

WORK SESSION AND EXECUTIVE SESSION – OCTOBER 16, 2012

WORK SESSION – October 16, 2012

Mayor R. E. Bruchey, II called this Work Session and Executive Session of the Mayor and City Council to order at 4:09 p.m., Tuesday, October 16, 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; Bruce Zimmerman, City Administrator, and City Clerk D. K. Spickler.

Proclamation – Fire Prevention Month

Mayor Bruchey presented a proclamation to Acting Fire Chief Doug DeHaven, Fire Chief Kyd Dieterich and Captain Mark Cleck recognizing October as Fire Prevention Month. Mayor Bruchey also presented Captain Cleck the EFOP (Executive Fire Officer Program) certificate for his completion of the program.

Proclamation – Conflict Resolution Day – October 18, 2012

Mayor Bruchey presented a certificate to David Gysberts and Jack Carpenter, Washington County Community Mediation Center, recognizing October 18, 2012 as Conflict Resolution Day.

Proclamation – Americans with Disabilities Month

Mayor Bruchey presented a certificate to Councilmember Forrest Easton, who is a member of the Disability Advisory Board, in recognition of Americans with Disabilities Month.

Proclamation – Economic Development Week – October 15-19, 2012

Mayor Bruchey presented a proclamation to Jill Estavillo, Economic Development Manager, in recognition of Economic Development Week.

Doleman Black Heritage Museum Update

Alesia Parson-McBean, Wendi Perry, and Sonny Doleman, were present to provide an update of the progress of the Doleman Black Heritage Museum and the activities which resulted from the IMLS grant which the City passed through to the museum. The prior administration secured the \$ 150,000 IMLS grant for the museum's project to make the collection more accessible to the public. The museum managed the project, and the City, as the official applicant, administered the grant. The project wrapped up this summer.

Ms. Perry stated two traveling exhibits have been completed. They are of the museum and its history. The next two exhibits will be revealed at the fundraiser on October 26, 2012.

Ms. Parson-McBean stated there is a website that includes a web archive. Visitors can access information about the collections through the website. There is a family tree of

African-American family legacies in Hagerstown. A temporary site is being sought so work can begin on the permanent site. They are searching for a location in Hagerstown. They still have some funding available through HUD. They hope, with the assistance of the City and the County, to see the doors to a museum open. She invited the Mayor and City Council to the annual ball.

Mr. Doleman stated they are looking for a commercial location for the museum. There are three sites being reviewed. Ms. Parson-McBean stated they are working to see if they can offset some of the rent costs with the bond money that expires on December 1, 2012.

### Preliminary Agenda Review

#### **Consent Agenda**

- A. Department of Parks and Engineering:
  - 1. Alley Reconstruction – Henson & Son (Hagerstown, MD) Not to Exceed \$ 81,827.00
  - 2. Miscellaneous Traffic Engineering Services – Sabra Wang & Associates (Columbia, MD) Retainer Contract. Individual projects over \$ 25,000 will be approved by Mayor and Council
  - 3. Curb/Sidewalk & Street Tree Repairs – Huntzberry Brothers, Inc. (Smithsburg, MD) Not to Exceed \$ 25,000

Rodney Tissue, City Engineer, stated KCI Technologies should also be listed as a vendor for the Miscellaneous Traffic Engineering Services. Two proposals will be requested for every project, which will allow the City to obtain the best price for the work.

Mr. Tissue stated the Mayor and City Council would be approving Part B – Sidewalk Repairs for the Curb/Sidewalk & Street Tree Repairs. Part A pricing will be used for abatement issues and Part C is pricing for residents to use for replacement sidewalks in areas with streets that are scheduled to be paved.

