

WORK SESSION AND EXECUTIVE SESSION – January 6, 2015

EXECUTIVE SESSION – January 6, 2015

Councilmember M. E. Brubaker made a motion 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 (Section 10-508(a)), and to consider the acquisition of real property for a public purpose and matters directly related thereto, #3 (Section 10-508(a)), at 3:07 p.m. in Room 407, 4th Floor, City Hall, Hagerstown, Maryland. Councilmember D. F. Munson seconded the motion.

Motion carried, 4-1 with Councilmember K. B. Aleshire voting No.

The following people were in attendance: Mayor D. S. Gysberts, Councilmember K. B. Aleshire, Councilmember M. E. Brubaker, Councilmember L. C. Metzner, Councilmember D. F. Munson, Councilmember P. M. Nigh, City Administrator Bruce Zimmerman, Karen Paulson, Director of Human Resources, Heidi Voorhees of GovHR USA/Voorhees Associates, John Lestitian, Director of Department of Community and Economic Development, Jonathan Kerns, Community Development Manager, and Donna K. Spickler, City Clerk. The meeting was held to discuss the recruitment of a City Administrator and the possibility of acquiring a number of properties to be included in the City's Homeownership Program. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the executive session was adjourned at 4:39 p.m.

WORK SESSION – January 6, 2015

Mayor D. S. Gysberts called this Work Session and Executive Session to order at 5:03 p.m., Tuesday, January 6, 2015, 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, and City Clerk D. K. Spickler.

2015 Bond Issuance and Calendar

Mr. Zimmerman stated the 2015 bond issuance will include projects and purchases from both FY 2013/14 and FY 2014/15. Several projects and purchases on this project listing are in various stages of completion in anticipation of this bond issue. Due to reimbursement regulations, the City will need to complete the bond sale by April 15, 2015 in order to be fully reimbursed for all items completed to date. Introduction of the ordinance is scheduled for January 27, 2015, with adoption on February 10, 2015. The Mayor and City Council can adjust and update the project list until approval of the ordinance. Projects/purchases included are: funding for a new ladder truck for Fire, dump trucks for Public Works, components of the new A & E Trail, and \$ 650,000 for the MELP demolition agreement. Potential projects include the Board of Education's

Academic Hub, the Maryland Theatre improvements, Professional Court Bridge, and the MELP site future redevelopment and future reuse. The Mayor and Council may want to include other projects or purchases in this issue. The General Fund amount is \$ 3.8 million out of the \$ 9 million issue. The remainder is primarily for utilities.

Councilmember Brubaker asked what staff would recommend for an amount for the reuse of the MELP property. Rodney Tissue, City Engineer, stated there is \$ 400,000 to \$ 500,000 in the CIP budget for a park, which includes a parking lot and access to the Antietam Creek. Councilmember Brubaker stated the larger amounts of funding would not be needed for some time. Mr. Tissue indicated a final design could be completed in approximately six months.

Councilmember Brubaker stated even though he was enthusiastic about the trail, the Council would be approving an amount without having a finalized plan. However, he would support including the trail in the CIP.

Councilmember Munson noted the academic hub is very important but decisions by the Board of Education need to be made regarding the final design and anticipated costs before the Mayor and Council discuss anticipated funding and support from the City.

The bond issue will be discussed further at the January 13, 2015 Work Session.

Memorial Park: Circle of Achievement – 2015 Recommendations for Induction and Other Recommendations

Rodney Tissue, City Engineer, and Steve Bockmiller, Development Planning/Zoning Administrator, were present to discuss the Circle of Achievement at Memorial Park.

In May, the Mayor and Council appointed members to the Circle of Achievement Inductee Review Committee, and approved standards for qualifications of inductees. Committee members are Linda Irvin-Craig, John Frye, and Stephen Recker. The Committee has met twice. The second meeting was held for the purposes of formulating recommendations for the inaugural class of honorees for induction in 2015, as well as to formulate additional recommendations for how the honors should begin unfolding.

Staff, with the assistance of the Committee members has formulated a database of potential candidates who meet the criteria adopted by the Mayor and Council. The database includes 40 potential honorees – 37 individuals and 3 pairs of persons whose contributions are inextricably linked. Four additional potential honorees are included on a reserve list who the Committee believes are of sufficient stature to consider in the future, but do not quite meet the adopted criteria. Even though the Committee believes the list to be comprehensive, is it not closed. When a potential candidate who may have escaped detection in the initial phase of the project is discovered, he or she can be added to the database when they are brought to the Committee's attention. Those in the database who are not selected in 2015 will be eligible in future annual cycles.

