

95th REGULAR SESSION – June 21, 2016

Mayor D. S. Gysberts called this 95th Session of the Mayor and City Council to order at 7:00 p.m., Tuesday, June 21, 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 Jennifer Keefer, and Donna K. Spickler, City Clerk.

The invocation was offered by Rev. Crenshaw. 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, July 19, 2016, and the Regular Session at 7:00 p.m. on Tuesday, July 26, 2016. No meeting is scheduled for Tuesday, July 5, 2016 or Tuesday, July 12, 2016.

GUESTS

Recognition of Junior Mason's Retirement

Mayor Gysberts read a certificate of appreciation thanking Junior Mason for his 42 years of service to the City of Hagerstown. Mr. Mason is retiring from the Parks Department.

In honor of Mr. Mason and his contributions to the City of Hagerstown, the Parks and Recreation Office will be named the "Junior Mason Parks and Recreation Complex".

Proclamation: Lesbian, Gay, Bisexual and Transgender (LGBT) Pride Month

Mayor Gysberts read a proclamation naming June, 2016 as LGBT Pride Month. Todd Garnand, and Rev. Rob Apgar, accepted the proclamation.

The Pride Festival is being held in downtown Hagerstown on Saturday, July 16, 2016.

CITIZEN COMMENTS

Doug Wright, 911 Potomac Avenue, Hagerstown, Maryland, thanked the Mayor and City Council for their support of Holly Place through the Community Development Block Grant (CDBG) program. The support is critical to Holly Place.

Dr. Joyce Heptner, Executive Director of Habitat for Humanity of Washington County, informed the Mayor and City Council that Habitat has applied for CDBG funding. Habitat repairs homes and helps people realize their dream to be homeowners. She thanked the Mayor and City Council for any support provided to the Habitat program.

PUBLIC HEARINGS

Local Conversion Overlay – 400 Jonathan Street

Alex Rohrbaugh, Planner, stated this Public Hearing is being held to receive testimony regarding the proposed local conversion overlay rezoning of 400 Jonathan Street.

Zoned Medium-Density Residential (RMED), the property at 400 Jonathan Street (corner of Jonathan and W. North Avenue) currently contains a vacant commercial building with a small parking area. Historically this property contained a confectionery and a convenience retail store. Staff estimates that the property became vacant sometime in 2002; thus, the property lost its nonconforming use status in 2003. The property owners, Khadene Wilson and Dexton Brunson, have filed for a rezoning for Local Conversion Overlay to renovate the building and reopen it as a restaurant.

At its May 11, 2016 meeting, the Planning Commission recommended to the Mayor and City Council approval of the zoning overlay, subject to the following three conditions:

1. The old metal sign pole along Jonathan Street shall be removed.
2. Parking spaces shall be striped in the parking area.
3. The dumpster and enclosure shall be placed adjacent to the proposed handicap-accessible entrance.

Staff supports the Planning Commission's recommendation for approval of the rezoning with the three conditions listed above.

Mr. Rohrbaugh entered the following Exhibits into the record:

1. Certificate of Advertisement
2. Planning Commission file by reference.

Councilmember Munson inquired if on-street parking is allowed there. Mr. Rohrbaugh indicated it is. He mentioned there is a building adjacent to the property that is potentially blighted.

Councilmember Brubaker noted the Planning Commission's conditions are good examples of the ways the Planning Commission is accommodating the community's direction upward.

The following testimony was presented:

Khadene Wilson, 5925 Gabriel Lane, Chambersburg, Pennsylvania, stated the main reason she and Mr. Brunson want to reopen the shop is to provide a positive influence in the area. The noise will not be annoying. The food will be soul food.

No further testimony was presented.

The record will remain open for 10 days for additional comments.

It was the general consensus of the Mayor and City Council to introduce the ordinance approving the overlay during the Regular Session, which follows this meeting.

The hearing was then closed.

CITY ADMINISTRATOR COMMENTS

Valerie Means, City Administrator, congratulated Junior Mason on his retirement. His work has meant a lot to citizens and fellow employees.

MAYOR AND COUNCIL COMMENTS

Councilmember P. M. Nigh reminded residents that trash bins and recycling bins need to be removed from the curb after pick up. Leaves on Broadway need to be removed. She noted that chickens are not allowed in the City limits. She has reported a residence where chickens are being raised.

Councilmember D. F. Munson had no additional comments.

Councilmember L. C. Metzner had no additional comments.

Councilmember M. E. Brubaker thanked Congressman Delaney for holding the Small Business Workshop in Hagerstown on June 20, 2016.

Councilmember K. B. Aleshire stated the shooting in Orlando, Florida has raised the issue of gun control. For the average person, he believes they simply want the Federal government to enforce what the forefathers envisioned.

