

WORK SESSION – December 2, 2014

Mayor D. S. Gysberts called this Work Session to order at 4:09 p.m., Tuesday, December 2, 2014, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, M. E. Brubaker, L. C. Metzner, D. F. Munson, and P. M. Nigh; City Administrator Bruce Zimmerman, City Attorney Mark Boyer, and City Clerk D. K. Spickler.

Proclamation – Historic Houses of Worship Tour

Mayor Gysberts read a proclamation highlighting the Historic Houses Tour for 2014, which will take place on Friday, December 26, 2014. Cindy Brown, Otterbein United Methodist Church, accepted the proclamation.

Washington County Community Coalition

Paul Frey, President of the Chamber of Commerce, and John Latimer, Chamber of Commerce, were present to invite the City of Hagerstown to participate again in the Washington County Community Coalition.

Since 2005, eight dedicated community stakeholders have joined together to advance Washington County's interests at the state level, including the City of Hagerstown, the Washington County Free Library, Washington County Government, the Greater Hagerstown Committee, Washington County Public Schools, CHIEF, the Convention and Visitors Bureau, and the Chamber of Commerce.

As the community grows, the Coalition partners increasingly see the need to supplement the work of the delegation and help promote Washington County in Annapolis. Over the last ten years, the value of a concerted effort to speak with one voice and be heard alongside larger, more urban areas has been seen. As a result, the Coalition's efforts have elevated the community's stature and helped build State support for the issues stakeholders bring to the table.

As in the past, the Coalition will hire a lobbyist to push the state-level agenda during the 2015 General Assembly session. In addition, the group will be organizing the "Day in Annapolis" on Wednesday, February 4, 2015, where members flock to Annapolis to meet with the state decision makers to talk about the community and issues of concern. The day will conclude with a Washington County: "We Mean Business" reception highlighting the strengths of the region and the value it brings to Maryland. The program will also keep partners posted on issues of concern throughout the year, serving as an "early warning system" for anything in Annapolis that may affect Hagerstown or Washington County.

The lobbying process starts in the summer when the Coalition partners decide on the list of community priorities. Again this year, the partners are being asked to participate financially, and the Chamber will manage the program. The Coalition is asking the City

of Hagerstown to contribute \$ 5,000, as it did last year.

Councilmember Brubaker has attended the Coalition's meetings and informed the group that five of six items on the agenda affect the City. The watch list includes six items that could have an impact on Hagerstown. One of the most beneficial aspects of the Community Coalition is the watch list.

Mayor Gysberts stated the Day in Annapolis provides an opportunity for officials to get together to discuss the issues that affect their community.

The Greater Hagerstown Committee does not provide direct funding but does provide clerical support to the Coalition. Councilmember Metzner stated a group that does not provide funding to the Coalition should not be listed as a contributor.

Councilmember Munson believes contributing to the Coalition will be beneficial to the City by providing additional support in the absence of Delegate John Donoghue.

The agenda includes the following:

1. Professional Court Bridge and Extension Construction Funding
2. I-81 Widening (WV line to I-70 interchange)
3. Williamsport C & O Canal Aqueduct Improvements
4. Liquor Law changes to support designated downtown festival areas
5. Support Bond Bill for Maryland Theatre improvements
6. Support or protect funding for the Heart of the Civil War Heritage Area
7. Continue educational efforts to promote Washington County as an area for economic prosperity and innovation for Maryland

Approval of the funding support for the Coalition will be included on the December 16, 2014 agenda.

Discussion of 2014 Delegation Meeting

Mayor Gysberts stated the annual meeting with the Washington County Delegation will be held on Tuesday, December 9, 2014 at 3:30 p.m. at USMH.

The Mayor and Council then discussed issues to be discussed at the meeting.

The number of prisoners that are released and stay in the community is a cause for concern. Mayor Gysberts stated there has to be an effort to get people released to their own communities. There are local agencies that are trying to integrate released prisoners into this community. Councilmember Nigh noted that this situation has a negative impact on the community.

Mayor Gysberts stated it would be helpful to have firm data that shows the number of released prisoners who stay in this community and the number of family members who move here to be closer to those incarcerated.

Councilmember Brubaker noted many people are drawn to Hagerstown to take advantage of the social services that are offered here. It is good to have the services, if most clients are local citizens.

Councilmember Aleshire stated a study completed several years ago showed how many social services are offered in Hagerstown. Prisoners are released to the shelter facilities in Hagerstown. He is concerned the number of registered sex offenders in Hagerstown is three times higher than in Frederick.

