

59<sup>TH</sup> REGULAR SESSION AND EXECUTIVE SESSION – January 27, 2015

EXECUTIVE SESSION – January 27, 2015

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 meet in closed session to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, #1 (Section 10-508(a)), at 6:34 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 M. E. Brubaker, Councilmember L. C. Metzner, Councilmember D. F. Munson, Councilmember P. M. Nigh, Karen Paulson, Director of Human Resources, and Donna K. Spickler, City Clerk. The meeting was held to discuss the recruitment of a City Administrator. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the executive session was adjourned at 7:01 p.m.

59<sup>TH</sup> REGULAR SESSION – January 27, 2015

**Mayor D. S. Gysberts called this 59<sup>th</sup> Session of the Mayor and City Council to order at 7:11 p.m., Tuesday, January 27, 2015, 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 Bruce Zimmerman, City Attorney Mark Boyer, and Donna K. Spickler, City Clerk.**

The invocation was offered by Councilmember Martin E. Brubaker. 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 beginning at 4:00 p.m. on Tuesday, February 10, 2015 and Tuesday, February 17, 2015, and a Mid-Year Budget Report Work Session at 5:00 p.m. on Tuesday, February 24, 2015, the Regular Session at 7:00 p.m. on Tuesday, February 24, 2015.

**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 make the following appointments:

Board of Zoning Appeals

George C. Newman, III – Term to expire January 31, 2018  
James D. Stouffer, Jr. – Term to expire January 31, 2016

Hagerstown Loan Review Authority:  
Marshall A. Hammer – Term to expire January 31, 2018  
Lewis Watson, Jr. – Term to expire January 31, 2018

City Ethics Commission:  
Rabbi Ari Plost – Term to expire September 1, 2017

## **GUESTS**

Officer Langley Dean and Officer Jon Molineaux are receiving life-saving awards during National Police Week in May. They are being recognized for saving the life of a man who was having a massive heart attack in December, 2014. Both officers were present at the meeting.

## **CITIZEN COMMENTS**

Dot Kline, 1036 Benjamin Place, Hagerstown, Maryland, stated she has a vested interest in the City Center, Maryland Theatre, and City Park. She served on the Downtown Development Commission in 1975. She is a real estate agent. She congratulated the Mayor and Council for moving as far as they have on a plan for Hagerstown. She disagrees with some of the thoughts. She does not agree with removing the Central Parking Lot and constructing an office building. There are 15 vacant buildings that could be used for office space instead of building a new one. Trails to other areas can't be built until the City Center is improved. She thinks the Mayor and Council need to reconsider being involved with student housing. Real estate agents are a resource the Mayor and Council have not used. Realtors are in contact with investors, developers, and have contacts all over the country. She thinks there should be a luncheon scheduled with realtors in the community to discuss the plans for the City Center and to get them involved in the revitalization. There is grant money available for projects and the City should apply for this.

Mayor Gysberts thanked Ms. Kline for her compliment. He stated the City doesn't control the content of articles in the newspaper. He reminded everyone that there used to be a building on the Central Parking lot. Ms. Kline mentioned 15 vacant buildings. He noted these buildings are not owned by the City. Private investors are encouraged to participate in the City's revitalization efforts. He knows staff applies for grant money at every opportunity.

Ms. Kline appreciates the efforts the Mayor and Council have made in helping improve the community.

**CITY ADMINISTRATOR COMMENTS**

*Bruce Zimmerman, City Administrator*, reminded everyone that the State of the County will be held on Tuesday, February 3, 2015, Day in Annapolis is Wednesday, February 4, 2015, and the State of the City will be held on Tuesday, March 10, 2015.

**MAYOR AND COUNCIL COMMENTS**

*Councilmember P. M. Nigh* had no additional comments.

*Councilmember D. F. Munson* had no additional comments.

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

*Councilmember M. E. Brubaker* encouraged Mayor and Council members to attend the Day in Annapolis. Issues on the lobby and watch list are funding for the Maryland Theatre, liquor law changes to accommodate festivals downtown, widening of I-81, the Eastern Boulevard corridor, and watching legislation that may have a negative impact on the community. He stated City employees are doing a good job with snow removal, as usual.

*Councilmember K. B. Aleshire* stated it appears that State officials are proposing to eliminate additional Highway User Revenue in next year's budget. He pointed out that one of the goals he listed in 2004 was to find other funding sources for street improvements and not rely on the State funding. It would be better to not have to depend on the State funding at all. He attended a meeting of the Greater Hagerstown Downtown Task Force. The discussion included his idea of revitalization occurring block by block. He appreciates Greater Hagerstown's interest. He attended an Economic Development Commission (EDC) meeting. The efforts of the City and EDC are similar in education, housing, employment and infrastructure. He has noticed that many sidewalks are not cleared following snow storms.

