

55TH REGULAR SESSION AND EXECUTIVE SESSION – November 25, 2014

EXECUTIVE SESSION – November 25, 2014

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 meet in closed session to consult with counsel to obtain legal advice, #7 (Section 10-508(a)), to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; #4 (Section 10-508(a)), and to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, #1 (Section 10-508(a)) at 5:34 p.m. in Room 407, 4th Floor, City Hall, Hagerstown, Maryland. The following people were in attendance: Mayor D. S. Gysberts, Councilmember K. B. Aleshire, Councilmember M. E. Brubaker, Councilmember L. C. Metzner, Councilmember D. F. Munson, Councilmember P. M. Nigh, City Administrator Bruce Zimmerman, City Attorney Mark Boyer, John Lestitian, Director of the Department of Community and Economic Development, Jill Frick, Economic Development Manager, Andrew Sargent, Downtown Manager, and Donna K. Spickler, City Clerk. The meeting was held to discuss specific City road improvement fees, several business proposals that are being considered, and membership of the Planning Commission and the Board of Zoning Appeals. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the executive session was adjourned at 6:58 p.m.

55TH REGULAR SESSION – November 25, 2014

Mayor D. S. Gysberts called this 55th Session of the Mayor and City Council to order at 7:11 p.m., Tuesday, November 25, 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, City Attorney William Nairn, and Donna K. Spickler, City Clerk.

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, December 2, 2014, at 3:30 p.m. on Tuesday, December 9, 2014, and the Regular Session on Tuesday, December 16, 2014. There will be a joint meeting with the Washington County Delegation on Tuesday, December 9, 2014 beginning at 3:30 p.m. A community meeting will be held on Thursday, December 11, 2014 at 7:00 p.m. at the Washington

County Library to present the Mayor and Council's goals and priorities for 2015 and 2016 to the community. A joint meeting with the Washington County Board of Education to discuss an academic hub in Hagerstown is tentatively scheduled for Tuesday, December 16, 2014. There is no meeting scheduled for Tuesday, December 23, 2014 or Tuesday, December 30, 2014.

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 re-appoint Janice Kelsh to the Board of Zoning Appeals, term to expire November 30, 2017, and to appoint Chad Crumrine to the Historic District Commission, term to expire November 30, 2017.

GUESTS

Proclamation: Small Business Saturday

Mayor Gysberts presented a proclamation to Charlotte Whalley, Bikle's, and Melanie Anderson, Anderson Photography, recognizing Saturday, November 29, 2014 as Small Business Saturday.

Proclamation: World AIDS Day – December 1st

Mayor Gysberts presented a proclamation recognizing December 1, 2014 as World AIDS Day to Rev. Rob Apgar-Taylor, Veritas United Church of Christ.

Hagerstown Gridiron Championship Class MVP

The Hagerstown Gridiron Challenge MVP Presentation was made. South Hagerstown High School MVP George Robinson received a scholarship check from Sam Burhman, Orrstown Bank. North Hagerstown High School MVP Calvin Bembry received a scholarship check from Brian Tedrick, Hagerstown Kiwanis Club.

CITIZEN COMMENTS

Tim Thompson, 12219 W. Lawn Lane, Hagerstown, Maryland, would like to start a program to honor local veterans by placing banners on the light poles in the downtown and City Park areas. The banners would be in place from Memorial Day through Veteran's Day. He would be responsible for the cost of the banners and there would be no cost to the City. He is willing to meet with interested people.

The Mayor and Council are supportive of this program.

Janet Bartels, 139 S. Mulberry Street, Hagerstown, Maryland, was present to make a plea for social capital and strengthening of neighborhoods in order to have a stronger

downtown. She asked that the Mayor and Council consider having neighborhoods have an active role in the planning process for an East End Development.

CITY ADMINISTRATOR COMMENTS

Bruce Zimmerman, City Administrator, wished everyone a Happy Thanksgiving. He noted that the holiday trash collection scheduled will be delayed by one day for pickups on Thursday and Friday.

