

WORK SESSION AND EXECUTIVE SESSION – SEPTEMBER 11, 2012

EXECUTIVE SESSION – September 18, 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 closed session to discuss, before a contract is awarded or bids are opened, a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process, #14 (Section 10-508(a) 14; 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 (i) (Section 10-508(a) 1(i); to consider the acquisition of real property for a public purpose and matters directly related thereto, #3 (Section 10-508(a) 3); and to consider at matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, #4 (Section 10-508(a) 4) and to consult with counsel to obtain legal advice, #7 (Section 10-508(a) 7) at 4:04 p.m. in the Council Chamber, 2<sup>nd</sup> 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 L. C. Metzner, City Attorney John Urner, City Administrator Bruce Zimmerman, Michael Spiker, Director of Utilities, Rodney Tissue, City Engineer, John Lestitian, Director of Department of Community and Economic Development, Jill Estavillo, Economic Development Manager, Michelle Burker, Director of Finance, Greg Snook, Chair of CHIEF, and Donna K. Spickler, City Clerk. The meeting was held to discuss contract negotiations, the City Attorney retainer, downtown property acquisition, a substantial private investment in the downtown area and a lease agreement with the Hagerstown Suns. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the meeting was adjourned at 6:00 p.m.

WORK SESSION – September 18, 2012

Mayor R. E. Bruchey, II called this Work Session and Executive Session of the Mayor and City Council to order at 6:11 p.m., Tuesday, September 18, 2012, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers W. M. Breichner, M. E. Brubaker, F. W. Easton, L. C. Metzner; City Administrator Bruce Zimmerman, and City Clerk D. K. Spickler. Councilmember A. C. Haywood was not present.

Councilmember Metzner reported the executive session included a discussion of the wholesale power contract, a contract with the City Attorney, and the appraised value of properties and the acquisition of those properties for downtown redevelopment. He reported there is neither a written agreement nor money transferred to the City for the private donation for the MUSEC project.

Volunteer Washington County

Bernadette Wagner was present to discuss a program in Washington County called Volunteer Washington County. The need for volunteers was noted in the completed SCIP. In response to the need, Volunteer Washington County (VWC) was established. This organization is a one-stop source for volunteer information in Washington County. As a clearinghouse for all aspects of volunteerism in Washington County, they assist nonprofits, businesses and government agencies with all their volunteer needs. Volunteers help create a strong, healthy and engaged community. They provide transportation, assistance for senior citizens and people with disabilities, partner with the school system and help with public safety activities. VWC supports more than 500 existing non-profits. Ways to support VWC include helping raise community awareness, sponsoring and partnering with them.

Councilmember Easton requested that a link to Volunteer Washington County be added to the City's website.

#### Hagerstown Magazine Award

Kate Rader and Stacey Holman, Hagerstown Magazine, presented several Hot List awards to the City of Hagerstown. City Park, Bluesfest and Augustoberfest, have all been voted by readers as the best in their categories for seven straight years.

#### 2012 Citizen Recognition Award/Board and Commission Luncheon

It was the general consensus to hold the annual Boards and Commissions Luncheon on Friday, November 16, 2012. Karen Giffin, Community Affairs Manager, stated this event is held annually to thank individuals who serve as appointed volunteers on various City committees.

#### Preliminary Agenda Review

##### **Consent Agenda**

###### A. Department of Utilities:

1. Water: Upgrade/Replace Filter Valve Network – JC Controls, Inc. (Warminster, PA) \$ 98,428.00
2. Wastewater: Upgrade of Lachat System – HACH (Loveland, CO) \$ 42,833.22

###### B. Public Works: Bulk Road Salt – Cargill Incorporated (North Olmstead, OH) \$ 65.87 per ton

###### C. Department of Parks and Engineering:

1. 2012 Street Tree Planting – Poole Landscaping, Inc. (Frederick, MD) Not to Exceed \$ 37,000.00
2. Pavement Condition Survey – Enterprise Information Solutions (Columbia, MD) Not to Exceed \$ 35,000.00

##### **Introduction of an Ordinance: Land Transfer, Memorandum of Understanding**

**with Kiwanis Club and Naming of Park**

Rodney Tissue, City Engineer, reported consistent with the discussion with the Mayor and Council in August, 2012, staff has developed the legal documents to allow for the development of “Kiwanis Park” adjacent to Antietam Creek in the Light Business Park.

