

76TH REGULAR SESSION – August 25, 2015

Mayor D. S. Gysberts called this 76th Session of the Mayor and City Council to order at 7:03 p.m., Tuesday, August 25, 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 Valerie Means, City Attorney Jason Morton, 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: Special Session at 4:00 p.m., followed by a Work Session at 4:15 p.m. on Tuesday, September 1, 2015, a Special Session beginning at 3:00 p.m., followed by a Work Session on Tuesday, September 15, 2015, a Work Session at 3:00 p.m. on Tuesday, September 22, 2015, and the Regular Session at 7:00 p.m. on Tuesday, September 29, 2015. There is no meeting scheduled for Tuesday, September 8, 2015.

APPOINTMENTS

Mayor Gysberts announced he was reappointing Carolyn Brooks to the Hagerstown Housing Authority. Her term will expire August 30, 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 reappoint Marc David to the City Ethics Commission. Mr. David's term will expire September 1, 2020.

GUESTS

Highlight Hagerstown Awards

Mayor Gysberts and Alex Rohrbaugh, Planner, presented Highlight Hagerstown Awards to the following:

Residential:

1. 433 North Potomac Street – owner Edward Williams
2. 614 Picadilly Drive – owner Linda Kayser
3. 1411 Oak Hill Avenue – owner John Carbone

Non-residential:

1. Washington County Museum of Fine Arts, 401 Museum Drive

Proclamation: Play Ball Month

Mayor Gysberts presented a proclamation naming August as Play Ball month. Members of the West End Little League team were present to receive the proclamation. The West End Little League won the 2015 District Championship.

CITIZEN COMMENTS

Kevin Spielman, Potomac Towers, Hagerstown Maryland, stated progress is being made with demolishing dilapidated buildings. He asked when the MELP building will be torn down.

Mayor Gysberts stated the agreement with the owners requires the building to be removed by September 30, 2015.

Patrick Prudomme, 136 N. Mulberry Street, Hagerstown, Maryland, is concerned about the number of violations in his neighborhood for high weeds. There were 361 violations issued. If property owners are expecting the City to be their calendar and let them know when its time to clean up the weeds, there should be a \$ 15.00 ticket issued to the owner. Employees issuing the ticket should receive the money. After the ticket is issued, the violations notices could begin. The City could be improved greatly if the Mayor and City Council would implement his suggestion.

Mayor Gysberts stated his recommendation would be taken under advisement.

Mr. Prudomme asked how soon he could expect a response. Mayor Gysberts stated in a couple of weeks.

Councilmember Metzner pointed out it would not be appropriate to provide the money to the Code Enforcement employees.

Treva Ghattas, 13621 Clayton Boulevard, Hagerstown, Maryland, is a managing principle with Office Suppliers in Hagerstown. She questioned why staff is recommending approval of the bid for office furniture that is higher than the bid Office Suppliers submitted. The latest bid specs were for discontinued products and staff agreed to accept a bid for alternate products. They chose furniture that had been used by other incubators and similar uses.

Andrew Sargent, Downtown Manager, stated staff recommended the higher bid because they are looking for like product that was similar to the discontinued product. The higher bid more closely matched the intended design and feel of the furniture for the space.

Nancy Allen, 924 Oak Hill Avenue, Hagerstown, Maryland, stated there has been an increase of crime in her neighborhood over the past several years. In order to provide adequate public safety, there should be more police officers. She asked if there is a procedure in place for notifying neighborhoods when a crime is occurring so residents are aware of the situation. She hopes Hagerstown officers are being trained for handling riot situations.

Mayor Gysberts pointed out there are currently more police officers than in any other time.

Ms. Allen asked if the officers are walking in the neighborhoods. She was sorry to hear Chief Mark Holtzman is leaving. She wondered if the Mayor and City Council made an offer to keep him in Hagerstown.