Mayor Gysberts stated the City needs to address the judges who send the prisoners to Hagerstown. The real problem is the clustering of services close to the central business district. These agencies are doing good work and helping people, but they are concentrated in a small area.

Councilmember Brubaker stated local people should be the ones utilizing the services.

Councilmember Metzner stated the problem starts with attorneys who find these services for their clients and request that they be released here to take advantage of these services. He suggested that a good source of information may be the Parole and Probation office. Parole and Probation may have information about how many people have been transferred to the local office.

Mayor Gysberts suggested requesting assistance from the Delegation to ask the State of Maryland to allow comments from local jurisdictions before a license is issued or funding is granted to service agencies.

Councilmember Aleshire stated it is difficult to revitalize a neighborhood if entities are continually located within areas where there is an imbalance in the stability.

Councilmember Brubaker noted there should be a relationship between the Washington County Delegation and the new governor. He anticipates a comment period would be beneficial for other municipalities across the State. The Delegation should be made aware of the priority list developed by the Washington County Community Coalition.

Councilmember Munson believes there are other communities around the State that face the same issues with prisoners being released into the community and not released in their original home town.

Councilmember Aleshire wants the Delegation to be aware there will be some opposition to the City's concerns, such as a local liquor board. He hopes the Delegation would remain neutral and not oppose the City's attempt to make changes.

Mr. Zimmerman stated a draft resolution requesting the opportunity to comment on the State's licensing and funding of social service facilities will be prepared for the Mayor and City Council's review. Approval could be scheduled for December 16, 2014.

Mayor Gysberts clarified the items to discuss with the Delegation are a local liquor board, statewide gang legislation, and a comment period prior to State licensing and funding for social agencies. He suggested gaining the Delegation's support to raise the hotel/motel tax. The additional funding could be used for construction of a sports facility.

Debt Management Policy – Draft

Michelle Hepburn, Director of Finance, presented a revised Debt Management Policy to the Mayor and City Council for review. The revised document incorporates the discussion from November 18, 2014 into the policy.

Councilmember Brubaker notes two changes to reflect two recommendations:

1. Change #5 to read “The City will limit its long-term borrowing to capital items and projects.”
2. Change # 6 to read “.... Items and projects that should be funded...”

Unattended Donation Containers

Kathleen Maher, Planning Director, and Mark Boyer, City Attorney, were present to review the draft ordinance for Unattended Donation Containers.

Following the Mayor and Council direction provided on October 14, 2014, staff developed an ordinance that includes:

1. A policy statement about the importance of protecting neighborhoods from nuisance issues and the observation that it is the City's experience that unattended donation containers become dumping sites and therefore the Mayor and City Council have determined that such containers are a nuisance.
2. Definition of Nuisance which includes unattended donation containers and indicates that such a condition is in violation of this chapter.
3. Definition of “owner” and Premises” which are consistent with other code provisions.
4. Definition of “Unattended Donation Container” that makes it clear this provision is addressing unsupervised collection points for donated clothing, furniture, or other household materials.
5. Prohibitions section makes it clear that nuisance conditions are prohibited.
6. Notice to Abate section provides 30 days to remove the unattended donation container from the mailing of the notice of violation. As recommended by the City Attorney, this provides time for the container-owner to collect the container or the property owner to remove the container, so there is less chance that the City will need

7. to pursue abatement and collect and store the container.
Failure to abate shall result in a municipal infraction and the property owner and/or container owner, if contact information is available, shall be fined in an amount not to exceed \$ 500 for each offense.

It was the general consensus to include introduction of the ordinance on the December 16, 2014 agenda.

Mr. Boyer then left the meeting.

2015 and 2016 Pavement Preservation Program and Highway User Revenue Funding

Rodney Tissue, City Engineer, discussed the 2015 and 2016 Pavement Preservation Program

In November 2013, the Council endorsed a draft 2015 street list for pavement preservation, and now the City must finalize the 2015 street list and begin to establish a list of streets for pavement preservation in 2016. This would allow utilities to budget for and install main replacements as necessary. In addition, property owners who receive curb and sidewalk notices will have approximately 12 months to complete the required work prior to the 2016 pavement preservation work.

Last year, a “pavement condition” survey was completed. In both 2015 and 2016, staff plans to mill/overlay, slurry seal, crack fill, and complete random patching based on the results of the pavement condition survey.

A big factor in selecting streets is the condition of underground utilities and if the respective utility will upgrade prior to paving. Staff coordinates with the City utilities and Columbia Gas to assure their systems are in good condition in the proposed streets.

Staff plans to budget for a new condition survey in the second half of 2015. This new data is important to allow staff to make the best decisions possible about how pavement preservation dollars are spent.