MAYOR AND COUNCIL COMMENTS

Councilmember K. B. Aleshire thanked all the volunteers who assist the City of Hagerstown. He thanked staff and participants for the Hollyfest and Pop-Up Shop events.

Councilmember M. E. Brubaker stated it was nice to see so many people enjoying themselves downtown last Friday (the first day of the next Pop Up Shop event and the tree lighting). The legislative needs of Washington County were reviewed during an MML chapter meeting yesterday.

Councilmember L. C. Metzner thought the Pop Up Shop event last weekend was a great success. He wished everyone a Happy Thanksgiving.

Councilmember D. F. Munson congratulated the Downtown Movement for the second successful Pop Up Shop event. He offered condolences to the family of former Sheriff Glenn Bowman, who passed away recently.

Councilmember P. M. Nigh agreed the events last weekend were great. She personally feels there should be more police officers on the Washington County Task Force. There are open air drug markets on the streets and she hopes the Street Crimes Unit is reinstated. She stated the Council's goals should focus on the East End. She understood employees recently attended Character Counts seminars. She hopes managers had to attend as well. She wondered how an issue is abated if the home shares one chimney and there is a code violation in existence. She thanked Karen Giffin, Community Affairs Manager, and others, for working with the Toys for Tots program.

Mayor D. S. Gysberts thanked staff for the Character Counts training. He thought the content was excellent. He hopes staff continues to infuse Character Counts throughout all operations. He attended the United Way rally recently. He met with Delegate-elect Brett Wilson to discuss issues the City of Hagerstown is facing. The tree lighting in the square and the Pop Up Shops attracted a lot of people to downtown Hagerstown. He thanked the Downtown Movement and City staff for working together on these events. He attended the ground breaking ceremony for West City Elementary school earlier today.

MINUTES

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 minutes, as presented, for the Mayor and Council meetings held on October 7, 2014 and October 14, 2014.

CONSENT AGENDA

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember D. F. Munson, the Consent Agenda was approved as follows:

- A. Department of Community and Economic Development:
 - 1. Western Maryland Blues Fest – 2015 Budget
 - 2. Contract for Snow Abatement – Botanica Enterprises, Inc. (Boonsboro, MD) \$ 65.00/hr. + \$ 10.00 per service call

- B. Department of Public Works:
 - 1. Vehicle Replacement for Parking System – Unit 36 – McCafferty Ford (Mechanicsburg, PA) \$ 21,606.00
 - 2. Vehicles Replacement for Public Works – Unit 94 – McCafferty Ford (Mechanicsburg, PA) \$ 41,836.00

- C. Department of Utilities:
 - 1. Water: Vehicle Replacement – Unit 214 – Hertrich Fleet Services, Inc. (Denton, MD) \$ 25,262.00
 - 2. Water: Fire Hydrants – HD Supply Waterworks, LTD (Martinsburg, WV) \$ 46,382.25
 - 3. Water: Replace Chlorine Regulators at R. C. Wilson – Environmental Service and Equipment Company, Inc. (Marcus Hook, PA) \$ 26,420.00
 - 4. Water: Engineering Services for Edgemont Dam Services – Triad Engineering (Hagerstown, MD) \$ 53,400.00

- D. Police Department:
 - 1. Community Based Prosecutor and Contractual Overtime Services with Washington County Sheriff’s Office - \$ 59,948.00

UNFINISHED BUSINESS

There were no unfinished business items.

NEW BUSINESS

- A. Introduction of an Ordinance: Accepting a Land Transfer from Beazer Homes for Terrapin 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 introduce an ordinance authorizing the acceptance of an offer of 2.09 acres of land from Beazer Homes, Inc. to the City of Hagerstown in Collegiate Acres development for the purpose of a public park. The park shall be named “Terrapin Park”. The Mayor and City Council also authorized staff to begin maintenance of the park as outlined in the Ordinance.