#### **Introduction of an Ordinance: Revisions to City Code Chapter 20 – Sediment Control**

Jim Bender, Assistant City Engineer, reported the Maryland Department of the Environment (MDE) and the Soil Conservation Districts throughout the state developed modifications to the regulations governing Erosion and Sediment (E&S) control requirements. MDE formally adopted these new regulations in January 2012, and required counties and local municipalities to implement new ordinances that complied with these regulations within one year of the adoption date. The main purpose of the new E&S regulations is to align them with the recently updated stormwater management regulations. In particular, the new E&S regulations are geared to integrate with the “Environmental Site Design” stormwater process; the principles of minimizing areas of disturbance, preserving natural features and drainage patterns, and protecting critical site elements must now be fully implemented at the initial design stage of a project, not as an

afterthought when a project has been fully designed. Other key changes include:

1. On large development projects, site grading and disturbance will be limited to 20-acre “units”; by limiting the land area that can be disturbed at any one time, the regulations aim to reduce sediment pollution common on large construction areas.
2. Temporary seeding and stabilization of disturbed areas must occur more quickly than under the current regulations; steep slopes and other critical areas must be stabilized within three days of disturbance, and all other disturbed areas must be stabilized within seven days.

A draft ordinance was presented to the Mayor and City Council for their review. Enforcement of these regulations would continue to rest with MDE (as under the current Chapter 209), unless the Council would elect to have the City take over this responsibility. Staff recommends keeping MDE as the enforcement agency.

Introduction of the Ordinance will be included on the October 23, 2012 agenda.

**Approval of a Resolution: Amendment to Memorandum of Understanding with the Board of Education for Fifth Full Time School Resource Officer**

Acting Chief Mark Holtzman was present to discuss a Memorandum of Understanding (MOU) for an additional School Resource Officer. It includes language to cover a fifth full-time SRO position but allows for overtime to be paid on a part-time basis to fill the position so long as it does not exceed \$ 35,000. Additionally, the MOU is good for five years with a 90 day notice to terminate at anytime by either party. The fifth SRO will cover both the Evening High School program at Antietam Academy and the Barbara Ingram School for the Arts Downtown.

Mr. Zimmerman stated the additional SRO will increase the sworn officer count from 105 to 106.

**Approval of Memorandum of Understanding – Safe Street Coalition**

On July 6, 2012, the Hagerstown Police Department was awarded funding from the Governor’s Office of Crime Control and Prevention (GOCCP) Maryland Safe Streets grant program. Safe Streets replaced the long-running CSAFE program.

One of the requirements of the new grant is the establishment of a Safe Streets coalition to include specific partners mandated by GOCCP. Coalition members are community organizations best positioned to collaborate with HPD to meet the program’s mission of “significant violent crime reduction through interagency collaboration and information sharing to streamline the local criminal justice system response to violent offenders.” An MOU, which is required as a condition of the grant program, was presented for the Mayor and City Council’s review

The grant is in the amount of \$ 160,000.

Both the MOU’s presented by the Hagerstown Police Department will be included

on the October 23, 2012 agenda.

### **Approval of Permanent Seating at the Bandshell in City Park**

Rodney Tissue, City Engineer, presented a concept plan for the construction of permanent seating in an amphitheater effect in front of the bandshell in City Park. The conceptual layout has been modified slightly so all users are facing the performance. Based on staff's meeting with the municipal band leaders, they are recommending seating for about 150 to 200 patrons. Staff is completing this project with in-house staff and are confident the project for up to 200 seats can be completed within the budget. Room is also provided to for patrons to bring their own chairs or blankets.

Councilmember Haywood suggested looking into using the parking lot at Surry School for handicap parking for the evening concerts.

It was the general consensus to approve the modified layout.

### **Approval of 36/40 N. Potomac Street Renovation Contract – Milton Stamper Builders (Hagerstown, MD) \$ 484,721.00**

The scope of work for this contract includes the following:

1. Renovation of four vacant residential units into open/loft style units with new finishes
2. Residential units to receive new kitchens and bathrooms
3. Improvements to existing residential corridor
4. New plumbing, electric, and HVAC in residential areas
5. New fire suppression system throughout the entire building (separately the Utility Department will install the water line and vault as they did at 60 West Washington St.)

