

BUDGET WORK SESSION

Mayor Bruchey, II called this Budget Work Session of the Mayor and City Council to order at 4:00 p.m., Tuesday, April 27, 2010 in the Council Chamber at City Hall. Present with the Mayor were Councilmembers W. M. Breichner, M. E. Brubaker, F. W. Easton, L. C. Metzner, and City Administrator Bruce Zimmerman.

Councilmember A. C. Haywood was not present.

Alfred Martin, Finance Director, stated staff has started compiling a list of Mayor and Council budget modifications for the General Fund and other funds to reflect items that have been reviewed with the Mayor and Council that staff believes have been agreed to by a majority of the Mayor and Council.

The Mayor and Council are scheduled to hold their public hearings on the budget and tax rate at a Special Meeting on Tuesday, May 11, 2010. Notices of these public hearings are being published in the April 27, 2010 Herald Mail newspaper. The ordinances need to be introduced at least seven days before the May 25, 2010 date of anticipated adoption.

Councilmember Easton asked if a notice could be put in the paper so that citizens realize their taxes may decrease because the County Commissioners changed the tax setoff rebate to a tax differential this year. Councilmember Metzner pointed out that the Commissioners provided this information in a letter to the City that could be used to provide the information. He suspects this will be the first time taxpayers have seen a decrease in their tax bills.

The modifications cover the next budget year and show the fiscal impact (if any) on the following year. The impact for the following items is shown on the modification sheets:

1. Restoring the Municipal Band funding and cutting Character Counts by \$ 2,000.
2. Eliminating the Federal Lobbyist contract for \$ 54,000 in General Fund savings and \$ 27,000 each for Water and Wastewater
3. Eliminating any CIP fund expenditures for Professional Court for FY 2011. It is not in the County's current CIP plan for the next five years.
4. Restoring the \$ 120,000 in Excise Tax funding to be used for Professional Court to the Excise Tax Fund for future program use.

There was considerable discussion about listing the Professional Court expenditure in the CIP. Councilmember Easton asked that it be listed so that it shows the City is intending to move forward. Councilmember Brubaker is concerned that if the project is listed, the City will be held responsible for taking on the project. It was the consensus to leave the project on the Excise Tax Fund list.

Other items that were discussed, but not finalized, include:

1. Reducing General Fund transfers to the CIP of \$ 30,000 for storm water management planning. There would still be an expected carryover of \$ 15,000 to \$ 20,000 to start this work.
2. Review CDBG Funding to see if it could take on some of the General Fund agency or program support.
3. Restoring the proposed cut in General Fund support for the C-Safe after school program of \$ 62,000.
4. Home Store and other Agency funding.
5. Review the level of funding increases that CRS is receiving from the County and consider whether to restore the proposed \$ 25,000 cut in CRS funding. The Fire Chief and Mr. Martin have found that in addition to the \$ 50,000 increase in County funding CRS received in FY 2010 over FY 2009, it now appears that CRS may receive an additional \$ 300,000 from the County for EMS staffing in FY 2011.
6. The proposed changes in over 65 retiree drug coverage.

Gary Hawbaker, Fire Chief, stated the information regarding CRS is available on the City's website from the December 15, 2009 meeting. Bruce Zimmerman, City Administrator, and Mr. Martin will discuss the need of the City's support with CRS.

Jim Bender, Assistant City Engineer, reported that some of the regulations for stormwater management did not get approved through the state legislation. There are some programs that have been started that should be funded. Part of this funding will remain in the general fund. The CIP amount of \$ 30,000.00 will be removed.

The CDBG funding was then discussed. Larry Bayer, Director of Community Development, stated \$ 9,000.00 of the funding from the neighborhood development could be transferred to CAC's program to provide meals for children attending summer camps with meals. This would free up \$ 9,000.00 in the general fund.

The Home Store had been funded with CDBG money until recently. It is now funded with General Fund money. Last year, \$ 50,000.00 was included in the budget. This year, there is \$ 35,000 for the down payment program but no money for housing counseling and administrative fees. The Mayor and Council have been receiving emails and letters of support to restore the funding. Mayor Bruchey pointed out that the County provides no funding to the Home Store but they gain the revenue from the title and transfer taxes. He stated a number of the letters are from lenders, who directly benefit from the services from the Home Store. He encouraged this group to help support the Home Store. There are other opportunities for housing counseling. CAC also provides this service. Councilmember Easton thinks if the City and County combined resources they could fund many agencies. Councilmember Metzner wondered if the City government should be funding any service that does not provide food or safety to the recipients. It was the general consensus to keep the funding as listed for this year, for both the Home Store and the Hagerstown Neighborhood Development Partnership.