B. Approval of a Resolution: To Join the Healthy Eating Active Living (HEAL) Campaign

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 to authorize staff to register the City with the Mid-Atlantic HEAL Cities & Towns Campaign. The program is for Maryland municipalities that strive to improve the quality of life for their residents through policies and programs that improve physical activity and wellness.

C. Approval of a Resolution: User Agreement: Amendment to American Little League, Inc. Agreement

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 to approve a resolution to enter into an amendment to the user agreement with American Little League, Inc. This amendment removes the youth baseball field at Fairgrounds Park from the exclusive use and maintenance responsibility of the American Little League.

D. Approval of a Resolution: User Agreement: Second Amendment for Hagerstown Area Police Athletic League (HPAL)

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 approve a resolution to enter into a second amendment to the user agreement with the HPAL. This amendment expands the agreement to include priority scheduling and maintenance of the youth baseball field at Fairgrounds Park.

E. Approval of a Resolution: User Agreement with YMCA of Hagerstown, Inc.

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 a resolution to enter into a

user agreement with the YMCA of Hagerstown, Inc. The YMCA will have maintenance responsibility and non-exclusive but priority scheduling use of a multi-purpose field in Fairgrounds Park. This agreement is for the period of January 1, 2015 through December 31, 2015. User shall have the right to renew this agreement for up to four (4) additional 1-year terms beginning January 1, 2016.

F. Approval of a Resolution: User Agreement with Hagerstown Area Youth Soccer League (HAYSL)

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to approve a resolution to enter into a user agreement with the Hagerstown Area Youth Soccer League (HAYSL). The HAYSL will have maintenance responsibility and non-exclusive but priority scheduling use of three (3) multi-purpose field in Fairgrounds Park. This agreement is for the period of January 1, 2015 through December 31, 2015. User shall have the right to renew this agreement for up to four (4) additional 1-year terms beginning January 1, 2016.

G. Approval of a Resolution: Authorizing the Designation of Alley #5-55 as “Marguerite Way”

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 a resolution to authorize the designation of Alley #5-55 as “Marguerite Way”. This alley runs between Potomac Avenue/Mealey Parkway and East Irvin Avenue. The alley is so named in honor of Marguerite Cyr who has lived on Potomac Street since 1959.

H. Approval of Application for FY 2016 Program Open Space Projects

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 an application to be submitted to Washington County requesting FY 2016 Program Open Space development funding of improvements to the City’s recreational facilities (by priority) as follows:

1. A & E Walking Trail – Park Development Phase II- \$ 45,000
2. Fairgrounds Park Soccer Field Lights - \$ 36,000
3. Dog Park II - \$ 54,000
4. Fairgrounds Park Pavilion - \$ 27,000
5. Skate Park - \$ 27,000

6. City Park Play Equipment - \$ 31,500

The Mayor and City Council further moved to request \$ 100,000 in land acquisition funds for purchase of real property as part of the A & E Trail project.

Discussion: Councilmember Munson stated this wish list is important to the development of the City. He asked that the Commissioners remember that Hagerstown is a part of Washington County.

Councilmember Brubaker hopes the new group of County Commissioners respect the City's priorities. He noted that Hagerstown has 75% of the total population of Washington County and the City provides services to these Washington County residents.

Councilmember Nigh would like the Skate Park moved higher on the list.

I. Approval of General Fund Agency Contribution Policy

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 to approve of the General Fund Agency Contribution Policy to provide guidance for the City's funding and allocation of General Fund grants to local community agencies. The purpose of the policy shall be the following: 1) To establish the level of General Fund funding for agency contributions; 2) To define the City's timeline for this process; 3) To specify the City's requirements for the information to be provided by agencies seeking funding; and 4) To outline the schedule for the City's distribution of funds to agencies receiving a grant of more than \$ 5,000. Mayor and Council and staff will review this policy at a minimum of every five years and update it as necessary.

