

15TH REGULAR SESSION AND EXECUTIVE SESSION – January 26, 2010

EXECUTIVE SESSION – January 26, 2010

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 meet in closed session to consult with counsel to obtain legal advice, #7 at 6:12 p.m. in the Mayor's Office, Second 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. Easton, Councilmember A. C. Haywood, Councilmember L. C. Metzner, City Administrator Bruce Zimmerman, City Attorney John Urner, Deborah Everhart, Economic Development Director, Alfred Martin, Finance Director and Donna Spickler, City Clerk. The meeting was held to discuss a real estate contract for a downtown building. No formal action was taken at the meeting. The meeting was adjourned at 6:44 p.m.

15TH REGULAR SESSION – January 26, 2010

Mayor R. E. Bruchey, II called this 15th Session of the Mayor and City Council to order at 7:03 p.m., Tuesday, January 26, 2010, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers W. M. Breichner, M. E. Brubaker, F. Easton, A. C. Haywood, L. C. Metzner; City Administrator Bruce Zimmerman, City Attorney William Nairn and D. K. Spickler, City Clerk.

The invocation was offered by Councilmember William M. Breichner. 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, February 2, 2010, Tuesday, February 9, 2010, Tuesday, February 16, 2010 and the Regular Session on Tuesday, February 23, 2010 at 7:00 p.m.

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARING

Community Development Block Grant FY 2010/2011 Program Community Development Needs

The purpose of this hearing is to obtain the views and comments of individuals and organizations concerning the City's housing and community development needs, including project recommendations from organizations and individuals for FY 2010/2011 CDBG funds.

The following testimony was presented:

Sharon Disque, Hagerstown Neighborhood Development Partnership (HNDP), 21 E. Franklin Street, Hagerstown, Maryland, stated they will be submitting several applications. She thanked the Mayor and Council for their past support of their program. HNDP will be asking for an increase in the funding for housing counseling programs because there is a greater need in the community.

Robin Robertson, Community Free Clinic, 249 Mill Street, Hagerstown, Maryland, thanked the Mayor and Council for their support. The Clinic will be applying for funding for a lab program. Nearly 1,000 new patients have been accepted at the Clinic. They have been fortunate to secure funding for new clients. The Clinic is able to provide one year of care for a patient for \$ 275.00.

Doug Wright, 911 Potomac Avenue, Hagerstown, Maryland, is president of the board at Holly Place. He thanked the Mayor and Council for their past support of Holly Place. Holly Place provides a home for 15 senior citizens who need assisted living care but cannot afford it. Holly Place would find it difficult to continue providing this help without the funding from CDBG.

Ron Lytle, Contemporary School of Arts and Gallery, thanked the Mayor and Council for their past support. He reported he will be applying for assistance with the electric bill at the school.

There was no further testimony presented. The record will remain open until February 10, 2010 for additional comments and project recommendations.

MINUTES

On a motion duly made by Councilmember W. M. Breichner 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 December 1, 2009, December 8, 2009, December 15, 2009 and December 22, 2009.

CONSENT AGENDA

On a motion duly made by Councilmember W. M. Breichner and seconded by Councilmember F. Easton, the Mayor and City Council unanimously agreed by voice vote to approve the Consent Agenda as follows:

A. Public Works:

1. Bulk Diesel Fuel Purchase for Fleet Services – Petroleum Traders Corp. (Fort Wayne, IN) variable per market (\$1.8437/gallon as of September 28, 2009)
2. Bulk Gasoline Purchase 87 Octane for Fleet Services – A. C. & T. (Hagerstown, MD) variable per market (\$2.6502/gallon as of October 6, 2008)
3. LED Parking Deck Lights – Eastern Sales & Engineering (Baltimore, MD) \$ 91,770.00
4. LED Signal Lights – RGA, Inc. (Powhatan, VA) \$ 45,830.00

B. Water Department:

1. Water Fund Inventory – HD Supply Waterworks, LTD (Martinsburg, WV) \$ 12,245.72
2. Meters and Transceiver Units – L/B Water Service, Inc. (Chambersburg, PA) \$ 131,210.40

C. Engineering:

1. Western Heights Middle School Sidewalk Improvements (Safe Routes to School) – Concrete Central, LLC (Hagerstown, MD) \$ 140,568.00
2. 2010 & 2011 Pavement Preservation Program

UNFINISHED BUSINESS

A. Approval of an Ordinance: Comprehensive Rezoning Phase II, Case No. ZM-2009-01

Action: Councilmember M. E. Brubaker made a motion to approve an ordinance (based on findings of facts) for a Zoning Reclassification and Zoning Map amendments, Case No. ZM-2009-01, to rezone those areas which are associated with Phase II of the Comprehensive Rezoning. A series of maps are made a part of this ordinance. Councilmember F. Easton seconded the motion.

Discussion: Councilmember Brubaker will support the rezoning because it needs to move forward, but he does agree with rezoning Area 2.

Motion carried, 4-1 with Councilmember L. C. Metzner voting No.

B. Approval of an Ordinance: Land Use Management Code Text Amendment to Eliminate Provisions for Home Occupations and Establish Home Workstation Requirements, Case No. ZT-2009-02

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 introduce an ordinance for a text amendment to the City Code, Chapter 140, Land Management Code, Article 3., Section C, Definitions, to add Home Workstations and Article 4., Section D.2. a, to remove provisions for home occupations.