The transfer agreement transfers Lot 20 of the Light Business Park to the City for no monetary consideration. This transfer will occur after January 1, 2013. The City is obligated to pay for the land appraisal as described, not to exceed \$ 2,000. Also included in this approval is the easement agreement which allows permanent access from the cul-de-sac on Dynasty Drive to the proposed parking lot within Lot 20. The City must maintain the easement area but it also gives the City the right to install a sign and gate.

The Memorandum of Understanding (MOU) with the Kiwanis Club outlines the commitment and the responsibility of the Kiwanis Club to the City in maintaining this park.

Introduction of the ordinance will be included on the September 25, 2012 agenda.

**Approval of a Resolution: Memorandum of Understanding with Maryland State Police for International Justice and Public Safety Network (Nlets) Database for Speed Monitoring**

This MOU allows for an additional access point to be issued to the Hagerstown Police Department for use by the department’s speed enforcement vendor. The MOU will provide the vendor with more informational resources regarding out-of-state vehicle registrations from the state database known as International Justice and Public Safety Network (Nlets).

**Approval of Contract for R. C. Willson Water Treatment Plant Lagoon Cleaning and Maintenance – Synagro Central, LLC (Baltimore, MD) \$ 159,200.00**

Michael Spiker, Director of Utilities, stated the R. C. Willson Water Treatment Plant is required as part of the National Pollution Discharge Elimination Permit (NPDES Permit) to manage and maintain the water production process wastewater lagoon in accordance with all Federal Clean Water Act provisions.

The management plan submitted by Synagro Central, LLC will allow the City to remove and land apply all residuals in a manner that is consistent and complaint with all applicable regulations of Maryland Department of the Environment NPDES Permit and Maryland Department of Agriculture Soil Conditioner and Nutrient Management Planning. Synagro Central, LLC will provide residual removal services for \$0.0398 per gallon with an estimated annual expenditure of \$ 159,200.00 of Water Division operating funds. This contract shall be in effect for three years with the option to renew for two additional 1-year periods under mutually agreeable terms.

Awarding of the contract with Synagro will be scheduled for September 25, 2012.

### **Acceptance of Maryland Bikeways Program Grant**

Rodney Tissue, City Engineer, presented a grant agreement from the Maryland Department of Transportation authorizing \$ 60,000 to the City to improve the bicycle access in the City.

After consulting with the Bicycle Advisory Committee, staff is recommending the City utilize the grant to develop a multi-use path from South Prospect Street, around the northern perimeter of Park Circle, to Summit Avenue. From there, a bike lane would be striped on Summit Avenue and would connect to the bike lane on Jonathan Street. This would complete the “downtown loop” as recommended in the Bicycle Master Plan that was approved by the City Council in March, 2010.

Approval of accepting the grant will be included on the September 25, 2012 agenda.

This completed the preliminary agenda review.

### **EMPOWER Clean Energy Communities Grant**

Michael Spiker, Director of Utilities, stated per the City’s Grant Management Policy, a submission of a grant request in excess of \$ 50,000.00 requires the approval of the Mayor and City Council.

The Hagerstown Light Department staff request permission to submit a request to the Maryland Energy Administration for consideration of funds administered through the EMPOWER Clean Energy Communities Grant program. The submission must occur before October 17, 2012. The HLD request of \$ 71,000.00 (if approved) will purchase and distribute “Energy Conservation Kits” to qualified HLD customers. The 14 piece Energy Conservation Kits will include light bulbs, rope caulking, weather-stripping, nightlight energy usage monitor and a variety of other energy saving products. The proposed project is anticipated to assist 975 homes, conserving electrical energy during both heating and cooling months.

It was the general consensus to support this request.

