

EXECUTIVE SESSION – March 22, 2005

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember N. L. Hendershot, the Mayor and City Council unanimously agreed by voice vote to meet in closed session at 4:05 p.m. in accordance with the provisions of the annotated Code of Maryland, State Government Article, Section 10-508(a) #7 to consult with counsel to obtain legal advice. 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 4:25 p.m.

WORK SESSION – March 22, 2005

Mayor William M. Breichner called this Work Session and Executive Session of the Mayor and City Council to order at 4:35 p.m., Tuesday, March 22, 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, and P. M. Nigh, City Administrator Bruce Zimmerman, City Attorney John Urner, City Attorney William Nairn, City Attorney Mark Boyer and City Clerk D. K. Spickler.

Mayor Breichner welcomed the students from Wesel, Germany. He stated the Mayor and City Council are honored by and appreciate their presence. The Sister City relationship between the City of Hagerstown and Wesel, Germany is one of the oldest relationships in the country.

Preliminary Agenda Review

Turnout Gear

Chief Gary Hawbaker stated Mason-Dixon Fire Equipment, LLC submitted a bid in the amount of \$ 118,860.00 for 80 sets of turnout gear. A portion of this purchase will be funded by the FEMA grant.

It was the general consensus of the Mayor and City Council to include this purchase on the agenda.

Change Order to Antietam Tree Contract

Rodney Tissue, City Engineer, and Eric Deike, Public Works Manager, stated the Department of Public Works and the Planning Department obtained a \$ 50,000 grant in 2004 from the Department of Natural Resources (DNR) to plant trees in the City. The area in front of South High is open and treeless and City staff, the Board of Education, and the DNR agree this is an excellent location for large canopy trees.

This contract was competitively bid in January and Antietam Tree Service's bid was 45% lower than the nearest of the other four bids. Therefore, Staff recommends a change order to that contract to plant approximately 240 trees, fully funded by the DNR grant.

The Mayor and City Council agreed to approve the change order.

Demolition of Existing PSA Air Compressor

Christopher Bordlemay, Water and Sewer Department Assistant Manager, stated the demolition of the existing PSA air compressor can be completed through a change order with Ulliman Schutte Construction for \$ 15,819.00.

It was the general consensus of the Mayor and City Council to approve the change order.

Upgrade of ABB Software

Mr. Bordlemay stated ABB is the sole source provider for an upgrade to the ABB Software. The cost for the upgrade is \$ 35,330.00. This system has not been upgraded since 1999. This upgrade will be funded from the overall Willson Treatment Plant improvements budget.

It was the general consensus of the Mayor and City Council to approve the upgrade.

Flo-Dar Sensor & Logger Rental

Mr. Bordlemay stated Marsh McBirney submitted a proposal to rent a sensor and logger for \$ 32,000.00 (\$ 8,000.00 per month). The sensor will be used for the Infiltration and Inflow (I/I) study.

The Mayor and City Council agreed to add this rental to the consent agenda.

Replacement Pump for Flusher

Mr. Bordlemay stated Mid-Atlantic Waste Systems submitted a bid for a pump for Unit #527 in the amount of \$12,300.00. This purchase will be added to the agenda.

Patching Contract

Henson & Sons, Inc. submitted a bid for the utility patching contract for calendar year 2005 in the amount of \$ 302,790.00. The contract includes repairs to roadways, driveways and sidewalks per City/County/State standards.

Councilmember Nigh asked if this is the first time the patching contract has been bid out.

David Shindle, Water and Sewer Department Manager, stated this has been contracted out for many years. Councilmember Nigh asked if it is more cost effective to have an outside contractor do this work. Mr. Shindle indicated it is not, but the employees in the Water and Sewer Department are not in the paving business.

The Mayor and City Council agreed to award the bid to Henson & Sons, Inc.

Rehabilitation Contract for 817 Lanvale Street

Accent Builders submitted a bid of \$ 65,685.00 to rehabilitate the house at 817 Lanvale Street. This rehabilitation is part of the Home Ownership Program.

