

**67<sup>th</sup> REGULAR SESSION – March 27, 2012**

**Mayor R. E. Bruchey, II called this 67<sup>th</sup> Regular Session of the Mayor and City Council to order at 7:04 p.m., Tuesday, March 27, 2012, 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 Mark Boyer and D. K. Spickler, City Clerk.**

The invocation was offered by Councilmember Forrest W. Easton. 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, April 10, 2012, Tuesday, April 17, 2012, and the Regular Session on Tuesday, April 24, 2012 at 7:00 p.m.

**CITIZEN COMMENTS**

There were no citizen comments.

**APPOINTMENTS**

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 appoint Bryin Sills to the Police and Fire Employees' Retirement Plan Committee.

**PUBLIC HEARING**

**Arts and Entertainment District Redesignation**

Karen Giffin, Community Affairs Manager, and Christy Blake, Downtown Recruitment and Retention Manager, stated this Public Hearing is being held to receive testimony to consider the application of the City of Hagerstown for the redesignation of the Arts and Entertainment District by the State of Maryland. The Arts and Entertainment District is located within Washington County and the corporate boundaries of the City of Hagerstown.

Hagerstown's Arts and Entertainment District was one of the first designated in the State of Maryland. Included within the district are the four blocks adjacent to Public Square and several blocks running north and south on the east side of that area. The first block of S. Potomac Street was the primary focus of the City's originally designated A&E District. Major arts, education, and cultural anchors of the A&E District are the

Maryland Theatre, Maryland Symphony Orchestra, Washington County Free Library, University System of Maryland Center at Hagerstown, and the Barbara Ingram School for the Arts.

If redesignated, the City of Hagerstown and Washington County would continue to provide a 50% property tax credit on the increase in assessment which results from a renovation project to create artist housing or space for A&E enterprises. In addition, artists who live in Washington County that derive more than 50% of their income from artistic endeavors or sales in the district would continue to be eligible for a State income tax subtraction. Also, this designation would make certain projects in the district eligible for exemption from the Admission and Amusement Tax. The tax incentives available through this program sunset after 10 years.

The following testimony was presented:

Mary Baykan, Director of Washington County Free Library, 101 Tandy Drive, Hagerstown, Maryland, supports the renewal of the A&E District redesignation. This designation is a major factor in the vitality of the downtown area and serves as a major economic driver. The Library encourages expansion of the arts to provide an array of entertainment options for residents and visitors.

Tom Riford, President and CEO of the Hagerstown-Washington County Convention and Visitors Bureau (CVB), 16 Public Square, Hagerstown, Maryland, stated the CVB supported the initial application for the A&E District and supports the expansion of the District. The CVB welcomes events, exhibits, arts activities and more in the entertainment district. They want tourists to leave with wonderful memories. The A&E District creates opportunities for many businesses.

Ms. Giffin presented seven letters of support to be entered into the record.

There was no further testimony, either in favor of or against the redesignation of the A&E Entertainment District. The hearing was closed at 7:15 p.m.

## **MINUTES**

Councilmember Brubaker noted his Council comments from February 7, 2012 and February 28, 2012 have been revised from the draft minutes to clarify his statements.

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 minutes, as presented and clarified, for the Mayor and Council meetings held on February 7, 2012, February 21, 2012 and February 28, 2012.

## **CONSENT AGENDA**

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 the Consent Agenda as follows:

- A. Department of Community and Economic Development:
  - 1. Approval of Barbara Ingram School for the Arts Street Closure Request – May 5, 2012 (Rain Date May 6, 2012)
  - 2. Approval of Downtown Alliance Artisan Fair – Monthly from April 28, 2012 to October 27, 2012
  
- B. Department of Utilities:
  - Wastewater:
    - 1. Replacement of Air Lifts in ENR Filters – Parkson (Ft. Lauderdale, FL) \$ 63,799.00
  
  - Water:
    - 1. SCADA/RIO Panel for Willson Treatment Plant – ABB Inc. (Wickliffe, OH) \$ 37,450.00
  
- C. Police Department: DeskOfficer On-Line Reporting System – CopLogic, Inc. (San Ramon, CA) \$ 16,000.00

### **UNFINISHED BUSINESS**

#### **A. Approval of an Ordinance: Land Management Code Amendments for Kennels and Conversion Districts**

**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 to amend the Land Management Code to modify the provisions for kennels and conversion districts.