These renovations will be funded by Community Development Block Grant and Community Legacy Funds. The target date for completion of this renovation is the spring of 2013.

This housing is intended for visual artists, such as photographers and painters. The spaces are not set up for sculptors. Staff is working with the local arts council to find tenants.

### **Approval of Two Way Radio Purchase for Department of Public Works and Department of Utilities – Brown's Communications (Hunt Valley, MD) \$ 100,365.27**

Eric Deike, Director of Public Works, reported the Federal Communication Commission (FCC) has stated that all public safety and business industrial land mobile radio systems move from a 25 kHz bandwidth VHF high-band frequency to a 12.5 kHz bandwidth VHF high-band frequency by January 1, 2013. Most of the 2-way radios used by Public Works and the Utilities are not capable of operating with a 12.5 kHz bandwidth

while others can be reprogrammed to meet the regulations.

The benefits of this purchase are:

1. Meets the FCC's regulation of operating with a 12.5 kHz bandwidth by January 1, 2013.
2. Replaces outdated accessories such as antennas, cables and remote stations.
3. Allows for communication with emergency services through the Standard Public Safety Interoperability Channels (VCALL and VTAC) which are unavailable to the current system. This feature allows direct communication between public safety personnel and city command staff during emergencies requiring interdepartmental coordination such as tornados, snow storms or other emergency events.
4. Eliminates dependency for land-lines by utilizing wireless technology saving over \$ 1,000 per year in phone line costs. Eliminates dependency of a third party for troubleshooting and restoration of the system. This process will be handled in-house.

It was the general consensus to include approval of the purchase on the October 23, 2012 agenda.

This completed the preliminary agenda review.

### Mayor and Council Report

The Mayor and City Council reviewed information that summarized the City of Hagerstown's work programs and accomplishments during their term in office.

The combined property tax rate for property owners in Hagerstown is 12.5 cents lower than when the Mayor and Council took office in 2009. Hagerstown now operates (in 2012) with a General Fund that is \$ 3.9 million less than the 2009 budget.

To strengthen Hagerstown's communications and public information program, the City created a Communications Manager position. Hagerstown has completed its first major software system upgrade in over 25 years.

With the assistance of a volunteer citizen review board, the City has completed the first comprehensive update of the City's Ethics Code since 1983, and appointed Hagerstown's first citizen Ethics Commission.

Hagerstown's Capital Improvement Program includes funding to acquire a new pumper for Engine 1 in FY 12/13, a new ladder truck for Pioneer Hook & Ladder in FY 13/14, and a new ladder truck for Western Enterprise in FY 14/15. In 2011, the City partnered with the Antietam Fire Company to provide funding support for the construction of a new Fire Station located at Potomac Avenue and Manila Avenue.

Utilizing a Federal Grant the City's Police Department will be hiring military veterans to fill five police officer positions. Over the past two years, Hagerstown's Police

Department has been utilizing a Federal Technology Grant to install crime surveillance cameras throughout City neighborhoods and add other crime prevention technology to police services. To reduce vehicle speeding and improve public safety for students and pedestrians, the City began a new program in 2012 to install speed cameras in Hagerstown School Zones.

In 2009, the City created the Partners in Economic Progress (PEP) Program to offer incentives for building renovations downtown and to assist with attracting business.

To strengthen the first block of West Washington Street and create additional foot traffic downtown, the City purchased and redeveloped the former CVS property. Think Re-Ink took occupancy of the newly renovated space in August, 2011. In Fall, 2012, USMH will expand their classroom and office space into the rear portion of the building.

To further support Hagerstown's Arts and Entertainment District Program, the City purchased and began the redevelopment of 36-40 North Potomac Street.