The Mayor and City Council agreed to award the bid to Accent Builders.

Rehabilitation Contract for 645 North Mulberry Street

Accent Builders submitted a bid of \$ 53,900.00 to rehabilitate the house at 645 North Mulberry Street. This rehabilitation is part of the Home Ownership Program.

The Mayor and City Council agreed to award the bid to Accent Builders.

Dell Opti Plex Desktop Computers

Thirteen computers can be purchased from DELL, through the State contract, for \$ 14,391.00. These computers are in the five year replacement plan for the Hagerstown Police Department.

It was the general consensus of the Mayor and City Council to include this purchase on the consent agenda.

Fairway Mower for Golf Course

G. L. Cornell Co. submitted a bid in the amount of \$ 24,500.00 for a fairway mower. Junior Mason, Parks and Recreation Department, stated the fairway mower needs to be replaced because it is damaging the golf course. John Budesky, Director of Administrative Services, stated this purchase was included in the FY 2005-06 budget. This price is a good deal for this mower. It is used, having been shown at trade shows.

It was the general consensus of the Mayor and City Council to include this purchase on the consent agenda.

Skatepark Ramps

Mr. Budesky stated SunRamp Solutions, Inc. submitted a bid for a half-pipe for the skate park in the amount of \$ 19,900.00. It was the general consensus of the Mayor and City Council to approve this purchase.

Recommendation for Elevator Service Contract

Landmark Elevator, Inc. submitted a price of \$ 11,880.00 for an elevator maintenance annual contract. The Mayor and City Council agreed to add this contract to the agenda for approval.

Introduction of an Ordinance: Amendment to the Noise Ordinance to include a Fireworks Exemption

Mark Boyer, City Attorney, stated this ordinance exempts fireworks shows that are pre-approved by the Mayor and Council. Approval could be granted through the lease agreement with the Hagerstown Suns or approved at the time the annual baseball schedule is approved.

Councilmember Nigh asked if the Suns have indicated how many fireworks shows they plan to have during the season. Mr. Boyer indicated the schedule shows the number of events that include fireworks.

After this ordinance becomes effective, the Hagerstown Suns will have to ask for approval for individual dates above the number approved through the schedule. Councilmember Aleshire asked if this meant they have approval for nine at this point.

Mr. Boyer stated the approval is for nine and anything above that number would require further approval. Bruce Zimmerman, City Administrator, indicated in future years, the Suns will need to ask for permission to hold fireworks events. Mr. Boyer suggested that a tentative schedule be submitted to the Mayor and City Council early in 2006.

This ordinance will be scheduled for introduction on the March 29, 2005 agenda.

Amendment to the Alcohol in Park

Mr. Boyer stated the amendments that are being discussed at this meeting will be permitting alcohol at two locations in City Park (the Museum and the Mansion House) and three other locations – Municipal Stadium, University Plaza and Fairgrounds Park.

The Mayor and City Council will have the ability to approve events individually. Mr. Zimmerman indicated there would be two actions by the Mayor and City Council. One would be specific to Fairgrounds Park and the other would be a general ordinance.

Introduction of an Ordinance: Blue Ridge Beginnings Landmark Overlay

Introduction of an Ordinance: Blue Ridge Beginnings Rezoning

Mr. Zimmerman indicated both requests for Blue Ridge Beginnings have been withdrawn by the applicant.

Councilmember Aleshire stated the Howell Road Rezoning Request has also been withdrawn.

Introduction of a Resolution: Light Property Annexation

Introduction of a Resolution: Crumrine Property Annexation

Stuart Bass, Comprehensive Planner, stated there is a pre-annexation agreement with the adjacent property owner to the Light Property Annexation, and, therefore, there are two annexation resolutions being presented for approval. Mr. Zimmerman stated the next step is to introduce the resolutions and hold a public hearing at a future date.

Resolution: Lease Agreement for City Park Concession Stand with Ray Montgomery

Mr. Montgomery is the current concessionaire at City Park. This lease extension is for five years. It was the general consensus of the Mayor and City Council to renew the lease with Ray Montgomery.

