

WORK SESSION AND EXECUTIVE SESSION – February 17, 2015

EXECUTIVE SESSION – February 17, 2015

Councilmember D. F. Munson made a motion to meet in closed session to consult with staff, consultants, or other individuals about pending or potential litigation, #8 (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)), to consult with staff, consultants, or other individuals about pending or potential litigation, #8 (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 3:05 p.m. on Tuesday, February 17, 2015 in Room 407, 4th Floor, City Hall, Hagerstown, Maryland. Councilmember L. C. Metzner seconded the motion.

Councilmember Aleshire stated he is opposed to meeting in closed session to discuss Item #3.

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, John Lestitian, Director of Community and Economic Development, Michael Spiker, Director of Utilities, Scott Nicewarner, Director of Information Technology and Support Services, Jill Frick, Economic Development Manager, Michelle Hepburn, Director of Finance, Jonathan Kerns, Community Development Manager, and Donna K. Spickler, City Clerk. The meeting was held to discuss various personnel issues, potential acquisition of a downtown property, and potential litigation of two issues. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the executive session was adjourned at 5:15 p.m.

WORK SESSION – February 17, 2015

Mayor D. S. Gysberts called this Work Session and Executive Session to order at 5:24 p.m., Tuesday, February 17, 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.

Preliminary Agenda Review

A Budget Update Work Session is scheduled for Tuesday, February 24, 2015 at 5:00 p.m.

Consent Agenda

- A. Department of Community and Economic Development
 - 1. Funding Support for Country Music Fest – Up to \$ 17,175 from FY 16 Public Functions Budget

- B. Parks and Engineering:
 - 1. Engineering: Street Tree Box Improvements – Botanica (Hagerstown, MD) \$ 45,000.00
 - 2. Engineering: Basement Doors in Public Right-of-Way Contract – Milton Stamper Builders (Hagerstown, MD) \$ 33,990.00
 - 3. Parks: Golf Course Mowing Contract – J R Services (Smithsburg, MD) Third year of three year contract: \$ 16,500.00
 - 4. Parks: Mowing and Trimming in Various Parks – J R Services (Smithsburg, MD) Third year of three year contract: \$ 71,504.52

- C. Department of Utilities:
 - 1. Water: Goulds Vertical Pump Assembly –Geiger Pump and Equipment (Baltimore, MD) \$ 51,174.00
 - 2. Water: Hardware/Parts for the Willson SCADA System – ABB Inc. (Wickliffe, OH) \$ 55,818.84
 - 3. Wastewater: 2015 4WD Service Vehicle to Replace Unit # 526 – McCafferty Ford (Mechanicsburg, PA) \$ 85,387.00

- D. Hagerstown Police Department
 - 1. Predictive Policing Software Subscription – PredPol, Inc. (Santa Cruz, CA) \$ 15,000.00
 - 2. Tasers and Taser Cartridges – TASER (Scottsdale, AZ) \$ 15,395.57
 - 3. Ammunition for Patrol – The Gun Shop (Vincentown, NJ) \$ 34,266.94

Approval of Purchase Of Ladder Truck 1

The Fire Department will be replacing the 1997 Simon Duplex/Aerial Innovations traction drawn aerial ladder stationed at the Pioneer Hook & Ladder Co. A Replacement Committee was formed in 2013 to research industry changes and advancements and write specifications to be used for requesting competitive bid proposals.

Three bids were received and the Apparatus Replacement Committee found the proposal from Atlantic Emergency Solutions to be the most compliant with Hagerstown Fire Department specifications. The Committee is recommending that the City accept the proposal from Atlantic Emergency Solutions, at a price of \$ 1,042,823.00. Delivery is expected to be made approximately twelve months from the order date.

Mr. Zimmerman noted funding for the ladder truck is a combination of City of Hagerstown funding and volunteer fire company funding.

Approval of Potterfield Pool Splash Pad

This item was removed from the agenda due to the bids being over the budgeted amount.

This completed the preliminary agenda review.

