

**101<sup>ST</sup> REGULAR SESSION – MAY 26, 2009**

**Mayor R. E. Bruchey, II called this 101<sup>st</sup> Session of the Mayor and City Council to order at 7:04 p.m., Tuesday, May 26, 2009, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers M. E. Brubaker, K. S. Cromer, L. C. Metzner, P. M. Nigh and A. Parson-McBean; City Administrator Bruce Zimmerman, City Attorney John Urner, City Attorney Mark Boyer, City Attorney William Nairn and D. K. Spickler, City Clerk.**

The invocation was offered by Councilmember Kelly S. Cromer. The Pledge of Allegiance was then recited.

Mayor Bruchey announced the Rules of Procedure for this meeting will be followed as adopted March 28, 2006. 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: Oath of Office to New Administration at 8:00 p.m. on Monday, June 1, 2009, Work Sessions beginning at 4:00 p.m. on Tuesday, June 2, 2009, Tuesday, June 9, 2009, Tuesday, June 16, 2009 and the Regular Session on Tuesday, June 23, 2009 at 7:00 p.m.

**AWARDS AND PRESENTATIONS**

**Neighborhood College Certificates**

Mayor Bruchey and Larry Bayer, Community Development Manager, presented certificates to the participants of the 2009 Neighborhood College. The following people received certificates: Jennifer Fettig, Elizabeth Howe, David Lida, Jeremy Manford, Summer Manford, Cathy Ridenour, Adam Roberson, Debra Shrader, Jane Taylor, Amanda Thomas, David Washington, and Brenda Washington.

**Historic Preservation Month Awards**

Mayor Bruchey and Stephen Bockmiller, Zoning Administrator, presented Historic Preservation Awards to: JST Investments and BMGM Architects for rehabilitation of a 4 unit apartment building and conversion to condos at 230 North Potomac Street, Bowman Development and Harne Bowen Architects for the rehabilitation of the TriState Electric Building on South Potomac Street, and Bowman Development and Harne Bowen Architects for the construction of the Potomac Walk Building on South Potomac Street

**CITIZEN COMMENTS**

There were no citizen comments.

## **MINUTES**

On a motion duly made by Councilmember K. S. Cromer 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 April 21, 2009, April 28, 2009 and May 5, 2009.

## **CONSENT AGENDA**

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember A. Parson-McBean, the Mayor and City Council unanimously agreed by voice vote to approve the Consent Agenda as follows:

**A. Public Works:**

1. Signal Cabinet for Maryland Avenue and Howard Street – Econolite Control Products, Inc. (Hanover, MD) \$ 11,375.00
2. Replacement for Gate Entry System at N. Potomac Street Deck – Control Systems Incorporated (West Hartford, CT) \$ 101,678.00

**B. Engineering:**

1. Reconstruction of Alley 2-21, 2-29, and 2-32 – Fayetteville Contractors, Inc. (Fayetteville, PA) \$ 59,263.90
2. GIS Strategic and Implementation Plan (Along with IT Department) – Geographic Technologies Group, Inc. (Goldsboro, NC) \$ 47,600.00

**C. Police Department: Gas Chromatograph and Mass Spectrometer – Agilent Technologies (Wilmington, DE) \$ 100,018.06**

**D. Water Department: Geotechnical Engineering Services – Hazen and Sawyer Environmental Engineers (Baltimore, MD) \$ 49,216.00**

**E. Light Department: Telemetry Equipment – Pennsylvania Networks, Inc. (Orbisonia, PA) \$ 11,838.00**

## **UNFINISHED BUSINESS**

**A. Approval of an Ordinance: Acquisition of Land – Alley 3-42, Cramer Alley**

**Action:** On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember A. Parson-McBean, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance authorizing the transfer of 0.151 acres of land from Bowman 2000, LLC to the City of Hagerstown. The land is east of and adjacent to Alley 3-42 (between East Washington Street and Alley 3-43). The purpose of the transfer is to widen Alley 3-42.

**B. Approval of an Ordinance: Comprehensive Rezoning Phase I, Case No. ZM-2008-03**

**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 adopt an ordinance for a Zoning Reclassification and Zoning Map amendments, (based on the Findings of Fact statement) Case No. ZM-2008-03, to rezone those areas which are associated with Phase I of the Comprehensive Rezoning. A series of maps are made a part of this Ordinance.