Staff will endeavor to budget \$1,000,000 annually for pavement preservation including all paving, milling, slurry seal, patching, crack filling, and pavement markings. The budget includes \$ 336,890 in FY 16 State Highway User Revenue (HUR) program. It is hopeful that HUR will be restored to previous levels, which was \$ 1,899,839 in FY 09. If those funds are not available, streets would have to be postponed to stay within the budget.

Councilmember Brubaker recommended including \$ 1,900,000 in HUR funds in the proposed budget.

Councilmember Aleshire thinks a uniform amount should be used, similar to the amount budgeted for snow removal.

Councilmember Brubaker stated the City's budget would not be able to support a \$ 1,000,000 pavement preservation program without the past level of HUR funding or a tax rate increase.

Councilmember Metzner stated the City should strive to maintain the \$ 1,000,000 budget, but it can't be done unless there is a significant increase from the State of Maryland.

Staff will include \$ 1,000,000 for pavement preservation in the proposed budget.

Update on Operations of the Potterfield Pool & Greens at Hamilton Run

Rodney Tissue, City Engineer, and Junior Mason, Superintendent of Parks, were present to review the operations and future plans of both the Potterfield Pool and Greens at Hamilton Run.

Staff recommends that is in the best interest of the City of Hagerstown to cancel the current Pool Management Agreement with American Pool Enterprises of Columbia, Maryland. There are several reasons for this, but staff feel changes are needed for the operation contract for 2015 and beyond. Specifically, staff plans to issue a new Request for Proposals with the following changes:

1. With the new ACTIVE point-of-sale (POS) software now established, staff wants all cashiering functions to be done by City-employed part-time cashiering attendants. Obviously, this give staff control over the collection of gate revenue, but also accurate data of all attendance and takes back control of the calendar of private reservations of the pool.
2. The contract needs more incentives to maintain cleanliness of the pool, the pool deck and the locker rooms. This is a constant concern and is a critical part of patrons having a good experience. Staff stakes this responsibility seriously and they prose to change the contract accordingly.

While the financial bottom line to operate the pool improved due to lower operating costs, the trend of lower overall attendance continued. Attendance has declined from 23,388 patrons in 2010 to 15,027 patrons in 2014.

Plans have been submitted to the State of Maryland for permits to remove the seldom used "wading" pool and replace it with a "sprayground" or splashpad. Staff anticipates this feature will increase attendance (as the "Slidewinder" did in 2005) as these are very popular nationwide. Staff will return to Council in late winter with contracts to construct this facility.

Nationwide, the amount of golf play is declining and 15 courses close for every new course that opens. Knowing that, staff continues to look for ways to increase operating revenue at the golf course to minimize the General Fund support of the operation. To this end, staff sought the counsel of two golf industry professionals to get their objective

input. Some of their noteworthy comments are:

1. Billy Casper Golf professionals indicated that the Greens at Hamilton Run, given the limited local market, the limited course length, fact that there are only nine holes, and lack of a practice facility could never be operated, even by a professional firm, and actually make money. In fact, they felt that in a lease situation, their annual operation losses would be in the order of magnitude of \$ 180,000. They said a realistic goal for the course is 12,000 annual rounds played.
2. Discussions yielded a wide range of ways to try to improve revenue at the course.

The 2015 approved fiscal budget caps General Fund support at \$ 200,000, significantly lower than in past years, a support of around \$ 20 per round played. Revenue increased over the last few years due to a rate increase, new concession sales, and sales of popular golf specials and coupon books.

Staff is implementing some important capital improvements in the coming year. Both bridges across Hamilton Run are to be replaced in the next few weeks. In the spring, netting will be installed along the new Washington County Senior Center, possible construction of an additional green at hole #5, and possible building a connecting trail from the new Senior Center to the Clubhouse.

The ACTIVE point-of-sale program was implemented on November 5, 2104, providing real-time, internet-based reports of all sales and accurate data of all attendance. This also assists in inventory management of food and beverages.

One of the many ways implemented to lower operating costs is to close the course over the winter. This year, the course will close at the end of the day on Sunday, December 7th and will reopen sometime in March, when the weather forecast is conducive for golf. During the closer, the three full-time employees are re-assigned to work in parks and recreation.

The professionals provided a number of ideas. The most attractive of those ideas is to hire a part time golf specialist with an incentive-laden contract.

Councilmember Metzner pointed out that it appears the par three course with a driving range at Yingling's is making money. He wondered if some of the practices there could be implemented at the City golf course. He understands that is a long-term option but it may be worth looking into.

