

83rd Special Session, Work Session and Executive Session
Mayor & City Council
Maryland

March 15, 2005
Hagerstown,

EXECUTIVE SESSION – March 15, 2005

On a motion duly made by Councilmember N. L. Hendershot and seconded by Councilmember C. N. Moller, the Mayor and City Council unanimously agreed by voice vote to meet in closed session at 3:35 p.m. in accordance with the provisions of the annotated Code of Maryland, State Government Article, Section 10-508(a) #4 to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State. No formal action was taken at the session. The meeting was held in the Mayor's Office, 2nd floor at the City Hall. The meeting was adjourned at 4:00 p.m.

83rd SPECIAL SESSION – March 15, 2005

Mayor William M. Breichner called this 83rd Special Session and Work Session of the Mayor and City Council to order at 4:07 p.m., Tuesday, March 15, 2005 in the Council Chambers at the City Hall. Present was Mayor Breichner; City Council Members K. B. Aleshire, N. L. Hendershot, L. C. Metzner, C. N. Moller, P. M. Nigh, City Administrator Bruce Zimmerman, City Attorney William Nairn and City Clerk D. K. Spickler.

Public Hearing: Broadband Over Powerline and Fixed Wireless Initiative

A Public Hearing was held for the purpose of hearing testimony regarding the Broadband Over Powerline/Fixed Wireless Initiative.

Michael Spiker, Hagerstown Light Department Manager, stated there is no cash or capital outlay incurred by the City of Hagerstown with this initiative. He stated he is confident the City can work with the groups involved to resolve the issues that will be stated during the hearing, in order to bring this technologically advanced tool to Hagerstown.

Mayor Breichner asked that each speaker limit their comments to five minutes and he asked that they be specific with their comments.

The following testimony was presented in opposition of Broadband Over Powerline (BPL).

Carlin W. Morris, 5670 Lincolnway East, Fayetteville, Pennsylvania, is an amateur radio operator. He stated Chambersburg, Pennsylvania decided not to seek BPL. Chambersburg uses fiber optics on coaxial cables to transmit wireless service. This reduces interference. BPL uses open lines with no shielding. He stated because the wires are used as antennas in amateur radio, special devices are required to limit interference. He thinks there are many other technologies that would be better suited for Hagerstown.

Pete Lowenheim, Washington County Government, Hagerstown, Maryland, was present representing Washington County Government as the Communications Manager. He stated most of the emergency radios used in Washington County use frequencies between 30-50 mghz for their communication. A new system is being implemented, but it may take one to two years before it is complete. Low band radio suffers from interferences such as registers, plasma televisions and other home appliances. One device is not a problem but multiple devices in a limited area can cause problems. The same low band frequencies are used in Potomac, Maryland and in Washington County. He stated he visited the Potomac site again to perform additional testing. He was not able to perform the testing. He stated it is unpredictable how it would affect the ability to communicate inside buildings. He stated the emergency communication system can't afford to introduce signals that would make the mountain top antennas unusable. If the project uses 30-50 mghz, he cannot support it, since there is no way to predict harmful interference.

Allen Brown, 8645 Tower Drive, Laurel, Maryland, stated he is retired from the Voice of America. The people who live in Hagerstown have relatively low cost access to high speed internet through the telephone and cable companies. He stated the he doesn't see why it would be frugal for the City to accept BPL. He stated that BPL is more likely to be subscribed to in rural areas where there is not other high speed access available. He stated there could be severe consequences in the form of disruption of communications during natural disasters or another terrorist attack. He stated cell phones were useless on September 11, 2001 and the only effective communication was from amateur radio operators.

Robert Long, 10618 Roberts Lane, Hagerstown, Maryland, stated he coordinates amateur communication with local jurisdictions. He is opposed to any technology that creates interference. He believes when all else fails, amateur radio works. He stated amateur radio operators are always preparing to provide communication. He suggested using a slower and more careful approach in the determination of accepting BPL.

Tom Abernethy, 1133 Apple Valley Road, Accokeek, Maryland, stated he is representing the amateur radio operators of Washington County. There are ways of delivering broadband that do not produce interference like BPL does. He opposes BPL because of the high potential to cause interference. He stated interference has been seen as far as one mile from the nearest BPL tower. Short waves are used for international broadcasting and low waves are used for emergency communications. He helped provide critical emergency communication following the tornado in La Plata, Maryland (4/28/02).