### **NEW BUSINESS**

#### **A. Introduction of an Ordinance: Pangborn Rezoning**

**Action:** Councilmember M. E. Brubaker made a motion to introduce an ordinance for zoning reclassification and zoning map amendment for the Pangborn Corporation property at 580 Pangborn Boulevard from Neighborhood Mixed-Use (N-MU) to Professional Office Mixed-Use (POM). The Mayor and City Council's Findings of Fact and Statement of Reasons for this rezoning is a part of the ordinance. Councilmember F. W. Easton seconded the motion.

Discussion: Councilmember Brubaker stated a decision on a rezoning request is to be made on the zoning, not a specific use of the property. The applicant presented several justifications in their application. He hopes they are able to meet those justifications.

Councilmember Metzner stated the N-MU zoning classification would provide better protection from commercial uses for the neighborhood. If the zoning request is approved expanded commercial uses will be permitted.

Motion carried, 3-2 with Councilmember W. M. Breichner and Councilmember L. C. Metzner voting No.

**B. Approval of an Annexation Resolution: Pangborn Corporation Annexation, Case No. A-2011-03**

**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 an annexation resolution known as the Pangborn Corporation for property located on the north side of Pangborn Boulevard. The portion of property to be annexed is approximately 5.16 acres in size and is intended to be added to and made part of the adjacent municipal lands.

**C. Approval of a Resolution: Arts and Entertainment District Redesignation**

**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 indicating the City's intention to apply for redesignation of the Hagerstown Arts and Entertainment District. By this resolution, the Mayor and City Council are also expressing their intent to provide Admission and Amusement Tax exemption and property tax credits for eligible activities and agree to the income tax subtraction modification for qualifying residing artists in this area, if the Hagerstown A&E District is redesignated by the State of Maryland.

Discussion: Councilmember Haywood thanked all those who support the redesignation. The entities in the district are a testament to the rapid growth within the A&E District in Hagerstown.

**D. Approval of a Resolution: Approval of Amendment to Memorandum of Understanding with the Washington County Board of Education for School Resource Officers**

**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 a resolution authorizing a second amendment to the City's Memorandum of Understanding with the Washington County Board of Education. This amendment will provide

overtime funding up to \$ 35,000 for an additional officer to cover the Evening High School (Antietam Academy) as a school resource officer and will provide for an automatic annual renewal of this MOU. All overtime costs for this activity will be covered by this payment.

**E. Approval of a Resolution: Pool Operation and Management Agreement with the YMCA**

**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 resolution authorizing an agreement with the YMCA of Hagerstown, Maryland, Inc. for operation and management of Potterfield Pool for the 2012 Pool Season.

**F. Approval of Amendments to the FY 12 Community Development Block Grant (CDBG) Annual Action Plan**

**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 amend the Fiscal Year 2012 CDBG Annual Action Plan by creating four new activities: Park Circle Improvements, Virginia Avenue-West Howard Street Intersection Improvements, Hellane Park Walkway improvements, and Potterfield Pool Wheelchair Lift. Funds for the new activities will be reprogrammed in accordance with details in the Plan.

**G. Approval of a Grant Agreement with the Chesapeake Bay Trust**

**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 enter into an agreement with the Chesapeake Bay Trust to allow the City to receive a grant in the amount of \$ 27,000 for planting of trees to help reach the future tree canopy goal. The grant has a \$ 10,000 cash match (proposed General Funds in FY13 budget), and an \$ 18,000 in-kind match of staff and volunteer time. The Mayor and City Council further authorize staff to work with the various volunteer groups to plant trees as outlined in the grant application.

**CITY ADMINISTRATOR'S COMMENTS**

*Bruce Zimmerman, City Administrator*, stated yard waste collection will resume next week. Yard waste should be set out for pick up on the same night as trash and recycling. Recycling carts will be delivered to residents from April 11, 2012 to April 20, 2012.

**MAYOR AND COUNCIL COMMENTS**

*Councilmember W. M. Breichner* had no additional comments.

*Councilmember M. E. Brubaker* stated the Infrastructure Committee of the Economic

Development Commission reviewed potential economic development areas outside the City. He thanked City staff for providing an excellent format for properties within the City limits. He hopes this provides a format for moving forward.

*Councilmember F. W. Easton* had no additional comments.

*Councilmember A. C. Haywood* wished her grandfather a happy 90<sup>th</sup> birthday.

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

*Mayor R. E. Bruchey, II* reminded everyone that Tuesday, April 3, 2012 is primary election day. He encouraged everyone to vote and to consider taking advantage of early voting, which continues through March 29, 2012.

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 7:27 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: April 24, 2012