

3rd REGULAR SESSION – January 22, 2013

Mayor D. S. Gysberts called this 3rd Regular Session of the Mayor and City Council to order at 7:06 p.m., Tuesday, January 22, 2013 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, P. M. Nigh; City Administrator Bruce Zimmerman, City Attorney William Nairn and D. K. Spickler, City Clerk.

The invocation was offered by Pastor Bill Warehime from John Wesley United Methodist Church. The police honor guard presented the colors and the Pledge of Allegiance was recited.

ANNOUNCEMENTS

Mayor Gysberts announced the Rules of Procedure for this meeting will be followed as adopted December 18, 2012. 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: Budget Retreat beginning at 4:00 p.m. on Tuesday, January 29, 2013, Work Sessions beginning at 4:00 p.m. on Tuesday, February 5, 2013, Tuesday, February 12, 2013 and Tuesday, February 19, 2013, and the Regular Session on Tuesday, February 26, 2013 at 7:00 p.m.

APPOINTMENTS/OATH OF OFFICE

Mayor David S. Gysberts administered the Oath of Office to Mark R. Holtzman who has been appointed as Chief of Police.

CITIZEN COMMENTS

Scott Parker, 240 Crown Court, Waynesboro, Pennsylvania, operates Little Antietam Creek, Inc. (LACI). LACI teaches people about history, preservation and archeology. Participants work on historic projects, with a focus on local history. He is interested in a project in Hagerstown.

Douglas Claytor, 11385 Big Pool Road, Big Pool, Maryland, is also involved with LACI. He is currently doing restoration work at Fort Frederick. The opportunities that LACI could provide in Hagerstown are employment for people with few skills, building material reclamation and a new business downtown. He is willing to present a proposal, if the Mayor and City Council are interested.

Sharon Disque, Hagerstown Neighborhood Development Partnership, 21 E. Franklin Street, Hagerstown, Maryland, stated the proposed guidelines for public service grants, which is on the agenda for approval at this meeting, should include a list of HUD eligible activities. She feels Community Development Block Grant public service grants may be awarded with no regard to the process as outlined in the City's Annual Action Plan. She suggested charging an existing board, such as the Hagerstown Redevelopment Authority,

to determine the awards, rather than creating a new board.

Guy Djoken, 18915 Diller Drive, Hagerstown, Maryland, introduced several members of a delegation from Liberia to the Mayor and City Council. Mayor Gysberts presented a certificate to the ambassador.

Mayor Gysberts welcomed Ryan Maguire, Boy Scout Troop 412, to the meeting.

PUBLIC HEARING

A Public Hearing was held to consider revising the Land Management Code's definition of a minor subdivision from 5 lots or fewer to 7 lots or fewer and the Adequate Public Facilities Ordinance (APFO) definition of a minor subdivision from 5 or fewer units to 7 or fewer units.

The revision to the minor subdivision definition is being proposed because of the following: 1) Consistency with the State, which recognizes minor subdivisions as the creation of a maximum of 7 lots, and 2) Consistency with the County, which is revising its definition of a minor subdivision to a maximum of 7 lots per implications concerning residential subdivisions from the Statewide 2012 Sustainable Growth & Agricultural Preservation Act (Septic Bill). In addition, Staff believes that allowing up to 7 lots in a minor subdivision will not adversely affect the City's Sewer Capacity Allocation Program (SCAP) and will provide greater flexibility for downtown adaptive re-use projects with the APFO.

Kathleen Maher, Planning Director, entered the following exhibits:

1. Certificate of Advertisement
2. Planning Commission file by reference.

No testimony was presented, either in favor of or against the proposed revisions.

The record will remain open for 10 days for additional public comment.

On a motion duly made by Councilmember Munson and seconded by Councilmember Brubaker, the Public Hearing was closed at 7:49 p.m.

MINUTES

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 the minutes, as presented for the Mayor and Council meetings held on December 4, 2012, December 11, 2012 and December 18, 2012.

CONSENT AGENDA

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

- A. Department of Parks and Engineering: Stormwater Management Retrofit Study – URS Corporation (Germantown, MD) \$ 31,950.00
- B. Department of Community and Economic Development:
 - 1. Open Containers Law Exemption – Western Maryland BluesFest (May 30, 31, and June 1, 2013) and Augustoberfest (August 24 and 25, 2013)
 - 2. 36-40 North Potomac Street Required Utility Work – Hagerstown Utility Department \$ 33,000.00
- C. Hagerstown Police Department: 2013 Ford Police Cruiser – Brekford (Hanover, MD) \$ 41,644.00

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

A. Introduction of an Annexation Resolution: 12305 Delwood Avenue, Case No. A-2012-01

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 annexation resolution for property located at 12305 Delwood Avenue. The property to be annexed is approximately 0.29 acres in size and is intended to be added to and made part of the adjacent municipal lands.

