

60TH REGULAR SESSION – December 20, 2011

Mayor R. E. Bruchey, II called this 60^h Regular Session of the Mayor and City Council to order at 7:03 p.m., Tuesday, December 20, 2011, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers W. M. Breichner, M. E. Brubaker, F. W. Easton, A. C. Haywood, L. C. Metzner; City Administrator Bruce Zimmerman, City Attorney William Nairn and D. K. Spickler, City Clerk.

The invocation was offered by Mayor Robert E. Bruchey, II. The Pledge of Allegiance was then recited.

Mayor Bruchey announced the Rules of Procedure for this meeting will be followed as adopted June 23, 2009. It was announced that the use of cell phones and electronic devices 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, January 10, 2012, Tuesday, January 17, 2012, Tuesday, January 24, 2012 and the Regular Session on Tuesday, January 31, 2012 at 7:00 p.m.

CITIZEN COMMENTS

Michael Heyser, 1043 Haven Road, Hagerstown, Maryland, was notified he had to install a sidewalk at his residence. He appealed the notice and has now received a letter from the Board of Code Appeals stating the Board determined the intent of the Code was incorrectly interpreted. A copy of the letter was provided to Mayor and City Council members. He found the letter confusing. He hopes this situation has been resolved. He stated he was privileged to work for the City. He believes enforcement of the Code is valuable to the community, but with constraint. He stated legislation is not in place for requiring installation of sidewalks. He hopes the City will send letters to each property owner who received the first notice informing them they do not have to install sidewalks.

MINUTES

On a motion duly made by Councilmember A. C. Haywood and seconded by Councilmember F. W. Easton, 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 8, 2011, November 15, 2011 and November 22, 2011.

CONSENT AGENDA

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember A. C. Haywood, the Mayor and City Council unanimously agreed by voice vote to approve the Consent Agenda as follows:

A. Police Department: CID Vehicle – Brekford (Hanover, MD) \$ 25,912.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: Sixth Amendment to City of Hagerstown Police & Fire Employees' Retirement Plan

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember A. C. Haywood, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance as introduced on November 22, 2011, to amend the City of Hagerstown Police & Fire Employees' Retirement Plan as follows:

1. A change to 38-26B – Pickup Contributions – The change will provide the provision for all active employees to continue with employee contributions until they retire/resign.
2. A change to 38-33 – maximum Limitations on Benefits – this reflects a change in federal law and to ensure that the Plan may remain qualified for tax purposes.
3. A change to 38-55 – Retirement Plan Committee – Currently the committee includes a citizen of the City of Hagerstown. The recommended change defines that committee members have investment/financial experience. That background and expertise would bring added value to the committee. Update Committee from Personnel Manager to Director.

B. Approval of an Ordinance: Non-Exclusive Right-of-Way Agreement with LUMOS of West Virginia

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 introduce an ordinance to enter into a Non-Exclusive Right-of-Way Agreement with LUMOS of West Virginia Inc. for the use of Streets and Other Public Places of the City of Hagerstown. The initial term of the Agreement is five years and will allow for the placement of poles, wires, conduits, cables, and telecommunication facilities within City rights-of-ways.

NEW BUSINESS

A. Introduction of an Ordinance: Authorizing Speed Monitoring Systems in School Zones

Action: On a motion duly made by Councilmember F. W. Easton and seconded by Councilmember A. C. Haywood, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance authorizing

the addition of Section 60-17 to the City Code to authorize speed monitoring systems in school zones and establish fines for violation of speed limits within the zones.

B. Approval of Automated Speed Enforcement Camera System Contract with Brekford Corporation, Hanover, Maryland

Action: On a motion duly made by Councilmember A. C. Haywood and seconded by Councilmember F. W. Easton, the Mayor and City Council unanimously agreed by voice vote to authorize and approve a contract with the Brekford Corporation (Hanover, Maryland) for the implementation and installation of a speed enforcement camera system in designated school zones. Under this contract, Brekford shall be compensated at 39% of the monthly program payments based on a detailed system billing report submitted to the City each month. Brekford shall supply the City up to 16 portable cameras systems and personnel to service the technology five days per week.

