

JOINT EXECUTIVE SESSION WITH WASHINGTON COUNTY COMMISSIONERS

– February 28, 2012

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 meet in closed session to consider the acquisition of real property for a public purpose and matters directly related thereto, #3 and to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, #4 at 5:52 p.m. in Room 407, 4<sup>th</sup> Floor, City Hall, Hagerstown, Maryland.

The following people were in attendance: Mayor R. E. Bruchey, II, Councilmember W. M. Breichner, Councilmember M. E. Brubaker, Councilmember F. W. Easton, Councilmember A. C. Haywood, Councilmember L. C. Metzner, City Administrator Bruce Zimmerman, Commissioner Terry Baker, Commissioner John Barr, Commissioner William McKinley, Commissioner Ruth Ann Callahan, Commissioner Jeff Cline, County Administrator Greg Murray, County Clerk Vicki Lumm, and Donna K. Spickler, City Clerk. The meeting was held to discuss a lease agreement with the Hagerstown Suns. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the meeting was adjourned at 6:40 p.m.

**65<sup>TH</sup> REGULAR SESSION – February 28, 2012**

**Mayor R. E. Bruchey, II called this 65<sup>th</sup> Regular Session of the Mayor and City Council to order at 7:06 p.m., Tuesday, February 28, 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 John Urner and D. K. Spickler, City Clerk.**

The invocation was offered by Councilmember Martin E. Brubaker. 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, March 6, 2012, Tuesday, March 13, 2012, Tuesday, March 20, 2012 and the Regular Session on Tuesday, March 27, 2012 at 7:00 p.m.

Members of Boy Scout Troop 66 attended the meeting.

## **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 Joseph Marschner to the Board of Traffic and Parking, with a term to expire March 24, 2016.

## **CITIZEN COMMENTS**

There were no citizen comments.

## **PUBLIC HEARING**

### Land Management Code Text Amendments – Multi-Family Dwelling Design Requirements, ZT-2012-01

Kathleen Maher, Planning Director, stated this Public Hearing is being held to receive testimony on proposed amendments to the Land Management Code for multi-family dwelling design requirements.

Even in the current economic climate, there are parties that are expressing interest in possible development of new multi-family communities. Review of current industry data suggests that at the present time, multi-family development is the only component of the residential construction industry showing a trend toward growth.

The Department of Community and Economic Development desires to implement design standards for multi-family developments in case new projects are entered into the land development process, which address concerns identified through the implementation of multi-family communities constructed in the last 10 to 15 years.

The goal of these amendments are to ensure quality designs that blend into the surrounding community rather than stand as an alien pod of jumbled buildings in isolation from the surrounding community. Amendments include buildings oriented to the street, parking lots not in front of the buildings, minimum unit area, and amenities plans.

The Planning Commission has conducted a public hearing on the matter, and recommends approval of the proposed amendments.

Ms. Maher entered the following exhibits:

- Exhibit 1: Certificate of Advertisement
- Exhibit 2: Planning Commission File by reference

No testimony was presented at the hearing. Ms. Maher indicated written testimony is expected.

The Public Hearing was closed at 7:13 p.m. The record will remain open for 10 days for additional comments.

### **MINUTES**

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, for the Mayor and Council meetings held on January 10, 2012, January 17, 2012, January 24, 2012 and January 31, 2012.

### **CONSENT AGENDA**

On a motion duly made by Councilmember A. C. Haywood 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. Contract for July 4<sup>th</sup> Fireworks at Fairgrounds Park for FY 2013, 2014 and 2015 – Fireworks Extravaganza (Rochelle Park, NJ) \$ 17,500/year (\$ 52,500 for all three years)
- B. Department of Utilities:
  - Water:
    - 1. Fire Hydrants and Lugs – HD Supply Waterworks, LTD (Martinsburg, WV) \$ 35,058.60
    - 2. Pressure Transducers – ABB Inc. (Wickliffe, OH) \$ 30,142.96
  - Wastewater:
    - 1. Rebuild Nitrified Recycle Pumps – AR&E (Hagerstown, MD) \$ 25,078.00

### **UNFINISHED BUSINESS**

There was no unfinished business.

### **NEW BUSINESS**

#### **A. Introduction 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 introduce an ordinance to amend the Land Management Code to modify the provisions for kennels and conversion districts.

Discussion: Councilmember Haywood thanked staff for working with the Mayor and Council in regards to preventing puppy mills and to protect the health and welfare of animals in the City.

**B. Approval of a Resolution: Lease Agreement for Parking with Maryland State Department of Assessments and Taxation for Central Lot**

**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 to approve a lease agreement between the City of Hagerstown and the State of Maryland Department of Assessments and Taxation for the rental of ten (10) parking spaces in the Central Parking Lot.

The term of the lease is two (2) years and commences on April 1, 2012. The annual rent to be paid to the City is \$ 5,760.00.

**C. Approval of a Resolution: Lease Agreement for Parking with Maryland State Department of the Judiciary for North Potomac Street Parking Deck**

**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 approve a lease agreement between the City of Hagerstown and the State of Maryland Department of the Judiciary for the rental of five (5) parking spaces in the North Potomac Street Deck.

