

70TH SPECIAL SESSION, WORK SESSION, AND EXECUTIVE SESSION – May 19, 2015

EXECUTIVE SESSION – May 19, 2015

Councilmember D. F. Munson 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 consult with counsel to obtain legal advice, #7 (Section 10-508(a)), on Tuesday, May 19, 2015, at 3:05 p.m. in the Mayor's Office, 2nd Floor, City Hall, Hagerstown, Maryland. Councilmember L. C. Metzner 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, City Attorney Mark Boyer, Michelle Hepburn, Director of Finance, Michael Spiker, Director of Utilities, Scott Nicewarner, Director of IT and Support Services, Karen Paulson, Director of Human Resources, and Donna K. Spickler, City Clerk. The meeting was held to discuss appointments to the Board of Zoning Appeals and the Historic District Commission, and to discuss the union lawsuit and MELP property with the City Attorney. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the executive session was adjourned at 3:48 p.m.

70TH SPECIAL SESSION AND WORK SESSION – May 19, 2015

Mayor D. S. Gysberts called this 70th Special Session, Work Session, and Executive Session of the Mayor and Council to order at 4:00 p.m., Tuesday, May 19, 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.

Work Session – May 19, 2015

FY 2015/16 Budget Review

Michelle Hepburn, Director of Finance, and Bruce Zimmerman, City Administrator, provided a spreadsheet showing the budget balancing options that have been discussed during the last several work sessions.

The following items have been eliminated: five cent tax rate increase, Public Works Supervisor Position, and City Park Improvement project (\$ 20,000). The DCED Director Position will be unfunded in the amount of \$ 125,000. Several CIP expenditures are

being deferred or reduced. The Economic Redevelopment Fund transfer from the General Fund is being reduced by \$ 100,000. Total expenditure reductions are \$ 675,000.

Revenue adjustments include raising the property tax by 2 cents.

These adjustments create a general fund surplus of \$ 77,000.

Ms. Hepburn stated the ordinances for introducing the tax rate and the budget scheduled for later today have not been created until this discussion is complete.

Councilmember Aleshire recommended funding the purchase of police radios with the surplus that is projected. He would also support Councilmember Nigh's suggestion to eliminate the training officer position in Fire.

Councilmember Metzner strongly supports funding the food bank. He suggested taking \$ 3,000 from Community Rescue Service (CRS) because he understands they have a significant reserve.

Councilmember Brubaker supports the budget adjustments that Councilmember Aleshire presented last week. He recommended holding the fire training position open and provide the new City Administrator an opportunity to review the position and make recommendations. This would allow the Council to reduce the tax rate by ½ cent.

Councilmember Munson stated he supports funding for the food bank. The information provided by the food bank clearly indicates there is a significant need in the community.

Mr. Zimmerman clarified that the fire captain position is to be included in the budget, and the tax rate increase will be lowered by ½ cent.

Councilmember Brubaker does not support taking \$ 3,000 from CRS to fund the food bank. Ms. Hepburn stated it could be included in the lump sum in the budget for agencies. Councilmember Aleshire suggested considering funding to the food bank as part of the lump sum budget, without increasing the total. Ms. Hepburn indicated the food bank funding will be brought to the Mayor and Council for consideration per the agency funding policy.

Mr. Zimmerman informed the Mayor and Council that wage adjustments for non-union employees are included in the budget. The wage increase is a 1% COLA increase and one step, for eligible employees, effective July 15, 2015. This is consistent with the union contracts.

Councilmember Nigh does not support a part time position in parks being made full time. New software was purchased to help the department operate more smoothly.

Something needs to be done to patrol the parks. Some adults will not go to Fairgrounds Park because of the behavior of some park visitors.

Rodney Tissue, City Engineer, reported one of the administrative assistants has fewer responsibilities and has been assigned to monitor the park reservations. With the online registration, it allows staff time to create more programs. It does require people to operate the software but the benefits are visible.

Councilmember Nigh stated she is concerned park expenditures will be higher than revenue. She is also concerned someone's position will be eliminated in future years.

Mayor Gysberts stated the City wants more people to visit the parks. The reservation program will maintain itself. Mr. Tissue pointed out savings from unused wages at Potterfield Pool will be used to offset the cost of the new full time position. Ms. Hepburn stated the on-line registration will be very cost effective. If there is no activity, there is no service fee.

Councilmember Munson is concerned about the rules for the yard sales that are held at Fairgrounds Park. He does not understand why vendors are not allowed to unload their vehicles close to the stalls.