Lou Scally, 1318 Oak Hill Avenue, Hagerstown, Maryland, has been an amateur radio operator for 40 years. He stated ham radio operators embrace technology and have always been on the forefront of technology. Their goal is to keep technology moving on a fair playing field. He doesn't think BPL is a fair playing field. He is concerned that BPL will interfere with radios

plugged into the outlet. He is also concerned that data will be transmitting over the electric services. He recommended looking into fiber optic technology and not BPL.

William Wantz, 211 W. Irvin Avenue, Hagerstown, Maryland, stated he is an amateur radio operator and he has friends all over the world. He was able to visit the house in Potomac, Maryland and performed a field test. He noticed that some frequencies were not heavily notched and he found interference in the amateur radio frequency. He stated the City has a challenge to consider – technology or unshielded wires – and the potential for interference.

Al Boyers, 10825 Roessner Avenue, Hagerstown, Maryland, stated he is a second generation amateur radio operator. He is concerned that, if BPL is accepted, in a few years the City will be forced to admit it wasn't the right choice.

Gene Hager, Antietam Cable Television, Willow Circle, Hagerstown, Maryland, stated he submitted a letter to all Mayor and City Council members expressing his concern about BPL. He stated he has been a ham operator for many years. He asked why the City is pursuing new technology when only 10.5% of residents have internet access. He also doesn't understand why the City wants to compete for internet subscribers. It is disconcerting that Antietam Cable Television will be forced to compete against the body that governs the business. He stated if you look at the proposed franchise agreement, the customer list belongs to the City. In the agreement, the City and provider are very intertwined. He stated people have to understand when there is a problem, it won't be just the provider. The agreement with the new provider is for up to 20 years, for unproven technology. He stated Antietam Cable Television is involved in many City events, such as BluesFest, Augustoberfest, and the Harvest Hoedown. They are also involved with many other projects and they run public service announcements. He stated he is concerned that Antietam Cable will not be treated fairly as outlined in the proposed agreement. He stated Antietam built their system, and, a new company will be able to come in and use public equipment. Antietam Cable provides a plethora of customer services. He asked who the customer would contact at the end of the 24 month time period stated in the proposed agreement. He stated there are also legal issues involved with the initiative. He asked if the City has the express or implied authority to provide this service. He stated Antietam Cable doesn't think the City has this authority.

John Moore, 200 Jefferson Street, Hagerstown, Maryland, stated BPL creates great potential for interference in emergency services. There have been problems in Arizona. Amateur radio operators offer help during civil emergencies. This initiative may cause the loss of his hobby.

Herman Niedziegelski, 2152 Leitersburg-Smithsburg Road, Hagerstown, Maryland, stated he is speaking for many members of the amateur radio operators group. This community has been enhanced by amateurs. He stated he anticipates a problem within an industry without standards and still in an experimental mode. He is concerned there will be interference from BPL to radio

transmitters. The radio transmitter will block the transmissions to police cars, fire trucks and taxis. He stated another issue is the cost of modified electric meters. He asked who will pay for the modification.

The following testimony was presented in favor of BPL.

John Newby, 15029 Randall Lane, Williamsport, Maryland, stated he is the property owner of 813 The Terrace in Hagerstown. Mr. Newby stated he has explored and reviewed a variety of technologies for the Chamber of Commerce. With BPL availability, there is the possibility that low income families will have access to wireless services. The business community has found it to be worthwhile. There is a great need for inexpensive, high quality internet services.

Mary Baykan, Washington County Free Library, 100 S. Potomac Street, Hagerstown, Maryland, asked the Mayor and City Council to not close any doors and to look at available technology and the choices. She stated studies have shown that cities look a Broadband to bridge the gap between digital services. Many citizens are installing major wireless systems throughout the city. The people in Hagerstown need choices. Many choices keeps innovation and competition in our markets.

Chuck Mantos, 230 Baltimore Avenue, Cumberland, Maryland, (Mantos Consulting) stated BPL is a great opportunity for Western Maryland to provide technology to residents. He urged the Mayor and City Council to be leaders in the technology field and not be followers.

Ron Lunt, 2301 M Street NW, Washington, DC (Director of Broadband Services for the American Public Power Association - APPA) stated APPA represents 2,000 electric utilities in the United States. Hagerstown is a member and the APPA is proud of what they are trying to do. Mr. Lunt indicated Manassas, Virginia provided BPL services and they faced some of the same issues that have been represented here. APPA performed tests and did not find any interference in Manassas.

