

65TH REGULAR SESSION AND EXECUTIVE SESSION – March 31, 2015

EXECUTIVE SESSION – March 31, 2015

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 meet in closed session 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)), and to consult with counsel to obtain legal advice, #7 (Section 10-508(a)), on Tuesday, March 31, 2015, at 7:04 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, Karen Paulson, Director of Human Resources, Fire Chief Kyd Dieterich, Michael Spiker, Director of Utilities, City Attorney Mark Boyer, and Donna K. Spickler, City Clerk. The meeting was held to discuss various personnel issues, pending litigation, and a discussion regarding the lawsuit filed by the public safety unions. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the executive session was adjourned at 7:04 p.m.

65TH REGULAR SESSION – March 31, 2015

Mayor D. S. Gysberts called this 65th Session of the Mayor and City Council to order at 7:10 p.m., Tuesday, March 31, 2015, 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 Mark Boyer, and Donna K. Spickler, City Clerk.

The invocation was offered by Councilmember Donald F. Munson. 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: No meeting on Tuesday, April 7, 2015, Work Sessions beginning at 4:00 p.m. on Tuesday, April 14, 2014, and Tuesday, April 21, 2015, a Budget Work Session at 4:00 p.m. on Tuesday, April 28, 2015, and the Regular Session at 7:00 p.m. on Tuesday, April 28, 2015.

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 make the following appointment:

Board of Zoning Appeals
Travis Poole – Term to Expire April 30, 2016

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 make the following appointment:

Historic District Commission
Samantha Jo Taylor – Term to Expire June 30, 2016

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 make the following appointments:

Community Development Block Grant Public Service Review Committee
William Godwin – Term to Expire April 1, 2016
Lawrence Maynard, Jr. – Term to Expire April 1, 2016
Todd Morren – Term to Expire April 1, 2016

CITIZEN COMMENTS

Tim Thompson, 12210 W. Lawn Lane, Hagerstown, Maryland, discussed his idea to honor veterans with the Mayor and Council in November, 2014. He stated he is the spokesperson for this project. The idea is to have banners printed with a veteran's name and other information, including a picture. The banners would be placed on poles downtown and remain in place from Memorial Day to Veteran's Day. The other Washington County municipalities have embraced this project. He is disappointed that the Mayor and Council have not embraced it enthusiastically. Memorial Park would not provide enough space for parking for families to view the banners. He thinks the banners should be downtown. These banners would draw people downtown. He has stopped the printing of billboards and wants Hagerstown to be included in the banner project. He asked why Hagerstown doesn't honor veterans.

Mayor Gysberts stated Hagerstown honors veterans quite well. He reminded the group that the Mayor and Council have supported the idea from the beginning. He hopes Mr. Thompson continues to work with staff to develop a plan. He suggested that Mr. Thompson schedule a meeting with him to discuss the project as well.

Councilmember Nigh asked that Mr. Thompson call her so she can talk to him privately.

Kevin Spielman, Potomac Towers, Hagerstown, Maryland, thanked Councilmember Nigh for her efforts to find out who owns the property at the corner of Baltimore and Potomac Streets. There is a large bush on the corner that needs to be removed because people are sleeping under it.

Mary Haines, 27 Laurel Street, Hagerstown, Maryland, provided additional information about the Alms House. She stated Union prisoners were shot down in front of the Alms House. There was an open field in the front that was later used as a burial ground. Victims of a cholera epidemic were brought to the Alms House. There is evidence the building was used as a hospital. She indicated there were 200 people buried at the site after the battle at Gettysburg. She has a list of names that she intends to read at the April, 2015 meeting. The Alms House was most likely used to treat the soldiers who were wounded and dying. The inside of the house is hallowed ground. There may be blacktop over grave sites.

Mr. Thompson said he worked on a job site at Bethel Gardens in the 1970's and concrete was poured over a graveyard.

Mayor Gysberts asked Ms. Haines if there is proof there are bodies at the Alms House. Ms. Haines stated there is not proof at this time because the City hasn't done the necessary research and work.

Ms. Haines stated Hagerstown's rich history has to be preserved. If our ancestors ran into trouble, they may have ended up at the Alms House. She believes placing memorials on North Locust Street would mark it as hallowed territory.

CITY ADMINISTRATOR COMMENTS

Bruce Zimmerman, City Administrator, reminded everyone that City offices will be closed Friday, April 3, 2015 in observance of Good Friday.