Mr. Tissue stated there appears to be miscommunication regarding this activity. He does not think it is as bad as Councilmember Munson has been told. He will look into the situation.

Preliminary Agenda Review

Consent Agenda

A. Department of Community and Economic Development:

1. Street Closure – Chick-fil-A 5K – July 25, 2015
2. Summer Slide Festival – August 29, 2015

Karen Giffin, Community Affairs Manager, stated What's NXT would like to host a summer slide festival. This event will include an 825 foot dual-lane water slide, live music, food trucks, local vendors, kids activities and a beer garden. If the selling of alcoholic beverages is approved, an application/permit will be required.

Mayor Gysberts asked staff to consider alternate routes for run requests that would require fewer street closures.

Councilmember Brubaker likes streets being closed for events, as it highlights downtown.

B. Department of Utilities:

1. Light: Emergency Procurement – Repairs to Lower Boom Assembly for Truck 124 – TEREX Services (Thomasville, PA) \$ 25,842.00

C. Department of Parks and Engineering:

1. Handicap Ramp Contract – Concrete Central, LLC (Hagerstown, MD)
Not to Exceed \$ 75,000.00

Councilmember Brubaker mentioned he was told there are problems with the Building Codes that the City is required to adopt and how they relate to the older structures downtown. Mr. Zimmerman noted the code amendments will be discussed at a Work Session on May 26, 2015.

Approval of Contract with Community Action Council to Distribute Utility Relief Funds

Karen Giffin, Community Affairs Manager, reported the City hosted a Utility Relief Concert in October, 2014 to raise money for City residents in need of utility assistance.

In order to distribute the \$ 6,000 in revenues raised by the event, staff is recommending that the City of Hagerstown enter into a one page agreement with the Community Action Council. The eligibility of the recipient will be as follows:

1. Must be a resident of the City of Hagerstown
2. Must provide documentation from the utility that provides the heat that the account has been terminated or is in termination status
3. Must have an income level that falls at or below the income guidelines of 80% of median income (per HUD guidelines)
4. Have the required documentation being provided at the time of application and availability of funds

Community Action Council would like to host a Utility Relief Fair on June 11, and June 12, 2105 at City Hall to take applications for the distribution of the funds.

It was the general consensus to include approval of the agreement on the May 26, 2015 agenda.

There were no other questions about any items listed on the preliminary agenda. Approval of the items will be scheduled for May 26, 2015, unless otherwise noted.

This completed the Preliminary Agenda Review.

Announcement of Blues Fest Winner – Children’s Art

Jennifer Nagel, Student at Boonsboro Middle School, has been chosen as the winner of the BluesFest Children’s Art for 2015. Mayor Gysberts congratulated Ms. Nagel for her achievement.

Maryland Theatre 100th Anniversary Celebration Update

Jessica Green, Maryland Theatre Executive Director, was present to provide an update of the Theatre’s 100th Anniversary Celebration. The gala will be held on Saturday, June 20, 2015 at the Rider Jet Center, 18539 Henson Boulevard, Hagerstown, Maryland. The guest speaker is Bob Eubanks.

This venue was donated for the event. There will be plenty of space for a sit down dinner. Ms. Green thanked the City of Hagerstown for sponsoring the dessert for the evening.

Councilmember Munson pointed out the magazine produced by the Theatre recognizing the 100th Anniversary is very well done. Ms. Green indicated the Herald Mail was a significant partner with the keepsake publication. Free copies are available at the Theatre or the Convention and Visitors Bureau.

Memorial Boulevard/Park Circle: Traffic Operation and “Green Street” Project

Rodney Tissue, City Engineer, stated in recent years, all the traffic circles in the City have been converted from a rotary operation (circulating traffic yields to traffic entering the circle) to roundabouts (traffic entering the circle yields to circulating traffic) except for Park Circle. Staff is suggesting that now is the time for the City to convert Park Circle to a roundabout operation.

Several months ago, the Mayor and Council approved a grant agreement with the Chesapeake Bay Trust’s (CBT) “Green Streets, Green Jobs” program in the amount of \$ 170,000. \$ 105,000 of this grant includes removing impervious pavement in Memorial Boulevard and installing a landscaped bio-retention area. This bio-retention area cleans the runoff prior to discharging into the adjacent stream and is a step toward meeting the stormwater runoff improvement requirements. Staff designed this bio-retention area and received construction bids on April 15, 2015. Huntzberry Brothers, Inc. submitted the low bid of \$ 175,765.00.

The City’s match for the grant is \$ 100,000 which is designated to repave and re-mark the entire Park Circle area. This is an excellent opportunity to mark the pavement for roundabout operation.