The Committee recommended the following people as initial inductees:

1. Jonathan Hager
2. Thomas Kennedy
3. Mary L. Titcomb
4. Jacob Wheaton
5. Jesse D. Elliott
6. Matthias Moller
7. William Preston Lane, Jr.
8. Henry Kyd Douglas
9. William T. Hamilton
10. Anna Brugh Singer

The Committee recommends the weekend before Memorial Day weekend as the date for the annual induction ceremony. This is not tied to any particular important date in City history, but rather due to weather and the apparent lack of conflict with other large events and commemorations.

The inductees will be memorialized with an 18" x 18" bronze plaque. The plaques are \$ 637.00 each and are funded by CDBG. The Committee recommends including the following information on each plaque:

1. Full name with years of birth and death
2. One to three word summary, such as "Military Figure" or "Civil Rights Figure"
3. Description of accomplishment
4. Year inducted
5. An image of the honoree when available

The Committee recommends that each induction ceremony include inviting participation by descendants of the honoree, and the ceremony should include presenting a descendant with a plaque containing a graphic representation of the plaque that will be installed in the park. In the case where no descendants can be located or be present, a government agency or private charitable organization consistent with and relevant to the honoree's accomplishments will be invited to accept the plaque on the honoree's behalf.

The Committee found the adopted criteria very effective to consider a wide array of accomplishments while at the same time setting the standard sufficiently high to ensure that inclusion in the "Circle of Achievement" reflects the "best of the best" Hagerstown has offered the world over the last 200 years. However, four persons were identified as major figures in the City's past that would seem to be natural to consider, however they did not fit within one of the adopted criteria. Therefore, the Committee recommends the following two minor adjustments to the adopted criteria:

1. Create a 6th criteria under Section D (military) as follows:
 - (6) Any person who, as a civilian, participated in a significant military event in Hagerstown or elsewhere in such a way that this person showed conspicuous bravery and/or their actions materially affected the outcome of the military event.

2. Adjust criteria A.1 as follows:
 - (1) Statewide or National Office – Any person who served as President or Vice President of the United States, as a member of the President’s Cabinet, or as the governor of any state or territory, or as lieutenant governor, attorney general or comptroller of Maryland.

The Committee also recommends that in the cases where there is no surviving image of the honoree, Little Heiskell be used in the place of the image. The adopted standards state the City seal will be used when no image of the honoree is available.

Councilmember Munson believes this recognition will bring a lot of interest to Hagerstown.

Mayor Gysberts asked if the Committee will make a recommendation annually. Mr. Bockmiller indicated they will recommend up to three honorees per year.

Councilmember Aleshire does not think Jesse Elliott and Henry Kyd Douglas had the same impact for Hagerstown as some of the other honorees.

Mayor Gysberts asked that the Committee keep in mind women and minorities while determining potential inductees.

Councilmember Brubaker agrees with Councilmember Aleshire regarding Mr. Elliott and Mr. Douglas. He suggested honoring someone from both sides of the Civil War in the same year, rather than in different years. He noted that Douglas was a confederate officer. If Douglas is included in the initial honoree list, a union hero should also be included.

Councilmember Munson suggested increasing the initial list to 11 people and have the Committee recommend a union hero to be included.

Councilmember Aleshire thinks Winslow Burhans should be included in the first group of inductees.

Mr. Bockmiller anticipates the list of potential honorees will continue to increase over time.

Councilmember Metzner is interested in hearing from Vietnam veterans and/or their families for inclusion on the list of potential honorees.

It was the general consensus to expand the initial list of inductees to 11 people. Approval of the list, the policy changes and annual ceremony date will be scheduled for the Regular Session on January 27, 2015.

Proposed Revisions to Chapter 216 – Streets and Sidewalks/Utility Street Cuts

Jim Bender, Assistant City Engineer, was present to discuss proposed revisions to the regulations governing street cuts in Chapter 216 of the City Code.

The majority of underground utility lines are located within the public street right-of-ways, and it is inevitable that the maintenance, repair, and replacement of these utilities results in excavation in the City's streets. Council directed staff to review the current standards in Chapter 216, and to propose modifications that would result in streets that were better protected and restored.