Mr. Martin stated staff is anticipating that the County will be funding \$ 45,000.00 of the C-Safe program. Chief Arthur Smith stated he is not sure if this funding is firm. Mr. Martin stated there is \$ 318,000.00 (a combination of County and State funding) for C-Safe but not for the after school program. Chief Smith indicated the state cut out all funding for C-Safe except those that meet essential needs last year. If the City reduces the funding for the after school program, the administrators would have to decide how many schools would have

Forty one thousand dollars of the City's funding goes directly to the after school program at three sites. Part of the remaining amount of is used for an after school program at Wheaton Park and a weekend day school for the same children. Councilmember Easton asked for detailed information about the programs and the number of children that are served. Chief Smith will provide further information.

The next topic was the retiree health care coverage. Mayor Bruchey indicated that he and several of the Councilmembers had to leave during this discussion, according to an opinion of the City attorney based on the fact that the insurance may benefit them as individuals. Councilmember Metzner stated this is an issue that needs to be discussed further. He and the other Councilmembers vote on health care each year and that is a direct benefit. He wondered why it would be considered a conflict of interest for them for this discussion. Councilmember Brubaker does not understand what the difference is between voting on the budget, which includes health care, and a change in retiree coverage. Councilmember Easton suggested this discussion continue with legal counsel present.

Councilmember Easton asked if having an in-house attorney had ever been explored. Mr. Zimmerman indicated it had and it could be looked at again.

Councilmember Easton asked for more information regarding the City's participation in the University System of Maryland Scholarship and the increase in the Neighborhoods 1st budget. Mr. Martin will provide additional information. Councilmember Easton mentioned that the cost of the Code enforcement program has increased drastically. He asked that there be additional discussion about the increase. Mr. Zimmerman indicated that the Code enforcement program now includes the permits and inspections. Councilmember Easton wondered if large expenditures such as this one are justified, given the economic situation the City is facing. Councilmember Brubaker suggested in-depth departmental reviews, after the budget process is completed. Councilmember Metzner stated the budget issues to finish are the donation to CRS and C-Safe.

Mr. Zimmerman stated time could be scheduled for department reviews after the budget is complete and to discuss how each department can meet the priorities of the Mayor and Council. He mentioned that staff is ready to discuss a strategic plan whenever the Mayor and Council are.

Councilmember Breichner pointed out that the Mayor and Council can make adjustments at any time throughout the year. He agreed that departmental reviews should be done.

A budget work session will be held on Saturday, May 1, 2010, beginning at 9:00 a.m. The main issues to be discussed will be the budget plan that the Mayor and Council discussed in December, 2009 and January, 2010.

Mr. Zimmerman stated information has been received regarding the use of inmate crews to complete the mowing. He suggested removing the mowing contract for the right-of-ways from the consent agenda. Mr. Zimmerman and Eric Deike, Manager of Public Works, believe the program is worth trying for a year. A memorandum of understanding with the correctional system will have to be signed at some point.

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 until the regular session at 7:00 p.m.

20TH REGULAR SESSION – April 27, 2010

Mayor R. E. Bruchey, II called this 20th Session of the Mayor and City Council to order at 7:00 p.m., Tuesday, April 27, 2010, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers W. M. Breichner, M. E. Brubaker, F. W. Easton, L. C. Metzner; City Administrator Bruce Zimmerman, and City Attorney Mark Boyer.

Councilmember A. C. Haywood was not present.

The invocation was offered by Councilmember L. C. Metzner. 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. Mayor Bruchey stated a letter from Pen-Mar Regional Association of REALTORS will be entered into the record

The next scheduled meetings are: A Work Session beginning at 9:00 a.m. on Saturday, May 1, 2010, Work Sessions beginning at 4:00 p.m. on Tuesday, May 4, 2010, Tuesday, May 11, 2010, Tuesday, May 18, 2010, a Budget Public Hearing on May 11, 2010 at 7:00 p.m. and the Regular Session on Tuesday, May 25, 2010 at 7:00 p.m.