C. Approval of a Resolution: Support for Sustainable Community Area and Plan

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember W. M. Breichner, the Mayor and City Council unanimously agreed by voice vote to approve a resolution to approve the designation of the Historic Urban Core Area of Hagerstown as a Sustainable Community Area, to approve a Sustainable Community Plan for the Area, and to submit a Sustainable Community application for Hagerstown to the Maryland Department of Housing and Community Development.

D.. Approval of a Resolution: Acceptance of Streets – Wareham Place and Meridian Drive

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember F. W. Easton, the Mayor and City Council unanimously agreed by voice vote to approve a resolution to accept the offer of dedication of the newly constructed Wareham Place (adjacent the new Transit Center) and Meridian Drive (in Greenwich Park). The City shall commence maintenance of these streets upon the developer submitting the proper one-year maintenance bond.

E. Approval of a Resolution: Approval of a Lease Agreement with Paul A. Spickler at 17 East Franklin Street

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember W. M. Breichner, the Mayor and City Council

unanimously agreed by voice vote to approve a resolution to approve a lease agreement between the City of Hagerstown and Paul A. Spickler T/A Spickler's Market for 17 East Franklin Street. The term of the lease is for four years, beginning on January 1, 2012. Annual rent will be as follows:

2012	\$ 8,400.00
2013	\$ 8,400.00
2014	\$ 8,400.00
2015	\$ 8,662.50

F. Approval of a Resolution: Memorandum of Understanding with Department of Labor, Licensing and Regulation for Storage Area at 14 North Potomac Street

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember F. W. Easton, the Mayor and City Council unanimously agreed by voice vote to approve a resolution to approve a memorandum of understanding (MOU) with the Department of Labor, Licensing and Regulation for storage space at 14 North Potomac Street. The term of the MOU is for one year, beginning on July 1, 2012. Total rent is \$ 1,722.00.

G. Approval of an Agreement: Termination of Easement with Barvin LLC

Action: On a motion duly made by Councilmember M. E. Brubaker and Councilmember A. C. Haywood, the Mayor and City Council unanimously agreed by voice vote to approve an agreement for the Termination of Easement between Barvin, LLC and the City of Hagerstown. The approval of the Agreement will allow for the removal of an abandoned fire pump and the associated structure located upon City of Hagerstown property at 12140 Crystal Falls Road in Smithsburg, Maryland.

H. Approval of a Maintenance Agreement: Cortland Manor Condominium Association for Street Lights

Action: On a motion duly made by Councilmember L. C. Metzner and Councilmember A. C. Haywood, the Mayor and City Council unanimously agreed by voice vote to approve a maintenance agreement between the City of Hagerstown and Cortland Manor Condominium Association. The provisions of the agreement specify that the City will agree to pay the monthly electric charges for the twenty-eight existing street lights along Cortland Drive and little Hayden Circle. Also, the Hagerstown Light Department agrees to perform maintenance and repairs of all conduit, conductor, poles and fixtures on the street light system.

I. Approval of Memorandum of Understanding with Maryland State Highway Administration for Mills Park Phase II

Action: On a motion duly made by Councilmember A. C. Haywood and seconded by Councilmember F. W. Easton, the Mayor and City Council unanimously agreed by voice vote to approve a Memorandum of Understanding with the Maryland State Highway Administration for a \$ 24,640 grant for the construction of Phase II of a walking trail at Mills Park. The trail will connect the existing trail system to Northern Avenue, and the City will provide a \$ 7,500 match from the City's general fund.

J. Approval of Waste Disposal Agreement with Waste Management

Action: On a motion duly made by Councilmember F. W. Easton and seconded by Councilmember W. M. Breichner, the Mayor and City Council unanimously agreed by voice vote to approve an agreement with Waste Management for the disposal of trash collected within the limits of the City of Hagerstown to be taken to Mountain View Landfill near Upton, PA. The contract runs the length of the collection contract. For the first 36-month period, the disposal fee is fixed at \$42/ton.

K. Approval of Funding for Municipal Stadium Improvements for the 2012 Season

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember A. C. Haywood, the Mayor and City Council unanimously agreed by voice vote to approve of funding for improvements at Municipal Stadium prior to the 2012 season. The funding shall be an additional \$ 50,000, taken from the Capital Improvement Program contingency funds. Funds shall be used to expand the deck seating, inspect the bleacher seating, and various other repairs in the facility.

