

71ST REGULAR SESSION – May 22, 2012

Mayor R. E. Bruchey, II called this 71st Regular Session of the Mayor and City Council to order at 7:00 p.m., Tuesday, May 22, 2012, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers W. M. Breichner, M. E. Brubaker, L. C. Metzner; City Administrator Bruce Zimmerman, City Attorney Mark Boyer and D. K. Spickler, City Clerk. Councilmember A. C. Haywood and Councilmember F. W. Easton were not present.

The invocation was offered by Rabbi Fred Raskind (Guest of Councilmember Lewis C. Metzner).

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, June 5, 2012, Tuesday, June 12, 2012, and the Regular Session on Tuesday, June 19, 2012 at 7:00 p.m.

APPOINTMENTS

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 appoint Richard Cushwa, Richard Ebersole, Joyce Martin, Mike Mittel, Mark Neubauer and Winslow Wheeler to the Bicycle Task Force. The terms will expire June 1, 2014.

Councilmember Metzner thanked the group for the job they've done so far. He urged everyone to come downtown on June 15, 2012 to witness one of the premier bicycle races on the East coast.

Mayor Bruchey stated a public hearing has not been scheduled to discuss the multi-use stadium and events center. This is partly because there are no firm numbers for the costs involved and there are many questions yet to be answered. He stated he would like to hold a conversation meeting where concerns and questions can be aired. Even though the Mayor and City Council agreed to provide up to \$ 400,000 per year for the project, the only money spent to date has been for the Ripken Study. This project will provide the opportunity to create opportunities. He asked citizens to give the City time to gather all the information. They will continue to review the information to determine if the concept is feasible for the community. A public informational meeting could be scheduled for mid-summer.

CITIZEN COMMENTS

Ruth Knepper, 45 W. Baltimore Street, Hagerstown, Maryland, lives in the C W Brooks building. She does not think anyone in the building wants baseball or anything else across the street from them. They are senior citizens and there is nothing downtown for them. They need a drug store or grocery store downtown rather than a stadium. She believes there will be traffic problems.

Mayor Bruchey stated there needs to be a market for a drug store or grocery store and at the current time; businesses like these have not been looking to locate downtown because they don't see the foot traffic necessary to support them. With more people downtown, there could be a market for these businesses.

Ms. Knepper stated people downtown are on fixed incomes and will not be able to afford to attend games. Mayor Bruchey stated the Suns owner does not intend to raise ticket prices. He stated there may be additional restaurants downtown because of a stadium.

Ms. Knepper stated she sent a letter to Mayor Bruchey but he had not answered it. Mayor Bruchey stated he had not received the letter.

Carol Smith, 45 W. Baltimore Street, Hagerstown, Maryland, has been circulating a petition in opposition of the stadium location. The residents at the C W Brooks building are concerned about fireworks, parking, drug trafficking and the price of tickets. There are roads that need to be fixed. She stated they feel as though information is being kept from them.

Councilmember Metzner stated the Mayor and City Council and staff have been discussing the things residents are concerned about. Other issues include land acquisition and environmental issues. When information is available it will be presented to all residents in the affected areas. No decision has been made on whether or not fireworks will be appropriate at this location. The concerns about parking are legitimate. There are ways to deal with inappropriate parking. A solution will be found to the issues that citizens are raising. Not enough information is available at this time to hold a public hearing. In the most conservative model for the multi-use stadium and event center, the City would not be expending money but possibly making money. The Mayor and City Council are not saying "too bad" to residents. They want to provide answers and address the concerns.

Ms. Smith asked why the information is just now being made public. Councilmember Metzner stated the possibility of a stadium was not even discussed until January, 2012, when the owner of the Suns announced a potential move to Winchester, Virginia.

Mayor Bruchey assured the group when information is available it will be provided to the citizens.

Penny Nigh, 634 N. Mulberry Street, Hagerstown, Maryland, stated she understands there is funding in the budget for parking and landscaping at the Alms House. She and Virginia MacGruder have been taking care of the flowers for two years and will be stopping.