License Agreement: Handicap Ramp for Square Cup Café

Rodney Tissue, City Engineer, stated when the use of this property changed to a café, the Americans with Disability Act (ADA) had to be implemented. The business must be handicap accessible. The owners would remove the concrete and brick band and build a ramp. They will have to install railing that will extend into the City's right of way.

It was the general consensus of the Mayor and City Council to approve the license agreement.

License Agreement: 139 N. Mulberry Street

Rodney Tissue, City Engineer, and James Bender, Assistant City Engineer, indicated the State of Maryland is requiring The Neighborhood Inn to install a handicap ramp at 139 N. Mulberry Street.

Councilmember Nigh expressed her concern that there will be more patrons to this tavern when the ramp is installed. Councilmember Aleshire asked what the minimum clearance is for this ramp. Mr. Bender indicated the ADA requires a three foot clearance, but they will not be able to construct a totally ADA compliant ramp because there is not enough clearance.

It was the general consensus of the Mayor and City Council to approve the license agreement.

Approval of Request to Use Vacant Lot at S. Potomac St./W. Memorial Boulevard for a Carnival

The Downsville Ruritan Club and Funkstown Rod and Gun Club are requesting permission to use the City of Hagerstown's vacant lot located at the intersection of S. Potomac St. and W. Memorial Boulevard for their annual carnival. Setup will be on April 30, however, the carnival won't begin until May 2 and will run through May 14, 2005. They have met the insurance requirements.

The City will require a \$ 1,000.00 deposit for damages or cleanup to the property. Upon completion of the carnival, all grounds must be returned in the condition it was received to avoid surrender of the deposit.

The carnival will utilize the grass area for primary carnival activities and allow for City employee parking on gravel areas during the business day. This event will not interfere with the annual spring dumpster program scheduled for April 11-16, 2005.

It was the general consensus of the Mayor and City Council to approve this request.

Approval of Front Footage Recoupment Agreement – Good Shepherd Ministries

The Good Shepherd Ministries has requested a front footage recoupment agreement to provide for partial reimbursement of their cost of installing an 8 inch water main on Long Meadow Road.

It was the general consensus of the Mayor and City Council to approve the front footage recoupment agreement.

This completed the preliminary agenda review.

Discovery Station

This item was discussed at a later time during the meeting.

Review of Multi-Jurisdiction Hazard Mitigation Plan

Chief Gary Hawbaker, Hagerstown Fire Department, Stuart Bass, Comprehensive Planner, and Verna Brown, Washington County Emergency Programs Manager, were present to discuss a Multi-Jurisdiction Hazard Mitigation Plan. In response to continuing large scale federal outlays

of disaster funds to states and communities during the decade of the 1990's, Congress passed the Disaster Mitigation Act of 2000, a function of which was to somehow deal with the issue of repeating disasters and associated repetitive losses. Section 322 of the Act requires that all states and local jurisdictions develop and submit Mitigation Plans designed to meet the criteria set forth in 44 CFR Parts 201 and 206 of the Code of Federal Regulations.

Ms. Brown stated minimum standards for hazard mitigation plans have been developed by the Federal Emergency Management Agency. All local governments are now required to have an approved Hazard Mitigation Plan in order to be eligible to receive state and federal public assistance funds in the case of a declared disaster. It is a specific eligibility requirement for any local government applying for hazard mitigation grant funding.

The County contracted with S&S Consulting to prepare the Multi-Jurisdictional Hazard Mitigation Plan. Mitigation goals will need to apply to all of the jurisdictions participating in the Plan. However, individual sets of mitigation actions or strategies for each jurisdiction are also required and have been developed. The Plan has already been reviewed by both FEMA and MEMA and approved informally.

Bruce Zimmerman, City Administrator, stated Fire Chief Gary Hawbaker has reviewed the plan. The Planning Department and the Public Works Department have also reviewed the plan.

They have all found it to be acceptable.

Ms. Brown stated no public hearing is required, but each municipality needs to formally adopt the plan. It was the general consensus of the Mayor and City Council to adopt the plan.