GUESTS

Mayor R. E. Bruchey, II presented graduation certificates to the following people:

Joseph Bach, Ronald Brezler, Jr., Diane Eves, Sara Ann Godwin, Will Godwin, Carolyn Jackson, Doug Karn, Kathryn Lucas, Laura Menard, Don Sanders, Joan Sanders, Ellen Shourd, and Perrin Wells.

CITIZEN COMMENTS

Deanna Rudisill, 546 N. Mulberry Street, Hagerstown, Maryland, spoke on behalf of the We Care Neighborhoods 1st group in reference to the Mayor and Council's consideration in relaxing the standards that are in place for residential, rental and commercial properties. She stated the community was experiencing a decline in the appearance of properties. With the structure of standardized regulations, the deterioration decreased. The group is concerned that if amendments are made, the community may start to decline again.

Penny Nigh, 634 N. Mulberry Street, Hagerstown, Maryland, expressed her concern that changes are being considered for the property maintenance standards. She gave examples of citizens who were able to get help because of the standards. She asked the Mayor and Council to not make the proposed amendments to the rental facility ordinance.

Daniel Hammond, 14123 Clearspring Road, Williamsport, Maryland, owns property in Hagerstown. He wants to take care of his property. He would like to install vinyl windows in his rental property but he is not allowed to because of the Historic District Commission's regulations. He asked how he can get permission to replace the windows with vinyl clad windows.

Councilmember Metzner asked that this be scheduled for a discussion in the near future. He thinks the Mayor and Council need to resolve this issue.

Louise Dawson, 542 Guildford Avenue, Hagerstown, Maryland, asked that the Mayor and Council not make the proposed amendments to the rental facilities ordinance. She asked that the regulations stay as they are. One of the City's problems is there are too many rental properties. She stated the City does not need any more halfway houses. She is also opposed to closing the first block of S. Potomac Street for Wind Down Fridays.

Janet Bartels, 139 S. Mulberry Street, Hagerstown, Maryland, invited everyone to visit the Bester C-Safe garden after the opening of the Community Garden at Hager Park on April 30, 2010. She spoke about the role of Code enforcement and the quality of life in neighborhoods. In the 100 block of S. Mulberry Street, Code has continued to help the neighborhood retain its integrity as properties are foreclosed.

Gordon Bartels, 139 S. Mulberry Street, Hagerstown, Maryland, stated repair work was done on a foreclosed property in his neighborhood without a permit. The work had to be redone because it did not meet code requirements. This could have been a hazard for future tenants. The Mayor and Council and residents have the responsibility to oversee what goes on in Hagerstown. He urged the Mayor and Council to remember all

those who have made an investment in the City, the landlords, tenants and all citizens. He urged the Mayor and Council to keep the rental facility ordinance as it is.

Judy Wheeler, 213 S. Prospect Street, Hagerstown, Maryland, is also concerned that amendments are being considered to the rental facilities ordinance. She expressed concern about the consideration of allowing the Hagerstown Housing Authority to conduct internal inspections in lieu of inspections by the Code compliance office. The ordinances should stay strong and serve the people of Hagerstown.

Kim Winders, 175 S. Prospect Street, Hagerstown, Maryland, stated the condition of the homes on Prospect Street has improved during the last few years. She urged the Mayor and Council to maintain the current code and not adopt the amendments.

Roger Fairborn, Pen-Mar Regional Association, 277 Eastern Boulevard, Hagerstown, Maryland, spoke on behalf of the realtors and landlords. As realtors, they have experienced difficulty in marketing properties to landlords. Local landlords have been pushed away by the regulations. He stated that the administration of the code has discouraged landlords so much so that they are selling the properties rather than deal with the code regulations.

Michael Stanford, 12709 Bradbury Avenue, Smithsburg, Maryland, represents the landlord association. He stated the landlord association and the realtors group members do take pride in their properties. Code enforcement is needed for the blighted properties. It is not needed for non-health or non-safety issues. A complaint based system was in place for more than 30 years and it should stay in place. They are concerned about the aesthetic issues that are being cited. He stated the Section 8 inspections are based on the same property maintenance code as the City.

Ms. Rudisill spoke again. She resides in a half duplex, which she owns. The other half of the duplex was just sold. She asked if the new property owner receives a copy of the previous notices. Mayor Bruchey stated if they had requested a walk through with Code, they would have been made aware of the previous issues. She asked if she has to make a complaint again to start the process over. Her home has been damaged due to the issues in the other duplex. She asked that something be put in place to address this. Mayor Bruchey pointed out the new owners would have to have it inspected if they are using it for a rental unit.