She asked if the State funding for a stadium is a loan or a grant. She also stated that Delegate Serafini's and Senator Edwards' offices indicated no request for funding had been made for a stadium in the State's 2013 budget. Mayor Bruchey indicated the State will recoup the funding through sales tax and other fees. No request has been made at this time because the funding plan is still being developed. Until a lease is signed with the Suns, it is not appropriate to ask for funding. The request would go through the Maryland Stadium Authority.

Ms. Nigh hopes the Suns offer Hagerstown the same deal they offered Winchester. Councilmember Metzner stated the City is actively seeking private funding, outside the Suns group. He understands State funding is not available without private funding.

Ms. Nigh asked how the noise and traffic will be mitigated. The impact on the neighborhood if concerts are held there will be significant. She asked why the City would find it unfavorable to take on debt to acquire the old fiber plant. She stated there could be liability issues for tailgating at games if they are parked on City property.

Ted Rupp, 821 Pine Street, Hagerstown, Maryland, asked if the stadium would have an impact on water and sewer rates. It will not. Mr. Rupp asked what is wrong with the old stadium. Mayor Bruchey stated the field floods and left field has a bump. The Nationals will not send rehab players to Hagerstown because of the tripping hazard. The area landlocked, which makes expansion difficult since the City does not own the surrounding properties.

Mr. Rupp asked if there is an evacuation plan in case of a terrorist threat. Mayor Bruchey stated the current plan would be adequate.

Leonard Cooper, 19603 Marigold Drive, Hagerstown, Maryland, expressed his concern that young men who spend time in jail for failing to pay child support are unable to find a job when they are released. He wondered why the fault is always blamed on the man. Both parents should work. Mayor Bruchey suggested Mr. Cooper contact Senator Shank and Senator Edwards regarding this.

Mr. Cooper stated a lot of people don't want the new trash cans in front of their houses and they don't like being charged \$ 5.00 per month for them. Mayor Bruchey stated the new cans are recycling bins and there is no fee for them. The City will take back the cans if a resident does not want one.

Milton Stamper, 313 E. Wilson Boulevard, Hagerstown, Maryland, is a local contractor. He stated he was the low bidder for the project at 60 W. Washington Street and he is a qualified contractor. The bid is scheduled to be awarded later in this meeting.

but not to Mr. Stamper. He has done numerous projects for the City and feels he should be awarded this bid.

Kristin Aleshire, 1217 Virginia Avenue, Hagerstown, Maryland, stated the cost of a multi-use stadium in the Ripken Report is \$ 30 million. He wonders if the cost includes consideration of limited ability for economic development and limited access with the existing road network. He urged citizens to read the report, especially pages 12 and 13. The report indicates the Suns would retain the naming rights, scheduling rights and the rights to franchise business. The City would be required to pay all utilities. There is nothing in the report that requires the team to maintain a Nationals affiliation. There report does not include acquisition costs. He stated it is good to hear there is interest in the project from private developers. He stated there are many entertainment options in Hagerstown. During his time as an elected official he supported many initiatives to make Hagerstown better.

Doug Zaruba, 145 Summit Avenue, Hagerstown, Maryland, stated he is a prominent businessman in Frederick, Maryland. He has a gallery in Frederick and in Panama City. There are two issues for downtown – one is the desire to retain a baseball team and the other is developing the downtown as a viable business community. He hopes the City is looking at alternative plans. He suggested if the Suns leave another team could locate here. He would like to see the stadium, which is the third oldest in the country, promoted more. The amount of the anticipated debt service could be used to provide free rent for five years for five businesses downtown.

Julie Rivet, 141 Summit Avenue, Hagerstown, Maryland, stated the proposed site for the multi-use stadium is a huge concern for the surrounding neighbors. Most of the residents will not have the opportunity to leave the area. They are worried about the noise and traffic. She suggested renovating the existing stadium.

Councilmember Brubaker stated he indicated in his statement regarding a public hearing for the stadium that the best time to hold a hearing is later, when more information is available. It is good to hear concerns from citizens so they can be addressed. The stadium project is not final. The Mayor and City have the same concerns and questions that many citizens do. He wonders if the interest from the private sector will be enough. The focus of the project is whether or not the cost and recovery for a downtown site will be sufficient.