Currently traffic that enters Park Circle has the right of way and cars already in the Circle have to yield (the outdated rotary operation). Today, the preeminent method of

controlling traffic in a circle is a roundabout. This promotes a continuous flow of traffic in the circle that can accommodate greater volumes.

The Board of Traffic and Parking and the Washington County Transportation Advisory Committee recommend changing Park Circle to a roundabout operation. The Manual on Uniform Traffic Control Devices indicate the standard method of controlling traffic at a circle is the roundabout.

Visitors to Hagerstown call the Engineering office occasionally to ask why Park Circle does not operate as a roundabout. These visitors drive through other cities and are used to roundabout operations but when they come through Park Circle, they are confused or surprised as to who has the right of way.

In Hagerstown there are five former circles that have been converted to roundabout operations, plus there are three recently constructed roundabouts. This is the only traffic circle in the City that does not operate as a roundabout.

Staff provided a simulation of the current rotary operation and the proposed roundabout operation. In general there is less congestion in the roundabout operation and traffic cannot lock up in a roundabout because for vehicles to enter the circle there has to be sufficient gaps in the circulating traffic.

Traffic can enter the circle now at a relatively high speed, especially if they are essentially driving straight through the circle as their path is only slightly deflected by the current circle. In a roundabout operation, all traffic approaching the circle is required to slow down and yield at entry into the traffic circle.

The proposed plan completes all the splitter islands that shorten the crossing distance for pedestrians and allow them to cross one direction at a time. This plan creates crosswalks around the entire circumference of the circle. Slower traffic will also benefit pedestrians and cyclists.

Councilmember Aleshire stated people will not notice the change unless the circle is raised. He is in favor of improvements, but not at the expense of additional accidents because of the changes.

Mr. Tissue stated there would be some sort of texture treatment to alert drivers to the circle. The traffic analysis indicates the radius will accommodate cars and buses but not tractor trailers.

Councilmember Munson asked how much the change will cost. Mr. Tissue stated the milling and paving have to be done whether the traffic pattern is changed or not. There is not really an additional cost. If the road bed is raised, there would be additional costs to move the inlets.

Councilmember Brubaker stated the Planning Commission recommended installing signs notifying drivers of the traffic change. They recommended leaving the signs in place for one year.

Mr. Tissue discussed other traffic improvements at Park Circle as a result of changing the traffic pattern. The large entrance to the Park Circle Animal Hospital would be closed, and two smaller entrances would be created. This would provide the veterinarians' office with two more parking spaces.

It was the general consensus to approve the contract to Huntzberry for the pavement reduction, stormwater management, and island construction; 2) authorize adding the milling, paving and a decorative apron markings by Change Order to the previously awarded, competitively bid, 2014 Pavement Preservation: Contract with Craig Paving; and 3) authorize staff to convert Park Circle to a standard roundabout operation.

Update on Catalyst Project #1 – Developer/Partner for Office Development and Recruitment Project

Jill Frick, Economic Development Manager, and Kathleen Maher, Planning Director, were present to provide an update on the current status of the Office Development and Recruitment Project.

Don Bowman and Rob Ferree, of Bowman Development, were present also.

The City posted the Request for Qualifications for Developer/Partner for Office Development and Recruitment in December, 2014. The deadline for submissions was March 1, 2015. The City was very pleased to receive one submission response from Bowman Development. Staff met with Mr. Bowman and Mr. Ferree in mid-March to review their submission and their interest in a partnership. A series of additional meetings have taken place to prepare recommendations for next steps.

The following provides an outline of key components of the project and recommended next steps.

Exploratory Phase

1. Site Analysis – City to provide information if available and explore the ability to provide a level of site analysis to determine that the site is suitable for construction.
2. Identification of Incentives – Bowman Development and the City will identify and review City, County and State incentive programs that may support the project.
3. Cost Outline of the Project – Bowman Development to develop a cost outline of the project to include the effect of incentives and the estimated rental rates. The pro forma provided by Urban Partners will be used as a guide.

The two goals of this phase of the project are to determine that the site is suitable for the construction of the proposed building; and the projected cost outline and incentive impact analysis supports that the building can be leased at rates that will attract tenants.

After these determinations, Bowman Development, in partnership with the City, would be willing to move forward with a series of additional pre-development phase next steps.

