

58TH SPECIAL SESSION, WORK SESSION AND EXECUTIVE SESSION – January 13, 2015

EXECUTIVE SESSION – January 13, 2015

On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to meet in closed session to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, #4 (Section 10-508(a)), to consider the acquisition of real property for a public purpose and matters directly related thereto, #3 (Section 10-508(a)), and 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)) at 3:36 p.m. in Room 407, 4<sup>th</sup> Floor, City Hall, Hagerstown, Maryland. 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, City Attorney Mark Boyer, John Lestitian, Director of the Department of Community and Economic Development, Jonathan Kerns, Community Development Manager, Stacey Pierre-Luis, Business/Community Development Finance Specialist, Randy Catlett, Chair of the Hagerstown Loan Review Authority, Rodney Tissue, City Engineer, Junior Mason, Parks and Recreation Manager, and Donna K. Spickler, City Clerk. The meeting was held to discuss an appeal of a decision of the Hagerstown Loan Review Board, acquisition of property on W. Washington Street, and membership of the Board of Zoning Appeals, the City Ethics Commission, and the Hagerstown Loan Review Authority. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the executive session was adjourned at 4:11 p.m.

58<sup>TH</sup> SPECIAL SESSION AND WORK SESSION – January 13, 2015

Mayor D. S. Gysberts called this 58<sup>th</sup> Special Session, Work Session, and Executive Session to order at 4:28 p.m., Tuesday, January 13, 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.

58<sup>th</sup> Special Session – January 13, 2015

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to meet in Special Session at 4:28 p.m.

**Approval of Purchase: Parks Division – Replacement of Unit 309: 2015 Chevy Silverado – Criswell Auto Fleet Sales (Gaithersburg, MD) \$ 30,684.48**

**Action:** On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to approve the purchase of a 2015 Chevy Silverado to replace Parks Division Unit # 309 from Criswell Auto Fleet Sales in Gaithersburg, Maryland in the amount of \$ 30,684.48.

Discussion: Councilmember Brubaker voted for this purchase because he realizes purchases for critical equipment can't be avoided.

Mayor Gysberts noted the current repair record shows \$ 10,000 has been spent recently on repairs for this vehicle.

The Special Session was closed at 4:30 p.m.

Bike Maryland Bronze Award Presentation

Nate Evans, BikeMaryland, presented the Bike Maryland Bronze Award to the City of Hagerstown in recognition of the events and activities to increase bicycling in Hagerstown. Rodney Tissue, City Engineer, Alex Rohrbaugh, Planner, Joyce Martin, and Mike Mittel, Bicycle Advisory Committee, were present to receive the award on behalf of the City.

2015 Bond Issuance

Michelle Hepburn, Director of Finance, was present to continue discussions for the 2015 bond issuance. As a reminder, the 2015 bond issuance will include projects and purchases from both budget years. Several projects and purchases on this 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.

The total amount of the project list is \$ 9,824,343. Projects are included from the General Fund, Electric Fund, Water Fund, Wastewater Fund and the Property Management Fund.

The following is a partial list:

1. Fire Department Vehicles
2. Public Works and Parks Vehicles
3. A & E/City Park Trail
4. Signal intersection upgrades
5. MELP
6. Stormwater Management Implementation
7. HLD Roof

8. Water Meters
9. Water Distribution Rehab Main Replacement
10. Wastewater Collection System Rehab
11. Sludge Storage Phase I Improvements
12. Roslyn Building window replacement

A detailed Bond Schedule was provided for the 2015 bond issuance. Staff have begun drafting the official statement and would like to return January 27, 2015 to introduce the enabling bond ordinance. Staff anticipate that the enabling ordinance will be adopted on February 10, 2015 by the Mayor and City Council. That action will begin the 30 day period for the ordinance to become effective. The Mayor and City Council need to approve the bond resolution which outlines the details of the bond sale. Approval of the resolution is tentatively scheduled for March 31, 2015. The bond sale and award is tentatively scheduled for April 1, 2015, with closing scheduled for April 14, 2015.

Ms. Hepburn reported there is a meeting scheduled to discuss the final numbers for a replacement ladder truck. The City's share will be \$ 950,000.00. The volunteer company will contribute \$ 150,000.00. The preliminary pricing is higher than the combined amount.

In order to close the bond issue by April, the projects need to be approved as soon as possible.

Mr. Zimmerman indicated other projects on the list without amounts could be discussed later in anticipation of a Spring 2016 bond issue. Mayor Gysberts noted that the majority of these projects are for infrastructure.

Mayor Gysberts stated the A & E Trail is the starting point for re-envisioning the whole neighborhood as identified in the City Center Community Plan – Catalyst Project # 5.

