

80TH REGULAR SESSION – JUNE 17, 2008

Mayor R. E. Bruchey, II called this 80th Session of the Mayor and City Council to order at 7:07 p.m., Tuesday, June 17, 2008, 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 William Nairn and D. K. Spickler, City Clerk.

The invocation was offered by Mayor Robert E. Bruchey, II. 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: Work Sessions beginning at 4:00 p.m. on Tuesday, July 8, 2008, Tuesday, July 15, 2008 (beginning at 3:00 p.m.), Tuesday, July 22, 2008 and the Regular Session on Tuesday, July 29, 2008 at 7:00 p.m.

PUBLIC HEARING

Land Management Code, ZT-2007-03

A public hearing was held to receive testimony regarding the draft ordinance known as the “Land Management Code.” This Ordinance is intended to combine the following four ordinances into one stand-alone document:

1. Chapter 68 – Zoning
2. Chapter 104 – Floodplain Management
3. Chapter 113 – Forest Conservation
4. Chapter 219 – Subdivision

This ordinance, as proposed, is 99.8% existing regulations on the record, and in that respect, content will not change.

The purpose of this proposed ordinance is to reorganize and re-codify these four ordinances into a single document to better manage the subdivision and development of land in the City. There are a few minor content changes.

After the Land Management Code is adopted, staff will begin to review the document to determine how the content of the Code should be amended to:

1. Implement the policies of the Comprehensive Plan
2. Correct omissions and oversights that the new format have illuminated
3. Bring enforcement and other administrative provisions of the aging codes up to current standards
4. Codify longstanding administrative interpretations of the Ordinances

The Planning Commission held a public hearing on the proposed revised ordinances on March 26, 2008 and no comments were received. The Planning Commission recommends that the draft be adopted.

Stuart Bass, Comprehensive Planner, entered the following as Exhibits:

- Exhibit 1: Certified Legal Advertisement
- Exhibit 2: Planning Commission File
- Exhibit 3: Draft Land Management Code

The following testimony was presented:

Kim Cunha, Chambersburg, Pennsylvania, is interested bringing the franchise business, Pump It Up, to Hagerstown. Pump It Up provides a place for children's birthday parties in a facility that is not generally open to the public. She asked the Mayor and City Council to consider adding a permitted use of private indoor recreation to the Zoning Ordinance. The demographic target age is 2 to 17 and Hagerstown has the potential of serving 35,000 children in that age range.

Stephen Bockmiller, Development Review Planner/Zoning Administrator, indicated the Planning Department and the Economic Development Department support this change.

It was the general consensus of the Mayor and City Council to add this as a permitted use.

No further testimony was presented. The record will remain open for 10 days for written comments.

The hearing was closed at 7:16 p.m.

CITIZEN COMMENTS

Cathy Ridenour, 814 Oak Hill Avenue, Hagerstown, Maryland, discussed the vehicle take home policy. She agrees that some employees, especially in the fire and police departments, should have take home vehicles. Other employees don't need take home vehicles. She expressed her concern about the tone of the discussion during last week's Work Session. She understands the concerns of employees in regard to providing home addresses. A police officer's integrity has been questioned. As a taxpayer, she intends to ask the Ethics Commission to investigate the incident in which this occurred.

MINUTES

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote of all members present to approve minutes, as presented, for the Mayor and Council meetings held on April 29, 2008, May 6, 2008, May 13, 2008, May 20, 2008 and May 27, 2008.

