

86TH REGULAR SESSION – March 22, 2016

Mayor D. S. Gysberts called this 86th Session of the Mayor and City Council to order at 7:07 p.m., Tuesday, March 22, 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 Councilmember L. C. Metzner. Councilmember Metzner called for a moment of silence for the victims of the terrorist bombing today in Brussels. 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, April 5, 2016, Tuesday, April 12, 2016, and Tuesday, April 19, 2016, and the Regular Session at 7:00 p.m. on Tuesday, April 19, 2016. There will be no meeting on Tuesday, April 26, 2016, which is Primary Election day.

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 Hagerstown Cultural Trail – Artist Selection Committee:

1. Mary Ann Burke, Executive Director of the Washington County Arts Council
2. Rebecca Massie Lane, Washington County Museum of Fine Arts
3. Aaron Peteranecz, Local Architect and Main Street group leader
4. Lesley Whalley, Founding Committee member of Downtown Movement and artist

GUESTS

Proclamation: 2016 Maryland International Film Festival

Mayor Gysberts read a statement recognizing the 2016 Maryland International Film Festival (MIFF). The MIFF is being held in Hagerstown from Friday, April 1, 2016 through Sunday, April 3, 2016. Tom Riford, Vice President of Funds Development for Homewood Retirement Centers, accepted the proclamation.

Proclamation: Week of the Young Child

Mayor Gysberts read a proclamation naming April 10 -16, 2016 as the Week of the Young Child. The following people accepted the proclamation: Teri Butali, Western Maryland Chapter, Kathy Kerns, Judy Center Coordinator, Stephanie Perez, Apples for Children, Melissa Brown, Apples for Children, and Mike Piersy, Director of Department of Social Services.

CITIZEN COMMENTS

Marvin Lohr, 1135 Sunnyside Drive, Hagerstown, Maryland, has not seen much investment activity downtown during the last 20 years. The Hagerstown Cultural Trail and Pop Up Shop events are nice amenities; however, the Mayor and Council should look at bringing 1,000 people downtown everyday with new office space. Businesses from the Washington, D. C. area could locate in Hagerstown and save money. He suggested creating an advertising packet to provide to these businesses. He put some information together about real estate prices that he provided to the Mayor and Council.

Councilmember Munson stated this idea has merit. He mentioned several people and businesses have moved to Hagerstown for this very reason. The marketing campaign could include Frederick, Maryland as well.

Mr. Lohr stated he has ideas for keeping Hagerstown clean, such as clarifying the trash container ordinance. He noted Frederick, Maryland has five day per week pickup in their downtown.

Mayor Gysberts stated public education and engaging people is important for the success of Hagerstown. A new website for Hagerstown is being created that will be more user friendly.

Winslow Wheeler, 215 S. Prospect Avenue, Hagerstown, Maryland, thanked the Mayor and Council and City staff for working with this neighborhood to address their concerns about trash. New legislation is scheduled for approval later in this meeting.

CITY ADMINISTRATOR COMMENTS

Valerie Means, City Administrator, stated City offices will be closed on Friday, March 25, 2016 for Good Friday. There will be no change in trash collections.

MAYOR AND COUNCIL COMMENTS

Councilmember P. M. Nigh had no comments.

Councilmember D. F. Munson attended the Grand Opening of Anegada Delights restaurant over the weekend, located at the corner of Franklin and Locust Streets. He

asked that trash along the curbs be addressed. The street sweeper schedule will be reviewed.

Councilmember L. C. Metzner thanked Mr. Lohr and Mr. Wheeler for their input. It is good to hear possible solutions to issues, rather than just complaints.

Councilmember M. E. Brubaker thinks businesses will be interested in locating in Hagerstown when they realize the potential for significant cost savings. He thanked Councilmember Metzner for his remembrance of the people in Brussels.

Councilmember K. B. Aleshire wondered why one section of sidewalk at Park Circle is painted red. Rodney Tissue, City Engineer, stated that section is where the Cultural Trail will tie into the park.

Councilmember Aleshire expressed his concern about loud music coming from taverns. This should be addressed.

Mayor D. S. Gysberts stated the grand opening of Anegada Delights was a success. This business venture is a good example of partnerships between the City of Hagerstown, Washington County, and the State of Maryland. He also attended the ground breaking for the newest Habitat for Humanity house.

MINUTES

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 minutes, as presented, for the Mayor and Council meetings held on February 9, 2016, February 16, 2016, and February 23, 2016.