Mayor Gysberts stated no offer was made. He noted when an employee leaves, it is not the City's practice to offer them more money to stay. He mentioned that Hagerstown police officers have been attending training sessions for dealing with riots. Several officers assisted the Baltimore Police Department during the recent riots in Baltimore. Hagerstown police officers have a very good rapport with the citizens of Hagerstown.

Councilmember Munson thanked Ms. Allen for the information she posts on her website about things happening in the neighborhood, especially about someone who was trespassing by entering homes. This information will help all residents in the community.

Councilmember Metzner noted there is not a neighborhood alert system in place.

Mayor Gysberts stated there may be an alert component with the new website being implemented by the City of Hagerstown. Ms. Allen stated an immediate text would be helpful. A proactive approach is needed.

Ms. Allen stated Pen Mar Association of Realtors has started the process to obtain City water service for their property on Green Hill Drive. She thought they had met the requirements for service. They have been notified they must request an exemption to have water service. She asked what the next step is to make the request. She stated their building would be a catalyst to spur other building that would change the economics in Hagerstown.

Mayor Gysberts stated he will follow up on the process.

CITY ADMINISTRATOR COMMENTS

Valerie Means, City Administrator, had no additional comments.

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 had no additional comments.

Councilmember K. B. Aleshire is concerned that many crimes are committed by people who are staying at the Wells House and similar treatment facilities. Many of the people staying at these facilities are not from the local community. Until this issue is addressed, all the good things that are being done in and for Hagerstown become less obvious.

Mayor D. S. Gysberts welcomed the restaurant, Pho D'Lite, 67 Eastern Boulevard, to Hagerstown. A ribbon cutting was held at the restaurant earlier today.

MINUTES

No minutes were available for approval.

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. Department of Community and Economic Development:
 - 1. Application Permit for Fairgrounds Country Fest – September 26, 2015, Hagerstown Area Police Athletic League, Inc. at Fairgrounds Park
 - 2. Application Permit for Wind Down Friday – September 25, 2015 and October 16, 2015, The Maryland Theatre Association, Inc. at 21 South Potomac Street

- B. IT Support Services
 - 1. Intellitime Hosting and Software Support Agreement – Intellitime Systems Corporation (Santa Ana, CA) \$ 52,000.00
 - 2. ESRI (GIS) Enterprise License Agreement Renewal – ESRI (Redlands, CA) \$ 35,000.00

- C. Parks and Engineering:
 - 1. Community Garden Ornamental Perimeter Fence – Hercules Fence of MD, LLC (Jessup, MD) \$ 28,288.75
 - 2. Pavement Management Condition Survey – Enterprise Information Solutions (Hanover, MD) Not to Exceed \$ 25,000.00

D. Police:

1. Purchase of Six Mobile Precision M4800 CTO Computers – Dell (Round Rock, TX) \$ 20,370.00
2. Purchase of Twenty Mobile Data Terminals – HGCI Hartford, Inc. (Columbia, MD) \$ 93,000.00
3. Purchase of Microsoft Excel and PC Bundle – Agilent Technologies (Wilmington, DE) \$ 13,079.00

E. Public Works:

1. Purchase of TS2T2 Nema 6 Economote Traffic Signal Cabinets – Traffic Systems & Technology (Manassas, VA) \$ 11,560.00

F. Department of Utilities:

1. Renewal of Contract for Cummings ENR Emergency Generator Set – Cummings Power Systems, LLC (Glen Burnie, MD) \$ 19,460.00
2. Purchase of Twenty Homa Model GRP19/1 Submersible Grinder Pumps – Fluid Solutions, Inc. (Westminster, MD) \$ 57,200.00
3. Purchase of a Muffin Monster Exchange/Return for Pump Station No. 23 – JWC Environmental (Busford, GA) \$ 11,595.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: Transfer of Land at Park Circle

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 authorizing the transfer of 0.04 acres of land from the City of Hagerstown to Byers Commercial Properties, LLC. The land is no longer needed for a public purpose and the Park Circle Animal Hospital will use the property to expand their parking.