Request for Funding for Art from Washington County Library

Mayor Gysberts stated David Hanlin, Development Coordinator at the Washington County Free Library, submitted a letter requesting that the City of Hagerstown join Library supporters and the Board of Trustees in the fundraising efforts for a sculpture at the library.

The Board of Trustees of the Library commissioned Toby Mendez to create the public art. The work is a bas relief that builds upon one of the design themes of the Alice Virginia and David W. Fletcher library: the transportation history of Washington County and Hagerstown. Accordingly, the work has been named “Our Journey Transports Us through Time.” Eventually, this work will be placed on the retaining wall on the rear plaza of the Fletcher branch. Mr. Mendez is an artist of world renown. He is a native of Washington County. He attests his love for art grew as he spent hours looking at art magazines among the stacks of the old library.

The Board of Trustees also wanted to celebrate the community’s response to the Fletcher branch. Their response has exceeded everyone’s expectations. The number of people that use this branch each day has increased nearly 140% over the old central library. The role the Library has played in helping bring energy to downtown Hagerstown cannot be denied.

A special fundraising effort is underway to pay the cost of this sculpture. Supporters of the Library have responded generously to the request for donations. However, not all of the cost of the project has been covered. Dates for both the installation and the unveiling of “Our Journey Transports Us through Time” will be partly determined by the final result of these fundraising efforts.

A gift from the City of Hagerstown in the amount of \$ 5,000 will be a clear demonstration of the City’s interest in public art and significantly help close the remaining funding gap. A plaque will be installed thanking all donors, and specifying those at the \$ 5,000 level or greater.

Mr. Zimmerman pointed out funding would be available from the General Fund contingency. Mayor Gysberts stated he thinks it would be a good gesture from the Mayor and City Council to be supportive of this request.

Councilmember Brubaker suggested a directional sign be placed in the library indicating the way to the Arts and Entertainment District.

Councilmember Metzner prefers this request be considered during the budget discussions. If there are funds remaining in the Contingency Funds, the Council will still have time to consider the request before the end of the fiscal year. Since this is the Washington County Free Library, he wonders how many other municipalities are contributing toward the cost of the sculpture. He would support a match of what other municipalities provide. He believes art funded by the City should be along the streets or in the parks.

Councilmember Munson stated Councilmember Metzner made a good point. He wondered if the library made an effort to raise funds for the bear sculpture in City Park. He asked that a library representative attend a Mayor and City Council meeting to discuss this request.

Councilmember Nigh asked if the funding would be from the non-profit agency funding. Michelle Hepburn, Director of Finance, indicated it is not.

Mayor Gysberts asked if a fund for public art has ever been considered in the budget. Councilmember Metzner is supportive of this idea.

This request will be discussed during budget work sessions.

Proposed Revisions to City Code Chapters 60 and 216

Jim Bender, Assistant City Engineer, was present to continue the discussion regarding proposed changes to the City's standards to better manage utility cuts in public streets. This issue was first discussed in December, 2014. During the discussion, staff raised the issue of the "reservation" of on-street parking spaces by placing lawn chairs, trash cans, or other materials in the public right-of-way. Based upon comments from the Council and consultation with the City Attorney, staff has prepared proposed changes to the City Code and the standard construction details to address these issues.

In order to accomplish the changes that were discussed, Chapter 60 (Vehicles and Traffic) and Chapter 216 (Streets and Sidewalks) of the City Code must be revised, and the City's Public Ways Standards for construction in the public right-of-way must be modified.

Chapter 60: The City Attorney has drafted new code section 60.52 "Obstruction/Reservation of Parking Spaces". This section would make it illegal for a resident to obstruct or reserve an on-street parking space by placing material in the right-of-way. Any such material placed in the public right-of-way would be considered to be abandoned, and would be subject to removal and disposal by the City. In addition, the resident could be cited for a Municipal Infraction and subject to a fine of \$ 100.00. This provision would not apply to situations where a permit has been granted by the City (through Chapter 216) for the temporary placement of materials or the reservation of parking spaces in the public right-of-way. The City's Board of Traffic and Parking reviewed this section and had no objection to the proposed revision to the City Code.