Jay Birnbaum, 8004 Split Oak Drive, Bethesda, Maryland, stated he is the general counsel for Current Technologies. He addressed some of the concerns raised by the amateur radio operators. He agrees that interference is unacceptable. Much of what was presented here has been discussed before the Federal Communication Commission (FCC) during the last two years. The FCC has found that interference is low when the system is properly constructed. Current Technologies does not operate in the amateur radio frequency.

Michael Pristas, 20582 Broadna Place, Ashburn, Virginia, is Senior Vice President of Business Development for Access Broadband. He stated there is open and free competition in America. One of the benefactors of BPL is the consumer. There is a great deal of new technology emerging. The RFP offering by Access Broadband includes all the capital

expenditure.

Jim Mollenkopf, 9807 Kirktree Court, Fairfax, Virginia, is the Vice President of Engineering for Current Technologies. He stated Current Technologies powers the largest BPL deployment in North America. They have received no interference complaints of any kind. Their equipment is fully verified and compliant with FCC rules. He stated the frequency used by Current does not operate within the same bands as amateur radio or emergency communications.

Dean Boggs, 16821 Tammany Manor Road, Williamsport, Maryland, presented a video narrated by Walter Cronkite.

Clinton Wiley, 1018 Oak Hill Avenue, Hagerstown, Maryland, stated he is a partner in New Frontiers at 49 Summit Avenue, Hagerstown. They are licensed by the FCC and Public Service Commission to provide local and long distance internet services. He stated they have invested money over the last several months to bring the latest DSL technology to area residents. He is concerned about the competition that will be created by BPL.

Victoria Myers, 1652 Woodlands Run, Hagerstown, Maryland, presented a video that showed interference with emergency communication from BPL.

Mr. Hager (Antietam Cable Television) stated the City has to determine if the fees Antietam pays the City and the fees the electric ratepayers have to pay would be a cross subsidy issue.

There being no further testimony, the hearing was closed at 6:24 p.m.

Approval of an Ordinance: Quit Claims for Four Properties in the West End (Gateway Crossing)

Action: Councilmember K. B. Aleshire made a motion to approve an ordinance authorizing the transfer of four parcels of land in the West End of Hagerstown that are no longer needed for public purposes to the adjoining land owners. Councilmember L. C. Metzner seconded the motion.

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

Introduction of an Ordinance: Authorizing the Acquisition, Rehabilitation and Resale of a Property Known as 443 Jonathan Street

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember N. L. Hendershot, the Mayor and City Council unanimously agreed by voice

83rd Special Session, Work Session and Executive Session
Mayor & City Council
Maryland

March 15, 2005
Hagerstown,

vote to introduce an ordinance to consider the acquisition, rehabilitation and resale of property known as 443 Jonathan Street under the City's Single Family Home Ownership Program, with an acquisition cost of \$ 31,000 to be funded by the city's Community Development Block Grant Fund.

Resolution: Approval of Lease Agreement with the Department of Labor, Licensing and Regulation for the Property Known as 14 North Potomac Street, Suite B-3 and 2-6 North Potomac Street

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember C. N. Moller, the Mayor and City Council unanimously agreed by voice vote to approve a ten year lease extension for MOSH of the Department of Labor, Licensing and Regulation for the premises known as 14 North Potomac Street, Suite B-3, and a two year lease extension for Employment and Training of the Department of Labor, Licensing and Regulation for the premises known as 2-6 North Potomac Street.

WORK SESSION – March 15, 2005

Discovery Station

Due to time constraints, discussion of the Discovery Station was delayed until the March 22, 2005 Work Session.

University Plaza Music and Storytelling Series

Karen Giffin, Public Information Manager, and Kevin Moriarity, Washington County Arts Council, were present to discuss a plan for activities at the University Plaza.

The Public Information Office would like to partner with the Washington County Arts Council in creating activities for the plaza. The first activity is a music series which would occur on Thursdays at noon.

Each week, a different band and a different style, will be featured. The series will begin with Hagerstown's blues tradition to kick off the Tenth Annual Western Maryland Blues Fest. The following weeks include: steel drum bands, jazz, big band sounds, bluegrass, country, pop and folk, best-of-Broadway, strings, patriotic Americana, classic rock and more.

The second activity is storytelling performers. This series, employing Maryland performing artists solely, will present a variety of themes: friendship, loyalty, problem-solving, language skills, geography and world cultures, musical expression and movement.

