

19TH REGULAR SESSION AND EXECUTIVE SESSION – March 23, 2010

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 meet in closed session to consider the acquisition of real property for a public purpose and matters directly related thereto, #3 at 6:10 p.m. in the Council Chamber, 2nd 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, Deborah Everhart, Director of Economic Development, Alfred Martin, Finance Director, and Donna Spickler, City Clerk. The meeting was held to discuss details of a potential acquisition of a downtown building. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the meeting was adjourned at 6:53 p.m.

19th Regular Session – March 23, 2010

Mayor R. E. Bruchey, II called this 19th Session of the Mayor and City Council to order at 7:07 p.m., Tuesday, March 23, 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 Forrest Easton. 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, April 6, 2010, Tuesday, April 13, 2010, Tuesday, April 20, 2010 and the Regular Session on Tuesday, April 27, 2010 at 7:00 p.m.

BOARD APPOINTMENT

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 appoint Joseph Marschner to the Board of Traffic and Parking. The term of the appointment will expire on March 24, 2012.

GUESTS

Mayor Bruchey welcomed Boy Scout Troop 66 to the meeting. Chad Shindle, Troop 64, was present at the meeting. He is working on his Eagle Scout designation.

Jamie Wainwright, Antietam Clean Up Project, discussed a clean up project that is scheduled for March 27, 2010. This project is part of a class project at Hagerstown Community College. They will be picking up trash and debris from areas around the Dual Highway. Everyone is invited and encouraged to attend.

Mary King, Miss Washington County 2010, was scheduled to be at this meeting but was unable to attend.

CITIZEN COMMENTS

There were no citizen comments.

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 February 2, 2010, February 16, 2010 and February 23, 2010.

CONSENT AGENDA

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

- A. Community Affairs: Street Closure for Barbara Ingram School for the Arts Gala – April 10, 2010, 4:00 p.m. to 8:00 p.m.
- B. Wastewater Department: Change Order to Engineering Budget – Black & Veatch Engineering (Gaithersburg, MD) \$ 19,437.00
- C. Water Department:
 - 1. Magna Flocc Polymer – George S. Coyne Chemical Co., Inc. (Croydon, PA) \$ 53,100.00
 - 2. Annual Renewal – Software Support Willson SCADA – ABB, Inc. (Wickliffe, OH) \$ 18,656.00
- D. Engineering:
 - 1. Abatement of Weeds, Trash and Debris – Earn Contractors (Gaithersburg, MD)
 - a) \$ 19.00/hr. Labor

- b) \$ 18.00/hr. Brush Clearing
- c) \$ 15.00/hr. Mowing Equipment
- d) \$ 23.95/hr. Removal and Disposal of Debris
- 2. Reconstruction of Alley 1-144 (Rear of Jamison Door Company) – Concrete Central, LLC (Hagerstown, MD) \$ 26,690.00
- 3. Street Tree Installation – Denison Landscaping (Fort Washington, MD) Not to Exceed \$ 50,000.00
- 4. Memorandum of Understanding – American Recovery and Reinvestment Act Funding Allocation to Municipalities - \$ 404,342.00 in Funding for Pavement Preservation Program

UNFINISHED BUSINESS

A. Approval of an Ordinance: Amendments to Chapter 185, Nuisance Abatement

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 an ordinance to amend the Code of the City of Hagerstown, Chapter 185 thereof, entitled Nuisance Abatement to revise the time frame for compliance.

NEW BUSINESS

A. Introduction of an Ordinance: City of Hagerstown Comprehensive Rezoning Phase III, Case No. ZM-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, based on Findings of Fact, for a Zoning Reclassification and Zoning Map amendments, Case No. ZM-2009-02, to rezone those areas which are associated with Phase III of the Comprehensive Rezoning. A series of maps are made a part of this ordinance.

B. Introduction of an Ordinance: Chapter 197 Rental Facilities Amendments

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 introduce an ordinance to amend the Code of the City of Hagerstown, Chapter 197 thereof, entitled Rental Facilities to:

- 1. Modify the exterior inspection requirements providing that if there are no violations, the subsequent exterior licensing inspection shall be biennial

2. Modify the interior inspection schedule for Rooming houses, which will require the Department to inspect every 36 months but only after the required notice to the occupants
3. Modify the “Issuance of the License” to require issuance upon registration and full payment
4. Modify the application procedure to comply with a recent Court of Appeals decision

C. Introduction of an Ordinance: Chapter 232 Vacant Commercial Structures License and Appeal Amendments

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 the Code of the City of Hagerstown, Chapter 232 thereof, entitled Vacant Commercial Structures to:

1. Modify the “Issuance of the License” to require issuance upon registration and full payment
2. Provide for an appeal process
3. Modify the application procedure to comply with a recent Court of Appeals decision

D. Introduction of an Ordinance: Chapter 233 Vacant Residential Structures License and Appeal Amendments

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 introduce an ordinance to amend the Code of the City of Hagerstown, Chapter 233 thereof, entitled Vacant Residential Structures to:

1. Modify the “issuance of the License” to require issuance upon registration and full payment
2. Provide for an appeal process
3. Modify the application procedure to comply with a recent Court of Appeals decision.