Chapter 216:

1. Section 216.14 “Materials Stockpiled in the Public Right-of-Way” was revised to clarify that materials may only be placed in the right-of-way in conjunction with appropriate City permits.
2. Section 216.17 “Private Signs and Banners” was modified to allow private signs to be installed or displayed in the public right-of-way if a City Building Permit was obtained for the sign or if the sign would be allowed on a temporary basis as defined in Chapter 140 (the Land Management Code).
3. Section 216.30 “Permits” was modified to increase the fee schedule for utility excavations in the public right-of-way, and to change the time frame for the different tiers in the fee schedule from five years to three years.
4. Section 216.33 “General Regulations for Street Openings” was modified to strengthen the warranty period for excavations or street cuts in the public right-of-way.
5. References to department and board names were revised as necessary throughout the Chapter.

Public Ways Standards: Standard Plates T-082, and T-086 were revised to clarify that bituminous patches shall be the standard repair method for all street cuts, and that the repair for two street cuts within seventy-five feet (75’) of each other must be combined into a single patch.

Mayor Gysberts clarified that the changes recommended to Chapter 60 are not as a result of reserving parking spaces during an unusual snow event. Councilmember Metzner indicated that is correct. The incident that came before the Board of Traffic and Parking had no connection to a snow event. He noted there is nothing currently in the City Code that prohibits people from reserving parking spaces for any reason.

Mayor Gysberts stated he would like to discuss curb and sidewalk regulations and storing vehicles on the streets during a future work session. Councilmember Metzner stated this issue is discussed by every Mayor and Council.

Mr. Bender pointed out the permit fees for street cuts are proposed to increase with the adoption of the recommended amendments.

Columbia Gas Company makes the most requests for street cut permits, followed by City utilities.

Councilmembers Brubaker asked why the definition of new overlay was changed from 5 years to 3 years. Mr. Bender stated the pavement overlay schedule is compiled 3 years in advance.

Councilmember Munson is generally supportive of the proposed amendments. However, he thinks the amendments to Chapter 60 will create unnecessary problems for residents. Many people reserve parking spaces at their residences during special events, such as the Fireworks at Fairgrounds Park and the annual Alsatia Mummies Parade. If they did not do this, the residents would not be able to find a parking space. He wondered how many complaints are made during these two events. He hopes the police will use some moderation and common sense in these cases.

Councilmember Metzner anticipates very few complaints will be made.

It was the general consensus of the Mayor and City Council to schedule introduction of ordinances to modify the City Code, as discussed, for the Regular Session on February 24, 2015.

Watershed/Breichner Water Treatment Plant

Michael Spiker, Director of Utilities, and Nancy Hausrath, Water Operations Manager, were present to discuss the Edgemont Reservoir and W. M. Breichner Water Treatment Plant.

The Edgemont Reservoir, constructed in 1902, is the raw water supply for the W. M. Breichner Water Treatment Plant (BWTP). In 1993, major reservoir work was completed. Recent inspections (beginning in 2006) have revealed areas of concern near the left abutment of the downstream toe. The City contracted with Triad Engineering in 2007 to perform a geophysical investigation to determine the source and extent of the spillway channel seepage. In response to the 2007 Study, a subsurface interceptor drain was constructed and root intrusions were removed.

In December 2013, a new seep formed at the toe of the embankment near the left downstream abutment. The flow from this seep is directly related to the pool elevation in the reservoir. City met with officials from the Maryland Department of the Environment Dam Safety Division (MDE-DS) in February 2014 to discuss the seepage and recommendations for remediation. MDE-DS provided follow-up correspondence detailing the required work. MDE also indicated they intended to draft a formal Consent Agreement to establish timeframes for permanent repair or removal of the Edgemont Reservoir and associated dam.