Washington County Museum of Fine Arts Garden Project

Rodney Tissue, City Engineer, and Joe Ruzicka, Director of the Fine Arts Museum, were present to discuss the Museum's plans for a garden in front of the Museum.

This garden project is made possible by the generosity of Anne and Howard Kaylor. The final design plan was prepared by Donna Brightman of River's Edge Landscapes. According to the Museum, the garden will be open during the Museum hours for individuals to relax, read a book, have lunch or enjoy the lakeside setting.

Mr. Tissue stated the proposed project is located within a "property lease area." The City owns the property, but leases the land per an October 1989 Agreement between the City and the Museum. Because of this, Mr. Ruzicka would like to present the plan to the Mayor and City Council and obtain their input, and make them fully aware of the project.

Mr. Ruzicka stated this will be a very nice addition to the Museum. The garden will be closed during the hours the Museum is closed. Bruce Zimmerman, City Administrator, asked if the pathway would be closed during municipal band concerts. Mr. Ruzicka stated he would be willing to work with the City on this issue. Councilmember Hendershot asked what material will be used on the pathway. Mr. Ruzicka stated it will be crushed stone. Councilmember Hendershot stated that material will create a problem for people with walkers or wheelchairs. Mr. Tissue indicated there is a more accessible path, but it is a lot longer. Mr. Ruzicka stated the Museum wants to end the perception of being inaccessible.

Councilmember Aleshire asked what the fence would be constructed of. Mr. Ruzicka indicated there may not be a fence in the front. On the other sides, it would be a low fence. Councilmember Aleshire stated he would prefer that the garden be kept open.

Mr. Tissue stated the Engineering Department will work with the Museum to address the handicapped accessibility issue.

Public Service Commission Proposal - Taxi/Transportation Vehicles

John Lestitian, Chief Inspector, Bryan Moorhouse, Public Service Commission (PSC), and Lt. Rick Reynolds, Hagerstown Police Department (HPD), were present to discuss taxis and transportation vehicles.

Mr. Moorhouse has formulated and offered an action plan to address the issues without the City developing its own program to regulate taxi/transportation vehicles. Mr. Lestitian stated they believe these measures will help meet the goals of the city. The PSC action plan includes the following components:

1. The PSC will provide training to HPD Officers on current PSC Regulations
2. HPD officers will file complaints with the PSC
3. PSC will conduct the investigations and file the administrative charges
4. PSC Administrative Hearings will be held locally
5. PSC officials will offer assistance with licensing issues locally

Under this plan, there would be no licensing or other fees paid to the City, nor would the City have any input on governing regulations. The cost of training and hearing (court time) for HPD is to be absorbed by the City. Some of the benefits would be enhanced enforcement of existing laws, local licensing issues handled monthly and no City specific program and related operational impact is necessary.

Lt. Reynolds stated one driver has been cited with more than \$ 2,000 in violations and numerous moving vehicle violations. One company, Hall's Transportation, had three vehicles that met all the requirements.

Mr. Moorhouse indicated each vehicle has to be inspected twice per year, once by PSC inspectors and once at the State testing site. A background check must be performed for all drivers. He stated the PSC will work with the City with the issue of "For Hire" vehicles. There are a number of violations for vehicles and drivers not being registered.

Councilmember Nigh thanked Councilmember Hendershot for pointing out the safety problems with the "for hire" vehicles. She also thanked John Lestitian for working on this issue.

Councilmember Hendershot thanked Mr. Lestitian also.

Permanent Designation of "Willie Mays Way" (East Memorial Boulevard)

The Mayor and City Council held a follow-up discussion about the designation of Willie Mays Way. Previously, two options were presented for consideration, to officially change the street name to Willie Mays Way or to designate the street as Willie Mays Way without officially changing the name.

Councilmember Metzner stated he understands a commitment was made and it needs to be upheld. He is in favor of officially changing the street name. Councilmember Hendershot agreed. Councilmember Nigh asked what commitment was made.