Mayor D. S. Gysberts thanked the organizers of the first City of Hagerstown Little League Tournament of Champions. He thanked the Community Theater group for their performance. He also thanked Congressman Delaney for bringing the small business workshop to Hagerstown.

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 May 3, 2016, May 5, 2016, May 10, 2016, May 17, 2016, and May 24, 2016.

CONSENT AGENDA

On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember D. F. Munson, the Consent Agenda was approved as follows:

- A. Department of Community and Economic Development:
 - 1. Street Closure Request – Hagerstown Hopes Pride Fest (July 16, 2016) and Washington County Free Library Comic-Con (August 13, 2016)
 - 2. Hagerstown Hopes Pride Fest Open Container Law Exemption (July 16, 2016)

- B. Information Technology, Communications, and Support Services:
 - 1. MUNIS Transparency Portal Module – Tyler Technologies (Dallas, TX) \$ 14,500.00
 - 2. Replay Call Recording Solution for Customer Service – Glessner Protective Services (Hagerstown, MD) \$ 16,441.00

- C. Department of Parks and Engineering:
 - 1. Engineering: Energy Upgrades at City Buildings – American Energy Services (Frederick, MD) \$ 49,044.00
 - 2. Parks: 2017 Ford F550 Dump Truck, Replacement of Unit 308 – McCafferty Ford (Mechanicsburg, PA) \$ 68,285.00

- D. Police Department:
 - 1. Purchase of Crime Cameras – Skyline Technology Solutions (Glen Burnie, MD) \$ 46,402.68

- E. Department of Utilities:
 - 1. Light: Exterior Repairs and Painting to HLD Facility – Excel Painting Co. (Baltimore, MD) \$ 32,000.00
 - 2. Water: Cathodic Protection for Orchard Hills/Henson Water Tanks – Freeman Industries, Inc. (Dorset, OH) \$ 21,000.00
 - 3. Wastewater: Muffin Monster Equipment – JWC Environmental (Santa Ana, CA) \$ 16,215.00

UNFINISHED BUSINESS

A. Approval of a Resolution: Annexation of Stormwater Parcel LLC, 205 Eastern Boulevard

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 Annexation Resolution for property located at 250 Eastern Boulevard North. The property to be

annexed is approximately 1.03 acres in size and is intended to be added to and made part of the adjacent municipal lands.

NEW BUSINESS

A. Introduction of an Ordinance: Local Conversion District Overlay – 400 Jonathan Street (ZM-2016-01)

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 for a Local Conversion District Overlay, including the three conditions endorsed by the Planning Commission, on property located at 400 Jonathan Street.

B. Approval of a Resolution: FY 2017 Community Legacy Application

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 indicating approval of the City's FY 2017 Community Legacy application to the Maryland Department of Housing and Community Development. The application requests funding for three City capital projects: (1) \$ 200,000 for a student housing project in the City Center; (2) \$ 125,000 for replenishment of Down Payment Assistance and Rehabilitation Program in the Sustainable Community Area; and (3) \$ 25,000 for replenishment of Façade Grant Program for Commercial and Mixed-Use Buildings in the Main Street Area.

C. Approval of a Resolution: FY 2017 Strategic Demolition Fund Application

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 a resolution indicating approval of the City's FY 2017 Strategic Demolition Fund application to the Maryland Department of Housing and Community Development. The application requests funding for \$ 750,000 for site development and/or architectural and engineering design for a downtown office building (Catalyst Project #1 in the Community's City Center Plan).

D. Approval of a Resolution: Authorizing a Financial Incentive Agreement between the City of Hagerstown and Pinnacle Foods Group, 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 to approve a resolution authorizing the City to enter into a financial incentive agreement with Pinnacle Foods

Group, LLC in connection with its acquisition of property, redevelopment of property and the creation of new jobs to be paid for from general fund Economic Development Incentives line item. The City's financial incentive is offered in partnership with incentives provided by Washington County and the State of Maryland.

E. Approval of a Resolution: Approval of the FY 2017 Community Development Block Grant (CDBG) Annual Action Plan

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 a resolution approving the FY 2017 Annual Action Plan for the community Development Block Grant program, authorizing the Mayor to file an application for financial assistance with the U. S. Department of Housing and Urban Development in the amount of \$ 654,941 for the Community Development Block Grant program, and further authorizing the Mayor to execute all other documents relating to the City's Community Development Block Grant program for FY 2017.

F. Approval of Amendments to Past Community Development Block Grant (CDBG) Annual Action Plans

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 amendments to past CDBG Annual Action Plans as required by CDBG Citizen Participation regulations. CDBG Action Plan amendments are required when one or more of the following occur: CDBG activities are completed substantially under budget, the City receives unanticipated CDBG program income, or CDBG activities are not carried out. Details of the Action Plan Amendments are included in an attached document.