As required by MDE-DS, staff worked with Triad Engineering to complete the engineering proposals for the work. These proposals were presented to the Mayor and City Council in November, 2014, for review and approval. Pending no significant delays associated with weather, this work will be completed in May, 2015. A final report will be prepared to include engineering cost estimates to perform the required remediation. Remediation may include a recommendation to breach the reservoir and restore the site to its original condition. Should this occur, staff will likely recommend a hydrologic study to determine the viability of a ground water supply for the BWTP.

To comply with MDE-DS requirements, the City has retained the services of Triad Engineering. Triad Engineering, in conjunction with City staff, continue to collect monitoring well data and conduct routine dry and wet weather site inspections of the earth embankment.

The BWTP was brought online in 1997, designed with a maximum treatment capacity of 4.5 MGD. The BWTP is utilized to supplement production during system events and during high demand periods. The Division has expended approximately \$ 652,188 in the operation of the facility, CIP, and SCADA upgrades since FY11. The BWTP upgrades will be required in order to implement the existing and proposed Safe Drinking Water Act requirements as well as Clean Water Act requirements. Upgrades will be necessary to convert the BWTP to Chloramination once the Willson Phase IV work is complete. Additional upgrades will include upgrading the electrical and SCADA equipment, internal piping and enhanced filtration required to treat the raw water supply.

CIP C0405 contains requested funding of \$ 3,257,625 through FY20 for upgrades that will be phased in once the Willson Plant upgrades are complete. These costs are based upon assumptions utilizing the current source of supply.

Engineering and design parameters may change if the current source of supply is no longer a valid option. The preliminary discussion of the option of utilizing ground water supply with MDE and the engineering consultant is forthcoming. In order to utilize a well system, studies must occur detailing the aquifer/hydrologic capabilities of the site, local and state requirements, and final permitting through the MDE.

The repair of the existing Edgemont dam may well approach \$ 2 million. If repairs of this nature were to be completed, the City still has associated liabilities and responsibilities for the operation of a dam that is over 110 years old.

If the cost benefit analysis of the Edgemont dam repairs exceeds a threshold of the costs associated with a change in water supply treatment, the breaching of the reservoir and restoration of the site is estimated at \$ 1 million. Total site restoration of the property may require the removal of the existing structures located at the reservoir.

Estimated study costs of the initial ground water system to be located at the BWTP are approximately \$ 100,000.

The CIP will require further engineering studies to determine cost estimates required to attain the change in the source supply treatment parameters.

If the Edgemont dam was breached and the property returned to a more natural state, the need for a watershed protection area is eliminated. The consideration of the sale of a portion of the approximately 1300 acres would greatly assist in the offset of any of the aforementioned costs associated with a change in water supply treatment. A major point of consideration would be the retainment of property utilized as a buffer for the Appalachian Trail per the 2006 agreement (\$ 800,000 one-time payment).

Grant funding requests for each of the projects have been submitted to the MDE.

Councilmember Aleshire noted ground water is not as predictable as reserved water. He would not support moving away from a known water source. Mayor Gysberts and Councilmember Brubaker agreed.

Mr. Spiker stated that MDE has to be a partner with the City of Hagerstown for whatever decision is made.

Councilmember Munson stated Washington County will grow and demands for water will increase dramatically. He agrees with Councilmember Aleshire. The City would have less control of its future if the dam is removed.

Update on Hamilton Hotel, Dagmar Hotel and Alexander House

Jonathan Kerns, Community Development Manager, and Stephen Bockmiller, Zoning Administrator, were present to discuss the challenges posed by three of the largest mixed-use buildings downtown – the Hamilton Hotel, the Dagmar Hotel and associated properties, and the Alexander House.