B. Approval of an Annexation Plan: 12305 Delwood Avenue, Case No. A-2012-01

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 adopt an annexation plan for 12305 Delwood Avenue, case number A-2012-01.

C. Approval of a Resolution: Agreement to Furnish Consultant Services for Cable Franchise – CBG Communications, Inc.

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 approve a resolution for the City of Hagerstown to enter into an agreement with CBG Communications, Inc., a Pennsylvania corporation, to furnish consultant services related to renewing the cable television franchise agreement with Antietam Cable

Television, Inc. The City of Hagerstown would enter into the agreement for Consulting Services with CBG Communications, Inc. for such services outlined in the agreement in the amount not to exceed \$ 89,590.00.

Funding for the project is in the 2013 fiscal year budget in the amount of \$ 40,000.00 in the general fund; and the remainder would be placed in the 2014 fiscal year budget in the amount of \$ 49,590.00 in the general fund.

D. Approval of a Resolution: 2013 Summer Play Camp Operations – Hagerstown YMCA

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote to approve a resolution to authorize the execution of a contract for the Hagerstown YMCA to operate two play camp programs at Hellane Park and Pangborn Park, each serving 60 children per day at a cost not to exceed \$ 35,000.00, for an eight week period during the summer 2013 season.

E. Approval of a Resolution: 2013 Summer Play Camp Operations – Girls, Inc. of Washington County

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to approve a resolution to authorize the execution of a contract for the Girls, Inc. of Washington County to operate a play camp program at the Girls, Inc. center, serving an additional 45 girls per day at a cost of \$ 15,000.00, for an eight week period during the summer 2013 season.

F. Approval of a Resolution: 2103 Summer Play Camp Operations – Memorial Recreation Center, Inc.

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 to authorize the execution of a contract for the Memorial Recreation Center to operate a play camp program at Wheaton Park, serving 60 children per day for a cost not to exceed \$ 17,000.00 for an eight week period during the summer 2013 season.

Discussion: Councilmember Nigh asked if the funding level remains the same if the number of students falls below the stated amount for any of these programs. Rodney Tissue, City Engineer, indicated the funding is the allotment from the City towards the camps, with the attendance numbers being estimates. The funding from the City is mainly for food during the camp.

G. Approval of a License Agreement: Washington County Board of County Commissioners (Flagpole at Washington County Free Library)

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 execute a License Agreement between the City of Hagerstown and the Washington County Board of County Commissioners for the installation of a flagpole and ground-mounted spotlights at the Washington County Free Library at 100 S. Potomac Street.

H. Approval of a One-Time Exception to Hagerstown Business Revolving Loan Guidelines for Maryland Theatre Grants

Action: Councilmember M. E. Brubaker made a motion to authorize a one-time exception to the Hagerstown Business Revolving Loan Guidelines Section VII Subsection B. Ineligible activities. This exception is exclusively for a one-time loan request from the Maryland Theatre for needed HVAC repairs. All other Revolving Loan Guidelines will remain in effect for this request. Councilmember L. C. Metzner seconded the motion.

Discussion: Councilmember Aleshire stated he does not support this exception in order to utilize the business revolving loan program. It would be more appropriate to provide grant funding to the Maryland Theatre from the Hotel/Motel Tax revenue.

Motion carried, 4-1 with Councilmember K. B. Aleshire voting No.

I. Approval of Community Block Grant – Guidelines for Awarding Public Service

Action: Councilmember L. C. Metzner made a motion to approve the Community Development Block Grant (CDBG) Public Service Grant Award Guidelines. The guidelines were presented to the Mayor and Council on January 8, 2013. The guidelines establish the application review process and funding priorities for CDBG Public Service Grants. The Mayor and Council will receive funding recommendations from the Public Service Grant Review Committee. Final approval of Public Service Grant Awards will be made by the Mayor and Council. A copy of the written guidelines is attached to the motion sheet. Councilmember M. E. Brubaker seconded the motion.

Discussion: Councilmember Brubaker addressed the concerns raised during Citizen Comments. The proposed process answers concerns the Mayor and Council have had for some time since the amount from CDBG has decreased. The process will be monitored and reviewed, but the City needs to move forward with the budget.

Councilmember Aleshire asked why a new committee was being established.

Motion carried, 3-2 with Councilmember K. B. Aleshire and Councilmember P. M. Nigh voting No.