The current process governing excavation in the public right-of-way requires utility companies and contractors to obtain a Street Opening Permit prior to beginning work, unless it is an emergency situation. A condition of the permit is that all work performed in the right-of-way shall conform with the requirements of Chapter 216, and the City's standards for repairing and restoring pavement or sidewalk disturbed by the work. The fee for the permit is based on the length of the disturbance, and the age of the pavement. Higher fees are charged for street cuts in streets that have been recently constructed or overlaid. A 50% discount of fees is given as an incentive to utility companies that complete major mainline replacements in advance of scheduled pavement overlays, so that the need to disturb newly-paved streets is minimized.

The following proposed changes to Street Cutting standards were presented:

1. Combining trench repair patches: Staff proposes changing the standards to require patches to be combined if the trenches are seventy-five feet (75') or less apart.
2. Trench repair requirements: Staff proposes changing the standards to allow contractors to use a full-depth HMA patch instead of the combination concrete/HMA patch.
3. Street Opening Permit Fees: To protect the City's investment in the street system, staff proposes increasing the fee schedule for street openings.
4. Warranty period: Under current standards, there is no warranty period for street cut repairs. Staff proposes revising the standards to require the permittee to warrant the street cut repair for a period of one year from the completion of the work, or after the expiration date of the permit.

Councilmember Aleshire pointed out patches need to be sealed properly so they last longer. Mr. Bender stated a warranty period would help address this issue.

Mayor Gysberts stated there seems to be consensus for these four changes. He asked if placing an item such as a trash can or chair in a parking space to save it is permitted.

Councilmember Metzner stated this issue was recently reviewed by the Board of Traffic and Parking. There are currently no City laws that prohibit saving parking spaces.

Following a heavy snow storm, many people dig their cars out of the snow and save the space with a chair or something similar. The issue before the Board of Traffic and Parking was regarding chronic violators, not temporary situations.

Possible remedies to this situation will be reviewed and discussed again in February.

Professional Boulevard

Rodney Tissue, City Engineer, provided an update of the extension of Professional Court Project.

For over a decade, the extension of Professional Court and corresponding improvements to Eastern Boulevard has been a top priority for both the City and Washington County. Most recently, the City's August 22, 2014 letter to Secretary Smith at the Maryland Department of Transportation (MDOT) indicated that this was one of the City's top transportation priorities. Participating in this project is also listed in the "2015/2016 Goals and Priorities" of the Mayor and Council.

In December, 2013, Washington County was notified that they will receive State funding for planning and design of Professional Boulevard (the future name of the street once the extension of the bridge is complete over the Antietam Creek). The \$ 1,120,000 in MDOT FY14 funding is the Secretary's grant to Washington County for the project. In January 2014, the Mayor and Council authorized City staff to work with the Washington County Engineering staff to commence the design on the Professional Boulevard road system and bridge over the Antietam Creek.

Over the past year, the County has worked out the details with the State funding, developed a request for Proposal, and hired RK & K, LLP to complete the design work. A design kickoff meeting was held in mid-December and work will begin in early 2015.

Since a portion of this project is within current City limits (the reconstruction of Professional Court), and since there is annexation potential, staff is seeking direction from the Mayor and Council regarding the City's involvement in the construction of the project. This decision will affect the design and construction drawing development. Staff anticipate that a Memorandum of Understanding between the City and the County will be developed regarding the project construction and staff would like guidance on 1) what it should include, 2) if the City attorney can be authorized to prepare it, and 3) what the conditions are for the City's financial participation.

Washington County has commenced the construction of Phase I of Yale Drive. The project will be completed by the summer of 2016 and includes the relocation of an existing stormwater management pond from one hospital lot to another hospital property. The project was designed to Washington County (not City) standards and will connect Yale Drive to Hagerstown Community College.

RK & K will commence design in 2015 and it is anticipated that the design will take at least two years to complete. The construction of the bridge could start in FY18. The County is planning to divide the construction into several contracts, one for the 380' +/- bridge over Antietam Creek, and one for each of the road approaches. This means that the reconstruction and widening of Professional Court currently in the City will likely be

a separate contract from the bridge construction.

Annexation is often discussed when the City's considers its participation in the construction.

