

**69<sup>TH</sup> REGULAR SESSION – April 24, 2012**

**Mayor R. E. Bruchey, II called this 69<sup>th</sup> Regular Session of the Mayor and City Council to order at 7:05 p.m., Tuesday, April 24, 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 William Nairn and D. K. Spickler, City Clerk.**

The invocation was offered by Councilmember Ashley C. Haywood. 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, May 1, 2012, Tuesday, May 8, 2012, Tuesday, May 15, 2012 and the Regular Session on Tuesday, May 22, 2012 at 7:00 p.m. A Budget Hearing will be held beginning at 7:00 p.m. on Tuesday, May 8, 2012.

**APPOINTMENTS**

On a motion duly made by Councilmember W. M. Breichner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to appoint Douglas S. Wright, Jr. and Ronald D. Thomas to the Planning Commission. Both terms will expire May 1, 2016.

**PROCLAMATION**

Mayor Bruchey read a proclamation recognizing National Crime Victims' Rights Week. Jill Ritter, Washington County Victim Advocate, received the proclamation.

Mayor Bruchey presented a certificate of recognition to Donna Spickler in conjunction with Municipal Clerk's Week, April 29 – May 5, 2012.

**CITIZEN COMMENTS**

Dan Spedden, 41 Mealey Parkway, Hagerstown, Maryland, wanted to reinforce how important minor league baseball is and to reinforce the Ripken Study. He manages state parks in Washington County and knows a crowd generates a powerful economy. He and his family travel to many places and attend baseball games. The stadiums enhance the economy of the cities and towns. He stated he does not know of a town that was sorry a stadium was built. He offered to discuss his experiences with other locations with the Mayor and City Council.

Todd Bolton, P. O. Box 386, Smithsburg, Maryland, has been a County resident since 1979. He has been attending baseball games at Municipal Stadium since 1981. The games are a source of entertainment for his family and others. Most of his disposable income is spent outside Washington County. His family does attend baseball games, the symphony and the playhouse. He stated the decay he sees when walking to the theatre is depressing. He applauded the Mayor and City Council and others who have recognized the critical need for the City. The multi-use facility could be a foundation to build around.

Babs Savitt, 4341 Coxey Brown Road, Myersville, Maryland, stated she and her husband started coming to Hagerstown when baseball came to town. They travel 2 to 3 hours round trip to attend the games. They have discovered the rich history of Hagerstown and the surrounding areas. A multi-use facility would bring life to downtown again. Three generations of her family have enjoyed trips to Hagerstown.

Chuck Hulse, 21512 Mt. Aetna Road, Hagerstown, Maryland, has lived in Washington County for 31 years. He chose to live here because of what Hagerstown could offer. He thought at first the location was not the best choice. However, he visited Wheeling, West Virginia and viewed how dilapidated the downtown had become with nothing good to bring people to their downtown. He now thinks a multi-use facility downtown would be good for Hagerstown.

Jason Bozicevich, 1525 Iris Court, Hagerstown, Maryland, thanked the Mayor and Council for their commitment to the people of Hagerstown. He stated the multi-use facility will improve the quality of life in Hagerstown. He has been to many ballparks and has never felt unsafe. With this type of improvement in the downtown, small businesses and street vendors will pop up. There will be many job creation opportunities.

Bob Shafer, 17927 Leona Avenue, Maugansville, Maryland, grew up in Hagerstown. His son joined the Air Force because he thought there was nothing in Hagerstown. He attends games and gets autographs for his son. His son only comes home once per year, and only when the Suns have a five game stand. The stadium needs help. The entertainment district doesn't mean much to him but a multi-use stadium will bring him downtown.

Louise Dawson, 532 Guilford Avenue, Hagerstown, Maryland, stated she is disappointed the Ripken Study only looked at one location. Stadiums in other towns are not located in the residential area. She does not know of anyone in her neighborhood that is in favor of the location. She does not disagree with the multi-use facility, just the location. She thinks citizens should have a chance to vote on whether or not to build a stadium in the chosen location. A stadium in the proposed location will be closer to her home and she will still hear the fireworks.