Councilmember Easton wondered what the reaction would be for homeowners if they had to adhere to the same standards as for rental properties. He would like to know how many people would be willing to allow Code enforcement officers to make inspections in their owner occupied homes.

PUBLIC HEARING

Stuart Bass, Comprehensive Planner, stated the purpose of this public hearing is to consider an amendment to the text of the City's Zoning Ordinance to "hospitals and

nursing and residential care facilities”. The amendments unbundle this land use type by differentiating between hospitals, nursing homes, and various types of residential care facilities and also identifying zoning district locations and zoning status for each distinct use type. A chart was presented that would be incorporated in the Table of Permitted Uses. Three categories have been added to the code. They are:

1. Nursing Homes and Assisted Living Facilities for the Elderly
2. Residential Facilities with In-House Professional Care for up to three residents with mental and/or physical disabilities
3. Transitional Residential Facilities with In-House Professional Care for up to three transitional residents being treated for substance abuse issues

Mr. Bass entered the following as Exhibits:

- Exhibit 1: Certificate of Advertisement
Exhibit 2: Planning Commission File, by reference

There was no testimony presented, either in favor of or against the proposed amendments.

The hearing was then closed. The record will remain open for additional comments for 10 days.

MINUTES

On a motion duly made by Councilmember F. W. Easton and seconded by Councilmember W. M. Breichner, the Mayor and City Council unanimously agreed by voice vote to approve the minutes, as presented, for the Mayor and Council meetings held on March 2, 2010, March 9, 2010, March 16, 2010, March 23, 2010 and March 30, 2010.

CONSENT AGENDA

The mowing contract for right-of-ways was removed from the consent agenda and not placed under new business. This will be reconsidered. 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 the Consent Agenda as follows:

- A. Community Affairs: Application Permits:
1. The Maryland Theatre, BluesFest, University Plaza – Thursday, June 3, 2010
 2. Conservit, Inc., Bluesfest, Central Parking Lot – Friday, June 4, 2010 and Saturday, June 5, 2010
 3. M & T Bank, BluesFest, Central Parking Lot – Friday, June 4, 2010 and Saturday, June 5, 2010
 4. The Maryland Theatre, BluesFest, Central Parking Lot – Friday, June 4, 2010 and Saturday, June 5, 2010

5. Hagerstown Government Channel Television Equipment – Specialized Communications (Smithsburg, MD) \$ 16,720.00
 6. Music by the Lake Summer Concerts – July 17, 24, 31 and August 7, 2010 \$ 4,600.00 to the Washington County Arts Council
- B. Wastewater Department: Pump Systems and Control – STH (Frederick, MD)
\$ 28,725.00
- C. Engineering:
1. Forest Drive Storm Drain Improvements – J & P Excavating (Adamstown, MD) \$ 12,447.00
 2. Laurel Street Storm Drain Improvements – Henson & Son, Inc. (Hagerstown, MD) \$ 11,071.00

UNFINISHED BUSINESS

A. Approval 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 of all members present to approve an ordinance, based on Findings of Facts, 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 attached to and are made part of this ordinance.

B. Approval of an Ordinance: Chapter 232 Vacant Commercial Structures License and Appeal Amendments

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember F. W. Easton, the Mayor and City Council unanimously agreed by voice vote of all members present to approve 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

C. Approval 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 M. E. Brubaker, the Mayor and City Council

unanimously agreed by voice vote of all members present to approve 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” and 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

NEW BUSINESS

A. Introduction of an Ordinance: Chapter 197, Amended Licensing and Inspection Program for Residential Facilities

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

1. Decrease the frequency of exterior and interior inspections by lengthening the time period between required inspections
2. Lengthen the exemption period of newly constructed rental facilities
3. Allow for acceptance of Hagerstown Housing Authority’s interior inspections
4. Require a notice to occupants of a rooming unit prior to an interior inspections
5. Modify the “Issuance of the License” to require issuance upon registration and full payment
6. Modify the application procedure to comply with a recent Court of Appeals decision

Discussion: Councilmember Brubaker pointed out that this is an introduction and there should be further discussion in light of the comments that were made by citizens. Councilmember Easton stated these amendments are not changing the code. The amendments would require fewer inspections. Councilmember Metzner stated these amendments do not “water down” the code, it lessens the inspections. He stated the rental property ordinance should remain in place. Councilmember Breichner stated the amendments change the frequency of inspections and other timing issues. The discussion of the health and safety issues will be held at a later date.