Beginning in April, 2012, the City implemented a new single stream recycling collection program utilizing roll out totes, with curbside service for recycling, yard waste, and general refuse now scheduled on the same day for residents. As part of these program enhancements and changes in refuse and recycling collection, Hagerstown's refuse service fee was lowered \$ 8.00 to an annual fee of \$ 156.00. Participating residential units in the recycling program have increased from approximately 20% to 84%, with 75% of the units participating at least once during the month of August, 2012.

The City has continued to work in close partnership with Hagerstown's neighborhood groups making neighborhood support a strong priority. Examples of projects include:

1. Medal of Honor Day of Hope
2. Summit Avenue Traffic Calming
3. South Prospect Streetscape Project
4. Crosswalks on Salem Avenue
5. Intersection improvements at West Howard Street and Virginia Avenue
6. Walkway improvements in Hellene Park

To provide a better facility, both for the neighborhood and golfers at the Greens at Hamilton Run, the City finished a complete renovation of the golf course clubhouse in Spring, 2012.

With input from local residents, the City is constructing Greenawalt Park at the intersection of North Locust and East Avenue as a neighborhood pocket park. In partnership with the Hagerstown Kiwanis Club, and the developers of the Light Business park, the City will construct a 4.6 acre park with 300 lineal feet of frontage to provide residents kayak and canoe access to Antietam Creek. This Park will be accessed from Eastern Boulevard via Imperial Drive. The City partnered with local veterans in establishing a Korean War Veterans Memorial to be located in the Mealy Parkway Traffic Island. The City is undertaking the construction of a new park across from Bester School on South Potomac Street to be named Memorial Park.

The City approved a new wholesale purchase power agreement with Allegheny Energy Supply. Hagerstown completed construction of a second enclosed water storage tank at Hellane Park in 2011. To enhance Hagerstown's wastewater treatment services for the community capital improvement upgrades were made to the operating systems at the City's wastewater treatment plant.

Using strong management practices healthcare premiums have remained unchanged for Hagerstown employees for four consecutive years.

In 2012, working with downtown businesses and stakeholders, the City developed a Parking Management Plan for the downtown with the assistance of Rich & Associates, Inc.

### Building and Trade Code Updates

Kathleen Maher, Planning Director, and Blaine Mowen, Chief Code Official, were present to discuss the code review process, which was previously discussed on September 18, 2012.

As per Council request, the proposed changes and amendments were posted on the City website for contractor and public review prior to adoption. Once adopted, the website will be updated to reflect the approved ordinances.

No feedback was received from the posting. It was the general consensus of the Mayor and City Council to include adoption of the ordinances amending the codes on the October 23, 2012 agenda.

### PEG Television Production Studio

John Lestitian, Director of the Department of Community and Economic Development, and Erin Wolfe, Communications Manager, were present to provide an update on the proposed Television Production Studio and to seek direction to continue with the project. One of the established 2012 Department Goals is the construction of this studio space. The studio will be used to improve the quality of the public presentations, ultimately engaging citizens more effectively and enhancing the image of Hagerstown.

Currently, staff utilizes conference rooms and informal spaces for filing and editing. Staff have worked with an architect to design a studio which will provide the appropriate sound proofing, lighting, and space to produce high-quality video presentations. The room will be constructed in designated space within the Department's offices located at 14 North Potomac Street.

The project will be funded by Public Education and Government (PEG) fees received as part of the City's Cable Television Franchise Agreement with Antietam Cable. These PEG funds are restricted to initiatives that promote public information and education of citizens and are eligible for this type of project.

Based on advice from the architect and a review of the PEG fund balance, staff believe that sufficient funds are available to complete this project. The estimated completed cost, including cameras, is \$ 120,000.00.

Councilmember Breichner agrees with the concept but questions the location. He stated the City owns a valuable piece of property in the center of Hagerstown. He is not sure the City should keep the Elizabeth Hager Center property. The interest in downtown is increasing. The objectives are good, but the location is questionable.