Barbara Hovermill, 16286 Spielman Road, Williamsport, Maryland, is concerned that tax dollars will be used to build a new stadium. She does not believe tax dollars should be continually used for private enterprises. She wondered why the stadium has not been

improved over the years. She stated renovation costs would be minimal compared to the costs for a new stadium. She stated a study should be completed to determine underground issues. She does not believe a stadium will improve downtown. She also expressed concerns about the traffic and road conditions. She stated private investment should be used for a new stadium. Mayor Bruchey indicated the Hagerstown Suns owners are anticipating funding \$ 600,000 of the cost.

Jennifer McAlear, 432 McDowell Avenue, Hagerstown, Maryland, moved to Hagerstown from Chicago. She enjoys the Suns games and has started hosting players in her home.

Michael Gehr, 1210 Oak Hill Avenue, Hagerstown, Maryland, is a lifelong resident and a local architect. He stated a downtown stadium makes a lot of sense. He does not think traffic will be an issue, and, if it is will only be for a short time. Hagerstown needs people downtown. There is an untrue sense that Hagerstown is not safe. Minor league baseball is a good alternative to expensive entertainment. Improvements, such as the library, Barbara Ingram School for the Arts, the University System of Maryland, and a stadium will be a positive influence on the downtown.

Shawn Heimberger, 801 Virginia Avenue, Hagerstown, Maryland, thanked the Mayor for his efforts especially with the stadium. He is not opposed to the location but he may prefer a different location. He does support the ball team. He stated Greensboro and Winston-Salem, North Carolina, have flourished with new stadiums. Hagerstown is unique in that it is one of the smallest cities to have a minor league team. A new stadium will make the community stronger and richer. He stated if the Suns leave Hagerstown, they are not coming back. Minor league rules allow blocking the location of other teams within a 50 mile radius of each other.

Zach Spedden, 41 Mealey Parkway, Hagerstown, Maryland, is a lifelong resident of Washington County. He has seen countless redevelopment efforts and stadium efforts. It has been disheartening to see them fall through. He does not know what resources will be available to him in the community in the future. The vision with the new stadium so far has been remarkable. He thanked the City for their work.

Patricia Hoeck, 11211 John F. Kennedy Drive, Hagerstown, Maryland, moved to Hagerstown from Baltimore and enjoys attending games with her family. She does not want to go to Frederick or other communities to attend baseball games.

Jill Colbert, Hagerstown, Maryland, moved to Hagerstown in 1989. Her family hosts players for many years. The class project for Leadership Washington County Class 23 was tourism. She stated most of the class participants did not realize the impact a minor league in downtown could have. She wants the Suns to stay in Hagerstown.

Garry Laing, Hagerstown, Maryland, prefers spending his disposable income in Washington County. He looks forward to a multi-use stadium being used year round.

Paul Barr, 15833 Lockwood Road, Williamsport, Maryland, grew up in Hagerstown and supports the Hagerstown Suns. There has to be an opportunity for people to spend their money downtown and a stadium could spur people to come downtown. Downtown could be crowded again.

Dawn Allison, 13524 Pulaski Drive, Hagerstown, Maryland, grew up attending baseball games. Her uncle always talked about her grandfather striking out Willie Mays. Something needs to be done to draw more people downtown.

Jeffrey Heimburger, 402 N. Mulberry Street, Hagerstown, Maryland, thinks building a stadium and coming together as a community will restore pride in Hagerstown.

### **MINUTES**

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 approve the minutes, as presented and clarified, for the Mayor and Council meetings held on March 6, 2012, March 13, 2012, March 20, 2012 and March 27, 2012.