MAYOR AND COUNCIL COMMENTS

Councilmember P. M. Nigh had no additional comments.

Councilmember D. F. Munson attended the International Film Festival last week. This event was well organized and he congratulated everyone involved.

Councilmember L. C. Metzner had no additional comments.

Councilmember M. E. Brubaker also attended the film festival. It was a good event. It is interesting that people from outside the Hagerstown area like Hagerstown's potential. He wishes people in Hagerstown and the region would value Hagerstown the same way.

Councilmember K. B. Aleshire stated he was not around when the City took over the Rochester property.

Mayor D. S. Gysberts reiterated the comments on the success of the film festival. People traveled from around the world to attend the festival. He thanked the volunteer committee that planned this event. He thanked Parks and Recreation for their good spring sports program. He has joined the kickball group.

MINUTES

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 the minutes, as presented, for the Mayor and Council meetings held on January 20, 2015, February 10, 2015, February 17, 2015, and February 24, 2015.

CONSENT AGENDA

On a motion duly made by Councilmember L. C. Munson and seconded by Councilmember D. F. Munson, the Consent Agenda, with the exception of Consultant Services for Public Access Channel, was approved as follows:

- A. Department of Community and Economic Development:
 - 1. Street Closures for Two Additional Fundraiser Runs

- B. Department of Parks and Engineering:
 - 1. Engineering: Surveying Robotic Instrument – Caron East, Inc.
(Cumberland, MD) \$ 25,000.00

- C. Hagerstown Police Department:
 - 1. Approval of CrimeNtel Software – C. I. Technologies (Jacksonville, FL)
\$ 19,800.00

Councilmember D. F. Munson made a motion to approve a contract with Consultant Services for Public Access Channel – CBG Communications, \$ 4,800.00. Councilmember L. C. Metzner seconded the motion.

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

UNFINISHED BUSINESS

A. Approval of an Ordinance: Amendments to Chapter 216 – Streets and Sidewalks

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 ordinance to amend

Chapter 216 Streets and Sidewalks, of the City Code by deleting Articles I through VII thereof and replacing the herein repealed articles with new Articles I through VII.

B. Approval of an Ordinance: Amendments to Chapter 60 – Vehicles and Traffic

Action: 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 approve an ordinance to amend Chapter 60 Vehicles and Traffic of the City Code to add a new section prohibiting the obstruction and reservation of parking spaces.

NEW BUSINESS

A. Introduction of an Ordinance: Amendments to Chapter 33, Code of Ethics, of the City Code

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 introduce an ordinance to amend Chapter 33, Code of Ethics, of the City Code to amend the time period for post employment limitations and restrictions on elected officials and to clarify the prohibition and disclosure requirements regarding gifts.

B. Introduction of an Ordinance: Amending Chapter 10, Administration of Government, of the City Code to Revise the Quorum Definition for Boards, Commissions, and Authorities

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 Chapter 10, Administration of Government, Part 2, Sec. 10-22.B., of the Code of the City of Hagerstown. This code amendment will revise the definition of quorum for meetings of Boards, Commissions and Authorities from “2/3 majority” to “a majority” of the appointed members.

C. Approval of a Resolution: 2015 Summer Play Camp – Hagerstown YMCA

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 authorize the execution of a contract with the Hagerstown YMCA to conduct summer play camps for the 2015 season from June 22, 2015 through August 14, 2015 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 & Recreation operating budget.

D. Approval of a Resolution: 2015 Summer Play Camp – Girls, Inc.

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 the execution of a contract with Girls Incorporated of Washington County to conduct a summer play camp for the 2015 season from June 15, 2015 through August 7, 2015 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 & Recreation operating budget.

E. Approval of a Resolution: 2015 Summer Play Camp – Robert W. Johnson Community Center

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 authorize the execution of a contract with the Robert W. Johnson Community Center, Inc. to operate a summer play camp for the 2015 season from June 15, 2015 through August 7, 2015 at Wheaton Park. The camp will serve approximately 80 youths per day at a cost of \$ 25,600. Funding is from the Parks & Recreation operating budget.

F. Approval of a Grant Agreement with the Maryland Department of Health And Mental Hygiene for Recreation Grant

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 authorize the City to enter into a Grant Agreement with the Maryland Department of Health and Mental Hygiene. The grant is \$ 10,000 and has no cash match. By accepting this grant, the City will expand the Recreation Division's health and fitness programs, and develop a Recreation Program Guide.