J. Approval of Contract with GovHR USA for City Administrator Search Services

Action: Councilmember M. E. Brubaker made a motion to approve retaining the services of GovHR USA, LLC for the purpose of conducting City Administrator Search Services in accordance with RFP P1570.15 and the Proposal submitted by GovHR USA on September 22, 2104. The total projected cost is up to, but not to exceed, \$ 21,000. Councilmember D. F. Munson seconded the motion.

Discussion: Councilmember Munson stated approving this contract is the right way to complete a search for an administrator.

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

K. Approval of Purchase: Bulk Gasoline Purchase – Petroleum Traders (Fort Wayne, IN) \$ 362,239

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 to approve of the bulk gasoline purchase for City operations from Petroleum Traders Corporation. The bid price is \$ 2.7101 per gallon. The estimated annual cost of gasoline is \$ 362,239 based on an estimated annual use of 125,000 gallons. The contract was competitively bid by the Washington County Government to obtain a better bulk rate for Washington County Government, the Board of Education and the City of Hagerstown.

Discussion: Councilmember Brubaker pointed out the price per gallon will fluctuate throughout the term of the contract.

L. Approval of Purchase: Diesel Fuel Purchase – Petroleum Marketing Group, Inc. (Woodbridge, VA) \$ 272,287

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 the bulk diesel fuel purchase for City operations from Petroleum Marketing Group, Inc. The bid price is \$ 2.7391 per gallon. The estimated annual cost of diesel fuel is \$ 272,287 based on an estimated annual use of 90,000 gallons. The contract was competitively bid by the Washington County Government to obtain a better bulk rate for Washington County Government, the Board of Education and the City of Hagerstown.

M. Approval of Water and Wastewater Chemical Purchase (Various Vendors) – Water \$ 563,954.00, Wastewater \$ 572,414.00

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 expenditure of \$ 572,414.00 of Wastewater Division funds and the expenditure of \$ 563,954.00 of Water Division funds for the purchase of bulk chemicals. The purchases will occur in the second half of Fiscal Year 2014 and the first half of Fiscal Year 15. The chemicals, which are used in the treatment processes employed by the Divisions, were bid through the City/County joint bidding process utilizing County Bid PUR-1266.

N. Approval of Catalyst Project #1 – Request for Qualifications (RGQ) for Developer/Partner for Office Development and Recruitment Project

Action: Councilmember D. F. Munson made a motion to authorize staff to post a Request for Qualifications for a developer/partner for Catalyst Project #1 – Office Development and Recruitment. Councilmember L. C. Metzner seconded the motion.

Motion carried, 4-1 with Councilmember P. M. Nigh voting No.

O. Approval of an Automated Speed Enforcement Camera System Contract with Brekford Corporation, Hanover, Maryland

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 new contract that will meet the State’s changes to the current law governing Automated Speed Enforcement (ASE) programs. The contract will include a flat fee schedule rather than a fee-per-ticket structure, among other items in order to comply with Maryland law. This contract with Brekford Corporation will begin upon signature by the City of Hagerstown and end after a two year period. The City shall have the option to renew this contract two times for one year each.

P. Approval of Facilities Permit Agreement with CenturyLink Communications, Inc. – Fiber Optic Installation

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 execute an agreement with CenturyLink Communications, Inc. governing the installation of an underground fiber optic cable along Wilson Boulevard, Frederick Street, and Bowman Avenue.

Discussion: Councilmember Aleshire asked if work completed under this contract will require the contractor to dig up streets and sidewalks. Rodney Tissue, City Engineer, indicated the installation will require street cuts. Councilmember Aleshire wondered how many other companies will be requesting permission to install cables. Mr. Tissue stated staff have dealt with four communication groups so far.

Mayor Gysberts stated the City needs a “dig it once” program.

Councilmember Nigh asked how many roads have been patched over the last few years.

Councilmember Munson stated these concerns are good; however the Council needs to remember that fiber cable is going to provide technology access in new areas.

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 8:11 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler, City Clerk

Approved: January 27, 2015