**C. Approval of an Ordinance: Creation of New Zoning Districts; Downtown – Mixed Use D-MU, Neighborhood Mixed Use N-MU, Industrial Mixed Use I-MU and to Add Additional Associated Definitions, Case No. ZT-2008-02**

**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 adopt an ordinance for text amendments to the City Code, Chapter 140, Land Management Code, Article 3, Definitions and Article 4, Zoning, Sections E., F., and H., to add the following new zoning districts, Downtown – Mixed Use (D-MU), Neighborhood – Mixed Use (N-MU), Industrial – Mixed Use (I-MU) and to remove and repeal the Commercial Central (C3) District.

**D. Approval of an Ordinance: Adopting the Washington County Alarm Ordinance**

**Action:** On a motion duly made by Councilmember P. M. Nigh and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance to replace Chapter 48 of the City Code, entitled Alarm Systems, with a new Chapter 48, adopting the Washington County Alarm Ordinance.

**E. Approval of an Ordinance: Tax Rate for July 1, 2009 to June 30, 2010**

**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 an ordinance as introduced on May 12, 2009 to establish the tax rates of the levy year July 1, 2009 through June 30, 2010 on the basis of \$0.788 per \$100 of assessed value of all real property and \$ 1.97 per \$ 100 of assessed value of all business personal property within the City of Hagerstown. These rates are the same as the current year.

**F. Approval of an Ordinance: Budget for July 1, 2009 to June 30, 2010**

**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 an ordinance as introduced on May 12, 2009 and subsequently revised to adopt the budget for fiscal year July 1, 2009 through June 30, 2010 in the amount of \$ 160,107,149.

Discussion: Councilmember Brubaker pointed out the proposed modification sheet removes the Roslyn building project from the budget. Councilmember Parson-McBean stated she does not agree with delaying the project.

**NEW BUISNESS**

**A. Approval of a Resolution: Amending the City Charter; Article V, Registration, Nominations and Elections**

**Action:** On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to approve a resolution amending the Charter of the City of Hagerstown, Article V, Sections 201, 301, 502, 504, 509 and 510. This amendment will change the dates of the City's primary and general elections to coincide with the presidential election beginning in 2012. The City's primary will be held on the same date as the Maryland primary date for the presidential election.

Discussion: Councilmember Brubaker expressed concern about the length of time between the primary and general election. Mayor Bruchey stated he understands the next administration could amend the charter to change the date of either the primary or general election. Councilmember Nigh thought the reason for making the change was to save taxpayer dollars. If a separate primary is held, less money will be saved.

**B. Approval of a Resolution; Approving the FY 2009/2010 Community Development Block Grant Annual Action Plan**

**Action:** On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to approve a resolution approving FY 2009/2010 Annual Action Plan for the Community Development Block Grant Program authorizing the Mayor to file an application for financial assistance with the US Department of Housing & Urban Development in the amount of \$ 924,326 for the Community Development Block Grant program, and further authorizing the Mayor to execute all other documents

relating to the City's Community Development Block Grant program for FY 2009/2010.

**C. Approval of a Resolution: Revising Parking System Rates and Fees**

**Action:** On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously approved a resolution approving the revised schedule of parking system rates and fees, effective July 1, 2009.

**D. Approval of Consolidated Dispatch Center**

**Action:** On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. S. Cromer, the Mayor and City Council unanimously agreed by voice vote to approve of consolidation of the Hagerstown Police Department's emergency dispatch operation into a consolidated dispatch center to be operated by Washington County. The consolidation of these operations will involve the transfer of eleven Police Department dispatch personnel to the County and the City's payment to the County of an annual sum equal to 85% of the salary of the eleven City employees on their last day of City employment. The consolidated center will enhance emergency response services to the public, promote communication interoperability between City and County operations, and reduce annual operating expenditures and capital costs for the City. The projected city operating budget savings from the consolidation of the dispatch operations is \$376,341 in FY 09/10.