J. Approval of Community Development Building Façade Rehabilitation Program

Action: Councilmember M. E. Brubaker made a motion to approve the Community Development Building Façade Rehabilitation Program as presented to Mayor and Council on January 8, 2013. This program consists of an existing residential rehabilitation loan program funded through the Community Development Block Grant Program, with 50% of a qualified loan eligible to be a loan to grant. A second component of this program will be loans for the rehabilitation of facades for mixed use buildings. For this year this program will target the unit and 100 blocks of South Potomac Street and Summit Avenue, South Prospect Street, and the unit block of East Antietam, with the goal of expanding the targeted area in the next fiscal year based on available funds and needs. A combination of \$ 50,000 in State Community Legacy Grant funds and \$ 250,000 in Community Development Block Grant funds will provide the financial support for this program. Councilmember L. C. Metzner seconded the motion.

Discussion: Councilmember Aleshire stated he does not think the program should be limited to a specific area, as stated in the motion.

Councilmember Nigh is concerned that mixed-use properties will be eligible for the program.

Mr. Zimmerman stated the program is available on a first come, first served basis, pending meeting eligibility requirements. Staff is comfortable the neighborhood mentioned will have multiple eligible projects.

Councilmember Brubaker is comfortable with focusing in the area mentioned. One project will reinforce another.

Councilmember Aleshire is concerned projects outside the stated area would be denied.

Mr. Zimmerman stated if the funding is not fully allocated and applications have been submitted from other areas, staff would return to the Mayor and City Council for further review.

Motion carried, 3-2 with Councilmember K. B. Aleshire and Councilmember P. M. Nigh voting No.

K. Approval of Contracts for Franklin Street and Washington Avenue Sidewalk Construction, Grant Funding of \$ 385,000.00

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded

22, 2013

MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to approve Contract No. 12-12-SW-25 with Huntzberry Brothers, Inc. and Contract No. 12-12-SW-26 with Concrete Central, LLC to construct sidewalks, ramps, and walks on Franklin Street and Washington Avenue. Funding for the project will be from a Maryland State Highway "Retrofit Sidewalk" grant program in the amount of \$ 385,000.

L. Approval of Municipal Stadium Improvements for the 2013 Season

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 approve various improvements at Municipal Stadium, as outlined in an attached memo, and authorize staff to complete the work prior to the start of the 2013 Hagerstown Suns Baseball season. This work is consistent with the terms of the 2007 lease and will not exceed \$ 35,000. Funding for the project is from the general fund, capital improvement number C040.

M. Approval of Hagerstown Suns Fireworks Schedule 2013

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 the thirteen fireworks shows for the Hagerstown Suns baseball games during the 2013 season and that the Mayor and Council's approval will exempt these thirteen shows from the City of Hagerstown's Noise Ordinance under section 155-3 of the City Code.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, had no additional comments

MAYOR AND COUNCIL COMMENTS

Councilmember P. M. Nigh had no additional comments.

Councilmember D. F. Munson is looking forward to working with Police Chief Holtzman. Sora Development presented a rare opportunity for Hagerstown and the community to move forward. Without their investment, the City could not undertake this type of project. He sees a brighter future for Hagerstown than he did several weeks ago.

Councilmember L. C. Metzner agreed with Councilmember Munson. He attended President Obama's inauguration yesterday. The previous Mayor and Council provided momentum that this community had not seen in a long time. That momentum needs to keep steady. Sora presented a general proposal. It is time to take a progressive measure for the rehabilitation of the community. If the Mayor and Council fails to act now, they will lose the opportunity of a generation. People are waiting for something big to happen.

Councilmember M. E. Brubaker stated a detailed and in-depth approach to revitalization downtown is a top priority for him. There have to be meaningful ways to reach this goal.

Councilmember K. B. Aleshire stated the Sora proposal is promising. He asked what parameters exist for the City to enter into an agreement with a development entity. He continues to research the information provided about the MUSEC project and downtown redevelopment. He asked for clarity from staff of what parameters he needs to maintain with the employment of the former Mayor with the Hagerstown Suns. There was an editorial about the hiring of Andrew Sargent which indicated the media was not able to speak with him. He doesn't feel staff should be refrained from speaking with the media. He encouraged citizens to attend the presentation of the County's Economic Development Plan at the Maryland Theatre on January 26, 2013. During a recent tour of the new library, he and others noticed the condition of several buildings near the rear of the property. These buildings need are an eyesore and need to be taken care of.

Mayor D. S. Gysberts thinks there has been a lot of community enthusiasm based on the Sora presentation. Sora is an entity willing to invest in the City. He encouraged anyone with a proposal to contact him. He attended the Mayor's Conference and learned that other municipalities have implemented special redevelopment fees. He expressed concern for the residents of the Alexander House being able to exit the building quickly if need be. He attended the Martin Luther King Day of Service event. It is important to maintain affiliated baseball in Hagerstown. The Suns are anxiously awaiting a new season. He thanked the Exchange Club for their work with students. Mayor and Council meetings are now posted on You Tube. This is one step in making the meetings more accessible to 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: February 26, 2013