Debt service payments for projects within the Enterprise Funds will be funded by user fees. Ms. Hepburn pointed out it is likely that future projects will be included for stormwater management.

Councilmember Aleshire asked if the \$ 1.5 million for linking the A & E District to City Park is the amount that was set aside during the budget discussions last year for a downtown project. Mr. Zimmerman indicated it is.

Mayor Gysberts asked if this bond issue adheres to the Debt Management Policy. Ms. Hepburn stated it does comply with the newly revised policy.

Councilmember Brubaker stated the bond capacity needs to be closely monitored. He was enthused when plans were presented for the trail. The trail needs to be attractive so people use it. He reserves the right to continue to review what is done with the trail. The City needs to make sure people really use the trail for economic development purposes.

He hopes this project can be synchronized with other projects. In his opinion, the most valuable project is the Class A office space project. He would like to see the office space project located on Washington Street and be linked with the trail. He recommended moving forward with the trail.

Councilmember Munson noted that management of the trail in a way that encourages people to use it will be important.

Mr. Zimmerman stated Mr. Tissue is working with Mahan Rykiel on the design of trail, with input from the community. The Hagerstown Light Department is working on lighting and the Hagerstown Police Department is working on cameras. It is expected to have a request for bids advertised in April, 2015.

Councilmember Brubaker would like a mid-year budget report. Mr. Zimmerman indicated he and Michelle Hepburn, Director of Finance, have discussed a possible presentation in February.

It was the general consensus to include introduction of the bond ordinance on the January 27, 2015 agenda.

#### Blues Fest Poster Artist Announcement

Karen Giffin, Community Affairs Manager, and Carl Disque, Western Maryland BluesFest Committee, reported plans are being completed for the 20<sup>th</sup> annual Blues Fest.

Mary Ann Burke, Executive Director of the Washington County Arts Council, announced that the winner of the annual arts contest is Cory Householder. Mr. Householder is a senior at the Barbara Ingram School for the Arts (BISFA).

Rob Hovermale, Principal of BISFA, noted Mr. Household embodies the spirit of BISFA. He is a talented artist, writer and actor. He is a very hard working student.

Mr. Householder stated he is grateful to be part of the Western Maryland Blues Fest. Through his art, he tried to bring out the excitement and vibrant feels of the Blues Fest and how it appeals to so many people and brings joy to families. He plans to study animation and work in the movie industry.

#### CDBG Federal Recordkeeping Reconciliation

Jonathan Kerns, Community Development Manager, was present to discuss required updates to online federal records for the CDBG program.

Staff work throughout the year with the U. S. Department of Housing and Urban Development to maintain compliance with the online CDBG reporting system known as IDIS. Due to the federal requirements recently adopted for the IDIS system, staff have identified the need to officially amend a past CDBG activity. The activity in question

was for a planned parking project at the Alms House property in FY12 and FY13. The project has not occurred.

CDBG funding in the amount of \$ 50,000 was designated in the IDIS system to create neighborhood parking on the Alms House property. The plan included adding new pavement for parking spaces in the front and rear of the Alms House structure along with enhanced landscaping along the streetscape.

Staff moved forward with the required CDBG environmental review for the project which included a project review by the Maryland Historic Trust (MHT). The City was notified by MHT that the project could not move forward until the City carried out a Phase I archeological investigation at the Alms House property. The project was then put on hold due to the limited funding available, as the expense of the archeological study would have left insufficient funds to complete the project.

Due to the requirements of the federal IDIS system, the funds will need to be transferred to another existing IDIS activity in the current CDBG Action Plan to assure timely spending of CDBG funds.

Staff recommend that the Mayor and City Council authorize the following actions:

1. The \$ 50,000 in the federal IDIS system be transferred to Catalyst Project #8, Single Family Homeownership.
2. Staff begin engagement efforts with the community to develop a plan for reuse of the Alms House property.
3. After community engagement and outreach efforts, explore potential projects of the Alms House property as part of the FY16 budget process with the Mayor and City Council.

Mr. Kerns stated anything that is done with block grant funding has to be reviewed by the MHT. Most projects are cleared.

Councilmember Aleshire stated if the City imposed the historic landmark, the City should have the right to remove the landmark.

Ms. Maher indicated the City could remove the historic landmark designation but it would not remove the MHT requirements.

Councilmember Aleshire asked if not using state or federal funds for the Alms house would offer greater flexibility for redevelopment. Ms. Maher indicated it needs to be determined if the funding used to purchase the Alms House was federal or state funding.

Mayor Gysberts asked if this property is on the competitive bid list. Mr. Kerns stated it is not.

Councilmember Brubaker pointed out the current question is whether or not to use CDBG funds for parking.