E. Approval of a Resolution: Revising the Evening Parking Rate at the North Potomac Street and the Arts and Entertainment Parking Decks

Action: On a motion duly made by Councilmember F. W. Easton and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve a resolution revising the evening rate hours from 7:00 p.m. to 6:00 a.m. weekdays to 4:00 p.m. to 6:00 a.m. weekdays for the \$ 1.00 parking fee at the North Potomac Street and the Arts & Entertainment Parking Decks, effective March 23, 2010

F. Approval of a Resolution: Lease Agreement with Potomac Building, LLC for Department of Social Services – Church Street Parking Lot

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 resolution authorizing the City of Hagerstown to enter into a lease agreement with Potomac Building, LLC for the Department of Social Services for the Church Street Parking Lot, Hagerstown, Maryland, to lease the premises for a period of seven (7) years. The rental rates will be as follows:

Year 1	\$ 43,428.00 annually, monthly payment of \$ 3,619.00
Year 2	\$ 43,428.00 annually, monthly payment of \$ 3,619.00
Year 3	\$ 44,556.00 annually, monthly payment of \$ 3,713.00
Year 4	\$ 45,684.00 annually, monthly payment of \$ 3,807.00
Year 5	\$ 46,812.00 annually, monthly payment of \$ 3,901.00
Year 6	\$ 47,940.00 annually, monthly payment of \$ 3,995.00
Year 7	\$ 49,068.00 annually, monthly payment of \$ 4,089.00

G. Approval of a Resolution: Washington County Senior Softball League Field User Agreement at City Park

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 to enter into a new User Agreement with the Washington County Senior Softball League to utilize both softball fields at City Park for the period of January 1, 2010 through December 31, 2010. User shall have the right to renew this agreement up to three (3) additional one (1) year terms beginning January 1, 2011.

H. Approval of a Resolution: City of Hagerstown Support of the C. W. Brooks Development Project

Action: Councilmember W. M. Breichner made a motion to approve a resolution indicating the City of Hagerstown's support of the Hagerstown Housing Authority's C. W. Brooks Development Project. Councilmember L. C. Metzner seconded the motion.

Discussion: Councilmember Haywood noted she appreciated the green approach for construction of the building but she cannot support the project. She stated efforts to assist senior citizens need to be increased.

Councilmember Easton has received correspondence from residents in other facilities who are concerned about their living situations. He suggested they attend this meeting or meetings of the Housing Authority.

Motion carried, 4-1 with Councilmember A. C. Haywood voting No.

I. Approval of a Resolution: Subletting Approval for Shenandoah Mobile Company (Shentel) at Fairgrounds Park, 360 N. Cannon Avenue

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 the execution of a letter allowing Shentel to sublet without the payment of additional compensation to Ntelos PCS North, Inc. on property owned by the City of Hagerstown at 360 North Cannon Avenue, known as Fairgrounds Park.

J. Approval of a Resolution: Subletting Approval for Shenandoah Mobile Company (Shentel) at Hagerstown Business Park, 1151 Business Center Drive

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 the execution of a letter allowing Shentel to sublet without the payment of additional compensation to Ntelos PCS North, Inc. on property owned by the City of Hagerstown at 1151 Business Center in the Hagerstown Business Park.

K. Approval of a Memorandum of Understanding (MOU) – Improvements to Broadfording Road between Salem Avenue/MD 58 and Hollyhock Road

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 approve a Memorandum of Understanding with Venetian Investments, LLC, 2003 Salem Avenue, LLC (A C & T), Hollyhock, LLC (UNIWEST) and the City of Hagerstown.

This MOU enables the development of the lands east of Broadfording Road while ensuring developer and County funds will be used to reconstruct and widen Broadfording Road.

L. Endorsement of City of Hagerstown Bicycle Master Plan

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember A. C. Haywood, the Mayor and City Council

unanimously agreed by voice vote to authorize staff to develop and implement the Bicycle Master Plan as presented to Mayor and Council on March 2, 2010.

M. Approval of City Support for Barbara Ingram School for the Arts “Take Flight II Program”

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 of City support of the Barbara Ingram School for the Arts Take Flight II Program. The City will provide support through the Public Works Department in the placement and relocation of the public art sculptures, and the City will also provide \$ 5,000.00 in funding to sponsor of the sculptures. This funding is to purchase one of the sculptures. Funding for this support will come from the City’s Unspecified Agency Contribution Fund in Fiscal Year 2009/2010.

N. Approval of FY 2011 Appalachian Regional Commission Grant Request

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 grant request for FY 2011 Appalachian Regional Commission funding and authorize staff to submit the request to Washington County for their review and submission to the Tri-County Council. The preliminary project forms describe the details of the three proposed projects for the Professional Court Bridge, I & I improvements to the wastewater system, and a revolving loan fund for a Downtown Small Business Development and Expansion Program.

CITY ADMINISTRATOR’S COMMENTS

Bruce Zimmerman, City Administrator, had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember W. M. Breichner had no additional comments.

Councilmember M. E. Brubaker had no additional comments.

Councilmember F. W. Easton thanked the library for the update today. He acknowledged and thanked the County Commissioners for their letter of support to federal legislators. He thanked Code Compliance for presenting the first steps in making changes to the code compliance regulations.

Councilmember A. C. Haywood helped plant 1,000 trees over the last weekend. She encouraged people to join the efforts of the Chesapeake Foundation.

Councilmember L. C. Metzner had no additional comments.

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 7:30 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: April 27, 2010