MINUTES

On a motion duly made by Councilmember W. M. Breichner and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve the minutes, as presented for the Mayor and Council meetings held on April 10, 2012, April 17, 2012 and April 24, 2012.

CONSENT AGENDA

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 approve the Consent Agenda as follows:

- A. Department of Community and Economic Development:
 - 1. Approval of Street Closures for Tour of Washington County, Friday, June 15, 2012
 - 2. Approval of Street Closure for Bike Night, Friday, July 6, 2012

- B. Police Department:
 - 1. Document Imaging Project – Quality Associates, Inc. (Fulton, MD) \$ 54,428.00
 - 2. Police Cruiser Purchase – Brekford (Hanover, MD) \$ 34,003.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: 2012/2013 Tax Rate

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 of all members present to approve an ordinance as introduced on May 15, 2012 to establish the City's tax rates for the levy year July 1, 2012 through June 30, 2013 on the basis of \$0.788 per \$100 of assessed value of all real property and \$1.97 per \$100 of assessed value of all business personal property within the City of Hagerstown. These rates are the same as the current year.

Discussion: Councilmember Brubaker stated he believes everyone would like to find a way to lower the tax rate. A majority of the Council thinks making a significant difference would require major cuts, including police and fire. This administration is spending less than when they came into office. When the City and County rate are combined, the City is in line with other similar size cities. This administration has maintained a sustainable budget.

B. Approval of an Ordinance: 2012/2013 Budget

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 of all members present to approve an ordinance as introduced on May 15, 2012 and subsequently revised to adopt the budget for fiscal year July 1, 2012 through June 30, 2013 in the total amount of \$ 128,538,225.

Discussion: Councilmember Brubaker stated the tax supported portion of the budget, which is the general fund, has been reduced significantly during the past several years. Staff proposed a refuse fee of \$ 50.00 last year and the Council reduced it to \$ 39.00. The Mayor and City Council budgets have been reduced as well. Actual expenditures have been lower than budgeted.

NEW BUSINESS

A. Approval of a Resolution: Approval of Washington County Hazard Mitigation Plan

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 of all members present to adopt a resolution indicating that the updated Washington County Hazard Mitigation Plan is the plan for the City of Hagerstown.

B. Approval of Administration of Stop Loss Insurance for Medical Coverage for FY 2012-13 – Highmark Life Insurance (Pittsburgh, PA) \$ 204,377

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 of all members present to approve of Highmark to administer the stop loss insurance for the medical plan for FY 2012-13. The City has had stop loss insurance with Highmark for four years, building a favorable renewal history.

Discussion: Bruce Zimmerman, City Administrator, stated the original quote from Highmark was \$ 216,630. Highmark submitted an updated, firm quote of \$ 204,377.

C. Approval of Contract for Phase II Renovations at 60 West Washington Street – Callas Contractors, Inc. (Hagerstown, MD) \$ 476,000

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 of all members present to table the approval of the contract for Phase II Renovations at 60 W. Washington Street.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, reminded City residents trash and recycling collections will be pushed back one day due to the Memorial Day holiday.

MAYOR AND COUNCIL COMMENTS

Councilmember W. M. Breichner had no additional comments.

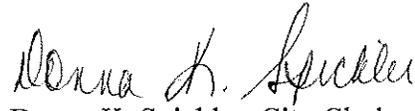
Councilmember M. E. Brubaker reminded everyone there will be a Memorial Day Ceremony on Sunday, May 27, 2012 at 2:00 p.m. at the Court House.

Councilmember L. C. Metzner encouraged people to attend Memorial Day ceremonies. A ceremony will also be held at the Medal of Honor Triangle.

Mayor R. E. Bruchey, II stated a wreath will be laid at the Medal of Honor Triangle at 1:15 p.m. on Sunday, May 28, 2012. A wreath will also be placed at the monument on Memorial Boulevard. He asked that citizens keep in mind the information in the Ripken Study are recommendations and guidelines. The lease with the Hagerstown Suns still has to be completed. He stated as soon as information is available, it will be shared with citizens.

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 8:33 p.m.

Respectfully submitted,


Donna K. Spickler, City Clerk

Approved: June 19, 2012