### **CONSENT AGENDA**

On a motion duly made by Councilmember A. C. Haywood and seconded by Councilmember L. C. Metzner, 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. Application Permit for Blues Prelude – May 31, 2012, Maryland Theatre at University Plaza
  - 2. Application Permit for Blues Fest – June 1, 2012 and June 2, 2012, Maryland Theatre at Central Parking Lot
  - 3. Application Permit for Blues Fest – June 1, 2012 and June 2, 2012 – M & T Bank at VIP Area
  
- B. Department of Utilities:
  - Water:
    - 1. SCADA Annual Renewal for Treatment Plants – ABB, Inc. (Wickliffe, OH) \$ 27,084.00
  
- C. Public Works
  - 1. ½ Ton Pickup Truck (Unit #33) – Apple Ford (Columbia, MD) \$ 19,682.00
  - 2. 1 Ton Pickup Truck (Unit #30) – Apple Ford (Columbia, MD) \$ 22,980.00
  
- D. Department of Parks and Engineering
  - 1. Paving and Improving Multi-Use Paths in Hellane Park – Craig Paving,

- Inc. (Hagerstown, MD) \$ 34,760.00
2. Design of Restoration of Hamilton Run Stream and Pangborn Park Lake –  
Brudis & Associates, Inc. (Columbia, MD) \$ 62,000.00

### **UNFINISHED BUSINESS**

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

**Action:** Councilmember A. C. Haywood made a motion to approve 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 are a part of the ordinance. Councilmember F. W. Easton seconded the motion.

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

### **NEW BUSINESS**

#### **A. Approval of a Resolution: Approving Agreements to Permit Hagerstown Fire Department Access to Criminal History Record Information**

**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 a resolution authorizing the execution and delivery of four agreements between the City of Hagerstown/Hagerstown Fire Department and the State of Maryland Department of Public Safety and Correctional Services to permit the Hagerstown Fire Department access to criminal history record information and motor vehicle administration information. There are no costs associated with the agreement.

#### **B. Approval of a Resolution: Agreement for the Maryland Safe Haven Program in Washington County, Maryland**

**Action:** On a motion duly made by Councilmember A. C. Haywood and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve a resolution authorizing an inter-agency agreement with the Hagerstown Police Department for the Maryland Safe Haven Program. This agreement authorizes the Hagerstown Police Department to continue to operate as a designated facility to accept newborns pursuant to the Maryland Safe Haven Program. There are no costs associated with the agreement.

**C. Approval of a Resolution: Korean War Veterans Memorial at Mealey Parkway**

**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 authorizing an agreement with the Korean War Veterans Association, Chapter 312 for the City of Hagerstown to cooperate with and support the creation of Korean War Memorial. The Memorial will be located east of Potomac Avenue at Mealey Parkway. To support the project, the City will complete sidewalk construction and perform ongoing maintenance as outlined in the agreement.

Discussion: Councilmember Haywood thanked everyone for supporting the memorial. Councilmember Metzner thanked the Korean War Veterans also.

**D. Approval of a Resolution: Fairgrounds Park Field Lighting Installation Agreement and Loan Agreement**

**Action:** On a motion duly made by M. E. Brubaker and seconded by Councilmember W. M. Breichner, the Mayor and City Council unanimously agreed by voice vote to approve a resolution authorizing the City of Hagerstown to enter into a field light installation agreement with the Hagerstown Fairgrounds Softball Association (HFSA) for the purposes of installing field lighting on Softball Field #1 at Fairgrounds Park. Total cost of the project shall not exceed \$ 114,000. Funding shall be \$ 47,084 by Maryland Program Open Space, \$ 31,916 for the City's portion of the project (comprised of \$ 8,318 in "Fairgrounds Park" CIP No. 626 Fund Balance and \$ 23,598 from CIP Fund Reserve), and \$ 35,000 from the Hagerstown Fairgrounds Softball Association. The Mayor and City Council further approve the "Loan Agreement" with the Hagerstown Fairgrounds Softball Association which provides the terms for the \$ 35,000 loan.

