

36TH REGULAR SESSION
MARCH 25, 2014 MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND
36th REGULAR SESSION – March 25, 2014

City Clerk Donna K. Spickler called this 36th Regular Session of the Mayor and City Council to order at 7:01 p.m., Tuesday, March 25, 2014 in the Council Chamber at City Hall. Mayor D. S. Gysberts was not present. The following people were present: Councilmembers K. B. Aleshire, M. E. Brubaker, L. C. Metzner, D. F. Munson, P. M. Nigh; City Administrator Bruce Zimmerman, City Attorney Mark Boyer and D. K. Spickler, City Clerk.

On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember D. F. Munson, the Council unanimously agreed to appoint Councilmember L. C. Metzner as Chairperson of the meeting in the Mayor's absence.

The invocation was offered by Councilmember Donald F. Munson. The pledge of allegiance was recited.

ANNOUNCEMENTS

Councilmember Metzner announced the Rules of Procedure for this meeting will be followed as adopted September 24, 2013. 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 1, 2014, Tuesday, April 8, 2014, Tuesday, April 22, 2014, and the Regular Session on Tuesday, April 29, 2014 at 7:00 p.m. There will be no meeting held on Tuesday, April 15, 2014.

APPOINTMENTS

On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote to appoint William Breichner to the Board of Traffic and Parking with a term to expire on January 31, 2016.

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 to appoint Myra Constable to the Board of Traffic and Parking with a term to expire on September 27, 2015.

GUESTS

Proclamation – Women's History Month

Councilmember L. C. Metzner read a proclamation recognizing March as Women's History Month. Julianna Albowicz, representing Senator Barbara Mikulski, and Gaye McGovern each received a proclamation noting their accomplishments and service to the community.

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A proclamation was also read for B. Marie Byers, Director of the Discovery Station. Ms. Byers was unable to attend the meeting.

Ms. Albowicz presented a letter of thanks to the City of Hagerstown from Senator Mikulski.

On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember M. E. Brubaker, the Council unanimously agreed by voice vote to amend the agenda to discuss the AFSCME # 3373/Police Contract at this time.

Approval of AFSCME # 3373/Police Contract

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember D. F. Munson, the City Council unanimously agreed by voice vote to approve a collective bargaining agreement between the City of Hagerstown and the American Federation of State, County and Municipal Employees Local No. 3373. This agreement shall run for a period commencing on April 1, 2014 through June 30, 2016. The terms of the agreement are outlined in an attached memo.

CITIZEN COMMENTS

Robert Nigh, 634 N. Mulberry Street, Hagerstown, Maryland, believes the crime free housing legislation was the cause of an attack on his family. Councilmember Penny Nigh is his wife. During the discussions, someone took pictures of his house and said it wasn't "good". He stated his wife is a public servant but the rest of his family is not.

Mary Haines, 27 Laurel Street, Hagerstown, Maryland, hopes a contract with the firefighters union is completed soon. She suggested establishing a nice hotel in the downtown. The City Park received national recognition as one of the most beautiful parks but people driving to the park will have to view broken windows and buildings in disrepair. The government should curb pain pill and heroine abuse. She congratulated Councilmember Aleshire on the arrival of his twin sons.

Christopher Kelly, 1425 Glenwood Avenue, Hagerstown, Maryland, supports the idea of a community garden. He suggested gardens in multiple locations. He also suggested that chickens be raised at one of the gardens.

CITY ADMINISTRATOR COMMENTS

Bruce Zimmerman, City Administrator, had no additional comments.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember K. B. Aleshire informed the public that the owners of the MELP property have not accepted the offer the City proposed to purchase the property. Demolition of this structure has been a priority for him. The Mayor and Council are seriously considering securing

the property by means of eminent domain. He thanked everyone for their well wishes on the birth of his twin sons.

Councilmember M. E. Brubaker reviewed information presented by Chief Holtzman regarding crime in Hagerstown. He pointed out that the crime rate in Hagerstown is generally the same as in Frederick and Annapolis. People continue to say Hagerstown is not safe. This information shows that Hagerstown is not the crime ridden city it is made out to be. The media reports crime prominently and does not report positive things in the same manner.

Councilmember L. C. Metzner thanked the Town of Williamsport for hosting the Washington County MML dinner on March 24, 2014. Councilmember Brubaker provided a status report on behalf of the Legislative Committee.

Councilmember D. F. Munson had no additional comments.

Councilmember P. M. Nigh stated people have mentioned a sports complex to her several times. She wondered if there is anything planned. Councilmember Aleshire stated he would be willing to talk to Councilmember Nigh outside the meeting. She mentioned that electric terminations for non-payment will begin on Tuesday, April 1, 2014.

MINUTES

On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote to approve the minutes, as presented, for the Mayor and Council meetings held on February 4, 2014, February 11, 2014 and February 25, 2014.