B. Introduction of an Ordinance: Quit Claim a Portion of 800 West Irvin Avenue Right-of-Way

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 of all members present to introduce an ordinance to authorize the execution of a quit claim deed for a portion of the City's right-of-way abutting 800 West Irvin Avenue. The property owner is requesting that the City release any interest in the property since their carport falls within the area.

C. Approval of a Resolution: To Accept the "Speed Limit Policy for Very Low Volume Streets"

Action: On a motion duly made by Councilmember F. W. Easton and seconded by Councilmember W. M. Breichner, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a resolution to accept the "Speed Limit Policy for Very Low Volume Streets." This authorizes staff to implement the policy and install signs as allowed by the policy. The policy sets forth specific and strict eligibility criteria for the lowering of posted speed limits when requested by residents and property owners.

D. Approval of a Resolution: Authorizing the Approval of the Partners in Economic Progress (PEP) Program for 28 S. Potomac Street

Action: On a motion duly made by Councilmember F. W. Easton and seconded by Councilmember W. M. Breichner, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a resolution authorizing the approval of the PEP program for 28 S. Potomac Street, conditioned upon any Upper Floor Rent Relief grant payments being retained by the City of Hagerstown for payment towards any outstanding property taxes.

E. Approval of NTELOS Cell Tower Lease – Pole Rental and Land Lease for Police Radio Tower

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 of all members present to approve of a tower and ground space lease agreement with NTELOS PSC North, Inc. to lease space on the monopole radio tower and adjacent ground space at the Hagerstown Police Department. The lease is for an initial five year period at the rate of \$ 2,100 per month with four additional five year renewal periods. The renewal rents will be at a rate to be adjusted in accordance with the cumulative change in the consumer price index at the start of each

subsequent five year period. NTELOS will also construct four additional parking spaces at the Police Building site to replace the space to be used to house their ground equipment at no cost to the City.

F. Approval of NTELSO Cell Tower Lease – Land Lease at Fairgrounds Park

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember F. W. Easton, the Mayor and City Council unanimously agreed by voice vote of all members present to approve of a ground lease agreement with NTELOS PSC North, Inc. to lease ground space near the existing Shentel Flagpole Cell Tower at the Hagerstown Fairgrounds Park. The ground space lease is for an initial five year period at the rate of \$ 750 per month with four additional five year renewal periods. The renewal rents will be at a rate to be adjusted in accordance with the cumulative change in the consumer price index at the start of each subsequent five year period.

G. Approval of a Memorandum of Understanding: Hagerstown Police Department and Maryland State Police

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 of all members present to approve a Memorandum of Understanding (MOU) between the City of Hagerstown and the Maryland State Police.

This MOU outlines the stipulations for a License Plate Reader that will be supplied to the Hagerstown Police Department by the Maryland State Police.

H. Approval of a Memorandum of Understanding: Hagerstown Police Department and United States Marshal's Service

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 of all members present to approve a Memorandum of Understanding (MOU) between the City of Hagerstown and the United States Marshal's Service.

The MOU outlines certain aspects of the Fugitive Task Force as well as reimbursement of overtime expenses. It further grants the Hagerstown Police Department access to equipment purchases funded by the Marshal's Service.

I. Approval of Termination of Professional Services Contract With The Ferguson Group

Action: On a motion duly made by Councilmember F. W. Easton and seconded by Councilmember W. M. Breichner, the Mayor and City Council unanimously agreed by voice vote of all members present to terminate the Service Agreement between the City of Hagerstown and The Ferguson, Group LLC, effective May 27, 2010.

This action is being taken in accordance with Section 4 of the contract and is a result of fiscal constraints currently impacting the City's operating budget.

J. Approval of Rain Insurance Policy for 2010 Western Maryland Blues Fest

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 of all members present to approve the purchase of rain insurance policies for the 2010 Western Maryland Blues Fest at the following maximum amounts. A \$ 20,000 policy for Friday, June 4, 2010 from 3:00 p.m. to 8:00 p.m. will cost \$ 2,000 and a \$ 60,000 policy for Saturday, June 5, 2010 from 11:00 a.m. to 6:00 p.m. will cost \$ 7,200.00. The total cost for the insurance will be \$ 9,200.00. Funding would be from the Blues Fest Budget in the Public Functions Account. Five percent of the rain insurance proceeds would go to The Maryland Theatre for their risk of the beer and wine sales.