G. Approval of Purchase of 2016 Ford F550 Replacement for Wastewater Unit 508 – McCafferty Ford (Mechanicsburg, PA) \$ 122,708.00

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 a Utility Service Vehicle with Crane on a 2016 Ford 550 4x4 Chassis from McCafferty Ford, Carlisle, PA in the amount of \$ 122,708.00. Account #5485001-5840-C0004 has \$ 255,000.00 budgeted in FY17.

H. Approval of City Funding support for The Maryland Theatre Expansion: Architect/Design Phase

Action: On a motion duly made by K. B. Aleshire and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote to approve of a maximum of \$ 500,000.00 in City funding to support the Maryland Theatre Expansion architect and design phase as requested in the presentation to the Mayor and Council on May 3, 2016. The Maryland Theatre and Washington County have provided an estimated total cost of \$ 1,000,000.00 for the design portion of the expansion project. The City's maximum of \$ 500,000.00 in funding will match the funding provided by Washington County. The source of the City's funding will be from the approved FY17 Capital Improvement budget in project C0854 Downtown Redevelopment and a future 2017 bond issue.

Discussion: Councilmember Brubaker pointed out the City does not have the resources to continue 50/50 matches for projects. The Maryland Theatre is a regional attraction and all stakeholders have to work together for a project to be successful. This support is intended to be a kick start for the project. It is not setting a precedence.

Mayor Gysberts thanked the County for moving forward with the project.

I. Approval of Workers' Compensation Insurance, Excess Insurance, and Surety Bond:

- **Excess Insurance Services for Workers' Compensation – Safety National Casualty Corporation (St. Louis, MO) \$ 38,100.00**
- **TPA Services for Workers' Compensation PMA Management Corporation (Blue Bell, PA) \$ 32, 040.00**
- **Approval of Workers' Compensation Security Deposit Bond – Safety National Casualty Corporation (St. Louis, MO) \$ 38,100.00**

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 to approve the following purchases as required by the Maryland Workers' Compensation Commission to administer the City's Self-Insured Workers' Compensation program. The three purchases include the following:

1. Excess Workers' Compensation Liability Insurance - \$ 164,035.00
2. Workers' Compensation Self-insurance TPA Services - \$ 32,000.00
3. Workers' Compensation Continuous Security Bond - \$ 38,100.00

J. Approval of Acceptance of Grant – Assistance to Firefighters Grant

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 accept the Assistance to Firefighters Grant for the purchase of a fit test machine, 102 face pieces with communication racket and voice amplifier, and 102 traffic vests by the U. S. Department of Homeland Security. The equipment will increase the safety of the firefighters. The total grant awarded is \$ 75,276.00, the Federal share is \$ 68,433.00. The City match portion of \$ 6,843.00 will be funded as a General Fund item.

K. Approval of Reimbursement to Washington County for Second half of FY16 for the Narcotics Task Force – Washington County Treasurer (Hagerstown, MD) \$ 118,866.35

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 reimbursement to the Washington County Narcotics Task Force for a total of \$ 118,866.35 for the 2nd half of FY16. This is paid for from the Police Department’s operating budget.

L. Approval of Purchase: Police – Sixty Body Worn Cameras – Five Year Contract – TASER (Scottsdale, AZ) \$ 116,834.06

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 purchase of 60 body cameras. This is a multi-year contract agreement with the purchase of the cameras, including chargers, storage, licenses, docking stations, and shipping, for a total of \$ 51,491.00, being purchased in FY17. The licensing fees of \$ 16,236.00 will be ongoing for FY18 through FY21. The total contact amount for these cameras is \$ 116,834.06.

Discussion: Councilmember Brubaker stated body cameras protect the public and the police officers. This is an affordable way to proceed with the purchase.

M. Approval of Purchase – Four Police Cruisers – Keystone Ford (Chambersburg, PA) \$ 156,802.00

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 purchase of three 2017 Ford Interceptors and one 2016 150 XL Special Operation Vehicle for

Hagerstown Police Department use. These vehicles will be purchased from Keystone Ford in Chambersburg, Pennsylvania for a total of \$ 156,802.00.

Funding will be from HPD's vehicle CIP account.

N. Award of Contract for Hamilton Run Stream Relocation and Watershed Action Plan – Frederick, Seibert & Associates (Hagerstown, MD)

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 of a contract with Frederick, Seibert & Associates, Inc. in the amount of \$ 105,000.00 for the design of a stream relocation project and the development of an Action Plan for Hamilton Run. Funding for the project is \$ 90,000.00 in grant funds from the Maryland Department of the Environment and \$ 15,000.00 in prior bond proceeds.

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 7:55 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: July 26, 2016