Mayor Breichner stated during conversations about honoring Willie Mays, it was indicated to him that East Memorial Boulevard would be renamed to Willie Mays Way. Mayor Breichner indicated he thinks Mr. Mays has made a commitment to come back to Hagerstown. He stated that, due to the fact the he played his first baseball game here, he is due that honor.

Councilmember Nigh asked why the street was named Memorial Boulevard. Mr. Tissue stated there was action taken in 1935 that changed the road to Memorial Boulevard, with no indication of who was being honored and remembered.

Councilmember Nigh asked what would happen with the name of the street if the stadium moves from its current location. She also asked what message considering changing the name sends to the veterans. She pointed out that many street signs have the names of individual veterans listed on them.

Councilmember Moller stated the sign that would be used if the street is designated Willie Mays Way without changing the name is very nice.

Councilmember Nigh stated she is concerned about what happens when there are more markers to be put up. Mayor Breichner stated this would not prevent markers from being put on the sign.

Councilmember Nigh stated it seems more appropriate to honor Willie Mays with a designation, rather than a renaming.

Councilmember Aleshire stated he thinks the same process for considering a road name should be followed. The Board of Traffic and Parking reviews the request. The residents and businesses that would be affected are asked for their opinion.

This will be done and the results will be presented to the Mayor and City Council in April.

Proposed Zoning Ordinance Text Amendments

Kathleen Maher, Planning Director, presented a set of amendments to the Zoning Ordinance for the Mayor and City Council's review. The following provides a brief synopsis of the proposed changes:

1. Add a number of uses to some zoning districts
2. Provide for off-street parking requirements for non-residential uses permitted in the residential districts
3. Provide for some further clean up to the cluster regulations
4. Further define the home occupation use in response to a recent Board of Zoning Appeals action
5. Remove the conditions attached to the Bed & Breakfast use for the C3 district
6. Correct an error in the Conversion District
7. Prove some setback criteria for stormwater management structures
8. Require off-street parking to be provided for single-family and two-family dwellings in new subdivisions
9. Increase buffer criteria for the C4 district
10. Provide major revisions to the Board of Zoning Appeals section in an effort to enhance the operations of that function and process
11. Provide new language for the Violations and Penalties section to clarify that violation of an approved site plan is violation of the Zoning Ordinance.

The Planning Commission held a public review meeting on February 23, 2005 and received no public comments. The City Attorney provided comments on the proposed revisions to the Board of Zoning Appeals section and most of these comments were incorporated.

Ms. Maher stated language was added to ensure that the Board of Zoning Appeals shall open the hearing on each special exception and variance case with a staff presentation to orient the Board and the applicants to the pertinent sections of the Ordinance related to the proposed use or appeal and to address any issues which City staff or City Boards or Commissions may have with the proposal.

Councilmember Aleshire asked why a change was made in reference to stormwater management facilities in the front yard. Ms. Maher stated stormwater management facilities were not required to have a front yard setback, so a 10' landscape buffer is being required.

Councilmember Aleshire stated he thinks the 25' clearance for the minimum forest area is not large enough.

Councilmember Aleshire stated he thought the Mayor and City Council had made amendments so that stormwater management facilities could not be located in the front yard. His intent is to make sure the stormwater management pond is not what you see first at a residence.

Councilmember Metzner suggested higher aesthetic standards for stormwater management facilities that must be located in the front yard.

Ms. Maher stated most in this category are located on interior right of ways, unless a waiver is granted.

It was the general consensus of the Mayor and City Council to move forward with the proposed amendments. A Public Hearing will be held on March 29, 2005 for public input.

Discovery Station

B. Marie Byers was present to discuss the opening of the Discovery Station in Hagerstown. She stated the new Board of Directors have worked hard and rapidly to locate an educational facility in town. They now have a five year lease for the Nicodemus bank, located at the corner of W. Washington Street and Summit Avenue. The plans include more than 50 interactive science stations. There will be displays devoted to the Roundhouse Train Station, the C & O Canal and truck transportation. There will be a full size airplane on display on the first floor. A premier gala will be held on April 23, 2005.

