

**42<sup>ND</sup> REGULAR SESSION – May 27, 2014**

**Mayor D. S. Gysberts called this 42<sup>nd</sup> Session of the Mayor and City Council to order at 7:00 p.m., Tuesday, May 27, 2014, 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, and P. M. Nigh; City Administrator Bruce Zimmerman, and City Attorney William Nairn.**

The invocation was offered by Councilmember Penny M. Nigh. The Pledge of Allegiance was then recited.

Mayor Gysberts 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 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 3, 2014 and Tuesday, June 17, 2014, and the Regular Session on Tuesday, June 24, 2014 at 7:00 p.m. There will be no meeting on Tuesday, June 10, 2014 due to the MML Convention.

**APPOINTMENTS**

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 appoint Gregory Hannigan and Aaron House to the Board of Code Appeals, each with a term to expire June 1, 2018.

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 appoint Cullen Coleman to the Planning Commission with a term to expire on May 30, 2019.

On a motion duly made by Councilmember P. M. Nigh and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to appoint Monika Wertman to the Historic District Commission with a term to expire June 30, 2018.

On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to appoint Mark Neubauer, Mike Mittel, Joyce Martin, Richard Cushwa, Jennifer Fettig and Mark Youngblood to the Bicycle Advisory Committee, all with terms to expire June 1, 2016.

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 appoint Linda Irvin-Craig, John C. Frye, and Stephen Recker to the Memorial Park Circle of Achievement Inductee Review Committee, all with terms to expire June 1, 2019.

### **GUESTS**

Mayor Gysberts presented a Certificate of Appreciation to Brien Poffenberger, Executive Director of the Hagerstown-Washington County Chamber of Commerce. Mr. Poffenberger is leaving the Chamber of Commerce to be the Executive Director of the Maryland Chamber of Commerce.

### **CITIZEN COMMENTS**

Robert Miller, 650 N. Prospect Street, Hagerstown, Maryland, asked the Mayor and Council for help to get a handrail installed on the interior walk at his residence. This walkway is the only entrance to his residence. He fell during an April snowstorm. Code regulations do not require a handrail but he would like one.

### **CITY ADMINISTRATOR COMMENTS**

*Bruce Zimmerman, City Administrator*, reminded everyone the refuse and trash collection will be delayed one day due to the Memorial Day holiday.

### **MAYOR AND COUNCIL COMMENTS**

*Councilmember K. B. Aleshire* met with the Facility Committee of the Washington County Board of Education and discussed the changes that have occurred since the Board of Education vacated the building on Commonwealth Avenue. They discussed two issues – the bus depot and the Board’s idea of an additional type of school downtown. The Board of Education project is not in the Urban Partners report. He hopes all the parties have a good understanding of the report. He reiterated that there was not a significant level of City involvement in the Economic Development Commission report. There were comments about activity on the Sheetz store on North Potomac Street on Facebook. He is concerned about an incident that is indicative of what citizens face when they patronize that business. He encouraged the County to move forward with filling the positions at the Economic Development Commission, the Convention and Visitors Bureau and the Chamber of Commerce. He is concerned by the decline of owner-occupied neighborhoods. He would like to discuss what changes have been made to the element of Code Enforcement between when additional degrees of code enforcement were implemented and where it stands now.

*Councilmember M. E. Brubaker* stated Urban Partners stress the Maryland Theatre and projects in that area come under that emphasis. He is not sure Urban Partners was aware of the Board of Education’s ideas. The wreath laying ceremony was held at the

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Court House on May 25, 2014, despite a fire in a nearby building. He extended condolences to the family of Don Spickler (City Clerk Donna Spickler's father) who passed away recently.

*Councilmember L. C. Metzner* offered condolences to the Spickler family. He noted the fire police were the first to report the fire near the court house and a lady was rescued from the third floor. He stated the Memorial Day service at the Medal of Honor triangle is growing. He was encouraged by the number of people who attended.

*Councilmember D. F. Munson* extended sympathy to the family of Don Spickler. He thanked the police for apprehending the people who were responsible for recent graffiti in the north end. He thanked Code Enforcement as well.

*Councilmember P. M. Nigh* attended the job fair at Pangborn Elementary school. She and Councilmember Brubaker attended. There is a new owner of the Dagmar and he would like to be a member of this community. She received a call from a citizen who is concerned about people's attire and how much some people expose. Mr. Zimmerman stated there is language in the City Code regarding indecent exposure. There is no dress code.

*Mayor D. S. Gysberts* offered his sentiments to Don Spickler's family. He is grateful for the organizations that plan the Memorial Day ceremonies each year. He attended the University System of Maryland Hagerstown graduation ceremony last week. This institution is very important to the community. The community needs to make an investment in education. He thanked Bruce Zimmerman, City Administrator, staff, Councilmember Aleshire and Councilmember Brubaker, for their work on the budget.