CONSENT AGENDA

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 the consent agenda as follows:

- A. Department of Community and Economic Development:
 - 1. Community Affairs: Approval of Change Order for Cable Consultants
 - 2. Planning and Code Division: Purchase of Pick-Up Truck for Building Inspections – Hertrich Fleet Services (Milford, DE) \$ 19,742.00

- B. Department of Parks and Engineering:
 - 1. Engineering: Repair and Replacement of Guardrails at Five Bridges – Chesapeake Guardrails, div. of PDI-Sheetz Construction Corp. (Linthicum, MD) \$ 40,906.00
 - 2. Engineering: City Park Walkway Improvements – Craig Paving, Inc. (Hagerstown, MD) Not to Exceed \$ 25,000.00
 - 3. Engineering: Octagon Shelter for City Park – Metro Recreation (Jefferson, MD) \$ 32,000.00

C. Police Department: Desktop Computers – Dell, Inc. (Round Rock, TX) \$ 14,500.00

D. Department of Utilities:

1. Light: Telecommunication System Upgrade – Glessner Protective Services (Hagerstown, MD) \$ 14,797.39
2. Water: Willson Phase IV – Dirt Removal – Allan A. Myers, LP (Worcester, PA) \$ 15,153.00
3. Wastewater: Pump Station 12 Interceptor Project Equipment Rental - JESCO, (Frederick, MD) \$ 27,462.50
4. Wastewater: Pump Station 12 Interceptor Blasting Services – Elite Blasting, LLC (Fairplay, MD) \$ 28,870.69

UNFINISHED BUSINESS

A. Approval of an Ordinance: Acquisition of Property – 64 E. Franklin Street for the CDBG Homeownership Program

Action: Councilmember D. F. Munson made a motion to approve an ordinance to enter into a purchase agreement for acquisition of the property known as 64 East Franklin Street in Hagerstown, Maryland for the sum of \$ 30,000. The acquisition is authorized per Chapter 235, Urban Renewal, of the City Code. The property will be acquired through the Community Development Block Grant (CDBG) Homeownership Program. This program targets vacant and/or deteriorated properties for acquisition and renovation in order to provide Homeownership opportunities for CDBG eligible households. Funding for this acquisition is from Community Development Block Grant Funds. Terms of the acquisition are set forth in the Option/Purchase Agreement. Councilmember P. M. Nigh seconded the motion.

Discussion: Councilmember Aleshire asked the Council to reconsider the purchase of this property. He thinks abatement of the code issues is a better course to follow.

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

B. Approval of an Ordinance: Authorizing Three Month Extension to the Cable Television Franchise Agreement with Antietam Cable Television, Inc.

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember D. F. Munson, the City Council unanimously agreed by voice vote to approve an ordinance to authorize a three month extension of the Cable Television Franchise Agreement with Antietam Cable Television, Inc.

C. Approval of an Ordinance: Repeal of Adequate Public Facilities Ordinance

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember D. F. Munson, the City Council unanimously agreed by voice vote to approve an ordinance to repeal Chapter 47, Adequate Public Facilities Ordinance, from the City Code. Given the significant changes in residential development growth volumes, the lowering of the County Excise Tax rates, annual waiver provisions, and the embedding of an alternative mitigation contribution fee in the County APFO – all since the City ordinance was adopted in 2006, the Mayor and City Council have determined that it is no longer in the best interests of the citizens of Hagerstown to continue with an APFO for schools at this time.

Discussion: Councilmember Aleshire mentioned the amount the City retained for administrative work has been almost non-existent due the County’s mitigation of the ordinance. The APFO covers five issues. The County has only been concerned about the school portion of the ordinance.

NEW BUSINESS

A. Approval of a Resolution: 2014 Summer Play Camps Operation – Hagerstown YMCA

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember M. E. Brubaker, the City Council unanimously agreed by voice vote to approve a resolution to authorize the execution of a contract with the Hagerstown YMCA to conduct summer play camps for the 2014 season from June 23, 2014 through August 15, 2014 at Hellane Park and Pangborn Park. The camps will each serve approximately 60 youth per day at a total cost of \$ 32,839. Funding is from the Parks and Recreation operating budget.

B. Approval of a Resolution: 2014 Summer Play Camp Operation – Girls Incorporated of Washington County

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember D. F. Munson, the City Council unanimously agreed by voice vote to approve a resolution to authorize the execution of a contract with Girls Incorporated of Washington County to conduct a summer play camp for the 2014 season from June 16, 2014 through August 8, 2014 at Girls Incorporated. The camp will serve approximately 80 to 100 youth per day at a cost of \$ 15,000. Funding is from the Parks and Recreation operating budget.

