

**92<sup>ND</sup> REGULAR SESSION – May 24, 2016**

**Mayor D. S. Gysberts called this 92<sup>nd</sup> Session of the Mayor and City Council to order at 7:06 p.m., Tuesday, May 24, 2016, 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 Jason Morton, and Donna K. Spickler, City Clerk.**

Cameran Rith was selected the District 8 winner for MML’s “If I Were Mayor...” essay contest. Dominic Sierra was a finalist. They are both 4<sup>th</sup> grade students at Eastern Elementary in Ms. Houpt’s class. Both Cameran and Dominic assisted in opening the Mayor and City Council meeting.

The invocation was offered by Councilmember P. 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, June 7, 2016, Tuesday, June 14, 2016, and the Regular Session at 7:00 p.m. on Tuesday, June 21, 2016. No meeting is scheduled for Tuesday, June 28, 2016.

**APPOINTMENTS**

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 appoint the following people to the Bicycle Advisory Committee:

- Joyce Martin, Term to Expire June 1, 2018
- Mike Mittel, Term to Expire June 1, 2018
- Richard Cushwa, Term to Expire June 1, 2018
- Jennifer Fettig, Term to Expire June 1, 2018

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 appoint the following people to the Planning Commission:

- Ronald Thomas, Term to Expire May 1, 2021
- Douglas Wright, Term to Expire May 1, 2021

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 appoint Gordon Poffenberger to the Board of Code Appeals, with a term to expire June 1, 2020.

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 appoint the following people to the Historic District Commission:

Tracy Carr-Kretzer, Term to Expire June 30, 2019  
Samantha Jo Taylor, Term to Expire June 30, 2019

On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed to recommend appointment of Michael Fitzgerald to the Hagerstown/Washington County Economic Development Commission.

### **GUESTS**

Emma Kanfield was recognized as the winner of this year's Children's Art Competition for the 2016 Western Maryland Blues Fest. Emma is a 7<sup>th</sup> grade student at Boonsboro Middle School. Thirty four students submitted artwork for this contest. The artwork for the winner, runner-up, and 15 honorable mentions will be on display at the Washington County Arts Council.

### **CITIZEN COMMENTS**

There were no Citizen Comments.

### **PUBLIC HEARINGS**

#### **Local Conversion Overlay – 400 Jonathan Street**

This public hearing is being postponed until June 21, 2016

#### **Annexation: Stormwater Parcel LLC, 250 Eastern Boulevard**

Alex Rohrbaugh, Planner, stated this public hearing is being held to receive testimony for the proposed annexation of Stormwater Parcel LLC, 250 Eastern Boulevard N. The proposed annexation was introduced on April 19, 2016. The Annexation Plan was also adopted at that time.

The subject property is located just south of the Ewing Oil property along Eastern Boulevard North. The property is also located just north of the Stone Soup LLC medical office building (former Food Lion) that was annexed by the City in 2011.

The property was originally developed as a stormwater management facility in the 1990s that serves the former Food Lion property to the south. When the Light Business Park was developed to the east, stormwater management for the former Food Lion was diverted from the property in question to the stormwater facility in the Light Business Park on Cameo Drive. Because it is no longer a functioning facility, the owner, Stormwater Parcel LLC (David Lyles Builders) wishes to re-grade and fill the property so

that it could be developed for future commercial activity. Because the property is contiguous to the city limits and will need to annex in the future to acquire city water, the owner has requested annexation of the property now so that he can get it ready for development in the future. While the owner has no specific building plans at this time, he has expressed a desire in developing the property for a restaurant use.

The total area of annexation is approximately 1.03 acres. The property is zoned BG (Business General) in the County, and if annexed, the property would be zoned CG (Commercial General). The zoning classifications are consistent with one another; therefore, no express approval of a zoning change is required from the County Commissioners. The Land Use plan in the 2002 Washington County Comprehensive Plan identifies Commercial for the property. The Future Land Use Plan in the City's 2008 Comprehensive Plan identifies this area as Business-Employment.

As required by State Law, there were two published notices advertising the annexation hearing at no less than weekly intervals. The Annexation Plan was provided to the appropriate County, Regional, and State Planning Agencies, at least 30 days prior to the Public Hearing. After the Public Hearing, the Mayor and Council may pass or reject the annexation resolution. If the resolution is passed the annexation becomes effective in forty-five (45) days.