**E. Approval of Rain Insurance Policy for 2012 Western Maryland Blues Fest**

**Action:** On a motion duly made by Councilmember F. W. Easton and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve the purchase of rain insurance policies for the 2012 Western Maryland Blues Fest at the following maximum amounts. A \$ 20,000 policy for Friday, June 1, 2012 from 3 p.m. to 8 p.m. and a \$ 60,000 policy for Saturday, June 2, 2012 from 10 a.m. to 6 p.m. The total cost for the insurance will be \$ 9,200.00. Funding would be from the Blues Fest Budget in the Public Functions Account. Five percent

of the rain insurance proceeds would go to The Maryland Theatre for their risk of the beer and wine sales.

**F. Approval of Street Closure Request and Open Container Exemption for Wind Down Fridays**

**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 the closure of the first block of South Potomac Street for the Wind Down Friday musical event operated by The Maryland Theatre. The Mayor and City Council authorize the attached application/permit agreement with The Maryland Theatre. Also, according to the City of Hagerstown's Open Containers Law, the Mayor and City Council may permit the possession of alcoholic beverages in open containers on the streets, lanes, alleys, sidewalks, parking lots or public ways of the City during a special event upon application or upon its own initiative. Therefore, the Mayor and City Council formally approve the possession of alcoholic beverages (beer and wine) in the designated festival area for Fridays in 2012 including June 8, June 15, June 29, July 6, July 13, July 20, July 27, August 3, August 10, August 17, August 24, August 31, September 7, September 14, September 21 and September 28 from 5:30 p.m. and 11:00 p.m.

**G. Approval of Tiered Annual City Contribution to the Health Savings Accounts (HSA) for the Plus Medical 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 revise the annual funding to the HSA accounts to \$ 500 for employee only coverage, \$ 750 for employee plus one and \$ 1,000 for family coverage. The current HSA contribution is the same for the three enrollment levels. The actual annual cost will be determined by the number of participants in the Plus Medical Plan.

**H. Approval to Continue Coverage with Current Vendor for Life Insurance, Voluntary Life Insurance and Long Term Disability**

**Action:** On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember A. C. Haywood, the Mayor and City Council unanimously agreed by voice vote to accept the proposal from Unicare to continue providing Life Insurance and Long Term Disability programs for \$ 41,704.00 per year. Unicare has provided a two year rate guarantee. Other quotes offered higher premiums or reduced coverage.

**CITY ADMINISTRATOR'S COMMENTS**

*Bruce Zimmerman, City Administrator*, reported the utility billing will be transferred to the MUNIS operating system. This is the last significant implementation challenge. Due to the transfer, utility payments will not be able to be processed from Monday, April 30, 2012 through Wednesday, May 2, 2012. Payments will be processed beginning on Thursday, May 3, 2012.

**MAYOR AND COUNCIL COMMENTS**

*Councilmember W. M. Breichner* expressed condolences to the family of former Funkstown Mayor Robert Cline.

*Councilmember M. E. Brubaker* thanked Governor O'Malley for visiting Hagerstown and hearing concerns.

*Councilmember F. W. Easton* asked what the current policy and procedure for ribbon cutting ceremonies be discussed at a work session within the next month. He asked that the discussions about the location of emergency services at the stadium be truthful. CRS cannot provide service at no charge and he wonders why it is being recommended that they do so.

*Councilmember A. C. Haywood* thanked everyone who spoke about the multi-use stadium. It is good to see people active in government. She wished her sister Carrie a happy birthday.

*Councilmember L. C. Metzner* thanked Governor O'Malley for spending the day in Hagerstown. He stated the discussions in this meeting were positive. Good leadership is required of this body.

*Mayor R. E. Bruchey, II* expressed condolences to Mayor Kline's family. Mayor Bruchey welcomed the opening group of the City College last evening.

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 8:23 p.m.

Respectfully submitted,

  
Donna K. Spickler, City Clerk

Approved: May 22, 2012