## **MINUTES**

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 minutes, as presented, for the Mayor and Council meetings held on April 1, 2014, April 8, 2014, April 21, 2014, April 22, 2014 and April 29, 2014.

## **CONSENT AGENDA**

On a motion duly made by Councilmember D. F. Munson 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. Community Affairs: Approval of Application Permit and Open Container Exemption for MSO Sonoma Happy Hour Event – June 4, 2014, University Plaza
  2. Community Affairs: Approval of Application Permit and Open Container Exemption for Bike Night – July 18, 2014, City Center

- B. Department of Public Works: Gasboy Islander Plus Fuel Management System – Perry Petroleum Equipment, Ltd. (Ickesburg, PA) \$ 21,656.00

**UNFINISHED BUSINESS**

**A. Approval of an Ordinance: Repeal of Chapter 70, Cable Television and Open Video Systems**

**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 an ordinance to repeal Chapter 70 of the City Code entitled Cable Television and Open Video Systems. Hereafter, Cable Television and Open Video Systems will be regulated through individual Franchise Agreements.

**B. Approval of an Ordinance: Tax Rates Beginning July 1, 2014**

**Action:** Councilmember M. E. Brubaker made a motion to approve an ordinance, as introduced on May 20, 2014, to establish the City's tax rates for the fiscal year July 1, 2014 through June 30, 2015 on the basis of \$0.898 per \$100 of assessed value of all real property and \$2.245 per \$100 of assessed value of all business personal property within the City of Hagerstown. These rates reflect an increase of \$0.11 per \$100 for real property and \$0.275 per \$100 for business personal property over the current year. Councilmember L. C. Metzner seconded the motion.

Discussion: Councilmember Brubaker reiterated it will be difficult to maintain this tax rate for the next two years given the current economic conditions.

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

**C. Approval of an Ordinance: Budget FY 2014-2015**

**Action:** Councilmember M. E. Brubaker made a motion to approve an ordinance, introduced on May 20, 2014 and subsequently revised to adopt the City's budget for fiscal year July 1, 2014 through June 30, 2015 in the total amount of \$ 121,227,222. Councilmember L. C. Metzner seconded the motion.

Discussion: Councilmember Brubaker clarified this budget includes the general fund, utilities and all other funds.

Councilmember Munson stated the budget is the heart and soul of government. Without a budget, there would be no police protection, no fire protection, and no road maintenance and repair. He thanked his

fellow Councilmembers and the Mayor who are supporting this document.

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

**NEW BUSINESS**

**A. Approval of a Resolution: Revising Parking System Rates and Fees**

**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 a resolution approving the revised schedule of parking system rates and fees, effective July 1, 2014.

**B. Approval of a Resolution: Amendment to the Memorandum of Understanding with the University System of Maryland at Hagerstown for Operations of University Plaza**

**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 approve a resolution for the execution and delivery of an Amendment to the Memorandum of Understanding (MOU) between the City of Hagerstown and the University System of Maryland at Hagerstown for Operations of University Plaza. This amendment makes the MOU consistent with the “Policing” MOU approved in November.

**C. Approval of a Resolution: Memorandum of Understanding with the University System of Maryland at Hagerstown for Groundskeeping Services at University Plaza**

**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 approve a resolution authorizing the execution and delivery of a Memorandum of Understanding (MOU) between the City of Hagerstown and the University System of Maryland at Hagerstown for Groundskeeping Services for University Plaza from July 1, 2014 through June 30, 2017. The MOU sets forth the responsibilities of both parties to maintain the Plaza.

**D. Approval of Policy: Use and Operation of University Plaza**

**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 approve of a policy entitled “Policy for Use and Operation of University Plaza”, to be incorporated as standard

procedure and to provide rules and requirements to those who wish to rent the University Plaza.

**E. Approval of a Resolution: Residential Lease Agreement for Property at 23510 Warner Hollow Road**

**F. Approval of a Resolution: Residential Lease Agreement for Property at 10831 Water Works Road**

**G. Approval of a Resolution: Residential Lease Agreement for Property at 12140 Crystal Falls Road**

**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 resolutions authorizing the execution of lease agreements between the City of Hagerstown and Dwayne Miller, for the residence located at 12727 Ritchie Road, Smithsburg, Maryland, John and Michele Rinehart for the residence located at 23510 Warner Hollow Road, Smithsburg, Maryland, and Charles and Laurie Henson for the residence located at 12140 Crystal Falls Road, Smithsburg, Maryland.