### **Summit Avenue Traffic Calming**

Rodney Tissue, City Engineer, stated the residents of Summit Avenue contacted the Engineering office in 2010, seeking ways to reduce accidents and slow traffic. Staff completed a multi-STOP warrant analysis and found the intersection with Reynolds Avenue did not meet the warrants for a 4-way STOP. Staff completed speed counts and found that on a typical day there are 1300 vehicles on Summit Avenue. The 85% speed is 37 mph and there are 225 vehicles per day traveling in the 35-40 mph range and 50 traveling over 40 mph. About 80% of the traffic is traveling over the posted 25 mph speed limit. Radar enforcement has yielded limited results.

Staff followed the steps in the Residential Traffic Calming Policy, which was adopted by the Mayor and City Council. The process has been worked through with the Historic

City Park Neighborhoods 1<sup>st</sup> group.

Heather Holman, Summit Avenue, representing the Neighborhoods 1<sup>st</sup> group was present at the meeting.

After reviewing the completed studies, it was determined this street is eligible for the program, with a rating high enough to consider physical traffic calming measures. With comments from the survey and additional meetings with the Neighborhoods 1<sup>st</sup> group, staff modified the concept plan to include a mini-roundabout at Reynolds Avenue and a median near Dunn Irvin Drive. The concept plan was presented to the Board of Traffic & Parking and they recommended that the plan be presented to the Mayor and City Council for approval. Members of the Neighborhoods 1<sup>st</sup> group then delivered the revised concept plan to all residents and collected signatures on a petition.

Staff requested that the Mayor and Council approve the project to construct physical improvements at two locations on Summit Avenue. Staff will prepare the design drawings, advertise this project for bids, and construct the project in the spring of 2013. The approved FY 12/13 budget includes \$ 20,000 in CIP funds to complete traffic calming. Staff believes the two traffic plans described can be completed for this amount.

It was the general consensus of the Mayor and City Council to support the project. The next step is to put the contract out for bid.

#### Permanent Seating at Bandshell in City Park

Rodney Tissue, City Engineer, presented a concept plan for construction of permanent seating in an amphitheater effect in front of the bandshell in City Park for the Mayor and City Council's review. The concept provides seating for about 200 patrons. There would still be room for others to bring their own chair or blankets.

For several years, City staff has considered the replacement of the mobile benches. The reason for these permanent improvements are as follows:

1. Annually the City dedicates significant staff time on bench refurbishment and replacement.
2. Weekly, City staff must move roughly 150 benches so the area can be property mowed.
3. Benches are prone to vandalism, about 25 per year are stolen.

Staff believes that the construction of permanent amphitheater seating is desirable to maintaining the benches. Staff believes that the work could be constructed with in-house labor and all the work can be completed within the estimated budget of \$ 50,000 in CIP funds, approved in the FY 12/13 budget.

Staff has reviewed the plan with the Municipal Band and they have no objection. The final design would be coordinated with the band and other users.

Councilmember Breichner asked if the curve of the benches would make sitting in a break away difficult.

Mr. Tissue indicated staff could review this issue. He indicated the benches provided seating for 300 to 400 people. To have the same number of seats would require a few more bands of concrete.

Councilmember Brubaker suggested obtaining prices for seating for 200 and seating for up to 400 people.

Councilmember Easton asked if staff considered using composite for the seats.

It was the general consensus of the Mayor and City Council to move forward with design and construction of the permanent seating at the bandshell. Work would take place in 2013.

#### Trash/Recycling/Yard Waste Collection Program Zone Modification and Yard Waste Program Extension

Rodney Tissue, City Engineer, was present to discuss adjustments to the collection program. Waste Management has determined that an adjustment in one collection zone is necessary to balance the daily volumes collection. The reason for this change is due to the excessively large collection quantities that Waste Management has on Thursday mornings compared to Wednesday morning. Pick up for residents in an area bordered by Oak Hill Avenue and Potomac Avenue will be changed to setout on Tuesday night, rather than Wednesday night. The number of homes to be rescheduled is estimated to be 500. Staff will deliver flyers door-to-door to the impacted properties.

