

Ribbon Cutting – 4:00 p.m.

A ribbon cutting was held at the Fit Room at the Grandstand at Fairgrounds Park at 4:00 p.m. Several members of the Mayor and City Council attended the ribbon cutting.

**105<sup>th</sup> REGULAR SESSION – November 22, 2016**

**Mayor D. S. Gysberts called this 105<sup>th</sup> Session of the Mayor and City Council to order at 7:08 p.m. Tuesday, November 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 City Clerk D. K. Spickler.**

The invocation was offered by Councilmember P. M. Nigh (read by Mayor 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: Oath of Office to New Administration, Monday, November 28, 2016, and a Work Session at 4:00 p.m. on Tuesday, November 29, 2016. The future meeting schedule will be determined by the Mayor and City Council on November 29, 2016. The following dates are tentative: Work Sessions at 4:00 p.m. on Tuesday, December 6, 2016, and Tuesday, December 13, 2016, and the Regular Session at 7:00 p.m. on Tuesday, December 20, 2016.

**APPOINTMENTS**

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 Andrew Durham to the Board of Zoning Appeals. Mr. Durham's term will expire on December 31, 2019.

**GUESTS**

**Proclamation: Small Business Saturday – November 29, 2016**

Mayor Gysberts read a proclamation naming Saturday, November 29, 2016 as Small Business Saturday in Hagerstown. Paul Frey, President of the Chamber of Commerce, and Amanda Whitmore, Downtown Coordinator, were present to accept the proclamation. Small Business Saturday is a nationwide campaign to cultivate business for merchants of small businesses on the Saturday after Thanksgiving.

Proclamation: World AIDS Day – December 1, 2016

Mayor Gysberts read a proclamation recognizing December 1, 2016 as World AIDS Day in Hagerstown. World AIDS Day is an opportunity for people worldwide to unite in the fight against HIV, show their support for people living with HIV and to commemorate people who have died. Michael Jones, on behalf of Veritas United Church of Christ, accepted the proclamation.

Proclamation: Referendum on Charter Amendment

Mayor Gysberts, pursuant to the Annotated Code of Maryland, Local Government Article, Section 4-307, proclaimed that a majority of those who voted on Question A in the municipal election on November 8, 2016 voted for the proposed charter amendment (New Section 802A: Collective Bargaining and Binding Arbitration for Non-Management Employees of the Police and Fire Departments). Pursuant to state law, the proposed charter amendment stated herein shall become part of the municipal charter 30 days from today, on December 22, 2016.

**CITIZEN COMMENTS**

There were no citizen comments.

**CITY ADMINISTRATOR COMMENTS**

*Valerie Means, City Administrator*, thanked the Mayor and City Council for their most recent four years of service. Each Mayor and City Council member was presented with photograph collages and a video of their time in office.

Mayor Gysberts announced Mayor and Council Comments would be held until the end of the business portion of the meeting.

**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 October 4, 2016, October 11, 2016, October 18, 2016, and October 25, 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. Community and Economic Development:
  - 1. Street Closure for Reindeer Run – December 10, 2016

- B. Fire:
  - 1. Breathing Apparatus – Municipal Emergency Services (Lanham, MD)  
\$ 65,527.26
  
- C. Parks and Recreation:
  - 1. 2017 and 2018 Pavement Preservation Program
  
- D. Public Works:
  - 1. Traffic Signal Equipment – Econolite (Glen Burnie, MD) \$ 18,941.00
  
- E. Utilities:
  - 1. Wastewater: Replacement of Vehicle 525 – McCafferty Ford  
(Mechanicsburg, PA) \$ 81,852.00

**UNFINISHED BUSINESS**

**A. Approval of an Ordinance: License with Owner of Chic’s Seafood to Install Photo Murals**

**Action:** Councilmember L. C. Metzner made a motion to approve an ordinance authorizing the execution of a License Agreement to permit the City of Hagerstown to create and maintain photo murals in connection with the Hagerstown Cultural Trail along the Lee Street side of the property at 300 Summit Avenue. Councilmember M. E. Brubaker seconded the motion.

Motion carried, 4-1 with Councilmember P. M. Nigh voting No.

**B. Approval of an Ordinance: Authorizing the Sale of Property Located at 43/53 West Washington Street**

**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 an ordinance authorizing the sale of City-owned property located at 43-53 West Washington Street to Hager 5, LLC for the sum of \$ 150,000.00. The sale will provide the opportunity for \$ 1.5 million of private investment and redevelopment on West Washington Street. The sale will be in accordance with all terms and conditions outlined in the Purchase Agreement.

Discussion: Councilmember Munson pointed out this project is a great opportunity for continued improvement for the downtown. Downtown improvement has been a priority of this Mayor and City Council during the last four years. He is grateful to the developers for stepping forward. Councilmember Brubaker reiterated the details of the trail are very important. Having inviting amenities along the trail is critical to its success.