Two Friday evening concerts are also being planned. In order to have these events, Mayor and City Council approval is needed for \$ 6,280.00 for this fiscal year and \$ 13,500.00 for the next fiscal year.

It was the general consensus to approve the funding for the University Plaza events.

Harrison/Howell Road Rezoning Discussion

Stuart Bass, Comprehensive Planner, was present to continue a discussion of the Harrison/Howell Road Rezoning. Mr. Bass presented comments that were received during the 10 days following the public hearing.

Councilmember Metzner stated he is not ready to approve the request, based on the infrastructure problems in the area. He doesn't think it is appropriate to approve the rezoning request if the road improvements are not planned for at least ten years.

Councilmember Aleshire expressed his concern that if this rezoning request is approved, there will be other requests made for this property and there will be multiple rezonings.

Councilmember Moller stated letters were received from constituents stating that proper road structure is needed before any development is considered.

Councilmember Hendershot and Councilmember Nigh stated they are not in favor of approving the rezoning request.

John Urner, City Attorney, stated a finding of facts will have to be drafted for the Mayor and City Council's approval.

Right of Way Closures Permit Program

Rodney Tissue, City Engineer, stated the Engineering Department is suggesting that the Mayor and City Council revise the method that citizens use to obtain permission to close a public right-of-way for non-utility excavation activities. The suggested changes would minimize disruption to the public and ensure the safety of traffic and pedestrians. Staff is also asking the Mayor and City Council to consider a proposal to modify the "No Parking Signs" currently used to temporarily close parking in the City.

Staff suggested the following program:

1. Person responsible for closing the right-of-way contacts the Engineering

staff.

2. If closure of right-of-way is unavoidable, person completes a form providing information on closure. The applicant pays for the closure, based on a new fee schedule.
3. The Construction Inspection Supervisor reviews and approves the application.
4. City staff fills out the “No Parking” sign information for the proposed sign. A permit number is assigned and the Hagerstown Police Department is notified.
5. Applicant obtains signs, posts signs 24 hours in advance of work, and then commences work.

The advantages to the program are: fewer steps for the applicant, No Parking Signs cannot be reused, the City will have a record of any right-of-way closure, income generated covers program costs, and signs are still posted 24 hours in advance but new sign information indicates exact time the parking restriction is applicable.

The fee structure includes an application fee (\$10.00), a technology fee (\$5.00) and specific closure fees.

City staff is recommending changing the No Parking signs because the current sign provides little information and can be reused over and over. The new signs would include the time and date of the closure, the City Seal and Hagerstown Police Department logo, and an assigned permit number.

It was the general consensus of the Mayor and City Council to approve the changes in the Right-of-Way Closure program.

Excise Tax Bill (HB 1272)

John Uner, City Attorney, provided the following observations concerning the County Excise Tax bill.

1. Is this bill “enabling legislation” for the City of Hagerstown to collect its portion (28%) of the excise tax? Enabling legislation is required for a revenue raising measure, though not for regulation measures in the planning area. He stated the bill is primarily a County enabling bill.

Enabling legislation for municipalities is normally enacted for all municipalities in the State, not just for one.

2. Is the requirement of an Adequate Public Facilities Ordinance (APFO) with a substantially similar school test a problem? This requirement results in the City giving up its sovereignty in land use planning and in how it spends its tax revenues. The County establishes the school test, not the City. The County, in effect, would have a veto over City development. The amounts raised must be used in certain ways for certain things. If this is determined to be a regulatory measure, must there be a connection between the revenue collected and its use to deal with the impact it has caused? At this time, the Attorney General and County Attorney have opined that on this issue a successful outcome is likely.
3. Is it legal for the State/County to direct the City as to how to spend proceeds of an excise tax (for roads, etc.)? Is the City impermissibly inserting regulation into a revenue measure? At this point, the Attorney General believes the current draft is most likely to survive a legal challenge.
4. If the City collects the entire excise tax within the City, are they giving up sovereignty by allowing the State/County to direct them to forward to them the money for schools, libraries and agricultural preservation and requiring the City to use their power to regulate development to exact these payments? Does this require the City to regulate in an area they haven't had the power to regulate, i.e. schools?
5. The State legislature normally enacts laws that apply to individual counties under the Public Local Laws, while for municipalities it enables all municipalities in the State, not just one. This bill attempts to enable a single municipality and could be subject to attack on that basis.