Staff is also recommending extending the yard waste program to continue through the month of December each year, and to begin the first full week of March. The estimated cost to extend this service is about \$ 10,000, which will be paid for by rebates from Waste Management due to recycling volume being so high.

It was the general consensus to switch the pick up days for these residents beginning the week of October 1, 2012 and to extend the yard waste program.

Mr. Tissue provided a report on the recycling program. Since April, at least 84% of the recycling totes have been picked up at least once. In August, 75% of totes were picked up. He estimated the recycling rate prior to the new program was less than 20%. The average weekly collection of recyclables is 48 tons. RecycleBank reports 23% of residents are participating in the reward program.

The City also offers a bulk trash pick up for items such as refrigerators and stoves. Residents may contact the Department of Public Works for more information.

#### Building and Trade Code Updates

Blaine Mowen, Chief Plan Reviewer, and Gary Lambert, Program Manager, were present to review the building codes. Staff has reviewed the 2012 International Codes for adoption as the City of Hagerstown Building Code. Staff is proposing that most original

amendments to the Code remain as previously adopted but have included format changes and additional amendments to provide consistency both throughout the codes and with surrounding jurisdictions.

Proposed amendments include:

1. Residential fire sprinklers added to Residential codes as a separate section as already adopted
2. Amendments for structural design criteria to be consistent with surrounding jurisdictions
3. Limiting the number of electrical outlets permitted on 15 and 20 amp circuits
4. Evaluation of compliance with the Energy Code prior to installation of electric baseboard heat.
5. Reduced minimum working pressure rating for water service pipe

Councilmember Breichner asked if the proposed amendments have been reviewed with local contractors. Mr. Mowen indicated there will be an educational process for the trade people. He stated the proposed amendments will make the City's regulations consistent to the County's regulations.

Introduction of the ordinances will be scheduled for September 25, 2012. Additional discussion will be held prior to the anticipated October, 2012 adoption of the ordinances.

#### Update on Rural Business Enterprise Grant – 60 West Washington Street

Jonathan Kerns, Community Development Manager, stated the City received notification from the United States Department of Agriculture (USDA) that the grant application for the Rural Business Enterprise Grant (RBEG) for the Small Business Incubator project at 60 West Washington Street had been funded in the amount of \$ 174,579.00. Grant funds are to be allocated to various aspects related to construction, fit out, equipment and furnishings for the space at 60 West Washington Street. Due to the City's investment in acquisition and rehabilitation to date, no additional matching funds are required. Staff believe the award is sufficient to allow fit out of the space and to begin the business incubator program.

With RBEG funding available for the Small Business Incubator program, staff can work to finalize various aspects of program implementation. This will include development of incubator program guidelines, follow up on Frostburg State University's interest in leasing space, and outreach to other potential partners.

The current space designated for the incubator is ready for build out into multiple suites. Architectural drawings will be finalized and a contractor will be procured per the City purchasing policy.

It was the general consensus to accept the RBEG award and to move forward with implementation of the Small Business Incubator program.

#### CITY ADMINISTRATOR'S COMMENTS

*Bruce Zimmerman, City Administrator*, had no additional comments.

**MAYOR AND COUNCIL COMMENTS**

*Councilmember M. E. Brubaker* thanked the volunteers who help with events and the Hagerstown magazine for recognizing the volunteers and city events.

*Councilmember W. M. Breichner* stated he noticed a Chinese restaurant is now open in the former Corsi's restaurant on Maryland Avenue.

*Councilmember L. C. Metzner* had no additional comments.

*Councilmember F. W. Easton* had no additional comments.

*Mayor R. E. Bruchey, II* encouraged everyone to attend Thunder in the Square on September 28, 2012 and the 250<sup>th</sup> Anniversary of Hagerstown Celebration on September 29, 2012. There will be special giveaways during the anniversary celebration. A tour of Municipal Stadium will be held on September 19, 2012 at 6:00 p.m.

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 7:23 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: October 23, 2012