

74<sup>TH</sup> REGULAR SESSION AND EXECUTIVE SESSION – July 28, 2015

EXECUTIVE SESSION – July 28, 2015

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 meet in closed session to consult with counsel to obtain legal advice, #7 (Section 10-508(a)), on Tuesday, July 28, 2015 at 6:00 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 L. C. Metzner, Councilmember D. F. Munson, Councilmember P. M. Nigh, City Administrator Valerie Means, Michael Spiker, Director of Utilities, and Mark Boyer, City Attorney. The meeting was held to consult with legal counsel regarding the MELP property. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the executive session was adjourned at 6:25 p.m.

74<sup>TH</sup> REGULAR SESSION – July 28, 2015

**Mayor D. S. Gysberts called this 74<sup>th</sup> Session of the Mayor and City Council to order at 7:00 p.m., Tuesday, July 28, 2015, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, L. C. Metzner, D. F. Munson, and P. M. Nigh; City Administrator Valerie Means, and City Attorney Mark Boyer. Councilmember M. E. Brubaker was not present.**

The invocation was offered by Mayor David S. Gysberts. 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: Special Session beginning at 3:00 p.m., followed by a Work Session at 3:30 p.m. on Tuesday, August 4, 2015, a Work Session beginning at 4:00 p.m. on Tuesday, August 18, 2015, and the Regular Session at 7:00 p.m. on Tuesday, August 25, 2015. There is no meeting scheduled for Tuesday, August 11, 2015.

**GUESTS**

Mayor Gysberts introduced Steven Lohr, Hagerstown Fire Chief, to the group.

**CITIZEN COMMENTS**

Patrick Prudhomme, 136 N. Mulberry Street, Hagerstown, Maryland, is concerned about the amount of weeds in the sidewalk. He was told by someone in the Code

Compliance office that regulations for weeds are not enforced from April to August. He noted there is a \$ 200.00 fine for not keeping weeds under control. He wondered why there are several inspectors if the regulations are not being enforced.

Mayor Gysberts thanked Mr. Prudhomme for attending the meeting. Staff will follow up on this information. He noted this problem is in many locations throughout the City.

Brian Geente, 136 N. Mulberry Street, is interested in local government and plans to get involved in the community.

Naki Friersch, 667 Pennsylvania Avenue, Hagerstown, Maryland, is concerned about the property at 661/663 Pennsylvania Avenue, which has been abandoned for an extended period of time. Her aunt, Senator Joanne Benson, is also concerned about the property. This property is a blight on the neighborhood and is a safety concern. The neighbors want action to remedy the situation.

Mayor Gysberts stated the key to alleviating problems like this is having codes and the funds to take abatement action on properties such as this.

James Devine, Hagerstown, Maryland, asked what the City does to help the homeless. He wondered where homeless people are supposed to stay. He feels the City should provide a shelter in the community. He approached the County and asked who the lead person is for the speed cameras. He is concerned the cameras are not in the best locations.

Mayor Gysberts noted the speed cameras are operated by the City of Hagerstown. The Chief of Police is the point person.

Mr. Devine thinks there should be a county-wide point person in order to evaluate where cameras are located.

Councilmember Aleshire stated the law requires each jurisdiction to designate an administrator and a designated enforcement officer. It does not specify that each county gets one person.

Mr. Devine stated there are too many vacant buildings in Hagerstown.

Councilmember Nigh tasked Mr. Devine to find out what community the homeless people are coming from. The City is being overwhelmed by the number of people coming to Hagerstown.

Janet Bartels, 139 S. Mulberry Street, Hagerstown, Maryland, is concerned about neighborhoods in Hagerstown. The neighborhoods are distressed. The County, the schools, and the City need to work together to help the children. The poverty rate in her neighborhood is more than 80%. She does not think the A & E Trail is not dovetailing with the businesses and will not be beneficial.

Mr. Geete spoke about a house on East Street with a collapsed wall that was repaired. The work was done very well.

**MAYOR AND COUNCIL COMMENTS**

*Councilmember P. M. Nigh* asked that weeds on Pennsylvania Avenue be checked. She reminded people that grass clippings are to be cleaned up and not blown into the street.

*Councilmember D. F. Munson* agreed with Councilmember Nigh. The City has a responsibility for taking care of the weeds and it should be done. He attended several events this past weekend, including the Music by the Lake series and the Municipal Band concert.