L. Approval of Application for FY 2013 Program Open Space Projects

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember F. W. Easton, the Mayor and City Council unanimously agreed by voice vote to approve an application to Washington County requesting FY 2013 Program Open Space funding of improvements to the City's recreational facilities as follows:

1. Potterfield Pool Pavilion - \$ 9,000
2. Portable Metal Bleachers for various parks - \$ 7,200
3. Hellane Park Walkway improvements - \$ 36,000
4. Memorial Park – Phase II - \$ 49,500

Discussion: Councilmember Haywood stated these improvements are in priority order.

M. Approval of Funding for After School Program at Memorial Recreation Center (MRC)

Action: On a motion duly made by Councilmember A. C. Haywood and seconded by Councilmember F. W. Easton, the Mayor and City Council unanimously agreed by voice vote to approve of City funding to support an after school program conducted by the Memorial Recreation Center (MRC). The City will provide \$ 17,921.00 from General Fund C-Safe funds for the Memorial Recreation Center After School Program.

N. Approval of Police Department Hiring Incentives

Action: Councilmember A. C. Haywood made a motion to authorize providing two hiring incentives to support Hagerstown Police Department hiring of sworn officers. Once incentive shall provide a one time payment of \$ 5,000.00 to persons hired as police officers, either as a lateral candidate from another Maryland law enforcement agency or a comparative compliance candidate from a law enforcement agency located outside of Maryland. The receipt of the \$ 5,000.00 is dependent on the officer working a minimum of two years with the City of Hagerstown. The second incentive shall provide existing police officers a \$ 500.00 payment for referring an applicant to the City who is subsequently hired as a lateral or comparative compliance officer. Councilmember L. C. Metzner seconded the motion.

Motion carried, 4-1 with Councilmember Easton voting No.

O. Approval of Purchase: Hagerstown Police Department – 50 Fixed and Mobile Cameras – Unilux (Gaithersburg, MD) \$ 242,500.00

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember F. W. Easton, the Mayor and City Council unanimously agreed by voice vote to approve the acquisition of 50 fixed and mobile cameras from Unilux with an acquisition price of \$ 242,500.00. This purchase shall include support services provided by Unilux through December 31, 2012. These cameras shall be used throughout the city to support the police department's crime prevention program. The source of funding for this purchase shall be from the COPS technology grant funds.

**P. Approval of Loan Restructuring for Paradise Hospitality Group, LLC
Operating as Best Western Grand Venice Hotel**

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember W. M. Breichner, the Mayor and City Council unanimously agreed by voice vote to approve a restructure of the City's business revolving loan to Paradise Hospitality Group, LLC, Loan Number 24-1178. The initial loan amount was \$ 100,000.00, with an interest rate of 9.25% and term of 60 months. This loan was provided in November, 2006 for working capital and to fund renovations. To date, the City has received total payments of \$ 50,633.76. The loan will be restructured to allow Paradise Hospitality Group, LLC to make a one time cash payment of \$ 49,900.00 to the City of Hagerstown to settle the loan and satisfy the City's lien.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, thanked the Mayor and City Council and staff for all they've done on behalf of Hagerstown in the past year. He wished everyone a happy holiday.

MAYOR AND COUNCIL COMMENTS

Councilmember W. M. Breichner wished everyone a good holiday and success in years to come.

Councilmember M. E. Brubaker reminded residents that trash collection changes start on January 1, 2012. All collection will be on the same night for each neighborhood. The new recycling program will be implemented in the Spring. He wished everyone happy holidays.

Councilmember F. W. Easton wished everyone a Merry Christmas.

Councilmember A. C. Haywood attended the Maryland Symphony Orchestra's Home for the Holidays concert. It was a wonderful event and she encouraged everyone to enjoy what Hagerstown has to offer.

Councilmember L. C. Metzner wished everyone a Merry Christmas and Happy New Year. The city looks pretty with all the holiday lights.

Mayor R. E. Bruchey, II mentioned the tree at Pangborn Park will be lit tomorrow. He thanked his fellow elected officials - local and state. There will be some challenging times to come. If everyone works as a team, goals can still be accomplished. He urged everyone to shop downtown. He thanked all those serving in the armed forces. He wished everyone a Merry Christmas and a Happy New Year.

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 7:31 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: January 31, 2012