Councilmember Haywood asked if there is a sunset on the PEG funds. Mr. Lestitian does not think there is. The space needed would be 20'x20' to house the cameras and lighting systems. He will check to see if the soundproof panels would be movable.

Councilmember Brubaker and Councilmember Metzner agreed that the Roslyn building should be considered as the location. Councilmember Brubaker stated other groups may want to rent the room for production purposes.

The studio will be scheduled for additional discussion on November 13, 2012.

Councilmember Breichner stated the Roslyn building was purchased to be a City Hall annex. It is underutilized at this time. The Elizabeth Hager Center is valuable real estate. Councilmember Metzner agreed.

Councilmember Haywood pointed out the investment costs for the studio are much lower than the costs for the long term goals of the Roslyn building. It would make sense to have all City Hall functions in one area.

Councilmember Easton thinks the Roslyn building should be sold also. He does not think the City should be in the rental business. The progress made with the quality of the television productions has been great. The progress needs to continue.

Councilmember Haywood stated the presentations are professional and modern.

#### **CITY ADMINISTRATOR'S COMMENTS**

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

#### **MAYOR AND COUNCIL COMMENTS**

*Councilmember M. E. Brubaker* attended the State of Maryland Department of Transportation meeting last week. They reviewed the City's priorities, discussed sidewalks, highway user funds restoration and other topics. He thanked everyone for their efforts in making the Sister City visit successful. The Mayor Burgermeister and four council members were visiting. They have 50 council members in Wesel, Germany.

*Councilmember W. M. Breichner* stated political signs are showing up all over the City. Signs are not allowed in right of ways and should be removed.

*Councilmember L. C. Metzner* agreed that signs should be removed. Most of the signs

he sees in the right of ways are not local election signs. He thanked the members of the Wesel Council who visited last week. He thanked Councilmember Brubaker and his wife for hosting one of the visitors. He thanked Gann Breichner for her work with the Sister City committee.

*Councilmember A. C. Haywood* indicated the Herald Mail newspaper reported she did not have enough signatures to run for office and that she had not answered questions presented for a forum. She stated both these statements are not true. The Frederick Chamber of Commerce provides a lot of information to new businesses in Frederick. Councilmember Brubaker indicated the Washington County Economic Development Commission is working on a database to provide information to new businesses.

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

*Mayor R. E. Bruchey, II* thanked Gann Breichner and Connie Lenhart for their efforts in making the Wesel visit a success. He thanked Karen Giffin, Community Affairs Manager, and other staff for their help with the visit. Mayor Ulrike Westkamp attended the grand opening of Hobby Lobby on October 15, 2012.

#### EXECUTIVE SESSION – October 16, 2012

On a motion duly made by Councilmember A. C. Haywood and seconded by Councilmember W. M. Breichner, the Mayor and City Council unanimously agreed by voice vote to meet in closed session 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), to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, #4 (Section 10-508(a) and to consult with counsel to obtain legal advice, #7 (Section 10-508(a) 7) at 5:41 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 A. C. Haywood, Councilmember L. C. Metzner, City Attorney John Urner, City Attorney Mark Boyer, City Administrator Bruce Zimmerman, John Lestitian, Director of the Department of Community and Economic Development, Michelle Burkner, Director of Finance, Michael Spiker, Director of Utilities, Jonathan Kerns, Community Development Manager, Jill Estavillo, Economic Development Manager, and Donna K. Spickler, City Clerk. The meeting was held to discuss various personnel issues, membership of the Dog Park Task Force, a substantial private investment in the downtown area, pending litigation, business incentives 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 8:06 p.m.

Respectfully submitted,

WORK SESSION AND EXECUTIVE SESSION  
2012 MAYOR AND CITY COUNCIL

OCTOBER 16,  
HAGERSTOWN, MARYLAND

Donna K. Spickler  
City Clerk

Approved: November 20, 2012