*Mayor D. S. Gysberts* attended the inaugural ball for the Governor and Lt. Governor last week. It looks as though municipalities will have to cover additional State revenue cuts. The Barbara Ingram School for the Arts Writing Center is now open at 20 West Washington Street. This new facility points out the importance of an academic hub in the downtown. Last Thursday, January 22, 2015, was the 10<sup>th</sup> anniversary of the opening of the USMH center. Mayor Gysberts attended the Art of Cooking event sponsored by the Arts Council and the fundraiser for the Community Free Clinic over the weekend. He and staff have met with CSX representatives to discuss ways to solve the problems along the railroad.

**MINUTES**

On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by

voice vote to approve the minutes, as presented, for the Mayor and Council meetings held on November 4, 2014, November 18, 2014, November 25, 2014, December 2, 2014, December 9, 2014, and December 16, 2014.

### **CONSENT AGENDA**

On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember M. E. Brubaker, the Consent Agenda was approved as follows:

- A. Department of Community and Economic Development:
  - 1. Street Closures for Various Events in 2015
  - 2. Open Containers law Exemption – Western Maryland Blues Fest (May 28, May 29 and May 30, 2015, Wind Downs (May 8, June 5, July 17, August 21, September 25 and October 16, 2015) and Augustoberfest Event (August 22 and August 23, 2015)
  - 3. Trick or Treat Date – October 30, 2015
  
- B. Department of Parks and Engineering:
  - 1. Parks Division – Dump Truck – Criswell Auto Fleet Sales (Gaithersburg, MD) \$ 59,716.00
  
- C. Department of Utilities:
  - 1. Class Transformer Remediation – ABB, Inc. (South Boston, VA) \$ 35,500.00
  
- D. Hagerstown Police Department:
  - 1. Books and Tuition for Hagerstown Community College Police Academy - \$ 35,641.00

### **UNFINISHED BUSINESS**

#### **A.. Approval of an Ordinance: Amending the City Code by Adding Chapter 183, Nuisance – Unattended Donation Containers**

**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 ordinance to add Chapter 183, Nuisance – Unattended Donation Containers, to the Code of the City of Hagerstown. This code amendment will prohibit the use and maintenance of unattended donation containers in the City as a means of protecting the neighborhoods from the nuisance conditions associated with such containers. This amendment to the City Code will have an effective date of July 1, 2015.

Discussion: Councilmember Brubaker requested that owners of properties

where the containers are located be contacted prior to the July 1, 2015 effective date.

**B. Approval of an Ordinance: Amending Chapter 216, Streets and Sidewalks, of the City Code to Add Provisions for Private Use of Public Sidewalks.**

**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 216, Streets and Sidewalks, of the Code of the City of Hagerstown. This code amendment is intended to protect the livability, quality of life, and image of the community by placing controls on private use of public sidewalks for certain commercial activity. A new Article VIII, Private Use of Public Sidewalks, will be added to Chapter 216 that includes standards and restrictions for merchandise displays, sidewalk cafes, yard sales, and encroachments of structures and objects in the public right-of-way.

**NEW BUSINESS**

**A. Introduction of an Ordinance: City of Hagerstown 2015 General Obligation Bonds**

**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 enabling ordinance authorizing the City of Hagerstown to issue and sell, upon its full faith and credit, general obligation bonds in one or more series in an aggregate principal amount not to exceed \$ 9,874,343. Proceeds from the sale of the bonds will be used to pay costs of the projects identified in the ordinance. Proceeds are allocated by fund as follows:

General Fund	\$ 3,923,743
Electric Fund	650,000
Water Fund	3,260,600
Wastewater Fund	1,940,000
Property Management Fund	<u>100,000</u>
Total	\$ 9,874,343

That portion of principal, interest, and costs of issuance allocated to projects associated with the Electric Fund, Water Fund, Wastewater Fund and Property Management Fund shall be payable in the first instance from revenues accounted for in those respective funds. Staff is hereby directed to proceed in working with the City's Financial Advisor and Bond Counsel to determine the best financing options for the City, and to develop the necessary detailed resolutions and other documents required to prepare for the sale of the bonds as directed by this ordinance. As

specified in the ordinance, details and authorizations regarding the amount, timing, method of sale or sales, and other sale details will be outlined in a detailed resolution to be presented to this body for approval at a future date prior to the issuance of the bonds. The ordinance also authorizes the issuance of bond anticipation notes to fund project costs on an interim basis and refunding bonds in the event either is determined to be necessary by the Mayor and Council.

Discussion: Councilmember Aleshire noted that his place of employment uses the same bond counsel.

Approval of the ordinance is scheduled for February 10, 2015. If approved, the ordinance will become effective on March 13, 2015.