The 2010 Maryland Stormwater Law will require the widening of Professional Court to provide runoff quality enhancements. Since the right-of-way will be almost completely used by the widened street, the City will need to find locations outside the right-of-way for opportunities for stormwater management. Staff is suggesting that the City work with the owners of the MKS Business Park stormwater management pond and possibly retrofit it to provide water quality enhancements from not only this road, but the entire development; this will also give the City credits toward meeting the long-term stormwater goals. The City may become the owner of the stormwater management pond in the event the retrofit plan moves forward.

Councilmember Aleshire asked if utilities are being included with the Yale Drive construction. Rob Slocum, Washington County Engineer, indicated they are.

Councilmember Aleshire asked if any of the property owners in this area have inquired about the City's annexation policy and utility services. He wondered how much involvement the City will have with this project.

Mayor Gysberts wondered what Meritus Health is planning to do with the adjacent parcel to the existing hospital. Councilmember Brubaker and Councilmember Metzner expect it will be used for a stormwater management facility.

Councilmember Brubaker stated he can't support City funding from taxpayers without additional information on the project.

Councilmember Metzner stated City staff should participate with County and State officials in discussing this project. During a meeting in December, the Mayor and Council were told by a hospital representative how things work. He stated this cannot be a project where the City is asked for provide significant funding without receiving anything in return. This reminds him of the Hopewell Valley project. The City indicated when Hopewell Valley was being planned that it could help with the project, but there had to be some revenue sharing. The City provided the utilities to the businesses, without receiving any tax revenue. He is willing to give up annexation in the Mt. Aetna Farms area, but there has to be some revenue provided to the City in exchange for the utility service. He would welcome a discussion of what could be provided in exchange for the utilities.

Councilmember Aleshire stated John Urner, former City Attorney, reminded the Mayor and Council often that they could not have an annexation policy in place and choose who had to comply with the regulations.

Mr. Tissue indicated the design work is not being delayed by the City in any way. The construction phase is two years away and the design process takes time. The roads within the City limits will be designed to City standards.

Mr. Zimmerman clarified that the Mayor and Council support Mr. Tissue's participation in meetings with Washington County and CHIEF on the design of the project. There is no commitment from the City for improvements or upgrades in the City and there is no funding commitment for the bridge design.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember L. C. Metzner hopes the last discussion during this meeting is viewed as an example of how different groups can work together. The Mayor and Council are willing to discuss how to make this project happen.

Councilmember M. E. Brubaker pointed out the Mayor and Council are not trying to place obstacles on the Mt. Aetna Farms and Professional Court Bridge project, they are trying to protect the citizens of Hagerstown. He has lobbied many times to secure State funding for this project. Other large capital investments include improvements to Municipal Stadium or an indoor recreation center.

Councilmember P. M. Nigh thanked Eric Deike, Director of Public Works, for working on repairs for the clocks. She mentioned a new restaurant has opened at the Venice Inn on the Dual Highway. She is tired of seeing blue trash/recycling bins sit in front of properties. This does not create a positive image of Hagerstown.

Councilmember K. B. Aleshire asked for an update on the buildings on the Massey property. He wants a report on how soon the deteriorating buildings can be torn down.

Councilmember Metzner wondered why citations are issued to residents when this condition is allowed to continue, with no citations being issued.

Councilmember Aleshire stated the Annexation Policy was implemented after many discussions and reviews. The Annexation Policy should not be used viewed as a deterrent to development. He pointed out that almost every lot on Eastern Boulevard was developed after the Policy was approved.

Mayor Gysberts noted the City essentially provided utilities for years without receiving anything in return. This is not an issue elsewhere, people understand the need for City and County taxes.

Councilmember Brubaker pointed out if the Mayor and Council agree to provide funding for a project in the County, it is essentially a double contribution from City taxpayers.

Councilmember D. F. Munson appreciated the thoughts in a recent Letter to the Editor about Municipal Stadium and its value to the community.

Mayor D. S. Gysberts reminded residents that the Christmas tree collection will start this week. He thanked Heidi Voorhees, GovHR, for visiting Hagerstown as part of the process for her assistance in recruiting a City Administrator. The Hub City 100 Miler kick off is postponed until January 12, 2015. He thanked Chief Holtzman for his efforts to ensure that only inmates with western Maryland homes will be released in western Maryland.

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 6:57 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: February 24, 2015