Mayor Breichner stated the City could write a letter in support of the Discovery Station's grant application. Ms. Byers thanked the Mayor and City Council for their continued support.

Proposed Zoning Ordinance Text Amendments - Residential Zoning Densities

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Councilmember Aleshire presented a conceptual view of possible reduction in residential density for future development in existing and annexed areas. He stated, given the time to review and possibly implement these proposals, this administration would not vote on these items.

He stated serving on the Water and Sewer Advisory Committee and reviewing the amount of remaining sewer capacity makes it obvious to him that housing density needs to be addressed. He stated the more the City can preserve a new development, the better it will be. He would like to discuss these density changes with the homeowners association. The City needs to reverse the owner occupied/rental unit ratio.

Councilmember Aleshire presented the following thoughts:

1. In the R-1 Planned Unit Development (PUD) 75% of the units must be single family with 25% remainder either two-family or townhouse. Townhouse only allowed as part of a PUD in the R-1 district.
2. In the R-2 PUD, 50% of units must be single family, and 25% in the R-3 PUD.
3. All PUD development 25% Open Space (OS) shall not consist of Stormwater Management or FRO areas. All PUD open space must provide at least .02 acres/unit of contiguous space as part of this provision
4. Should review the need to allow PUD in the AT, C1, and C2 districts.
5. Need to speak with County about high density zoned land on corporate borders
6. Need to review current zoning of all vacant land for suggested changes before development occurs.
7. May consider requirement that all R-2 and R-3 property greater than 10 acres provide minimum of 25% single family homes as part of the overall development.

It was the general consensus of the Mayor and City Council to wait until June to discuss this further.

Tusing Warehouse Building

Deborah Everhart, Economic Development Director, was present to discuss the Tusing Warehouse Building.

It has come to Staff's attention that Mr. Glessner and Ms. Tulner are no longer in partnership and, therefore, will not be pursuing the redevelopment of the Tusing Warehouse building as previously submitted and approved by the Mayor and City Council.

Staff would like to explore with the Mayor and City Council the following questions prior to the issuance of another Request for Proposals:

1. Do we want to advertise the property with a purchase price attached?
2. What conditions and/or restrictions should be placed on the redevelopment?
3. What incentives should the City make available to a developer, if any?
4. Should non-profit organizations be considered?

Mr. Glessner has requested a two week time extension while he is talking to other potential investors. Mayor Breichner and Councilmember Aleshire stated they think the two week extension is reasonable. Councilmember Aleshire stated after the two weeks, if there is not another investor, requests for proposals should be issued.

Councilmember Metzner stated this could be a jewel in the City's central core. He now sees the potential for a permanent sound stage and a building that could be used in conjunction special events in downtown. It is important to keep the ownership in the City. He would like to keep the use exclusive for the citizens and he is not in favor of granting the two week extension.

Councilmember Hendershot stated he is not in favor of granting the extension.

Councilmember Nigh stated she thinks a two week extension is reasonable, especially since the City has given Mr. McCleary seven years for his project.

Mr. Glessner stated it takes a long time to secure funding. The bank has cancelled the loan because of the partnership withdrawal. He has located two potential partners and he believes the loan will be reinstated.

Councilmember Moller is in favor of granting the extension.

Mr. Glessner will be asked to present further information at a work session in early April.

Review of Draft of Parks and Recreation Special Events Alcohol Policy

John Budesky, Director of Administrative Services, stated Patty Edleblute, Recreation Superintendent, is unable to be at this meeting to present a draft policy for alcohol at Fairgrounds Park.

The proposed policy includes:

1. All requests for special events to include alcoholic beverages must be submitted in writing to the Parks and Recreation Department at least 60 days prior

to the event. All requests must be approved by the Mayor and City Council.