CONSENT AGENDA

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

A. Police Department:

1. Predictive Policing Software Subscription – PredPol, Inc. (Santa Cruz, CA)
\$ 15,000.00

B. Utilities:

1. Manhole Risers – East Jordan Iron Works (Finksburg, MD) \$ 24,938.48

UNFINISHED BUSINESS

A. Approval of an Ordinance: Relinquishing Rights to Alley Parallel to East Franklin Street and Liberty Street

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 making a determination that certain property is no longer needed for a public purpose and authorizing conveyance of a portion of the property to the adjoining property owners Robert F. Knode and Patsy J. Knode.

B. Approval of an Ordinance: Amend Chapter 117, Recycling and Refuse Collection, of the City Code

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 an ordinance to amend Chapter 117, Recycling and Refuse Collection, of the Code of the City of Hagerstown. These amendments modify the provisions regarding storage and set out of recycling and refuse in order to provide additional protections for the neighborhoods and downtown from blight and nuisance conditions. Changes include:

1. Requiring outdoor storage of recycling and refuse in receptacles and containers with sealing lids,
2. Requiring set out of recycling and refuse in the downtown area in receptacles and containers with sealing lids,
3. Requiring properties with four or more dwelling units to designate a storage area for recycling and refuse receptacles and containers, and
4. Requiring storage of recycling and refuse receptacles and containers out of front yards, front porches, public right-of-way, and out of view of S. Prospect Street unless special circumstances exist to warrant alternative locations.

A policy on acceptable special circumstances for alternative locations for storage of recycling and refuse receptacles and containers shall be approved by the Mayor and City Council under separate motion and prior to the effective date of this ordinance.

Discussion: Councilmember Nigh noted that yard waste collection will remain the same, with items being placed in paper bags or in trash cans. Stickers are available for containers for yard waste by contacting the City of Hagerstown Engineering Department at 301-739-8577, ext. 106.

C. Approval of an Ordinance: Amend Chapter 64-8, Property Maintenance Code, Section 202, of the City Code

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance to amend Chapter 64-8, Property Maintenance Code, Section 202, General Definitions, of the Code of the City of Hagerstown. These amendments modify the definition of “Approved Receptacle and Container (Refuse Cans)” to be consistent with the definition in Chapter 117, Recycling and Refuse Collection. The amendment to both chapters of the code regarding recycling and refuse storage and set out are intended to provide additional protections for the neighborhoods and downtown from blight and nuisance conditions.

D. Approval of an Ordinance: Amend Chapter 64-8, Property Maintenance Code, Section 307, of the City Code

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance to amend Chapter 64-8, Property Maintenance Code, Section 307, Rubbish and Garbage, of the Code of the City of Hagerstown. These amendments modify several subsections regarding disposal of rubbish and garbage and regarding receptacles and containers to be consistent with the provisions in Chapter 117, Recycling and Refuse Collection. The amendment to both chapters of the code regarding recycling and refuse storage and set out are intended to provide additional protections for the neighborhoods and downtown from blight and nuisance conditions.

NEW BUSINESS

A. Approval of a Resolution: 2016 Summer Play Camp – Hagerstown YMCA

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 a resolution to authorize the execution of a contract with the Hagerstown YMCA to conduct summer play camps for the 2016 season from June 20, 2016 through August 12, 2016 at Hellane Park and Pangborn Park. The camps will each serve approximately 60 youth per day at a total cost of \$ 32,343. Funding is from the Parks and Recreation operating budget.

B. Approval of a Resolution: 2016 Summer Play Camp – Girls, Inc. of Washington County

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 a resolution to authorize the execution of a contract with Girls Incorporated of Washington County to conduct a summer play camp for the 2016 season from June 13, 2016 through August 5, 2016 at Girls Incorporated. The camp will serve approximately 80 to 100 youth per day at a cost of \$ 15,000. Funding is from the Parks and Recreation operating budget.

C. Approval of a Resolution: 2016 Summer Play Camp – Robert W. Johnson Community Center

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 a resolution to authorize the execution of a contract with the Robert W. Johnson Community Center, Inc. to operate a summer play camp for the 2016 season from June 20, 2016 through August 12, 2016 at Wheaton Park. The camp will serve approximately 80 youths per day at a cost of \$ 25,600. Funding is from the Parks and Recreation operating budget.

D. Approval of a Resolution: Residential Lease for 38 N. Potomac Street – Apt. 2

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 authorizing the execution of a residential lease agreement at the City of Hagerstown property located at 38 North Potomac Street in Hagerstown, Maryland. The lease will be between the City of Hagerstown and Clayton Layman and shall be in effect from April 1, 2016 to March 31, 2017.