B. Approval of an Ordinance: Repeal Chapter 183, Nuisance – Unattended Donation Containers

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 adopt an ordinance to repeal Chapter 183, Nuisance – Unattended Donation Containers, of the Code of the City of Hagerstown. This chapter will be replaced with Chapter 89, Donation Bins, which will regulate the location of bins in the City rather than ban the bins, as recommended by the City Attorney.

C. Approval of an Ordinance: Add Chapter 89, Donation Bins

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 adopt an ordinance to add Chapter 89, Donation Bins, to the Code of the City of Hagerstown. As recommended by the City Attorney, this chapter will replace Chapter 183, Nuisance – Unattended Donation Containers, which banned the bins in the City. Chapter 89 sets up the conditions upon which unattended donation bins may be located within the City and provides clear measures to address nuisance conditions if they arise.

NEW BUSINESS

A. Introduction of an Ordinance: Acquisition of Massey Property

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 an ordinance authorizing the acquisition of 1.2079 acres of land at 28-50 East Baltimore Street from the Board of County Commissioners for Rehabilitation and Redevelopment. The Mayor and City Council further moved for the Mayor to execute the Contract of Sale on the effective date of the ordinance.

Discussion: Councilmember Aleshire stated the City continues to move aggressively on removing blighted buildings within the City. These buildings need to be demolished to move forward.

B. Introduction of an Ordinance: Land Management Code Amendments

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance to amend Chapter 140, Land Management Code, of the City Code. This ordinance itemizes a package of amendments covering a wide range of revisions which began review by the Planning Commission in 2014. The complete details are outlined in the ordinance.

Discussion: Councilmember Metzner asked that a Work Session discussion be scheduled to discuss the proposed amendment to authorize staff to prepare the written decisions for the Board of Zoning Appeals (BZA). He would like input from the BZA regarding this amendment.

C. Approval of Updates to Community Development Block Grant Citizen Participation 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 the required updates to the Community Development Block Grant (CDBG) Citizen Participation Plan. The updates to the plan align with CDBG citizen participation requirements and will ensure ongoing compliance with federal regulations. The revised (from HUD and as of August 25, 2015) and updated CDBG Citizen Participation Plan was provided to the Mayor and City Council.

D. Approval of Renewal of Agreement between the Hagerstown Police Department and the Drug Enforcement Administration

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 authorize the renewal of a Memorandum of Understanding with the U.S. Drug Enforcement Agency. This agreement renews the City's commitment to provide two officers and one sergeant to the City's DEA office to work specifically on narcotics investigations in Hagerstown and the surrounding areas. In return, the DEA provides reimbursement for overtime costs associated with drug investigations up to \$ 17,548 per officer to the City of Hagerstown.

E. Approval of After School Program: Robert W. Johnson Community Center

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 funding of the after school program at the Robert W. Johnson Community Center. The Robert W. Johnson Community Center provides a variety of constructive after school programs to area youth. This program runs for the 2015-2016 school year at a cost of \$ 17,940.00.

F. Approval of After School Program: Parkside Community Center

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 funding for the after school program at Parkside Community Center. The Hagerstown Housing Authority provides a variety of constructive after school programs to area youth. This program runs for the 2015-2016 school year at a cost of \$ 18,881.00.

G. Approval of After School Program: BTJ Dance Group

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 funding for the BTJ Dance

Group after school program that is held at the Suman Avenue Community Building. The Hagerstown Housing Authority provides a variety of constructive after school programs to area youth. This program runs for the 2015-2016 school year at a cost of \$ 3,500.00.

Discussion: Councilmember Brubaker pointed out these three after school programs increase fundamental values in the community. The Mayor and City Council support these programs, even though it is not required.