G. Approval of an Agreement: Hagerstown Police Department and U. S. Drug Enforcement Agency

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 a Memorandum of Understanding with the U.S. Drug Enforcement Agency (DEA). This agreement is for the purpose of deputizing the remaining two HPD officers assigned to the Washington County Narcotics Task Force. Deputizing the remaining

agents will improve the efficiency of the Washington County Narcotics Task Force office and satisfy the security requirements of the DEA. There are no costs to the City.

H. Approval of Appalachian Regional Commission (ARC) FY16 Project Funding Request

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 authorize the submission of the following project to the County Commissioners for funding from the Fiscal year 2016 Appalachian Regional Commission (ARC) grant:

Downtown Building Renovation for Student Housing – requesting \$ 300,000 in ARC funds

I. Approval of Livable Streets Policy and Design Guidelines

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 Livable (or Complete) Streets Policy and Design Guidelines. The Policy and Guidelines seek to better integrate physical activity into our daily lives through increased emphasis on walking, bicycling, and public transportation and improves public health, reduces traffic congestion, enhances air quality, and supports local economic development.

J. Approval of Transfer of Hagerstown Police Department Vehicle to First Hose Fire Company

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 transfer of an unmarked 2007 GMC Jimmy with 143,431 miles, to the First Hose Fire Company on South Potomac Street. This vehicle is no longer used by the Hagerstown Police Department.

K. Approval of Extension of Annual Financial and Single Audit Contract for One Year – SB & Company

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 authorize and approve a one year extension of the City's annual financial audit contract with SB & Company, LLC. SB & Company, LLC was originally awarded the annual financial audit that started with the completion of the City's FY11

financial statements. The one year contract extension would be for the completion of the FY15 financial audit which includes the single audit. The cost to perform the FY15 audit is \$ 38,000 and is the same fee charged to complete the FY14 audit.

Discussion: Mayor Gysberts commended the City's Finance Department and the City Administrator for their efforts and hard work to provide the budget to the Mayor and Council for their review earlier today.

**L. Approval of Employee Benefits Consultant/Broker – CBIZ (Columbia, MD)
\$ 57,000.00**

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 five year renewal contract for benefit consulting services with CBIZ with the following annual rates:

Effective July 1, 2015	\$ 57,000
Effective July 1, 2016	\$ 57,000
Effective July 1, 2017	\$ 57,000
Effective July 1, 2018	\$ 60,000
Effective July 1, 2019	\$ 60,000

M. Approval of Employee Vision Provider – National Vision Administrators – NVA (Clifton, NJ)

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 changing the administration of the vision benefit plan to NVA on July 1, 2015. This is an employee paid benefit and this vendor offered similar coverage with a reduction in the employee rate. The annual cost reduction for employee premiums is \$ 12,968.

N. Approval of Employee Life and Long Term Disability Insurance – Aetna (Hartford, CT) \$ 36,517.00

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 changing the administration of the City-sponsored life, voluntary life and long term disability plans to Aetna on July 1, 2015. The City-sponsored life insurance coverage will result in a premium reduction of \$ 10,250.

O. Approval of Contract: Safe Routes to School at Bester Elementary – C. William Hetzer, Inc. (Hagerstown, MD) \$ 281,761.45

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 contract with C. William Hetzer, Inc. of Hagerstown, Maryland, in the amount of \$ 281,761.45 to construct multi-use paths and pedestrian signal upgrades for students at Bester Elementary School. This project is funded through a “Safe Routes to School” grant from the State of Maryland that funds 100% of the construction costs. This award is contingent upon the State’s concurrence with the award.

Discussion: Councilmember Brubaker thanked the State for continuing this and other sidewalk programs and thanked City staff for making use of these programs.

P. Authorization of City Membership in the Next Century Cities Organization

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 authorize membership in the Next Century Cities organization at no cost and approve support of the principles of the organization. By joining, the City of Hagerstown affirms its belief in the importance of broadband access for its future growth and prosperity by supporting the following Next Century Cities principles:

- High Speed Internet is Necessary Infrastructure
- The Internet is Nonpartisan
- Communities Must Enjoy Self-Determination
- High-Speed Internet is a Community-Wide Endeavor
- Meaningful Competition Drives Progress
- Collaboration Benefits All

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 7:58 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler, City Clerk

Approved: April 28, 2015