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

*Councilmember K. B. Aleshire* mentioned the water in the fountain at University Plaza needs to be cleaned. He provided information to the Council about how the City of Frederick is abating nuisances at properties and placing liens on the properties. He thinks the City should abate the properties and demolish the buildings to alleviate the devaluing of neighborhoods. He is aware there is another proposal for the educational hub. He hopes the Mayor and Council are not drawn into any debate regarding which proposal is better. He thinks both proposals can be completed to address the demand for more space. He mentioned several medians and islands need to be trimmed.

Councilmember Nigh wondered why the trimming is not being maintained now.

*Mayor D. S. Gysberts* thanked the Korean Veterans for organizing a remembrance event. He welcomed Acela to Hagerstown.

**CITY ADMINISTRATOR COMMENTS**

*Valerie Means, City Administrator*, had no additional comments.

**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 of all members present to approve the minutes, as presented, for the Mayor and Council meetings held on June 2, 2015, June 9, 2015, June 16, 2015, and June 23, 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. Application Permit for Downtown Summer Slide Festival – August 29, 2015, Maryland Theatre at University Plaza
  - 2. Application Permit for Augustoberfest – August 22, 2015 and August 23, 2015, Augustoberfest Charitable Foundation, Inc. at Central Parking Lot
- B. Parks and Engineering:
  - 1. Replacement of Alley 3-36 and 5-11 – Huntzberry Brothers, Inc. (Smithsburg, MD) \$ 88,992.00
- C. Public Works:
  - 1. Purchase of Two Trucks to Replace Trucks No. 03 and 45 – Hertich Fleet Services, Inc. (Denton, MD) \$ 44,407.00
  - 2. City Hall Observation Tower Painting – Earn Contractors (Gaithersburg, MD) \$ 46,500.00
- D. Police Department:
  - 1. Purchase of Two Unmarked 2016 Ford Interceptor Police Utility – Brekford (Hanover, MD) \$ 66,347.00
  - 2. Purchase of Marked 2016 Ford Interceptor Police Utility – Brekford (Hanover, MD) \$ 36,162.50
  - 3. Approval of Keystone Software Maintenance for the HPD Police Mobile – Keystone Public Safety, Inc. (Maple Shade, NJ) \$ 39,789.00
  - 4. Approval of Keystone Software Maintenance for the HPD Records Management System – Keystone Public Safety, Inc. (Maple Shade, NJ) \$ 36,381.00
- E. Department of Utilities:
  - 1. Purchase of Chemicals Poly-Orthophosphate -Shannon Chemical Corporation (Exton, PA) \$ 58,440.00

### **UNFINISHED BUSINESS**

#### **A. Approval of an Ordinance: Acceptance of Land from State Highway Administration at 1481 Salem Avenue**

**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 of all members present to approve an ordinance authorizing the transfer of 0.59 acres of land from the State Highway Administration (SHA) to the City of Hagerstown. The Ordinance authorizes the Mayor and staff to execute the “Road Transfer Agreement” with SHA, and further authorizes the transfer of a portion of the land adjacent to the street to the neighboring property owner as it is not needed for a public purpose.

**NEW BUSINESS**

**A. Introduction of an Ordinance: Repeal Chapter 183, Nuisance – Unattended Donation Containers**

**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 of all members present to introduce an ordinance to repeal Chapter 183, Nuisance – Unattended Donation Containers, of the Code of the City of Hagerstown. This chapter will be replaced with Chapter 89, Donation Bins, which will regulate the location of bins in the City rather than ban the bins, as recommended by the City Attorney.

Discussion: Councilmember Munson will vote for this ordinance, but with reservation because a judge determined these bins are an expression of free speech. Because of the accumulation of the trash around the bins, the City has to pass this action to address the safety and cleanliness of the City, while having to deal with free speech rights.

**B. Introduction of an Ordinance: Add Chapter 89, Donation Bins**

**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 of all members present to introduce an ordinance to add Chapter 89, Donation Bins, to the Code of the City of Hagerstown. As recommended by the City Attorney, this chapter will replace Chapter 183, Nuisance – Unattended Donation Containers, which banned the bins in the city. Chapter 89 sets up the conditions upon which unattended donation bins may be located within the city and provides clear measures to address nuisance conditions if they arise.

**C. Introduction of an Ordinance: Transfer of Land at City Park**

**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 of all members present to introduce an ordinance authorizing the transfer of 0.04 acres of land from the City of Hagerstown to Byers Commercial Properties, LLC. The land is no longer needed for a public purpose and the Park Circle Animal Hospital will use the property to expand their parking.