C. Approval of an Ordinance to Quit Claim a Portion of Alley 1-7A

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 an ordinance making a determination that certain property (abutting 374 Woodpoint Avenue and 1433 & 1437 Salem Avenue) is no longer needed by the City of Hagerstown for a public purpose, and authorizing the execution of quit claim deeds for the same.

NEW BUSINESS

A. Introduction of an Ordinance: Crampton Conversion District Overlay Zone

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 introduce an ordinance for a conversion overlay district zone on property located at 237-239 Frederick Street.

B. Approval of a Resolution: Memorandum of Understanding – Hagerstown Police Department and the Child Advocacy Center (CAC)

Action: On a motion duly made by Councilmember A. C. Haywood and seconded by Councilmember F. Easton, the Mayor and City Council unanimously agreed by voice vote to approve a resolution authorizing a memorandum of understanding (MOU) between the City of Hagerstown and the Washington County Child Advocacy Center (CAC). This MOU sets forth a cooperative system for the investigation of child abuse.

C. Approval of a Resolution: Memorandum of Understanding – Hagerstown Police Department and the Bureau of Alcohol Tobacco and Firearms (ATF)

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 a resolution authorizing a memorandum of understanding (MOU) between the City of Hagerstown and the Bureau of Alcohol, Tobacco, Firearms and Explosives. This MOU will allow the Hagerstown Police Department to trace recovered firearms utilizing an electronic system available through the Bureau of Alcohol, Tobacco, Firearms and Explosives.

D. Approval of a Resolution: Memorandums of Understanding- Hagerstown Police Department and University System of Maryland – Hagerstown (July 1, 2009 – June 30, 2010 and July 1, 2010 – June 30, 2013)

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 two Memorandums of Understanding (MOU) between the City of Hagerstown and the University System of Maryland at Hagerstown (USMH).

These MOU's set forth the terms and conditions under which the Hagerstown Police Department will provide certain services and also lease facilities at the University System of Maryland Education Center.

The terms of these agreements will be July 1, 2009 through June 30, 2010 and July 1, 2010 through June 30, 2013.

E. Approval of a Resolution: Memorandum of Understanding – University System of Maryland – Hagerstown for Maintenance of University Plaza

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 a resolution authorizing a Memorandum of Understanding between the City of Hagerstown and the University System of Maryland at Hagerstown (USMH).

This MOU shall have a term of July 1, 2009 through June 30, 2012 and shall establish the responsibility of the City and the USMH in maintaining University Plaza.

F. Acceptance of Urban Greening Grant – Chesapeake Bay Trust

Action: On a motion duly made by Councilmember F. Easton and seconded by Councilmember W. M. Breichner, the Mayor and City Council unanimously agreed by voice vote to authorize the City to enter into an agreement with the Chesapeake Bay Trust for the City to receive a grant in the amount of \$ 35,000 for planting of trees to help reach the tree canopy goal. The grant shall have a \$ 15,000 cash match (funded from CIP fund

balance or CIP savings) and staff is authorized to work with the various volunteer groups to plant trees as outlined in the grant application.

G. Waiver of PEP Zone Boundary Requirement for Action Holdings, LLC

Action: On a motion duly made by Councilmember W. M. Breichner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to approve a waiver to the Partners in Economic Progress (PEP) zone boundary requirement for the planned adaptive re-use project at 22 N. Mulberry Street by the owner, Action Holding, LLC. This waiver is warranted because of the significant investment planned for this 75,000 square foot building, the positive impact the project will have on the Arts and Entertainment District revitalization efforts, and the improvement that will be made to this important gateway area of the downtown.

H. Approval of a Resolution: Pool Operation and Management Agreement with the YMCA

Action: On a motion duly made by Councilmember W. M. Breichner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to approve a resolution authorizing an agreement with the YMCA of Hagerstown, Maryland, Inc. for operation and management of Potterfield Pool for the 2010 Pool Season.

I. Approval of Extension of Professional Services Contract with The Ferguson Group

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 of the extension of the Service Agreement between the City of Hagerstown and the Ferguson Group, LLC. This action of the Mayor and Council will extend the contract period for an additional 12 months for the period starting January 15, 2010 and ending on January 15, 2011, with a fixed fee of \$ 9,000 per month as outlined in the agreement.

Discussion: Councilmember M. E. Brubaker pointed out the return on the investment with The Ferguson Group is 7.8 times the amount of money that was spent. Included in the contract is a 30 day cancellation clause that will be reviewed during budget discussions.

Councilmember Easton will vote in favor of continuing the contract that was approved by the previous administration, with the understanding that it will be reviewed during the budget process. He stated Councilmember

Metzner believes the funding would not have been secured without The Ferguson Group.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember L. C. Metzner had no additional comments.

Councilmember A. C. Haywood has been working with staff in Community Development to develop a citywide cooperative gardening program. This program would promote the well being of residents by encouraging them to plant healthy, whole, organic plants. She urged interested residents to contact her.

Councilmember F. Easton stated the Special Olympics floor hockey team will be playing on Saturday, January 30, 2010 at Noon.

Councilmember M. E. Brubaker reported the regular meeting of the Hagerstown/Washington County Economic Development was held earlier today. He believes there are some encouraging signs in the area. There is more interest in corporate sites than in the previous year. This area has advantages in terms of transportation.

Councilmember W. M. Breichner expressed condolences to the family of Richard Metzner (retired City employee) who passed away recently.

Mayor R. E. Bruchey, II had no additional comments.

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 7:23 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: February 23, 2010