

**81<sup>ST</sup> REGULAR SESSION – November 24, 2015**

**Mayor D. S. Gysberts called this 81<sup>st</sup> Session of the Mayor and City Council to order at 7:06 p.m., Tuesday, November 24, 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 Valerie Means, City Attorney Mark Boyer, and Donna K. Spickler, City Clerk.**

The invocation was offered by Councilmember Penny M. Nigh. The Pledge of Allegiance was then recited.

Mayor Gysberts announced the Rules of Procedure for this meeting will be followed as adopted September 24, 2013. It was announced that the use of cell phones during meetings is restricted and that all correspondence for distribution to elected officials should be provided to the City Clerk and should include a copy for the City Clerk for inclusion in the official record.

The next scheduled meetings are: Work Sessions at 4:00 p.m. on Tuesday, December 1, 2015, and Tuesday, December 8, 2015, and the Regular Session at 7:00 p.m. on Tuesday, December 15, 2015.

**GUESTS**

**Proclamation: Small Business Saturday**

Mayor Gysberts read a proclamation naming Saturday, November 28, 2015 as Small Business Saturday. Small Business Saturday encourages people to shop at small businesses. Jill Frick, Director of Community and Economic Development, accepted the proclamation.

**CITIZEN COMMENTS**

Michael Byers, owner of Byers' Stop and Go, 152 N. Burhans Boulevard, Hagerstown, Maryland, has received letters from the City of Hagerstown about complaints at his store. He would like to discuss the letters with the Mayor and City Council to determine what can be done to improve the situation. He provided contact information to the City Clerk.

Mayor Gysberts indicated he is willing to meet with Mr. Byers. Councilmember Metzner encouraged Mr. Byers to contact any of the Councilmembers as well.

**CITY ADMINISTRATOR COMMENTS**

*Valerie Means, City Administrator*, wished everyone a Happy Thanksgiving. She also reminded residents that trash pick ups scheduled for Wednesday or Thursday of this week will be delayed one day.

**MAYOR AND COUNCIL COMMENTS**

*Councilmember K. B. Aleshire* received inquires about the status of lights at the BMX track. Staff will check into this.

*Councilmember M. E. Brubaker* attended the 130<sup>th</sup> Anniversary Celebration of John Wesley United Methodist Church on November 22, 2015, along with Councilmember Nigh. The service was moving. The Washington County Community Coalition is supportive of the Community Revitalization Improvement Zone (CRIZ) legislation. There is not a copy of the legislation prepared at this time. The Washington County Delegation presented their priorities at the Washington County Municipal League meeting on November 23, 2015.

*Councilmember L. C. Metzner* wished everyone a Happy Thanksgiving.

*Councilmember D. F. Munson* congratulated David Engle, Director of Social Services, on his recent retirement. Mr. Engle has been serving the community with Social Services for 41 years. He wished everyone a Happy Thanksgiving.

*Councilmember P. M. Nigh* had no additional comments.

*Mayor D. S. Gysberts* thanked Councilmember Brubaker and Councilmember Nigh for representing the City at the John Wesley United Methodist Church anniversary celebration. He also thanked Councilmember Aleshire and his family for lighting the tree in the square. He thanked Acting Police Chief Paul Kifer for his efforts with the juvenile call in program. It is good to see the connection the police department is making with youth in the community. The Robert W. Johnson Community Center and the Antietam Academy also hosted call in events. New trash and recycling containers are being distributed. The next Pop-Up Shop event will be held December 12 and 13, 2015. Registration for the annual Hub City 100 Miler opens on November 27, 2015. He thanked the organizations involved in this initiative for a healthier community. He wished everyone a Happy Thanksgiving.

**MINUTES**

On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve the minutes, as presented, for the Mayor and Council meetings held on October 6, 2015, October 13, 2015, and October 20, 2015.

**CONSENT AGENDA**

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember D. F. Munson, the Consent Agenda was approved as follows:

- A. Department of Community and Economic Development
  - 1. Western Maryland BluesFest – 2016 Budget
  
- B. Fire Department:
  - 1. Annual Uniform Purchase – BJ’s Custom Creations (Hagerstown, MD)  
\$ 34,200.00
  
- C. Parks and Engineering:
  - 1. Playground Equipment – 4 Deck Modular Play System – Miracle Recreation (Dallas, TX) \$ 20,024.00

**UNFINISHED BUSINESS**

**A. Approval of an Ordinance: Amendments to the City of Hagerstown Police And Fire Employees’ Retirement Plan**

**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 an ordinance to amend the City of Hagerstown Police & Fire Employees’ Retirement Plan in order to reflect changes in the Heroes Earnings Assistance and Relief Tax Act of 2008 (HEART Act). This amendment addresses special benefits for qualified military service.