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 to approve the consent agenda as follows:

- A. Police Department: Ballistic Shields – Atlantic Tactical (New Cumberland, PA)
\$ 18,519.75
- B. Engineering:
 - 1. Emergency Purchase: Fence at MELP – Long Fence (Ijamsville, MD)
\$ 22,471.00
 - 2. Downsville Road Sidewalk Installation – Henson & Son, Inc.
(Hagerstown, MD) \$ 67,504.00
 - 3. Curb and Sidewalk Installation – Henson & Son, Inc. (Hagerstown, MD)
\$ 61,880.00
 - 4. Mealey Parkway Storm Drain – Henson & Son, Inc. (Hagerstown, MD)
\$ 25,374.00
- C. Human Resources:
 - 1. Workers Compensation Insurance - Injured Workers' Insurance Fund
(Towson, MD) \$ 796,804.00
 - 2. Administration of Medical Claims – National Capital Administrative
Services (NCAS) (Owings Mills, MD) \$ 390,380.00
 - 3. Aggregate Stop Loss Insurance and Specific Stop Loss Insurance –
Highmark Life Insurance (Pittsburgh, PA) \$ 201,645.00
 - 4. Dental Insurance – Administration – National Capital Administrative
Services (NCAS) (Owings Mills, MD) \$ 33,216.00
 - 5. Employee Assistance Program – Behavioral Health Services (Hagerstown,
MD) \$ 12,870.00
- D. Wastewater Department: Roof Replacement at Wastewater Administration
Building – Carson Roofing, Inc. (Hagerstown, MD) \$ 75,625.00
- E. Information Technology – Novell to Microsoft Migration – Mid Atlantic System
Integrators (Hagerstown, MD) \$ 62,730.24

UNFINISHED BUSINESS

A. Approval of an Ordinance: Amending Chapter 197, Rental Facilities, to Modify the Penalty Provision

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 the ordinance to amend Chapter 197 of the City Code entitled Rental Facilities to change the penalties for any non-compliance from a criminal violation to a municipal infraction which carries a corresponding fine.

NEW BUSINESS

A. Introduction of a Resolution: Annexation – PER CCC, LLC Lot 182, Harwood Road, Case No. A-2008-04

Action: Councilmember M. E. Brubaker made a motion to introduce an annexation resolution for property located at Lot 182, Harwood Road. The property to be annexed is approximately 10,000 square feet in size and is intended to be added to and made part of the adjacent municipal lands. Councilmember L. C. Metzner seconded the motion.

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

B. Approval of an Annexation Plan: PER CCC, LLC, Lot 182, Harwood Road, Case No. A-2008-04

Action: Councilmember M. E. Brubaker made a motion to adopt an annexation plan for the PER CCC, LLC Annexation for property located at Lot 182, Harwood Road. Councilmember L. C. Metzner seconded the motion.

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

C. Approval of a Resolution: Lease for the Civil War Preservation Trust, Number 11 Public Square, Suite 200

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 for approval of a four year lease for the Civil War Preservation Trust located at Number 11 Public Square, Suite 200. In the lease agreement, Lessee has the option

to renew the term of this agreement for four additional years subject to conditions and performance obligations.

D. Approval of TEA-21 Grant Application – Maryland Department of Transportation, State Highway Administration for Hamilton Run Trail

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 authorize Staff to apply to the Maryland Department of Transportation, State Highway Administration for funds apportioned through the National Recreational Trails Program, not to exceed \$ 30,000 per project.

E. Acceptance of Locating Services Contract Extension with Utiliquet, LLC

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote to approve the Locating Services Contract Extension with Utiliquet, LLC. The term of this extension will be in effect until June 3, 2009 and contains a 3.5% increase in the price of pay Items. All other terms and conditions of the contract will remain unchanged.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, expressed his appreciation to the employees of the City Light Department who traveled to Howard County to assist in repairing storm damage.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember P. M. Nigh thanked the City for recognizing Flag Day.

Councilmember K. S. Cromer had no additional comments.

Councilmember L. C. Metzner had no additional comments.

Councilmember A. Parson-McBean had no additional comments.

Councilmember M. E. Brubaker had no additional comments.

Mayor R. E. Bruchey, II stated the Flag Day Ceremony was combined with the Fishing Frenzy and both were very well attended. He stated the Eastern Boulevard annexation discussion will be moved to the July 15, 2008 meeting, with a vote scheduled for July 29, 2008. The next Mayor and Council meeting will be held on Tuesday, July 8, 2008.

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: July 29, 2008