**E. Approval of FY 09 CDBG Annual Action Plan – Recovery Funds - \$ 249,458**

**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 amend the FY 09 Annual Action Plan to commit the \$ 249,458 in Community Development Block Grant-Recovery funds received by the City to the following activities:

Street Overlay	\$ 74,000
Ridge Avenue Traffic Island	\$ 65,000
Curb Ramp Installation	\$ 60,000
Community Free Clinic	\$ 30,458
Administrative Expenses	\$ 20,000

**F. Approval of an Easement Agreement – 11533 Wolfsville Road, Smithsburg, Maryland**

**Action:** On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. S. Cromer, the Mayor and City Council unanimously agreed by voice vote to approve an Easement Agreement

between the City of Hagerstown and the property owners of 11533 Wolfsville Road, Smithsburg, Maryland. The term of the agreement is for a period of 30 years or until such time as a driveway is constructed by the property owners, external to lands known as Watershed Property, owned by the City.

**G. Approval of Sale of Abandoned Building – Warner Hollow Road, Smithsburg, Maryland**

**Action:** On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to approve a bill of sale between the City and Mr. Chris Warner for the removal of a two room structure located on Watershed Property on Warner Hollow Road, Smithsburg, Maryland.

**H. Approval of License Agreement: 1013 Fairview Road**

**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 execute a License Agreement between the City of Hagerstown and Stephen & Trina Weatherholtz to construct retaining walls in the public right-of-way of Fairview Road.

**I. Approval of License Agreement: NiSource, Inc. Groundwater Monitoring Wells**

**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 execute a License Agreement between the City of Hagerstown and NiSource, Inc. for the installation of groundwater monitoring wells in the public rights-of-way of Memorial Blvd. and Alley 2-105.

**J. Approval of Labor Contract: IAFF**

**Action:** On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to approve a one year Collective Bargaining Agreement between the City of Hagerstown and the International Association of Fire Fighters, Local Number 1605. This agreement commences on Monday, June 29, 2009 and continues until Sunday, June 27, 2010. This contract provides no change in salary scales. Major changes to existing contract language include:

1. Employees hired after July 1, 2009, who qualify for retiree health insurance will be eligible for that benefit until becoming eligible for Medicare.
2. Seven members on duty permitted to attend monthly Union meetings, but must be prepared to respond to emergency calls.
3. Added several areas for fire fighters to seek professional certifications.
4. Clarify language on the process for shift trading.
5. Change a one time clothing allowance for a member promoted to Deputy Fire Marshall from \$ 600 to \$ 1,000.
6. Limit the distance to three miles that a member can travel one time per shift for a meal break.

**K. Approval of Labor Contract: IBEW**

**Action:** On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously approved a one year Collective Bargaining Agreement between the City of Hagerstown and the International Brotherhood of Electrical Workers, Local Number 307. This Agreement commences on Monday, June 29, 2009 and continues until Sunday, June 27, 2010. This contract provides no change in salary scales. Major changes to existing contract language include:

1. Employees hired after July 1, 2009, who qualify for retiree health insurance will be eligible for that benefit until becoming eligible for Medicare.
2. When working at another utility to assist during emergency situations, the company will be billed for time and one-half over our current pay rates (no financial impact to the City).
3. Changed step date implementation to be consistent with all other employee groups.
4. Changed sick leave payout at time of retirement for employees hired after July 1, 1992 to a maximum of \$ 12,000 – consistent with other contracts.

**CITY ADMINISTRATOR'S COMMENTS**

*Bruce Zimmerman, City Administrator*, presented a collage of pictures of events during this administration to each Mayor and Council Member to recognize their time and commitment to the citizens.

**MAYOR AND COUNCIL COMMENTS**

*Councilmember M. E. Brubaker* thanked the departing Councilmembers for their service. He thanked all the veterans who have protected this country.

*Councilmember A. Parson-McBean* is grateful to have had this experience and she is proud of work that has been done by this administration. Some of the highlights of this administration have been: federal lobbyist, utility relief benefit, Doleman Black Heritage Museum planning and a women and minority business program. She thanked her family for supporting her.

*Councilmember L. C. Metzner* wished the three outgoing Councilmembers well. He especially thanked Councilmember Nigh for her dedication to this community. Many things were accomplished during this administration. The highlights are depicted in the collage. This administration has done more for public safety than at any other time during his time as Councilmember.

*Councilmember K. S. Cromer* asked everyone to remember her mother, who has cancer. She congratulated the new administration. She stated her time as Councilmember has been fulfilling.

*Councilmember P. M. Nigh* expressed her thanks to the citizens for their support of her. She holds pride and honesty in the highest regard.

*Mayor R. E. Bruchey, II* thanked the citizens for allowing him to help lead the City for the next four years. He thanked staff for their work.

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 7:56 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: June 23, 2009