H. Acceptance of the Utilities Department Street Patching Contract for Fiscal Year 16 with Huntzberry Brothers, Inc. (Smithsburg, MD) \$ 282,950.00

Action: On a motion duly made by M. E. Brubaker and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve the Fiscal Year 2016 Street Patching Contract in the amount of \$ 282,950 with Huntzberry Brothers, Inc. This contract amount is an estimate, with the actual cost based upon the actual work performed for street patching and repairs associated with the operations of the Water Division and Wastewater Division. This contract has two one-year renewal options under mutually agreeable terms. Approval of this contract authorizes Utility Department staff to exercise the renewal options. Adequate budgetary funds are in place for the work identified under this contract.

I. Approval of a Contract: R. C. Willson Water Treatment Plant Lagoon Cleaning and Maintenance – Synagro Central, LLC (Baltimore, MD) \$ 160,000.00

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 a one year extension of the contract with Synagro Central, LLC to provide residual removal services for \$0.0398 per gallon with an estimated annual expenditure of \$ 160,000.00 of Water Division operating funds. This contract shall be in effect for one year with the option to renew for one additional 1 year period under mutually agreeable terms as specified in the exiting contract.

J. Approval to Renew Annual Maintenance Contract for the MUNIS Municipal Financial System Software – Tyler Technologies, Inc. (Dallas, TX) \$ 183,905.05

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 of the renewal of the maintenance contract for support of the MUNIS Municipal Financial System software with Tyler Technologies, Inc. The cost of the renewal is \$ 183,905.05, including \$ 30,000 for database administrative support, and

\$ 153,905.05 for support and update licensing for 26 program modules in use by City staff.

K. Approval of Contract: Office Furniture at the 60 West Washington Street Business Center – American Office (Baltimore, MD) \$ 33,517.00

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 the bid of American Office to furnish the Business Resource Center at 60 West Washington Street at a cost of \$ 33,517. The American Office proposal most closely conforms to the original design intent and bid specifications. Funding for this project will come from Federal USDA Rural Business Enterprise Grant funds.

L. Approval of IBEW Local 307 Memorandum of Agreement

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 Memorandum of Understanding Agreement between the City of Hagerstown and the International Brotherhood of Electrical Workers, Local 307. This Agreement satisfies the wage and benefit reopener provision in the current collective bargaining agreement which expires June 30, 2016. Under the terms of this agreement, the union shall receive a cost of living wage adjustment totaling 2.0% effective retroactively to July 6, 2015. Members of Local 307 will advance to the longevity step based on their years of service. Longevity steps become effective the Monday following an employee's anniversary date.

The cost of the contract settlement is approximately \$ 34,934.04, of which 100% is from the Electric Fund.

M. Approval of Tourist Area and Corridor Signing Program

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 authorize the Maryland State Highway Administration's Tourist Area and Corridor Signing Program to be implemented within the City limits after input from Staff. This program will unify signage that leads to approved tourist attractions in the City of Hagerstown.

Discussion: Councilmember Brubaker noted there will be financial assistance from the State for this signage program in that they cover the cost of the signs.

Councilmember Munson addressed comments from Nancy Allen about the adequacy of the Hagerstown Police Department (HPD) to deal with crisis situations. He noted the Washington, DC police department is down 500 officers. He believes the statistics would be worse in Baltimore, Maryland. The HPD is down 3 officers. This is a statement about the adequacy of the HPD and the morale of officers in this area. People should not forget or overlook how successful this administration has been with removing blighted buildings, i.e. Mid-town Motel on Prospect Street, the burned building on W. Antietam Street, the soon to be removed buildings on the Massey Property and the soon to be completed demolition of the MELP building. These four projects have made great improvements in the neighborhoods.

Mayor Gysberts stated he has discussed a proposal for a demolition fund plan with the City Administrator. This plan would include obtaining receivership or placing liens on blighted properties with the objective being removal of the blight. He plans to have a proposal ready for review in the next month.

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 8:06 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler, City Clerk

Approved: September 29, 2015