2. Special events are only permitted in the "Festival & Event Area" of Fairgrounds Park.
3. Serving alcoholic beverages will only be permitted from 12:00 noon until 8:00 p.m. The event, including cleanup, will have to be completed no later than 8:00 p.m.
4. Due to alcohol consumption, the drinking areas must be fenced in at the expense of the User. The fencing must be construction grade fencing and a minimum of six feet high.
5. User must apply for the applicable license through the Board of License Commissioners for Washington County.
6. Only beer and wine will be permitted.
7. User must submit to the Parks and Recreation Department a plan detailing how they will distinguish who is of the Maryland legal drinking age and how it will be monitored and enforced.
8. Paying one flat fee to drink unlimited alcoholic beverages will not be permitted. All participants must pay per drink and must be limited to purchasing a maximum of two (2) drinks at a time.
9. User must obtain and is responsible for all associated policing and security costs.
10. User must provide general liability insurance naming the City of Hagerstown as additional insured with minimum limits of \$ 3,000,000.

Mark Boyer, City Attorney, stated a sentence should be added to the policy that indicates satisfaction of these requirements is not a guarantee of approval by the Mayor and City Council.

Bruce Zimmerman, City Administrator, asked how the Mayor and City Council wished to address for profit and non-profit user groups. Councilmember Aleshire suggested that each be reviewed individually.

Councilmember Hendershot thanked John Budesky for all he has done for the City.

Insurance Coverage FY/06

Caroline Twigg, Purchasing Insurance Specialist, stated the current coverages on commercial fleet insurance, commercial general liability insurance, comprehensive law enforcement liability, public officials liability insurance and property insurance proved by Local Government Insurance Trust (LGIT) will expire June 30, 2005.

Ms. Twigg indicated the Risk Management Administrator for Washington County Government believes the insurance market is still reeling from the 9/11 attacks, and due to this,

the administrator believes the only company who will be interested in writing the coverages would be LGIT.

Ms. Twigg stated she believes the current insurance market to be “hard” causing Insurance Companies to be unable to compete with LGIT’s ability to offer low premiums. This combined with LGIT’s educational and risk management programs lead her to request an extension of the contract with LGIT for the City’s Commercial Fleet Insurance, Commercial General Liability Insurance, Comprehensive Law Enforcement Liability, Public Officials Liability Insurance and Property Insurance for FY/06. She recommended a three (3) year extension, reviewed and approved annually by the Mayor and City Council.

The City has historically utilized Wright Gardner (Hartford Steam Boiler) for its boiler and machinery coverage. This coverage has typically not gone out to bid because Hartford offers the broadest range of coverage and are considered the leader in this field of coverage. The City’s partnership with Hartford Steam Boiler has been long term, approximately 12 plus years. Ms. Twigg recommended continuing the contract for the Boiler and Machinery policy with Wright-Gardner Insurance/Hartford Steam Boiler. She recommended a three (3) year extension, reviewed and approved annually by the Mayor and City Council.

It was the general consensus of the Mayor and City Council to request three (3) year extensions on the above stated insurance policies.

Use of Channel Six

Councilmember Metzner stated he would like to address the use of Channel Six so that staff doesn’t have to face the situation and excise comments. All citizens should have freedom of speech within the hallowed halls of legislative bodies. The meetings are televised for citizens to have access to what their government does. There is no greater method than to have the meeting in their living rooms. They have the right to hear everything, in its entirety. He stated there is no “fairness doctrine” as was previously indicated. He has asked the Federal government what electioneering is. He asked who was the judge and jury in deciding that Councilmember Hendershot’s comments from the meeting on March 15, 2005 should be edited from the repeat showings of the meeting. He asked if Councilmember Aleshire’s comments would be considered electioneering. He stated the Mayor and City Council have been told it would be unwise to adopt a policy during the course of this election. However, it is completely unacceptable for staff to review and edit comments from any Councilmember. He hopes staff understands they are not to be editing without the prior consent of the majority of this body. He stated what’s fair is what has been in existence in this community for a long time. The citizens need to be assured they will not be censured. The questions about electioneering have brought up questions that need to be addressed, as it relates to citizens comments. The Mayor and City Council need to develop a policy for citizen comments. He stated they also need to discuss when do people in the control room hit the stop button when something inappropriate happens that

does not involve elected officials. Elected officials will say and do anything they want and they will answer to the citizens of the community. He stated he has no problem with what occurred but, everyone needs to realize that there is freedom of speech. No council comments will be edited, unless and until a majority of this body directs staff to do so. He stated this is not a criticism of the decision that was made, the Mayor and City Council have a duty to both staff and citizens to never have the question come up again.