Mr. Urner stated there are other observations he has made during further review of the pending legislation. He has not found anything additional in the law that would suggest any different answer than the one already stated for question number one. It has been learned that the County's motivation for this stipulation to an APFO is because they have a concern that their APFO school test is not solid. If the City adopted a substantially similar test, they may be inheriting those problems. He recommended that the Mayor and City Council keep in mind that the Delegation is doing enabling legislation, which gives the right to the County and the City the ability to make their own ordinances in regard to this topic. The Mayor and City Council would still have to enact a local ordinance.

Councilmember Aleshire stated it would be a fair statement to say that all members of the Mayor and City Council understand why this is an important bill for the County. He thanked Mr. Urner for reviewing this legislation with the County Attorney and the Attorney General. He believes the City, the County and the State Delegation should meet to determine a way to ensure this bill passes the legislation. However, the City cannot give up their sovereign right to choose how the City grows.

Mr. Urner indicated if this bill is passed, the City will give up their sovereignty for land use, to a certain extent. Councilmember Aleshire pointed out this will not only affect Hagerstown, it will affect all municipalities in the State, if they choose to implement the excise tax. He sees this as a responsible approach toward annexation.

Councilmember Hendershot stated the City, the County and the State Delegation need to expedite this matter. He suggested that the Mayor contact the Delegation to set up a meeting.

Development of Sewer Capacity Allocation Program (SCAP)

Kathleen Maher, Planning Director, and David Shindle, Water and Sewer Department Manager, were present to discuss development of the final Sewer Capacity Allocation Program (SCAP).

The following provides an outline of the proposed approach to the project and the issues that deserve exploration with affected stakeholders for the SCAP.

March 10, 2005 – Ms. Maher and Mr. Shindle met with County staff to discuss administration of the Interim Sewer Capacity Allocation Program and development of the final SCAP

March 28, 2005 – Ms. Maher and Mr. Shindle will host a meeting with the development community to discuss options for the final SCAP

Staff will develop an inventory of vacant residential lots within the City to assist with allocation planning.

The City's Comprehensive Plan consultant, ERM, will assist with research and advice on preparation of the final SCAP.

A draft final SCAP will be presented for discussion at the May 3, 2005 and May 10, 2005 Mayor and City Council work sessions.

On May 24, 2005, the Mayor and City Council will vote to submit the draft final SCAP to the Maryland Department of the Environment.

These issues need to be explored and discussed further with the Mayor and City Council:

Distribution of Allocation – if 20,000 gallons is set aside for the Discretionary Reserve and 25% of the remaining 100,000 gallons is set aside for the County, how should the City's 75,000 gallons per year be distributed between residential and nonresidential?

Schedule for Distribution of Allocation – should allocation be distributed throughout the year on a “first come, first served” basis? Or should all requests for allocation be considered at one time on an annual basis for distribution of the full 75,000 gallons.

Discretionary Reserve – what are the priorities for the Reserve – a well-defined prioritization policy must be established for ease of administration by staff.

Reserve of Allocation – at what point in the process should allocation be reserved?

Flow Transfer Agreements – should any capacity gains via Flow Transfer be evenly distributed over the 7 year period of the SCAP for distribution as defined above?

Developer I&I (Inflow and Infiltration) Projects – should any capacity gained via I&I be evenly distributed over the 7 year period of the SCAP for distribution as defined above?

Councilmember Aleshire expressed his concern that voting on the SCAP for submission to the Maryland Department of the Environment on May 24, 2005 won't be enough time for the current Council to follow the process through.

Hub Labels Development Agreement

David Shindle, Water and Sewer Department Manager, stated last year, Hub Labels undertook a fast-tracked project to build a new office building on Label Lane to accommodate an existing business in the community. There were some concerns that arose during the design phase. Specifically, the existing waterline in Shawley Drive and Label Lane needed to be upgraded from 8" to 12". Also, the existing City-owned sewer in Marshall Street needs to be upgraded to handle additional flows from Joint Service Area customers. Mr. Dahbura (owner of Hub Labels) requested that the City delay the requirement of the water main upgrade until his next project and agreed to a proportional financial contribution for the sewer main upgrade.