**C. Approval of an Ordinance: Amendments to Chapter 197, Rental Facilities**

**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 introduce an ordinance to amend the Code of the City of Hagerstown, Chapter 197, Rental Facilities. Specifically the amendments will:

1. Add a definition for “Certified Crime-free Housing Residential Operator.”
2. Amend Section 197-3 to clarify language regarding the requirement for a rental facility license.
3. Amend Section 197-6(A) (1) to add those circumstances when the City will not accept an interior inspection by the Hagerstown Housing Authority as part of a tenant-based Section 8 inspection program in lieu of the City-required interior inspection.
4. Amend Section 197-10(B) and -12(A) to clarify that revocation of the certification as a residential operator shall be limited to the rental facility where the violation of the training requirement, written lease requirement, or crime-free provision occurred.

**NEW BUSINESS**

**A. Approval of a Resolution: Guaranty of a Rental Contract between the Maryland Theatre and the Carroll County Foundation to Facilitate the Miss Maryland Scholarship Pageant and the Miss Outstanding Teen Maryland Pageant**

**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 to enter into a guaranty of a rental contract between the Maryland Theatre and the Carroll County Foundation to facilitate the continued presence of The Miss Maryland Scholarship Pageant and the Miss Outstanding Teen Maryland Pageant at the Maryland Theatre for a term of five years.

The City shall guarantee the rental payment directory to the Maryland Theatre of a maximum annual amount of \$ 8,000.00 for five consecutive years (2017 – 2021). This amount represents the City’s contribution to the Miss Maryland Scholarship Pageant Event. The City’s funding source for this contribution will be from the Hotel/Motel Tax revenue.

The City’s participation is contingent upon the continuation of this event by the Carroll County community Foundation and contributions by the Washington County Commissioners.

**B. Approval of a Mutual Aid Agreement with Washington County Sheriffs Department and the City of Cumberland**

**Action:** On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agree by voice vote to approve a Mutual Aid Agreement with the Washington County Sheriff's Office and the City of Cumberland to provide, in cases of emergencies, assistance consistent with resources, specialized units, equipment and/or law enforcement personnel.

The only potential cost to the City of Hagerstown would be personnel costs during the deployment incidents.

**C. Approval of Automatic Renewal with Brekford Corporation for the Photo Speed Enforcement Program**

**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 the automatic renewal of the Photo Speed Enforcement Program with Brekford Corporation. The renewal date is December 17, 2016 and will run through December 16, 2017. The estimated annual cost is \$ 462,000.00.

**D. Approval of Noise Ordinance Exemption for Fireworks – What's NXT Krumpe's Donut Drop – December 31, 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 an exemption from the City of Hagerstown's Noise Ordinance under section 155-5 of the Code of the City of Hagerstown for the What's NXT Krumpe's Donut Drop on December 31, 2016.

**E. Approval of Funding for a Community Coalition Lobbyist**

**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 authorize the expenditure of \$ 5,000.00 from the General Fund in order to contribute toward hiring John Favazza with the firm of Manis, Canning & Associates, as the Community Coalition Lobbyist. Other committed partners include the Convention and Visitors Bureau, Chamber of Commerce, CHIEF, the Greater Hagerstown Committee, Friends of the Library, and the Town of Williamsport.

Other potential participants include Washington County Public Schools and the Washington County Commissioners.

Discussion: Councilmember Brubaker encouraged the County Commissioners to rejoin the coalition as full partners.

Councilmember Munson stated this group has been beneficial to Washington County. From his time as a Senator, he knows a legislator does not have time to be a lobbyist as well.

**F. Approval of Amendment to the Power Service Agreement with Allegheny Energy Supply Company, LLC (now dba FIRSTENERGY SOLUTIONS CORP)**

**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 Amendment No. 5 to the Power Service Agreement between the City of Hagerstown and Allegheny Energy Supply Company, LLC (now dba FIRSTENERGY SOLUTIONS CORPORATION). The existing Power Service Agreement has been extended for a period of five years, from the initial expiration date of May 31, 2017 through the new expiration date of May 31, 2022. The MWh (megawatt hour) charge for service during the aforementioned five year period will become \$ 52.70.

Discussion: Councilmember Munson congratulated the City team for their time and expertise in obtaining the amazingly low price for the MWh charge. This is a key benefit for City Light customers.

**G. Approval of Utilities Bulk Chemical Purchases – Wastewater Division \$ 497,832.00 (multiple vendors) and Water Division \$ 716,369.00 (multiple vendors)**

**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 the expenditure of \$ 497,832.00 of Wastewater Division funds and the expenditure of \$ 716,369.00 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 chemical purchases and could be more or less than the totals stated herein. The purchases will occur in the second half of Fiscal Year 17 and the first half of Fiscal Year 18. The chemicals, which are used in the treatment processes utilized by the divisions, were bid through the City/County joint bidding process utilizing County Bid PUR-1328.