**B. Approval of an Ordinance: To Amend the Code of the City of Hagerstown Chapter 64, Building Construction, To Update and Correct a Reference to the Applicable International Energy Conservation Code**

**Action:** On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance to amend Chapter 64, Building Construction, of the City Code to update and correct all references to the applicable International Energy Conservation Code to reference the 2015 Edition to comply with the State of Maryland Building Performance Standards and the requirements therein. This code will become effective for building permit applications received after December 25, 2015.

**NEW BUSINESS**

**A. Approval of a Resolution: Memorandum of Understanding with Washington County Child Advocacy Center**

**Action:** On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to approve a resolution approving a

Memorandum of Understanding (MOU) between the City of Hagerstown and The Washington County Child Advocacy Center (CAC).

The CAC provides services to the children of Washington County who are victims of sexual or serious physical abuse. The Hagerstown Police Department assigns a detective to this facility to handle City cases.

This MOU is consistent with current practices in this area.

**B. Approval of a Resolution: Lease Agreement with Alevo Energy Storage Systems at Fairground Substation**

**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 a resolution approving a lease agreement with ESS Fairgrounds Project, LLC for the purpose of the installation of an Energy Storage System located at the Hagerstown Light Department's Fairground Substation. The initial term of the agreement is 10 years and contains provisions for 2 five year extensions if mutually agreed upon. The Hagerstown Light Department shall receive \$ 2,000.00 per month for the term of the agreement.

Discussion: Councilmember Munson noted this project will have a positive impact on the economic future of Hagerstown.

**C. Approval of a Resolution: Tax Exemption for Alevo Energy Storage Systems at Fairground Substation**

**Action:** On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to approve a resolution which will provide a limited tax exemption to the applicable City Personal Property Tax due from ESS Fairground Project, LLC in connection with the project for a period of five years.

**D. Approval of a Resolution: Lease Agreement with Alevo Energy Storage Systems at Wesel Substation**

**Action:** 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 approve a resolution approving a lease agreement with ESS Wesel Project, LLC for the purpose of the installation of an Energy Storage System located at the Hagerstown Light Department's Wesel Substation. The initial term of the agreement is 10 years and contains provisions for 2 five year extensions if mutually agreed

upon. The Hagerstown Light Department shall receive \$ 3,000.00 per month for the term of the agreement.

**E. Approval of a Resolution: Tax Exemption for Alevo Energy Storage Systems at Wesel Substation**

**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 approve a resolution which will provide a limited tax exemption to the applicable City Personal Property Tax due from ESS Wesel Project, LLC in connection with the Project for a period of five years.

Discussion: Councilmember Munson pointed out the storage system projects have the potential to bring 35 jobs to the community. He thanked staff for their efforts with these projects.

**F. Approval of Bulk Road Salt Purchase – Mid-Atlantic Salt, LLC (Narbeth, PA) Budget \$ 123,000.00 (\$ 73.90 per ton)**

**Action:** On a motion duly made by Councilmember P. M. Nigh and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to approve the bulk road salt purchase for City operations from Mid-Atlantic Salt, LLC. The bid price is \$ 73.90 per ton. The budget estimate for this expense is \$ 123,000. The contract was competitively bid by the Washington County Government to obtain a better bulk rate for Washington County Government and the City of Hagerstown.

Discussion: Mayor Gysberts pointed out the jointly issued request for bids on the agenda today are good examples of the City and County working together for the good of taxpayers.

**G. Approval of Bulk Diesel Fuel Purchase – Cato, Inc. (Salisbury, MD) \$ 187,581.00 (\$ 1.5425 per gallon)**

**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 approve the purchase of the bulk diesel fuel purchase for City operations from Cato, Inc. The bid price is \$ 1.5425 per gallon. The estimated annual cost of diesel fuel is \$ 187,581 based on an estimated annual use of 100,000 gallons. The contract was competitively bid by the Washington County Government to obtain a better bulk rate for Washington County Government, the Board of Education, and the City of Hagerstown.