**B. Introduction of an Ordinance: Contract for Acquisition of 806-808 W. Washington Street**

**Action:** On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance to approve the acquisition of 806-808 West Washington Street for the creation of a public park or open space. Property is being donated to the City by the owner in “as is” condition and the City has a 120 day “feasibility period” to study any encumbrances on the property prior to the actual closing.

**C. Approval of a Resolution: Approval of a Supplement to Covenants for Maintenance of Terps Boulevard Medians**

**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 supplemental declaration with Collegiate Acres, LLC for the turf and landscape maintenance of the medians in Terps Boulevard. This agreement requires them to mow the medians in lieu of the City or the HOA for the homes west of Terps Boulevard.

Discussion: Councilmember Metzner asked that the language on page 2 of the declaration be re-worded to be clear.

**D. Approval of Management Services for Potterfield Pool with Community Pool Service of Rockville, Maryland**

**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 three year contract for pool management services at Potterfield Pool with Community Pool

Service of Rockville, MD beginning with the 2015 pool season. Contract provides for all lifeguards, cleaning, and assisting City staff with aquatic programs.

**E. Approval of Memorandum of Understanding (MOU) with Mitsubishi Heavy Industries and Customized Energy Solutions**

**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 Memorandum of Understanding (MOU) with Mitsubishi Heavy Industries and Customized Energy Solutions. The MOU details the responsibilities of each entity in the development of a proposed Energy Storage System and allows for the termination of the MOU by either of the parties during the term of the MOU. If the project is deemed feasible and all parties agree to all terms and provisions within a developed Lease Agreement, no RFP will be required.

Discussion: Councilmember Munson believes this technology partnership will “put Hagerstown on the map.”

Councilmember Brubaker stated electric rates may be reduced eventually with this technology.

Mayor Gysberts pointed out that the MELP plant was built on cutting-edge technology. Now MELP is being demolished and being replaced with new technology.

**F. Approval of Inductees to the Hagerstown Circle of Achievement at Memorial Park and Approval of a Date for Unveiling the Circle of Achievement and Grand Opening of Memorial Park**

**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, based on the recommendation forwarded to the Mayor and Council by the Circle of Achievement Inductee Review Committee, pursuant to compliance with criteria for candidacy established by the Mayor and Council on May 27, 2014, the following persons are to be inducted into the inaugural “Class of 2015” to the Hagerstown Circle of Achievement at Memorial Park (listed alphabetically): Henry Kyd Douglas, Jesse Duncan Elliott, Jonathan Hager, William Thomas Hamilton, Thomas Kennedy, William Preston Lane, Jr., Edward Mayberry Mobley, Matthias Peter Moller, Anna Brugh Singer, Mary Lemist Titcomb, Jacob Francis Wheaton, and William Othello Wilson. The Mayor and Council further moved that the Circle of Achievement be unveiled and Memorial Park be officially opened with

appropriate ceremony on Saturday, May 16, 2015, and that future ceremonies for the induction of new honorees in the Circle of Achievement shall occur during the weekend before Memorial Day weekend each May, unless altered by the Mayor and Council.

Discussion: Councilmember Aleshire stated he is disappointed that Mayor Winslow Burhans is not included in the initial group.

**G. Approval of Revised Standards for Induction to the “Circle of Achievement” at Memorial Park**

**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 approve of revised standards for induction into the “Circle of Achievement” at Memorial Park. The revisions are recommended by the selection committee based on their work establishing a list of potential candidates. The standards will be used by the Committee to provide future nominations for Mayor and Council approval.

**H. Approval of Hagerstown Suns Fireworks Schedule for 2015**

**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 ten fireworks shows after Hagerstown Suns baseball games during the 2015 season and that the Mayor and Council’s approval will exempt these ten shows from the City of Hagerstown’s Noise Ordinance under section 155-5 of the Code of the City of Hagerstown.

**I. Approval of Amendment to City Center Residency Initiative (CCRI) Program – Addition of Hagerstown Community College (HCC) Students as Eligible Applicants**

**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 the addition of the following eligible applicant categories to the City Center Residency Initiative (CCRI) Program:

1. Full time HCC students enrolled in a degree seeking program (minimum of 12 credit hours per semester)
2. Half time HCC students enrolled in a degree seeking program who concurrently maintain full time employment (minimum of 6 credit hours per semester)

The addition of these applicant categories to the City Center Residency Initiative will strengthen the existing program and create a partnership between the City of Hagerstown and HCC.

**J. Adoption of Standards and Conditions for Sidewalk Business License**

**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 adopt the presented Standards and Conditions for Issuance of Sidewalk Business Licenses to implement new code provisions for private use of public sidewalks in Chapter 216, Streets and Sidewalks, as previously adopted by ordinance on this date.

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

Approved: February 24, 2015