The term of the lease is two (2) years and commences on April 20, 2012. The annual rent to be paid to the City is \$ 3,720.00.

**D. Approval of a Resolution: Authorizing Renaming Gerber's Alley to Gerbers Avenue**

**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 to authorize renaming Gerber's Alley to Gerbers Avenue. The dwelling unit at the rear of 276 South Potomac Street will no longer receive their mail due to the "rear" designation. To remedy the issue, the dwelling unit shall be addressed off Gerbers Avenue. The Mayor and City Council further authorize staff to install the appropriate street name signs.

**E. Approval of a Resolution: Approving and Consenting to the Ninth Amended and Restated Trust Agreement with Local Government Insurance Trust (LGIT)**

**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 and consent to the foregoing amendments to Article II, Section 2.02 of the Eighth Amended and Restated Local Government Insurance Trust Agreement dated as of July 1, 2004 (the “Trust Agreement”) and, by approval of the recommended amendments, does hereby consent to, approve, accept and agree to the Ninth Amended and Restated Local Government Insurance Trust Agreement.

**F. Approval of Hagerstown Suns Fireworks Schedule 2012**

**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 the thirteen (13) fireworks shows, including the opening day of Thursday, April 5, 2012 through the September 2, 2012 event, scheduled to be held at Hagerstown Suns baseball games during the 2012 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.

**G. Approval of a Memorandum of Understanding: Agreement Creating the Washington County Emergency Communications Center Governing Board**

**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 a Memorandum of Understanding (MOU) between the City of Hagerstown, Hagerstown Police Department, Washington County Commissioners, the Washington County Sheriff’s Office, the Maryland State Police and the Washington Volunteer Fire and Rescue Association of Maryland, Inc. establishing the Washington County Emergency Communications Center Governing Board.

The Governing Board will provide coordination and oversight of the services provided by the Washington County Emergency Communications Center to provide more efficient services to the citizens of Washington County. There is no cost associated with this agreement.

**H. Approval of Water Division Upgrade to the Remote Input/Output Cabinet and DCU at the W. M. Breichner Water Treatment Plant – ABB, Inc. (Wickliffe, OH) \$ 285,377.00**

**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 the expenditure of \$ 285,377.00 of Water Division CIP funds for the upgrade of the Remote Input/Output Cabinets and the DCU for the filters, chemical feed and finished water quality analyzers at the W.M. Breichner Water Treatment Plant. This project will be initiated in FY12 and completed in FY13. Funds for this project were approved in the FY12 Budget. Funds are also identified in the FY13 proposed CIP Budget – account numbers 52-85001-5892-C0820.

**I. Approval of Request to Use Vacant Lot at S. Potomac Street/W. Memorial Boulevard for Carnival**

**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 the request from the Hagerstown Roundhouse Museum to utilize the City property lot at S. Potomac Street and W. Memorial Boulevard for a carnival from May 1, 2012 through May 12, 2012. Set up will begin no earlier than April 27, 2012 and clean up will be completed by May 13, 2012.

**J. Approval of a Resolution: Approving Agreements for Three Hagerstown Police Department Candidates and One Deputy Fire Marshall into Frederick's Police Training Academy**

**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 the execution and delivery of four agreements between the City of Hagerstown and the City of Frederick, authorizing the participation of Aaron D. Evrard, Stacey Marie Sanders, Kevin Sheldon Brashears, and John R. Crist into the Police Training Academy operated by the City of Frederick, which begins on March 5, 2012.

**CITY ADMINISTRATOR'S COMMENTS**

*Bruce Zimmerman, City Administrator*, reminded everyone the Cabin Fever Blues Bash will be held on March 1, 2012 at 7:00 p.m.

**MAYOR AND COUNCIL COMMENTS**

*Councilmember L. C. Metzner* was unable to attend the fundraiser for the Doleman Black Heritage Museum. He was serving soup at another fundraiser, the Potters Bowl.

*Councilmember A. C. Haywood* thanked the members of Boy Scout Troop 66 for attending. She appreciated their perspective for a new stadium. She thanked Senator Shank for working with the City to determine ways to create a more effective environment in the downtown area.

*Councilmember F. W. Easton* stated a fundraiser will be held for Lauren and Lexi Jarmin who were injured in an accident. He has more information for anyone interested.

*Councilmember M. E. Brubaker* attended the meeting held to release the preliminary results of the parking study. The study indicates there is ample parking but there is an identification problem. There will be more recommendations as the study is finalized. He believes all Mayor and Council members are in favor of exploring the concept of a new stadium but with possible differing opinions on terms. They are working hard with the Suns to find a way to meet their needs while trying to find the best value for all citizens.

*Councilmember W. M. Breichner* believes the relationship between the City and the County is the best it has ever been. He suggested displaying a County flag in the Council Chamber. This will be done.

*Mayor R. E. Bruchey, II* thanked everyone for their participation in the group filming at the Maryland Theatre. It is good to have this showing of unity in the community. He attended the Doleman Black Heritage Museum fundraiser on February 26, 2012. The performers were great. He stated the City is working diligently to find the right answers for a stadium and working with the County and State to make it happen. He encouraged citizens to send letters to elected officials about keeping baseball in Hagerstown.

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 7:29 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: March 27, 2012