**H. Approval of a Resolution: Residential Lease Agreement for Property at 280 Mill Street**

**I. Approval of a Resolution: Residential Lease Agreement for Property at 728 Frederick Street**

**J. Approval of a Resolution: Residential Lease Agreement for Property at 570 Jefferson Street**

**K. Approval of a Resolution: Residential Lease Agreement for Property at 124 Charles Street**

**Action:** On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to approve resolutions authorizing the execution of lease agreements between the City of Hagerstown and Eric Hastings (for the residence located in Hager Park at 280 Mill Street); Gerald Bernhisel (for the residence located in Funkhouser Park at 570 Jefferson Street); Lewie Thomas (for the residence located in Staley Park at 728 Frederick Street); and Timothy & Tina Shafer (for the residence located in Wheaton Park at 124 Charles Street).

**L. Approval of Memorandum of Agreement with Washington County Soil Conservation District for Use of EPA and MDE Grant Funds for Kiwanis Park**

**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 authorize the City to enter into a Memorandum of Agreement with the Washington County Soil Conservation District for use of \$ 208,330 in Federal and State funds for restoring 175 lineal feet of Antietam Creek streambank in Kiwanis Park. The stream restoration will be designed to serve the dual purpose of providing watercraft access for recreational use by park patrons.

**M. Approval of Standards for Circle of Achievement Induction at Memorial Park**

**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 authorize the approval of standards for induction into the “Circle of Achievement” at Memorial Park. The intent is to honor citizens who made major contributions and achievements to the community. The standards will be used by the Review Committee to provide nominations for Mayor and Council approval.

**N. Approval of First-Third Grant Application for 20 West Washington Street, Hagerstown, Maryland**

**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 First-Third Grant Application for the renovation project at 20 West Washington Street. The total project cost is \$ 460,074. The First-Third Grant amount is \$ 150,000. Specifically this grant application and related development plan meets the City’s Vision for the Redevelopment of the City Center and is in compliance with the program guidelines.

Staff are authorized to issue a Letter of Commitment in the amount of \$ 150,000. No funds will be dispersed until staff have verified that all work in the development plan is complete to the City’s satisfaction and that a full accounting detailing the total project cost expenditure requirements have been met. Funding for this grant will come from the General Fund Reserve.

Discussion: Councilmember Aleshire asked if there is a time frame to complete the project. Andrew Sargent, Downtown Manager, stated a timeline is included in the proposal and if the project is not completed the funding is no longer available. Councilmember Aleshire asked that this be

clearly stated to the developer.

**O. Approval of First-Third Grant Application for 105 North Potomac Street, Hagerstown, Maryland**

**Action:** Councilmember P. M. Nigh made a motion to approve the First-Third Grant Application for the renovation project at 105 North Potomac Street, Hagerstown. The total project cost is \$ 677,880. The First-Third Grant amount is \$ 225,960. Specifically this grant application and related development plan meets the City's Vision for the Redevelopment of the City Center and is in compliance with the program guidelines.

Staff are authorized to issue a Letter of Commitment in the amount of \$ 225,960. No funds will be dispersed until staff have verified that all work in the development plan is complete to the City's satisfaction and that a full accounting detailing the total project cost expenditure requirements have been met. Funding for this grant will come from the General Fund Reserve.

Councilmember D. F. Munson seconded the motion.

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

**P. Approval of Non-union Salary Adjustment for July 1, 2014**

**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 of a 2.00% cost of living adjustment to the non-union, regular full time employee salary scale effective the first full pay week after July 1, 2014. Additionally, all regular full time, non-union employees who are eligible for a step increase will receive one (1) step enhancement from the step they maintained as of June 30, 2014. The salary adjustment has a total cost of \$ 455,634.00 and is fully funded in the proposed FY 15 budget.

Discussion: Councilmember Nigh asked for the status of the fire union contract. Mayor Gysberts stated he understands the contract will be presented to the Council for approval when the paperwork is complete.

**Q. Acceptance of Six (6) Take Home Police Vehicles**

**Action:** On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to extend the Police Department's take home car program to the Search Management Team and the Hostage Negotiator Team. The total request would be for (6) vehicles assigned

from the patrol fleet and would require no additional vehicles be purchased. The annual cost to the department, for fuel and maintenance, is approximately \$ 6,000.

**R. Approval of Speed Camera Contract Extension**

**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 authorize and approve a continuation of the existing contract between the City of Hagerstown and Brekford corporation initially approved on December 20, 2011 and dated January 3, 2012 through January 3, 2014, and in accordance with the State legislation recently enacted to authorize staff to develop a revised contract to be effective thereafter. This action will extend the contract expiration date to January 3, 2015.

Discussion: Councilmember Brubaker clarified with Chief Holtzman that the extension allows the City of Hagerstown enough time to comply with the legislation. Chief Holtzman indicated the amendments will be completed by the end of 2014.

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 8:00 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk  
(from video)

Approved: August 26, 2014