C. Approval of a Resolution: 2014 Summer Play Camp Operation – Robert W. Johnson Community Center, Inc.

Action: On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember P. M. Nigh, the City Council unanimously agreed by voice vote to approve a resolution to authorize the execution of a contract with the Robert W. Johnson Community Center, Inc. to operate a summer play camp for the 2014 season from June 17, 2014 through August 19, 2014 at Wheaton Park. The camp will serve approximately 80 youths per day at a cost of \$ 25,600. Funding is from the Parks and Recreation operating budget.

D. Approval of a Resolution: Termination of Operating Agreement with the Hagerstown Youth Hockey Association, Inc.

Action : On a motion duly made by Councilmember P. M. Nigh and seconded by Councilmember D. F. Munson, the City Council unanimously agreed by voice vote to approve a resolution terminating the Operating Agreement with the Hagerstown Youth Hockey Association, Inc., effective the end of business on March 31, 2014. This agreement is no longer needed as a new operating Board will take over April 1, 2014.

E. Approval of a Resolution: Operating Agreement with the Hagerstown Ice Amateur Athletic Association, Inc.

Action: On a motion duly made by Councilmember P. M. Nigh and seconded by Councilmember M. E. Brubaker, the City Council unanimously agreed by voice vote to approve a resolution authorizing the execution of an Operating Agreement with the Hagerstown Ice Amateur Athletic Association (HIAAA) for operation and management of the Hagerstown Ice and Sports Complex from April 1, 2014 through June 30, 2019. The HIAAA, which is comprised of all User Groups, has incorporated, passed by-laws, and is seeking non-profit status.

F. Approval of a Resolution: Amendment to the User Agreement for the Hagerstown Area Police Athletic League (HAPAL) at Fairgrounds Park

Action: On a motion duly made by Councilmember P. M. Nigh and seconded by Councilmember D. F. Munson, the City Council unanimously agreed by voice vote to approve a resolution authorizing the execution of an amendment with the Hagerstown Area Police Athletic League (HAPAL) in Fairgrounds Park. This amendment expands the use of the HAPAL to the open-air portion of the former clubhouse building for an outdoor obstacle and exercise course, conveys skate park equipment to the HAPAL, and extends the lease renewal options until December 31, 2020.

G. Approval of Appalachian Regional Commission (ARC) FY 15 Project Funding Request

Action: Councilmember D. F. Munson made a motion to authorize the submission of two projects to the County Commissioners for funding from the Fiscal Year 2015 Appalachian Regional Commission (ARC) grant:

1. Wastewater Collection System Rehabilitation (Inflow & Infiltration) – requesting \$ 350,000 in ARC funds
2. Wireless Internet Access in City Parks – Requesting \$ 15,000 in ARC funds

Councilmember M. E. Brubaker seconded the motion.

Discussion: Councilmember Aleshire does not view wireless internet access in City parks as a direct economic development enhancement.

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

H. Approval to Utilize Economic Redevelopment Funds for Existing Façade and Exterior Enhancement Program

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember D. F. Munson, the City Council unanimously agreed by voice vote to approve the use of \$ 30,000 from the FY 14 Economic Redevelopment Fund for the existing Façade and Exterior Enhancement Program. The use of Economic Redevelopment funds will capture the properties on East Franklin Street that are currently ineligible for the existing façade program due to State and Federal funding restrictions. This action is part of the East Franklin Street Gateway Enhancement Plan and advances the City's vision for housing and neighborhoods.

I. Approval of East Franklin Street Coach and Carriage Light Grant Program

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember P. M. Nigh, the City Council unanimously agreed by voice vote to approve the East Franklin Street Coach and Carriage Light Grant Program funded in the amount of \$ 30,000 from the FY 14 Economic Redevelopment Fund. As part of the East Franklin Street Gateway Enhancement Plan, the Coach/Carriage Light Grant Program will provide funding for property owners to install dusk to dawn coach or carriage lights on their facades. This program advances the City's vision for housing and neighborhoods.

J. Approval of AFSCME # 3373/Police Contract

This item was completed earlier in the meeting.

K. Approval of Purchase for Water Division Excavator - Groff Tractor & Equipment, Inc. (Mechanicsburg, PA) \$ 109,345.00

Action: On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember M. E. Brubaker, the City Council unanimously agreed by voice vote to approve the purchase of Water Division Vehicle 224, a CX80 Excavator and trailer in the amount of \$ 109,345.00.

L. Approval of Purchase of Wastewater Chemicals – Premier Magnesia, LLC (West Conshohocken, PA) \$ 117,500.00

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember D. F. Munson, the City Council unanimously agreed by voice vote to approve the expenditure of \$ 117,500.00 of Wastewater Division funds for the purchase of Thiogard Magnesium Hydroxide from Premier Magnesia, LLC. The purchases will occur in the second half of Fiscal Year 14 and the first half of Fiscal Year 15.

M. Approval of Demolition of 19831 Water Works Road

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 to approve the requested future demolition of the Utilities Department structure at 10831 Water Works Road.

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 7:53 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: April 29, 2014