Councilmember Munson does not think two par three courses within the County would be beneficial for either course.

Mayor Gysberts stated he gets a sense that all Council members agree that the course should be kept as green space and there is no intent to sell the golf course. It is the consensus to work toward increasing attendance.

Councilmember Aleshire stated he does not think the City has the ability to sell the course.

Councilmember Munson supports staff's recommendation to looking into a part time golf specialist. He hears compliments about the golf course frequently.

Councilmember Brubaker would like any increase in revenue to be used to offset the subsidy provided by the General Fund.

Councilmember Aleshire suggested that the regular players and staff determine ways to make play at the golf course more pleasant. Some issues to be discussed would be etiquette and the amount of time it takes to play the course. He pointed out the improvements at the club house has increased the experience significantly.

Mr. Tissue stated staff would like to hear from the players and citizens about what they want at the course to improve attendance and the experience.

Mayor Gysberts and Councilmember Munson met with a concerned citizen who had a number of viable suggestions.

Frisbee golf will be held again over the summer.

Councilmember Nigh stated advertising has to be increased.

Update on Stormwater Management Program

Rodney Tissue, City Engineer, and Jim Bender, Assistant City Engineer, were present to provide an update on the Stormwater Management program.

No action is required at this time. However, because the State has established milestone dates for the reduction of pollutants in stormwater runoff, the Council should keep these issues in mind during the preparation and review of the FY 15/16 budget.

Some of the key components of the City's stormwater program are:

1. NPDES Phase II Permit: The City and Washington County are classified as "Phase II" communities in the National Pollutant Discharge Elimination System (NPDES), and stormwater discharges are regulated under a Phase II General Permit. The City has been waiting for several years for a new, revised General Permit to be issued. It is staff understanding that the Maryland Department of the Environment (MDE) has sent a draft version of the permit to the Environmental Protection Agency (EPA) for review and comment, and that MDE hopes to release the draft permit to the Phase II communities in late December or early January. These permits are generally valid for a five year period, after which time a new permit is issued.

Although staff will not know the conditions and requirements of the permit until it is received, they feel that it is likely to include a requirement to manage/treat stormwater runoff from at least 20% of the City's impervious area that is currently unmanaged. Staff estimates that this amounts to approximately 350 acres of impervious area and estimates the five year cost to meet this requirement will be at least \$ 10 million. The new permit may include other requirements that will raise the compliance cost.

2. Watershed Implementation Plan (WIP): EPA developed a computer model of the Chesapeake Bay to predict the impact of pollutants on water quality. Using this mode, MDE developed specific pollutant reduction goals for each county; the City in conjunction with Washington County, developed a plan to attempt to meet these goals (60% reduction by 2017, and 100% reduction by 2025). Strategies that the City identified included the continuation of the street sweeping program, continuation and expansion of the street tree planting/reforestation program, construction of stormwater management retrofit facilities, and the implementation of an Urban Nutrient Management program to reduce the amount of fertilizer used on lawns and turf areas. The estimated cost for the City to meet the 2025 reduction goals is \$ 210 million. The plan submitted to MDE by Washington County made it clear that we would pursue these efforts to the greatest extent possible given the budget constraints.

Another element of MDE's WIP strategy is known as "Accounting for Growth" (AfG). Under AfG, new site development projects would be forced to reduce pollutants even beyond the requirements of the current stormwater management regulations. A cost would be established to offset each pound of nitrogen that needed to be removed from a site's runoff; developers could pay this additional fee, or they could trade/buy credits from land owners that would preserve undeveloped land elsewhere in the State. Staff understands that considerable objections have been raised to AfG, and that MDE is still reviewing the strategy in an attempt to create a viable program. It is likely that AfG will be a topic of discussion during the upcoming General Assembly session.

3. Grant Programs: In accordance with the direction from the Council, the City has solicited grant funding from various agencies and programs to meet the NPDES and WIP goals. Over the past year, the City was able to secure a \$ 500,00 grant from the Chesapeake and Atlantic Coastal Bays Trust Fund to design and construct two stormwater management retrofit facilities; the design of these facilities is approximately 80% complete, and staff plans to solicit bids to construct the facilities in early 2015. The City also secured a grant in the amount of \$ 170,000 from the Chesapeake Bay Trust's "Green Streets-Green Towns-Green Jobs" program; this funding, coupled with a

\$ 90,000 match from City funds, will be used to implement “green streets” elements on Memorial Boulevard near Park Circle, and to continue the City’s street tree planting program. Also, the Washington County Soil Conservation District, in partnership with the City, is in the process of securing a \$ 208,000 grant from the Maryland Nonpoint Source Program for the Kiwanis Park Stream Stabilization Project; this project will create a canoe/kayak launch in Antietam Creek near the Light Business Park.