Mr. Rohrbaugh entered the following Exhibits into the record:

1. Exhibit 1 – Certificate of Advertisement
2. Exhibit 2 – Planning File by Reference

Councilmember Brubaker noted annexing this property will increase the tax base.

Mayor Gysberts thanked the developer for the creative use for an unused and ugly space.

There was no testimony, either in favor of or against, the annexation presented.

The record will be kept open for 30 days for additional comments.

### **CITY ADMINISTRATOR COMMENTS**

*Valerie Means, City Administrator*, thanked everyone involved who helped make the 2016 Blues Fest a success.

### **MAYOR AND COUNCIL COMMENTS**

*Councilmember K. B. Aleshire* had no additional comments.

*Councilmember M. E. Brubaker* reported the City's Bicycle plan was discussed at the Metropolitan Planning Organization (MPO) meeting recently. He encouraged Councilmembers to participate in this organization after his membership ends. The

MML Legislative Committee reviewed the actions taken during the General Assembly session. The bill submitted for a City Revitalization Improvement Zone (CRIZ) was not approved; however it was reviewed and will be presented again next session. The widening of I-81 will be a boost for economic development in this area. The Highway User Revenue (HUR) funds have not been fully restored. MML had sponsors introduce a bill for a formula for the HUR that is sensible and restored full funding in graduated amounts by 2020. The bill was well received but was not approved.

Mayor Gysberts thanked Councilmember Brubaker for his commitment to the MPO and for serving as the Chairman and to the MML Legislative Committee. He provides significant institutional knowledge and professionalism to both groups. He has represented Hagerstown well over the years and will be missed.

*Councilmember L. C. Metzner* concurred with the Mayor's comments regarding Councilmember Brubaker. The event at North Hagerstown High School celebrating the final payment of the Mike Callas Stadium was wonderful. The stadium project is a good example of a community and government partnership. He hopes to be saying the same things about South Hagerstown High School soon.

*Councilmember D. F. Munson* attended the Memorial Park event, where people who made a significant impact on Hagerstown were inducted into the Circle of Achievement. He congratulated the families of the people recognized. He thanked everyone who helped make this a great event. He noted today is an eventful day in the history of Hagerstown. The City received a check for \$ 500,000.00 today from the surety company for the owners of the MELP property. This check will provide the funds for the City to have the building demolished. This Mayor and Council have made the demolition of the building a high priority and made the commitment to the citizens of Hagerstown and Washington County. The process has been challenging to work through. This Mayor and Council were determined to make this happen, even though the City does not own the property.

Councilmember Brubaker noted there are no tax dollars being used to complete the project.

*Councilmember P. M. Nigh* noted graffiti is starting again. She encouraged citizens to report graffiti and other property issues. The military banners are scheduled to be installed this week. She also thanked Councilmember Brubaker for his service.

*Mayor D. S. Gysberts* thanked Comptroller Peter Franchot for presenting the Helping People Award to the Washington County Mediation Center. Comptroller Franchot and Mayor Gysberts attended the opening reception for the Normal Rockwell exhibit of "The Oculist" at the Washington County Museum of Fine Arts. He thanked everyone who braved the elements on Saturday to attend the Memorial Park induction ceremony. Two trees were planted this spring – in honor of Wesel, Germany and Hagerstown, Indiana. He congratulated the supporters of the stadium at North High. He congratulated Boonsboro's longtime Mayor Skip Kauffman on his retirement. He has served as Mayor

for 28 years. The Women's Club recently held the 10<sup>th</sup> annual house and garden tour. He congratulated the graduates of the University System of Maryland at Hagerstown. There have been 1,117 graduates in the 11 years since the University started. He attended an informational meeting regarding the future of the Western Maryland Hospital Center. It appears there is a gap in information being released. He looks forward to working with Senator Serafini and Delegate Wilson and others to ensure the future of the facility.

### **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 April 5, 2016, April 12, 2016, and April 19, 2016.

### **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. Information Technology, Communications, and Support Services:
  - 1. Construction of Television Production Studio- A. V. Rauth & Sons, Inc. (Hagerstown, MD) \$ 45,281.00
  
- B. Department of Parks and Engineering:
  - 1. Engineering: Installation of Pavement Markings – Alpha Space Control Company, Inc. (Chambersburg, PA) Not to Exceed \$ 75,000.00
  
- C. Department of Utilities:
  - 1. Water: Replacement of Vehicle # 254 – McCafferty Ford (Mechanicsburg, PA) \$ 37,214.00
  - 2. Wastewater: BNR Cooling Unit Replacement – MS Johnston Company (Hagerstown, MD) \$ 13,446.00
  - 3. Wastewater: SCADA Replacement – Motorola Enhanced SCADA Solutions – Integrated Telecommunication Systems (ITS), Inc. (Rolling Meadows, IL) \$ 20,470.00

### **UNFINISHED BUSINESS**

There was no unfinished business.