Mayor Breichner stated they have never used the City offices as a place to announce candidacy. That activity belongs outside this building. He thinks that is what standard was used to make the decision to edit the comments.

Councilmember Metzner stated the easiest thing to do is make it very black and white, there will be no editing, unless a majority of the body instructs staff to do so.

Councilmember Moller stated she thinks it is wonderful they can speak freely. She stated there should be a certain regard that we must use in our lives and in what we say to the general public. She doesn't think using individual names of the people in the community is a good practice.

Bruce Zimmerman, City Administrator, stated Staff certainly understands what is being said. The decision to edit comments was not based on political reasons, but in relation to a legal question about how this could impact the city. He stated the basis for the action was not because of the content of the comments.

City Administrator's Comments

Bruce Zimmerman, City Administrator, stated he toured the parks with John Budesky on Monday. Under Mr. Budesky's direction, significant improvements have been made at Fairgrounds Park and Potterfield Pool. He stated he has made some wonderful contributions here. He wished him well in his new position.

Mr. Zimmerman stated the planting of trees at South High is a very nice Livable City project.

Mayor and Council Comments

Councilmember N. L. Hendershot stated he still believe the city is in a precarious situation. He has been putting up "red flags" and hopes the citizens can see through the campaign literature. He apologized for naming names, but there is a very small group of people of great wealth who are laughing at the City right now. Many of the campaign supporters for the Republican slate do not live in Hagerstown. There are many issues that need to be worked through.

Councilmember K. B. Aleshire stated he hopes interest in the stadium at North High increases. Mr. Zimmerman indicated members of the North High stadium group would like to provide an update to the Mayor and City Council on April 5, 2005.

He stated the residents at Gateway Crossing are starting a Neighborhoods First group. He stated the residents are concerned that the same type of activities (drug related) will resume at Gateway Crossing. He stated he would like a status report of what is happening with the Light Plant.

Councilmember Aleshire stated he doesn't feel the need to use this forum for any type of electioneering. He hopes his stand on the issues outside this forum is enough to show the citizens his direction. He has an obligation to address the issues that come before the Council.

Councilmember C. N. Moller stated she enjoyed meeting with Senator Barbara Mikulski. Senator Mikulski now has an office at the University System of Maryland building.

Councilmember L. C. Metzner stated he attended Officer Todd Dunkle's presentation on gang identification. The presentation was outstanding and the information was riveting.

He asked that someone research the minutes to see if there was a reason the transfer of water or sewer service was prohibited. Mayor Breichner indicated he thought this was standard language. Councilmember Metzner wondered if there was a discussion of the Mayor and City Council at the time.

Councilmember Metzner stated he hasn't found one person that knew there was not a fairness doctrine. He stated the Federal Election Commission laws are limited to paid programming. It is clearly relevant to a recognized candidate. He realizes how hard it is to deem what is appropriate or not because of the words used and their meanings. He stated our forefathers had the right idea to not regulate free speech at all.

Councilmember P. M. Nigh stated it is a shame that they cannot speak the truth about the campaign, especially knowing how Councilmember Hendershot and she feel about this City.

She stated she understands there is some of the former activity occurring at Gateway Crossing. She stated every individual in the City should be aware of what gangs are in the area.

She is concerned the City will be held responsible for the overflow of sewer at the construction site near Pangborn Park. Mr. Zimmerman stated it will be a violation of the consent order. It appears the overflow occurred due to vandalism. Gas was removed from the gas tank for one of the pumps and the pump failed.

Mayor W. M. Breichner stated he has been receiving telephone calls about a situation at the

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ice rink. He understands the Board has cancelled some of the figure skating programs. He is trying to talk to someone on the Board to find out what is occurring.

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 N. L. Hendershot, the meeting was adjourned at 7:59 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: _____