The Hamilton Hotel is located at 92-98 W. Washington Street. The 57,401 sf building is 100% vacant. Some renovation was underway in 2010, however work has stopped. The last inspection occurred in September, 2011. There are numerous code violations resulting from a water line break in January, 2013. The building has been declared uninhabitable until the owner restores power to the building, repairs the water lines, and repairs the fire suppression system. There are various other property maintenance code violations. Code Administration has been pursuing these through the courts. The court has granted a number of extensions for the owners to schedule the repairs. The latest extension was granted last month and provided to March, 2015. Outstanding City loans, grants or incentives include a \$ 100,00 Upper Floor renovation Loan provided on February 2, 2011 with 0% interest, deferred for 10 years. Permit fees and utility connection fees of \$ 37,043 were waived as part of the Partners in Economic Progress Program (PEP) incentive. PEP status has expired due to work stoppage.

Dagmar Hotel, College Hall, and St. Charles Apartments, located at 48 and 50 Summit Avenue and 62-64 W. Antietam Street, has a total square footage of 66,832. There are occupied storefronts, occupied rooming house units in the Dagmar and College Hall, hotel units in the Dagmar, and occupied apartments in the St. Charles Apartments. There are 101 rooming house units, 30 hotel rooms, and 12 apartments.

The Washington County Community Action Council leases 48 rooming house units in the Dagmar as permanent supportive housing and case management services for single, homeless and disabled individuals.

The units generally meet minimum standards. The buildings are connected. The rooming house units share a kitchen in College Hall.

Staff is pursuing various open violations. Permits on the façade work were not closed. Interior inspections of the rooming house units will occur this spring.

There were 267 calls for service in 2014 (EMS, Fire, and Police). There are 13 residents who are registered sex offenders and 59 residents who are on probation or parole.

The Alexander House is located at 7 E. Washington Street. The total square footage of the property is 85,778. There are vacant storefronts on the hotel and subsidized housing on the upper floors of the hotel. WHAG TV 25 is located in a two-story wing.

There are 96 apartments and 95 are reserved for low-income elderly and/or disabled individuals.

The property meets minimum code standards with some upgrades. They are currently compliant with noted inspection results. There are no outstanding City loans, grants, or incentives.

There were 201 calls for service in 2014. There are two residents on probation or parole.

Councilmember Aleshire asked if the City can rescind the \$ 100,000 loan for the Hamilton Hotel if the project is not completed. He noted the owner of the Alexander House has followed through with his plans that were discussed at a Mayor and Council meeting. He suggested compiling a list of two types of buildings – those that are derelict and those that are improving.

Mayor Gysberts wondered if the Dagmar is paying hotel/motel tax on the 30 hotel rooms. He noted the number of calls for service at that location is an indicator of the issues there.

Councilmember Brubaker agrees that a listing of challenged buildings would be helpful. There needs to be a more balanced occupancy.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, stated a mid-year budget work session is planned for Tuesday, February 24, 2015. It was agreed the time for the session will be 6:00 p.m.

MAYOR AND COUNCIL COMMENTS

Councilmember L. C. Metzner encouraged everyone to attend the Potters Bowl fundraiser.

Councilmember P. M. Nigh asked for an update of the frozen pipe issue at the Potomac Bead Company. She informed a County Commissioner that the police department and Code Administration have done everything they can do for a citizen on Hager Street.

Mayor Gysberts stated he is concerned about vehicles being used as storage and not being driven. He suggested the Commissioner revert the complaint to the local jurisdiction.

Councilmember Nigh stated trash continues to take control of the City.

Councilmember Aleshire noted the fence at Garland Groh Boulevard has a lot of trash in it. He then left the meeting.

Councilmember D. F. Munson thanked City employees for the good work they did to assist residents through the winter weather during the last few weeks.

Councilmember M. E. Brubaker attended the unveiling of the new Maryland Theatre last week. He got to enjoy the improvements while attending the Maryland Symphony Orchestra concert on February 15, 2015. This is a great thing for the community.

Mayor D. S. Gysberts also attended the unveiling. He attended a five year anniversary celebration for Rickey Smith, Sr. at Zion Baptist Church. He also attended an installation and induction of a new service at the Vertias Church. Vertias reinforces the value of diversity in the community.

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 6:41 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: March 31, 2015