**NEW BUSINESS**

**A. Introduction of an Ordinance: Local Conversion District Overlay – 400 Jonathan Street**

This item was postponed and will be rescheduled with the Public Hearing for the same property.

**B. Approval of Resolutions: Residential Lease Agreements**

- 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 approve resolutions authorizing the execution of lease agreements between the City of Hagerstown and:
1. Dwayne Miller, for the residence located at 12727 Ritchie Road, Smithsburg, Maryland
  2. John and Michele Rinehart for the residence located at 23510 Warner Hollow Road, Smithsburg, Maryland
  3. Charles and Laurie Henson for the residence located at 12140 Crystal Falls Road, Smithsburg, Maryland
  4. Eric Hastings for the residence at 280 Mill Street, Hagerstown, Maryland
  5. Gerald Bernhisel for the residence at 570 Jefferson Street, Hagerstown, Maryland
  6. Lewie Thomas for the residence at 728 Frederick Street, Hagerstown, Maryland
  7. Tina Shafer for the residence at 124 Charles Street, Hagerstown, Maryland
  8. Emily Conrad for the residence at 120 Key Street, Hagerstown, Maryland

**C.. Acceptance of Bicycle Master Plan**

- 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 to approve and authorize staff to seek funding to implement the May 2016 “Bicycle Plan Update” as submitted to the City by the Hagerstown/Eastern Panhandle Metropolitan Planning Organization.

**D. Approval of Permission for the Director of Utilities to Lock In Wholesale Power Supply Pricing**

- 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 grant permission to the Director of

Utilities, Michael Spiker, permission to lock in Megawatt-hour (MWH) pricing for the upcoming Wholesale Power Supply Agreement due to the short duration of the offered electric market pricing. The Mayor and City Council will approve the Wholesale Power Supply Agreement Contract which will contain all terms and provisions including the aforementioned pricing.

**E. Approval of Contract: Painting Contract Amendment to Expand the Scope of Services to Include the Orchard Hills and Henson Tanks – Corrosion Control Corporation (Pedricktown, NJ) \$ 186,750.00**

**Action:** On a motion duly made by L. C. Metzner and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote to approve the proposals from Corrosion Control Corporation to expand the scope of services to include the interior and exterior surface painting of the Orchard Hills Tank and exterior surface painting of the Henson Tank. All work will be in accordance with the official bid specifications and subsequent proposals at a cost not to exceed \$ 186,750 of Water Division operating funds. This cost includes the enhanced coating system. This work will be completed in the last quarter of FY16 and first quarter of FY17.

Discussion: Councilmember Munson clarified there are no water quality concerns in connection to the interior painting. That clarification is correct.

**F.. Approval of Administration of Dental Insurance – UCCI (Hunt Valley, MD) \$ 28,076.00**

**Action:** On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote to approve Untied Concordia (UCCI) to administer the dental coverage for FY 2016-17.

**G. Approval of Administration of Medical Claims – United Health Care \$ 315,777.00**

**Action:** On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote to approve United Healthcare to administer the medical claims for FY 2016-17.

**H. Approval of Annual Premium for Specific Stop Loss Insurance – Highmark (Fairfax, VA) \$ 307,243.00**

**Action:** On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote to approve of Highmark to administer the stop loss insurance for the medical plan for FY 2016-17.

**I. Approval of Payment to Brekford for Speed Camera Contract –Brekford (Hanover, MD) \$ 385,000.00**

**Action:** On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote to approve of payment to Brekford for the speed camera charges for the remainder of the contract period which ends in December of 2016. The monthly fee is \$ 38,500 for a total, (from March through December) of \$ 385,000. This contract crosses fiscal years and sufficient funding is included in the FY17 proposed budget.

Discussion: Councilmember Brubaker thinks many municipalities would agree speed cameras have calmed traffic. Councilmember Aleshire suggested looking at competitively bidding the administration of the speed cameras since Maryland law is changing.