**H. Approval of Bulk Gasoline Purchase – Mansfield Oil Co. (Gainesville, GA)  
\$ 244,107.00 (\$ 1.4691 per gallon)**

**Action:** On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve the purchase of bulk gasoline for City operations from Mansfield Oil Co. The estimated annual cost of gasoline is \$ 244,107 based on an estimated annual use of 136,000 gallons. The contract was competitively bid by the Washington County Government to obtain a better bulk rate for Washington County Government, the Board of Education, and the City of Hagerstown.

**I. Approval of Utilities Bulk Chemical Purchases – Wastewater Division  
\$ 583,196.00 (multiple vendors) and Water Division \$ 660,335.00 (multiple vendors)**

**Action:** On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve the expenditure of \$ 583,196.00 of Wastewater Division funds and the expenditure of \$ 660,335.00 of Water Division funds for the purchase of bulk chemicals. This approval is based on the unit cost of each chemical and the estimated quantities. The actual cost will be determined by actual chemicals purchased and could be more or less than the totals stated herein. The purchases will occur in the second half of Fiscal Year 16 and the first half of Fiscal Year 17. The chemicals, which are used in the treatment processes employed by the Divisions, were bid through the City/County joint bidding process utilizing County Bid PUR-1296.

**J. Approval of Purchase of Light Department Bucket Truck – Altec Industries, Inc. (Plains, PA) \$ 225,673.00**

**Action:** On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve the purchase of a 60 foot Reach Height Material Handling Bucket Truck mounted on a 2017 Freightliner M20106 Chassis from Altec Industries, Inc., Plains, PA in the amount of \$ 225,673.00. Account #5085001-5840-C0090 has \$ 250,000 budgeted in FY16.

**K. Approval of Payment to Blackwell 2, LLC for USMH Student Housing  
Project: Catalyst Project 3**

**Action:** On a motion duly made by Councilmember P. M. Nigh and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to authorize a payment of \$ 100,000 to Blackwell 2, LLC, as stipulated by the development agreement for completion of the

USMH Student Housing project at 100 N. Potomac Street. The payment will consist of \$10,547 from the economic redevelopment fund and \$ 89,453 from proceeds of the 11-16 Public Square sale held within the property management fund. This is the first model student housing project under Catalyst Project #3 – USMH Expansion Support.

Discussion: Councilmember Munson stated this project is a great step forward for Hagerstown. He noted the Mayor and Council and staff have worked hard on this project.

#### **L. Approval of Acceptance of Community Oriented Policing Services (COPS) Hiring Grant**

**Action:** On a motion duly made by Councilmember P. M. Nigh and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve of the grant award for the police department from the Department of Justice’s Community Oriented Policing Services (COPS) Hiring Program. The City’s portion of the matching grant is estimated to be \$ 239,461.51 spread over a three year period, along with a one year retention requirement of an estimated \$ 258,536.91 for the fourth year. This grant would allow for the increase of four police officers, raising the sworn strength of the police department from 108 to 112 officers in the current fiscal year.

It is estimated that the four year cost to the city for four officers will be \$ 497,998.42.

Discussion: Councilmember Aleshire pointed out this is the third action approved by the Mayor and City Council during this meeting in support of public safety personnel. The fire department uniform purchase honors the contract obligations. The retirement plan enhancements honors employees’ service here and away. The third is answering the requests for more police officers. These indicate the Mayor and Council meet their obligations.

Councilmember Munson agreed and he thanked Acting Police Chief Kifer for his efforts. Additional police officers and other programs will help reduce crime in neighborhoods.

Councilmember Metzner noted the grant for additional offices is for the Community Oriented Policing program. The Hagerstown police officers interact with citizens and treat them with respect. He thanked the Hagerstown Police Department for being professional in their duties.

Councilmember M. E. Brubaker has heard people ask how the Mayor could say it is safe to be downtown when more officers are being

considered. The violent crime rate in Hagerstown is comparable to other similar sized jurisdictions. He hopes the perception that Hagerstown is not safe can be reversed. Hagerstown is as safe as Frederick or Annapolis.

Councilmember Nigh noted not all officers working a shift are on the street. The numbers include detectives and task force members. There are typically about six officers on the street during a shift.

Councilmember Munson mentioned a private company produced a positive video about how good downtown Hagerstown is. The City did not ask them to make the video. He reminded everyone how important the academic hub is for downtown and the students downtown. In the near future, he expects the County will be facing the possibility of spending \$ 115 million for a new school. If the County Commissioners see the value of the academic hub, that cost could be delayed for at least 10 years. It is important for citizens to understand that by supporting an educational hub downtown, spending can be delayed for a long time.

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 7:47 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: December 15, 2015