**D. Approval of a Contract: Stormwater Retrofit Facilities – Snyder Environmental Services, Inc. (Kearneysville, WV) \$ 504,051.50**

**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 of all members present to award Contract 15-SW-23 for the construction of two stormwater retrofit facilities; one will be located adjacent to “The Barn” at the Wastewater Treatment Plant, and one on the edge of Hager Park to Snyder Environmental Services, Inc. of Kearneysville, WV in the amount of \$ 504,051.50. Funding for this project shall be \$ 500,000 from the Chesapeake & Atlantic Coastal Bays Trust Fund and \$ 100,000 from prior City Bond Proceeds.

**E. Approval of a Contract: Art Consulting Services for A & E Trail – Cochran Studio (Frederick, MD) \$ 37,960.00**

**Action:** Councilmember D. F. Munson made a motion to approve a contract with Cochran Studio for \$ 37,960 to engage the public on desired art, develop master plan of art along the trail, manage a “call for artists”, oversee fabrication and installation of the initial art, and assist staff in grant writing to fund future phases of art.

In the event the land acquisitions for the trail are not completed to the satisfaction of the City, this contract can be terminated.

Councilmember L. C. Metzner seconded the motion.

Discussion: Councilmember Aleshire asked if there is a better feeling about the land acquisition from the Herald Mail than there was last week. Mayor Gysberts indicated there is a meeting scheduled with representatives from the Herald Mail in early September.

Mr. Tissue stated staff’s thought is to begin the contract with a consultant now so the artwork could be ready when the trail is ready for construction. The call for artists and the fabrication would not occur until land acquisition occurs.

Mayor Gysberts pointed out the trail is an investment in infrastructure, particularly focused on arts and entertainment that creates an art link from the A & E District downtown with the City Park. Hopefully it is the beginning of the transformation of the neighborhood bordered by Potomac and Prospect Street. That is the goal expressed in the Community City Center Plan.

Councilmember Aleshire expressed his frustration that the Herald Mail has not been receptive to discussing the needed land acquisition through their property.

Motion carried, 3-1 with Councilmember P. M. Nigh voting No.

**F. Approval of a Resolution: Neighborhood Business Works Program  
Resolution for DHC Loan to RAW, LLC**

**Action:** On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote of all members present to adopt a resolution indicating support of the Maryland Department of Housing and Community Development's Neighborhood Business Works program to finance a loan in the amount of \$ 80,000 to RAW, LLC. This loan will allow RAW, LLC to purchase property located at 134 West Washington Street, Hagerstown, where they will operate a law firm and create three jobs in the downtown.

Discussion: Councilmember Aleshire noted this funding is pass through funding from the State of Maryland.

**G. Approval of a Resolution: Neighborhood Business Works Program  
Resolution for DHCD Loan to Harbin & Gibson, LLC**

**Action:** On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote of all members present to adopt a resolution indicating support of the Maryland Department of Housing and Community Development's Neighborhood Business Works program to finance a loan in the amount of \$ 62,000 to Harbin & Gibson, LLC. This single loan will allow Harbin & Gibson, LLC to pay off previous loans for the renovation and purchase of property located at 111 North Potomac Street, Hagerstown, where they will operate a law firm and retain three jobs in the downtown.

**H. Approval of City Funding Support for Washington County Library Public Art**

**Action:** Councilmember D. F. Munson made a motion to approve of \$ 5,000 in City funding support for the Washington County Library Public Art as requested. This funding will be provided as the City's continued support of public art within the community and A & E District. The source of the City's funding will be from the approved FY16 Capital Improvement budget in project C0868 Public Art.

Councilmember L. C. Metzner seconded the motion.

Discussion: Councilmember Munson thanked Councilmember Brubaker for determining where the funding source could be for this support. There will be a dedicatory plaque, with a statement from the sculptor, listing the contributors.

Mayor Gysberts noted Councilmember Brubaker would have approved this motion had he been in attendance.

Motion carried 3-1, with Councilmember K. B. Aleshire voting No.

**I. Approval of U.S. Department of Homeland Security Grant**

**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 acceptance of the terms and conditions of the Grant awarded by the U.S. Department of Homeland Security to purchase 65 sets of personal protective equipment turnout gear). The award amount is \$ 169,000.00. The Federal share is \$ 153,637.00. The City's share is \$ 15,363.00. The City's funding portion will be from the approved FY 16 General Fund.

**J. Approval of Liability & Property Insurance for Fiscal 2016 – Local Government Insurance Trust (Hanover, MD) \$ 414,441.00**

**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 of all members present to approve the Fiscal 2016 renewal of coverage with the Local Government Insurance Trust (LGIT) for liability and property insurance in the amount of \$ 414,441.

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 8:05 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler, City Clerk  
From the video

Approved: September 29, 2015