**H. Approval of Bulk Diesel Fuel and Bulk Gasoline Purchase – A. C. & T., Co. Inc. (Hagerstown, MD) \$ 423,341.09 (Diesel \$ 1.4695/gallon, Gasoline \$ 1.4373/gallon)**

**Action:** On a motion duly made by L. C. Metzner and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to approve of the bulk diesel fuel and gasoline purchase for City operations from A. C. & T. Company, Inc. The estimated annual cost of diesel fuel and gasoline is \$ 423,341.00 based on an estimated annual use of 236,000 gallons for both fuels. 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.

Discussion; Councilmember Aleshire pointed out the contract was competitively bid by Washington County. The County chose to select a local vendor due to a policy statement that is in place. He noted without a policy statement, it is arbitrary and capricious and dangerous to not choose the low bidder.

**I. Approval of Bulk Salt Purchase – Eastern Salt Company, Inc. (Lowell, MA) \$ 64.00/ton**

**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 of the bulk road salt purchase for City operations from Eastern Salt Company, Inc. The bid price is \$ 64.00 per ton. The budget estimate for this expense is \$ 123,000.00. 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.

**MAYOR AND COUNCIL COMMENTS**

*Councilmember P. M. Nigh* hopes the new administration will continue what this administration has started. She thanked her colleagues for working together and addressing concerns throughout their term. She noted each Mayor and City Councilmember's positive impact on the City of Hagerstown.

*Councilmember D. F. Munson* thanked staff for the pictures and video. He thanked both Chief Brito and Chief Lohr for their efforts in protecting the citizens of Hagerstown. The Fit Room at Fairgrounds Park is nice. It has been his honor and pleasure to serve with this administration. He mentioned each Mayor and City Councilmember's positive impact on the City of Hagerstown.

*Councilmember L. C. Metzner* offered his condolences to Rodney Tissue and his family on the recent passing of his father. The recent Pop-Up Shop event was exceptional. He noted this administration has been one of the best. He has enjoyed working with this group of elected officials. If he is the eventual winner of the election (due to a recount) he will make sure the efforts of this administration continue. He appreciates the professionalism of the City's staff.

*Councilmember M. E. Brubaker* stated there will be fiscal challenges for the next administration to overcome. Revenue expectations and expense expectations early in the budget season don't usually match. It is the job of the City Administrator and staff to trim the budget and make it work. The Urban Core project will be a fiscal and political challenge. The proposed CRIZ (Community Revitalization Improvement Zone) legislation will help improve property values. Declining property values continue to be challenging. Throughout these and other challenges, the City of Hagerstown has to be kept sustainable. He thanked his colleagues for their hard work during the last four years.

*Councilmember K. B. Aleshire* reminded everyone that the elected officials here are regular people who care about the future of Hagerstown. During this administration, many initiatives were developed, i. e. the First Third Incentive Program. The MELP plant has been demolished and clean up of the property continues. The City Center Plan was a major accomplishment during this administration. The Plan outlines eight catalyst projects to create a path to revitalize Hagerstown. Many of the projects have been started or are nearing completion. He noted quality of life issues have been addressed by implementing the Crime Free Ordinance. He assured the group the energy will not decline during the next administration.

*Mayor D. S. Gysberts* thanked everyone who assisted with the Pop Up Shops event. The Fit Room transformation is impressive. He visited Open Works in Baltimore earlier today. This "maker space" offers shared resources for equipment and materials for entrepreneurial people. A similar program in Hagerstown would provide the opportunity for the City to continue to be the hub for the creative class. He stated it has been an honor and a privilege to serve as Mayor. If the next administration is successful, then everyone in the City is successful. Mayor and City Councilmembers are responsible for providing the opportunities for the greatest good for the greatest number of citizens. He believes this administration brought this attitude of stewardship to the table. Accomplishments during this administration include increased citizen engagement, City Center plan, Main Street Hagerstown, the Community Garden, the Hagerstown Cultural Trail, organizing a Housing Summit, expansion of the Arts and Entertainment District, demolition of MELP, acquisition of blighted properties, and investing in the Maryland Theatre renovations. Many other accomplishments were also mentioned. There are many issues on the horizon that will be important for the City including union negotiations, repairs to the Edgemont Reservoir, and the Mt. Aetna Farms annexation. The City of Hagerstown is a community worthy of investing in itself.

105<sup>TH</sup> REGULAR SESSION  
2016 MAYOR AND CITY COUNCIL

NOVEMBER 22,  
HAGERSTOWN, MARYLAND

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 8:53 p.m.

Respectfully submitted,

Donna K. Spickler  
City Clerk

Approved: December 20, 2016