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

Action: 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 of all members present to approve the request from the Hagerstown Roundhouse Museum to utilize the City property lot at S. Potomac Street and W. Memorial Boulevard for a carnival from April 29, 2010 through May 8, 2010. Set up will begin no earlier than April 27, 2010 and clean up will be completed by May 9, 2010.

L. Approval of Waiver of the Adequate Public Facilities Ordinance for Hamilton Hotel Project

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember F. W. Easton, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a waiver of the Adequate Public Facilities Ordinance (APFO) school test

requirements for Ares Investment Group, LLC's plan to adapt the old Hamilton Hotel at 90-96 W. Washington Street into 24 residential condominium units for intended sale to young professionals. A waiver under the Revitalization Clause of the APFO is justified given the proposed redevelopment plan and the fact that the project is located in the Downtown "revitalization area," the upper floors of the building have been vacant for decades, and the impact on the school system from this project would be negligible. The County Commissioners approved this APFO waiver request on March 30, 2010.

Discussion: Councilmember Metzner reported he would vote in favor of this waiver; however, he is concerned that this would add 20 residences in a building without parking. Councilmember Breichner agreed and would be voting against it. Kathleen Maher, Planning Director, reported the units will have to be sold as condominiums initially.

Councilmember L. C. Metzner made a motion to table this discussion. Councilmember W. M. Breichner seconded the motion to table.

Discussion: Councilmember Metzner would rather have this issue discussed further to address the parking and rental concerns. Councilmember Brubaker expressed his concern that the City encourages investment downtown and the Mayor and Council can't continually walk away from projects. Councilmember Easton stated with two people having concerns and one member being absent he would vote in favor of tabling the motion. Mayor Bruchey stated he doesn't think this should be tabled. He thinks the parking issue will not be a concern for future owners.

Motion was tabled, 3-1, with Councilmember Brubaker voting No. The motion was tabled for further discussion.

M. Water Department: Water Meters and Transceiver Units – L/B Water Service, Inc. (Chambersburg, PA) \$ 119,341.20

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember F. W. Easton, the Mayor and City Council unanimously agreed by voice vote of all members present to approve the expenditure of \$ 119,341.20 (one hundred nineteen thousand three hundred forty one dollars and twenty cents) of Water Division Inventory funds for the purchase of radio read meters for the residential meter replacement program.

N. Renewal of City Administrator's Contract

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 of all members present to approve the renewal of the City Administrator's employment contract, as attached.

The term of the new contract will be June 13, 2010 through June 12, 2014.

O. Approval of Application Permit and Street Closure for Wind Down Music Friday Events

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 of all members present to authorize the closure of the first block of South Potomac Street for the Wind Down Friday musical event operated by the Maryland Theatre. The Mayor and City Council authorize the application/permit agreement attached with the Maryland Theatre. Also, according to the City of Hagerstown's Open Containers Law, the Mayor and City Council may permit the possession of alcoholic beverages in open containers on the streets, lanes, alleys, sidewalks, parking lots or public ways of the City during special events upon application or upon its own initiative. Therefore, the Mayor and City Council formally approve the possession of alcoholic beverages (beer and wine) in designated festival areas for Fridays in 2010 including June 11, June 18, July 2, July 9, July 16 and July 23, July 30, August 6, August 20, and August 27 from 4:30 p.m. to 10:00 p.m.

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 F. W. Easton thanked everyone for participating in the meeting. He congratulated those that completed the Neighborhood College program. He thanked all the City's administrative assistants who work with the Mayor and Council. He suggested that Antietam Cable Television notify the public when an auditor/inspector is in the Hagerstown area.

Councilmember M. E. Brubaker had no additional comments.

Councilmember W. M. Breichner had no additional comments.

Mayor R. E. Bruchey, II expressed condolences to the family of Merrill Pereschuk who passed away recently. Mr. Pereschuk was a retired City light employee. Mayor Bruchey was able to talk about Hagerstown with the president of Leningrad, Russia.

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.

Respectfully submitted,

Donna K. Spickler, City Clerk
(From video)

Approved: May 25, 2010