Mr. Shindle stated Mr. Dahbura has reviewed the development agreement and is willing to sign it. The agreement states Dahbura will contribute \$ 400.00 per Equivalent Dwelling Unit

(EDU) for which it is estimated there would be 8 EDU's applicable for the proposed Hub Label office building toward the upgrade of the existing gravity sewer system in Marshall Street. Mr. Dahbura agrees to upgrade the exiting waterline in Label Lane, which is to serve the proposed constructions, from an 8 inch line to a 12 inch line prior to the City connecting such line to the new building. Mr. Dahbura also agrees to upgrade the existing 8 inch to a 12 inch waterline in Shawley Drive upon any further development/redevelopment of any parcels.

Councilmember Aleshire asked when the \$ 400.00 per EDU would be paid. Mr. Shindle indicated it would be when the agreement is signed. Councilmember Aleshire stated there does not appear to be a time constraint on when the line is replaced. Mr. Shindle indicated Mr. Dahbura owns all the land in the area and the City can wait to have the line replaced when further development occurs.

It was the general consensus of the Mayor and City Council to approve the agreement. Mr. Shindle and Mr. Urner will review the agreement and present it for approval at the March 29, 2005 meeting.

City Administrator's Comments

Bruce Zimmerman, City Administrator, complimented the Mayor and City Council for a very good State of the City address, held this morning. The presentation and answers to questions addressed the issues and outlined the facts on many projects and issues.

Mayor and Council Comments

Councilmember P. M. Nigh indicated the State of the City was good. She thinks the City should do its own presentation.

She stated the owners of Locust Point tavern are looking to sell the business. She expressed her concern about this and stated the City needs to be aware of this. She stated she was sorry to hear that T. G. Designs is moving from downtown.

Councilmember L. C. Metzner stated he thinks it was a good State of the City presentation, but it was obvious by the direction of the questions how much misinformation and misunderstanding is around in the community. He is pleased to be involved with intelligent people who are community activists but he is concerned that many people don't know what is really going on.

Councilmember C. N. Moller had no further comments.

Councilmember K. B. Aleshire thanked the Lt. Governor for coming to Hagerstown and he is

sorry he didn't receive an invitation to meet with him. He would like the citizens to know that several council members attended the Neighborhood's First meeting to discuss the Haven Road annexation. Approximately 60 residents attended that meeting. He congratulated Mike Weller, Hagerstown Fire Department, for receiving a national award for his work with Children's Village. The owner of Direct Mail Processing submitted a letter asking about fees and he asked that Staff respond to that letter. He thanked Mr. Shindle for providing copies of the City Code that states sewer allocation cannot be transferred from one property to another.

Councilmember N. L. Hendershot stated it was good at the State of the City address to review what has been accomplished. When he was elected in 2001, he wanted to try to make a difference. He gave the residents four good years and is proud to see a lot of the things that have been accomplished. When this Council took office, there was flat growth and the goal was to increase the tax base. Things are in place that helped achieve that goal. He thanked the Mayor and Council members and John Urner for their combined efforts over the last four years. He stated there are serious problems in the May 17, 2005 election. He urged everyone to vote and let the world know this City is not for sale. People need to know where the money is coming from for the Republican Slate and there is a large amount of money backing them. He has to make people realize who is actually backing these people. He has found out that three of the five were democrats six months ago. He repeated this City is not for sale. This is a proud community and he won't sit here and see it be destroyed. He served the need of the people but not the need of a few. Wayne Alter went out and solicited a lot of money from people in the business community, even from those we are trying to help even here this evening. He stated he thinks they are trying to find a use for the existing hospital so they can justify moving. He wants the focus for a hospital be on health care, not money. The project will now cost well over \$ 300 million. If this happens, it will become a for-profit hospital. He stated he has a list of the campaign contributors and he is sure this list will be floating around the community. He stated he can't tell you how disappointed he is that of the \$ 25,000, \$ 22,000 is from developers and bankers and most of them don't live in the City limits. He doesn't want the citizens to be "hood winked." He asked again that everyone needs to remember this City is not for sale.

Mayor W. M. Breichner thanked the Staff and Council for the State of the City address presentation. It was very informative. He repeated his position that the hospital belongs in the City. He sees it working in other cities.

Councilmember Hendershot stated maintenance is not being done at the hospital and they now have a staph infection problem. He suspects the maintenance issue is to make a point. He is concerned that the proposed move is not about health care but land development.

There being no further business to come before the Mayor and City Council, on a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. B. Aleshire, the meeting was adjourned at 7:47 p.m.

83rd Special Session, Work Session and Executive Session
Mayor & City Council
Maryland

March 15, 2005
Hagerstown,

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: _____