Pre-Development Phase

1. Design Concepts and Building Plans – Bowman Development would engage a design professional to assist with development of design concepts and building plans beyond the concepts that have been created to date.
2. Plan and Permit Approval – Bowman Development would like to gain a building plan, site plan, and Historic District Commission approvals for the new building prior to or simultaneously with the tenant recruitment phase, so prospective tenants will gain certainty about the quality and nature of the development and the speed at which construction can begin.
3. Engagement of Broker/Leasing Consultant – Bowman Development would like to explore engaging a broker/leasing consult to assist with attracting tenants for the property.
4. Memorandum of Understanding and Development Partnership Agreement – For the pre-development phase of the project, the relationship between the City and Bowman Development could be established through a Memorandum of Understanding. At the development stage of the project, a Development Partnership Agreement based on the original Request for Qualifications would be executed between Bowman Development and the City.

The goal of this project is to position the City to compete with Class A office space. This project will accommodate new office space, as well as the use of the Central Lot for community events.

Mayor Gysberts thanked Mr. Bowman for his interest in downtown. He hopes the Council endorses this continuing work.

Councilmen Brubaker wants to have a major tenant that is stable that would bring something to downtown that isn't there now. He does not want to have general office building professional tenants. The tenant could be a satellite operation in Hagerstown from a company in Baltimore or somewhere similar.

Councilmember Munson agreed the tenant has to be a stable one, with a good plan.

Mr. Ferree agreed the tenant is the key to the success of the project. They will be discussing the project with brokers from outside the area in order to highlight the amenities that are available.

Mayor Gysberts thinks this project would be ideal for a CRIZ project.

Councilmember Munson thanked Mr. Bowman, He asked is vehicles would be able to enter the parking lot from Potomac Street. Mr. Bowman said the construction would not affect traffic to the back of this location. The area between the Elizabeth Hager Center and a new building would be a pedestrian walk.

It was the general consensus to move forward with the next steps as presented.

A five minute break was taken.

70TH SPECIAL SESSION – May 19, 2015

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to meet in Special Session at 5:44 p.m.

Introduction of an Ordinance: FY 2015/16 Tax Rate

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 introduce an ordinance to establish the City's tax rates for the fiscal year July 1, 2015 through June 30, 2016 on the basis of \$0.913 per \$100 of assessed value of all real property and \$2.283 per \$100 of assessed value of all business personal property within the City of Hagerstown. These rates reflect an increase of \$0.015 per \$100 for real property and \$0.038 per \$100 for business personal property over the current year.

Discussion: Councilmember Munson pointed out when the budget process began, there was an anticipated 5 cent tax rate increase. The proposed increase is now at 1.5 cents.

Councilmember Metzner noted the combined City and County tax rate is less than it was 10 years ago.

Introduction of an Ordinance: Budget FY 2015-2016

Action: 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 introduce an ordinance to adopt the

City's budget for fiscal year July 1, 2015 through June 30, 2016 in the total amount of \$ 125,922,673.

Discussion: Councilmember Brubaker stated this has been a good budget process and a lot of time was spent reviewing it to find ways to reduce expenses.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember L. C. Metzner congratulated all the people who worked on the Memorial Park event. The event was well planned. Memorial Park is a truly educational place.

Councilmember P. M. Nigh mentioned she is seeing more people on dirt bikes. She is concerned about an event near Longmeadow that may cause parking issues and other issues. She has been asked why the City is pursuing having a City liquor board.

Mayor Gysberts stated a City liquor board would consider what is best for the City, including the economic development component. State seating requirements are not beneficial for smaller establishments.

Councilmember D. F. Munson agreed with Councilmember Metzner regarding Memorial Park. This event was one of the finest ceremonies he has attended. Memorial Park is a great addition for Hagerstown.

Councilmember K. B. Aleshire thanked What's NXT for their idea for a slide event. He thanked Mr. Tissue for his efforts to place sidewalks on Burhans Boulevard to the west end.

Councilmember M. E. Brubaker is concerned that more motorized play type vehicles are being operated in a reckless manner. He expressed his regrets that he was unable to attend the Memorial Park event.

Mayor D. S. Gysberts agreed the Memorial Park event was special. The Jacob Wheaton family had 20 members in attendance. Descendants of Jonathan Hager also attended. He thanked Mr. Zimmerman for cultivating the seed for the park. He also thanked Mr. Tissue and Junior Mason for their contributions to the park and the event. He attended the opening of Delegate Brett Wilson's office this week. The Discovery Station held an anniversary event. There are two events being held on May 23, 2015 – Day of Hope at Wheaton Park and Hagerstown Hopes at Doubs Woods Park. He congratulated the USMH graduates.

There being no further business to come before the Mayor and Council during this Work Session, the meeting was adjourned at 5:59 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: June 23, 2015