Brubaker had no additional comments.

Mayor R. E. Bruchey, II thanked Debbie Washington (Customer Service) for the beautiful tree in the lobby on the first floor.

EXECUTIVE SESSION – December 13, 2011

On a motion duly made by Councilmember F. W. Easton and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to meet in closed session to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, #4 at 6:24 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, City Administrator Bruce Zimmerman, John Lestitian, Director of the Department of Community and Economic Development, Jonathan Kerns, Community Development Manager and Donna K. Spickler, City Clerk. The meeting was

held to discuss amendments to an existing loan. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: January 31, 2012