Councilmember Metzner suggested scheduling additional discussion after it is determined if federal funds were used to purchase the Alms House.

It was the general consensus to move \$ 50,000 to the single family homeownership program.

Councilmember Aleshire would like to know what triggers an archeological study and an estimated cost. He wondered if college students would be able to perform the study. Ms. Maher stated the study is basically paper research.

Councilmember Nigh stated there were individuals interested in the Alms House to do film work there. The proposals were never presented to the Council.

Approval of the transfer will be included on the January 27, 2015 Regular Session agenda.

#### Private Use of Public Sidewalks – Amendments to Chapter 216 Article VIII

On December 16, 2014, an ordinance amending Chapter 216, Streets and Sidewalks was introduced. Specifically the amendment establishes Article VIII – Private Use of Public Sidewalks through which Sidewalk Business Licenses in the City Center, Sidewalk Café Licenses, Sidewalk Yard Sales, and Licenses for right-of-way encroachments are addressed.

Kathleen Maher, Planning Director, and John Lestitian, Director of the Department of Community and Economic Development, were present to recap the conditions and concerns this amendment seeks to cure and to answer questions.

Mr. Zimmerman clarified that there are currently two items being reviewed by the Mayor and Council in Chapter 216 of the City Code. The discussion during last week's Work Session dealt with street cuts and reserving parking spaces. The parking issue has been referred to the Board of Traffic and Parking and will likely be discussed with the Mayor and Council in March.

The discussion during this Work Session is in regard to private use of public sidewalks.

Councilmember Brubaker asked if increased advance notice requirements can be included in the proposed revisions for street cuts. Mayor Gysberts stated another issue is when signs are posted and work does not start. This has happened recently with Columbia Gas.

Ms. Maher stated the proposed amendments address licensing of private uses of public sidewalks for displaying merchandise, sidewalk cafés, yard sales, and right-of-way encroachments.

Ms. Maher stated current City events will not be affected by the regulations for displaying merchandise. The proposed Sidewalk Business License in the City Center will only be permitted for abutting businesses and/or for City-sponsored or City-supported events.

Mayor Gysberts asked if these regulations apply to sandwich board type signs. Ms. Maher stated future planning recommendations will include regulations for this type of sign in the Land Management Code.

Councilmember Aleshire asked if the regulations for yard sales include a limit on the number of sales permitted within a year. He asked if the tenant has to provide an affidavit from the property owner. He also asked what is permitted within the five foot clearance, i.e. trees, signs, etc.

Mr. Tissue confirmed the tenant would have to have an affidavit from the owner of the property. He also noted that some residences do not have a five foot clearance currently. Ms. Maher pointed out that it is not feasible in some areas to hold yard sales.

Councilmember Aleshire asked how a five foot measurement will be taken. Mr. Tissue stated the ADA regulations require a three foot clearance and the State Highway Administration requires a five foot clearance.

Councilmember Aleshire asked if there is a waiver process. Mr. Tissue stated the code is relatively easy to follow; however the process is challenging. He suggest that a waiver process be approved by the Mayor and Council.

It was pointed out that there are State of Maryland regulations regarding yard sales and how many times they can be held by residents.

It was the general consensus to include approval of the ordinance to establishing regulations for private use of public sidewalks on the January 27, 2015 Regular Session agenda.

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

*Bruce Zimmerman, City Administrator*, reminded everyone that City offices will be closed Monday, January 19, 2015 is observance of Martin Luther King, Jr. Day.

### **MAYOR AND COUNCIL COMMENTS**

*Councilmember M. E. Brubaker* had no additional comments.

*Councilmember K. B. Aleshire* thanked the Hagerstown Police officers for their quick response to two incidents he recently witnessed. He has noticed that many vehicles do not stop at the four way stop at Oak Hill Avenue and Prospect Street. He thinks a traffic circle would help the situation.

Mayor Gysberts stated the intersection needs a better pedestrian walkway.

*Councilmember D. F. Munson* thinks the people in the neighborhood of Oak Hill Avenue and Prospect Street would be happy with Councilmember Aleshire's suggestion. He complimented the Bridge of Life church for their façade improvements.

*Councilmember P. M. Nigh* is concerned about the number of pedestrians that don't use the crosswalks to cross the Dual Highway. Mayor Gysberts thinks it would be a good idea to get an update from Chief Holtzman, Sheriff Mullendore, and the State Highway Administration on potential improvements for this situation.

Councilmember Nigh appreciates the notices that were included in the electric bill to residents about not storing the blue trash bins in the front of the homes.

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

*Mayor D. S. Gysberts* informed the group that the State of the City will be held on Tuesday, March 10, 2015.

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 5:41 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: February 24, 2015