E. Approval of a Resolution: Residential Lease for 38 N. Potomac Street – Apt. 3

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 authorizing the execution of a residential lease agreement at the City of Hagerstown property located at 38 North Potomac Street in Hagerstown, Maryland. The lease will be between the City of Hagerstown and Ian Jobe and shall be in effect from April 1, 2016 to March 31, 2017.

F. Approval of a Resolution: Authorizing the Sale of 278 S. Prospect Street for Homeownership - Community's City Center Plan Catalytic Project #8

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 authorizing the sale of property located at 278 South Prospect Street for the City's Homeownership Program. The property will be conveyed to Piotr Zielinski and Delia Zielinski for a sale price of \$ 75,000. The sale will be in accordance with all terms and conditions of the included contract.

Discussion: Councilmember Munson congratulated staff for getting this property to this point. These projects help improve the neighborhoods.

Councilmember Metzner pointed out the new owners of this property are from Montgomery County.

Councilmember Nigh noted homeownership is extremely important for the health of the City.

Councilmember Aleshire stated a continuing source of revenue should be found for the City's incentive programs.

G. Approval of a Resolution: Second Amendment to Long-term Sser Agreement with the Hagerstown Fairgrounds Softball Association

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 to accept the Second Amendment to the User Agreement with the Hagerstown Fairgrounds Softball Association (HFSA) to allow the HFSA groups to play until 11:00 p.m. on Friday nights. The current User Agreement requires all events to be completed by 10:00 p.m. The HFSA will be responsible for locking the gates and restrooms on those nights.

H. Approval of a Grant Agreement for a Maryland Bikeways Grant with The Maryland Department of Transportation

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 authorize the City to enter into a Grant Agreement for a "Maryland Bikeways Grant" with the Maryland Department of Transportation. The grant is \$ 90,000 and has no cash match and will continue bicycling-related improvements in the City. The grant will be used for the items outlined in the work plan.

Discussion: Councilmember Metzner thanked Engineering staff and the Bicycle Advisory Committee for their efforts to bring grants to Hagerstown.

I. Approval of Sister City Affiliation with Xinjin County, Chengdu, Sichuan, China

Action: Councilmember M. E. Brubaker made a motion to approve of a Sister City affiliation with Xinjin county, Chengdu, Sichuan, China. A Sister City relationship with Xinjin County will provide the opportunity for collaborations in education, tourism, the health industry, organic agriculture, and other possibilities.

Discussion: Councilmember Aleshire does not support this affiliation with a governing body that appears to be opposed to all aspects of America's democracy. He feels insulted by being pigeon holed into an attitude of isolationism.

Councilmember Brubaker stated supporting the relationship doesn't mean the Council supports the way the government in China does some things. It shows a willingness to share ideas.

Motion carried, 3-2 with Councilmember K. B. Aleshire and Councilmember P. M. Nigh voting No.

J. Approval of Engineering Consulting Services for the Wholesale Power Supply Procurement with GDS Associates, Inc.

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 GDS Associates, Inc. for Engineering Consulting Services of the Wholesale Power Supply Procurement process. Their services will be utilized for the development and advertising of a RFP for wholesale power procurement and future contractual issues related to the forthcoming Wholesale Power Supply Contract.

K. Approval of Appalachian Regional Commission (ARC) FY17 Project Funding Requests

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 authorize the submission of the following projects to the County Commissioners for funding from the Fiscal Year 2017 Appalachian Regional Commission (ARC) grant:

1. Replenishment of City First-Third Grant Program – requesting \$ 250,000 in ARC funds
2. Phase II-A of the Hagerstown Cultural Trail – requesting \$ 85,000 in ARC funds
3. Phase II-B of the Hagerstown Cultural Tail – requesting \$ 125,000 in ARC funds

Discussion: Councilmember Nigh will support the application because of the First-Third Grant program funds. She does not support the trail.

L. Approval of Trash and Recycling Receptacle and Container Placement Policy

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 a Trash and Recycling Receptacle and Container Placement Policy. This policy will guide staff as they assess special circumstances which justify location of receptacles and containers in locations alternative to what is prescribed in proposed amendments to Chapter 117, Recycling and Refuse Collection, and to interpret “front yard” and “side yard” for receptacle and container placement. This policy shall take effect on April 22, 2016 to coincide with the effective date of amendments to Chapter 117 and Chapter 64-8, Property Maintenance Code, related to trash and recycling.

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 8:08 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: April 19, 2016