**J. Approval of FY17 Add-on Purchase – Pierce Aerial Truck – Atlantic Emergency Solution (Manassas, VA) \$ 1,234,801.00 (Stationed at Western Enterprises Fire Company**

**Action:** On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote to approve the purchase of an aerial ladder truck from Atlantic Emergency Solutions for \$ 1,234,801.00 plus apparatus to fit-out the vehicle for a total amount not to exceed \$ 1,400,000.00 with following sources of funds:

Funding of \$ 1,250,000.00 is included in the FY17 General Obligation Bond Issue. The Western Enterprise Fire Company will provide the remaining funding of up to \$ 150,000.00.

Discussion: Councilmember Metzner thanked Chief Lohr for his efforts to update the equipment.

**K. Approval of Memorandum of Understanding for the Restoration of the Saylor House in Kiwanis Park**

**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 Memorandum of Understanding (MOU) between the City of Hagerstown and the Washington County Historical Trust and the Antietam Conococheague Watershed Alliance for the use and restoration of the stone “Saylor House” in Kiwanis Park. The City’s financial contribution toward the restoration is \$ 10,000.00 for architectural plans (from operating funds) and the balance from Program Open Space funds for site utilities and walking path.

Discussion: Councilmember Brubaker pointed out this is a win/win project for everyone. The City is providing a small amount of funding and citizens are volunteering to save a historic house.

Rodney Tissue, City Engineer, stated this project is eligible for Program Open Space funding as long as the educational component is present and public events are held at the house.

Councilmember Aleshire wants to be sure the City is protected if the project is not completed. Mr. Tissue indicated there is a default provision in the MOU.

Councilmember Aleshire asked if the City pays for utilities for other user groups. He asked if the City would be paying for a connection fee for the water service.

Mr. Tissue indicated the connection fee would be covered with the POS funds. Mr. Tissue stated there are different utility arrangements with different groups throughout the City. Some utilities are paid for by the City, while others are not. He stated staff intends to discuss the user groups and agreements with the Mayor and City Council in the next few months.

**L. Approval of the Development of National Road Park – 806 West Washington Street**

**Action:** On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote to authorize the development of a park at 806 West Washington Street and hereby designate the name as “National Road Park”. This action provides for the creation and long-term maintenance of the

park. The Mayor and City Council further move to approve the exhibit dated May 19, 2016 as the overall improvement plan for the park.

The Mayor and City Council authorized the purchase of Merliner ropes-based play apparatus and associated materials and freight from the regional vendor “Designed for Fun” in the amount of \$ 105,456.00.

The Mayor and City Council further authorized staff to construct improvements funded by Community Development Block Grant funds approved in the FY 16/17 budget.

**M. Approval of Contract for the 2016 Pavement Preservation Program – Craig Paving, Inc. (Hagerstown, MD) Not to Exceed \$ 1,175,000.00**

**Action:** On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote to approve a contract with Craig Paving, Inc. of Hagerstown, Maryland in the amount of \$ 1,175,000.00 for the 2016 Pavement Preservation Program. The project also includes \$ 50,000.00 for pavement markings, and \$ 5,000.00 for testing and miscellaneous items. Funding for the project is Highway User Revenue in the amount of \$ 1,200,000 and Parking Funds in the amount of \$ 30,000.00.

**N. Approval of Contract for the Installation of Accessible Sidewalk Ramps – Odd Jobs Contractors, LLC (Keedysville, MD) Not to Exceed \$ 130,000.00**

**Action:** On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote to approve of a contract with Odd Jobs Contractors, LLC of Keedysville, Maryland in the not-to-exceed amount of \$ 130,000.00 for the installation of Accessible Sidewalk Ramps at various locations Citywide. This work is required along all streets being repaved to comply with the Americans with Disabilities Act.

**O. Approval of a Street Closure – What’s NXT Summer Slide Festival – Test Event July 22-23, 2016**

**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 of street closures for the What’s NXT Summer Slide Festival – Test Event from 12 a.m. (midnight) on July 22, 2016 to 12 a.m. (midnight) on July 23, 2016. The actual duration of the test may be shorter. The event site includes the streets of Prospect, Baltimore and Walnut. This is for a logistics test only and the event is not open to the public.

Discussion: Councilmember Brubaker wants to be sure the event does not conflict with the location of the Vietnam Veterans Memorial Park.

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 8:25 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: June 21, 2016