Staff will continue to pursue grant funding opportunities through the coming year. Projects being considered for grant applications include a stream restoration project on Hamilton Run near the American Legion property on Northern Avenue, and additional stormwater management retrofit projects at various locations around the City. Staff will request authorization from the Council before submitting any grant applications that require City matches for these projects.

Mayor Gysberts thinks a rerouting and clean-up project of the run off through the town run and Marsh Run could be combined with a stadium/sport center.

Councilmember Aleshire suggested creating a plan that may be affordable and convey to the State of Maryland that is all that the City could possibly afford.

Mayor and Council Updated Goals and Priorities for 2015 and 2016

Mayor Gysberts stated an updated document of the Goals & Priorities for 2015 and 2016 is being presented for discussion and modification. The ultimate outcome is a document that can be shared with the community on December 11, 2014 at 7:00 p.m. at the Washington County Free Library Community Room.

Erin Wolfe, Communications Manager, pointed out the Economic Development section reflects working in partnership with Washington County and others on Professional Court, with the Board of Education for the Education Hub, and expands other partnerships.

The East End Development was categorized as such. The language regarding the Greens at Hamilton Run was revised to note that enhancements are being considered to improve its long-term community and financial feasibility.

Mayor Gysberts stated is it good for the Mayor and Council to work through their goals and discuss them with the community.

Approval of the Goals and Priorities will be scheduled for December 16, 2014.

CITY ADMINISTRATOR’S COMMENTS

Bruce Zimmerman, City Administrator, reminded the group the Board and Commission luncheon will be held on Tuesday, December 16, 2014 at noon.

MAYOR AND COUNCIL COMMENTS

Councilmember L. C. Metzner stated he thinks all Hagerstown police officers should have body cameras, which will alleviate any perceived problems that don't exist with police handling of calls. He believes every police force will have these cameras within the next ten years. He stated the privacy concerns should be discussed with officers.

Mr. Zimmerman indicated Chief Holtzman has done some initial research on this topic.

Councilmember P. M. Nigh hopes the Pop-Up Shops were successful again. She asked that the clock in the square be repaired.

Mr. Zimmerman indicated staff is trying to locate someone to repair the clock in the square and the clock on City Hall.

Councilmember Nigh is concerned that some residents are setting their trash out too early. She stated she has discovered that the location of the former Sheetz store on North Potomac Street is the site of the first hospital. There should be a historical plaque at the location noting this. She is concerned that residents are moving out of Hagerstown because of the activity that is occurring at the Shuster Concrete plant on Burhans Boulevard. The bench at the North Potomac Street parking deck seems to be too secluded. She has heard the people who hung out around the Sheetz on Potomac Street are now at the Sheetz on Eastern Boulevard.

Councilmember Nigh stated there was a notice in the newspaper that the City of Hagerstown is looking for volunteers. She wants to know specifically which departments are looking for volunteers and if employees are being affected by the use of volunteers. Employees are worried about layoffs. She has no intention in allowing hiring of additional code officers if other employees will be laid off. She is concerned that someone has applied for a liquor license for a property near where the former Sheetz store on North Potomac Street.

Mayor Gysberts pointed out this is another example of why a local liquor board would be beneficial.

Councilmember D. F. Munson had no additional comments.

Councilmember K. B. Aleshire stated there are some buildings on Franklin Street he would classify as unsafe structures. He would like to discuss uniform trash receptacles downtown since there are so many residents setting out trash on the sidewalks. He participated in the second Pop-Up Shop event and thinks it went well.

WORK SESSION

DECEMBER 2, 2014 MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

Councilmember M. E. Brubaker attended the Oath of Office ceremony for the Washington County Commissioners. He hopes the County and the City can work together to improve the community. There was steady foot traffic during the Pop-Up shops events the last two weekends. He appreciates staff bringing outside the box ideas to the Council for consideration.

Mayor D. S. Gysberts reminded everyone that the meeting with the Washington County Delegation will be held on Tuesday, December 9, 2014 at 3:30 p.m. at the University System of Maryland Hagerstown. The community meeting for the Goals and Priorities of the Mayor and City Council will be held on Thursday, December 11, 2014 at 7:00 p.m. at the Washington County Free Library. He also attended the Oath of Office ceremony of the Washington County Commissioners. The tree lighting at City Park will be held on Friday, December 5, 2014.

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 6:38 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: January 27, 2015