

EXECUTIVE SESSION – June 22, 2010

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 meet in closed session to consider the appointment, employment, assignment, promotion, discipline, demotions, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; #1 at 5:35 p.m. in Room 407, 4th 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. W. Easton, Councilmember A. C. Haywood, City Administrator Bruce Zimmerman, Donna Frazier, Human Resources Director, Mike Manspeaker, Smith Elliott and Kearns and Donna Spickler, City Clerk. The meeting was held to discuss a variety of personnel matters. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the meeting was adjourned at 6:39 p.m.

23RD REGULAR SESSION – June 22, 2010

Mayor R. E. Bruchey, II called this 23rd Session of the Mayor and City Council to order at 7:05 p.m., Tuesday, June 22, 2010, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers W. M. Breichner, M. E. Brubaker, F. W. Easton, A. C. Haywood; City Administrator Bruce Zimmerman, City Attorney William Nairn and D. K. Spickler, City Clerk.

The invocation was offered by Mayor R. 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 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, July 13, 2010, Tuesday, July 20, 2010 and the Regular Session on Tuesday, July 27, 2010 at 7:00 p.m.

Gary Hawbaker, Fire Chief, was recognized for his 25 years of service to the City of Hagerstown. Chief Hawbaker is retiring and his last day of work will be June 25, 2010. The Mayor and Council wished him well in his retirement.

APPOINTMENTS

The Oath of Office was administered to John Lestitian, Director of Community and Economic Development.

CITIZEN COMMENTS

Stephen Osik, 905 Fairview Road, Hagerstown, Maryland, indicated he has experienced problems with Columbia Gas and he hopes the Mayor and Council can provide him some direction for solving the problem. He stated Columbia Gas damaged the roots of a tree at his residence. He has asked that the tree be removed, but Columbia Gas refuses to take that action. A copy of the information was left with the City Clerk. Councilmember Brubaker suggested that Mr. Osik contact State agencies about the situation because they would have more authority than the City.

Roger Schlossberg, Attorney, 134 W. Washington Street, Hagerstown, Maryland, represents Fred Kramer. Mr. Kramer lives at 1102 Oak Hill Avenue in a house that is 86 years old. There has never been a sidewalk at his home. Currently, there is grass to the edge of the street. Mr. Schlossberg stated he doesn't understand why a sidewalk should be required in this neighborhood. Public safety is not enhanced by placing sidewalks on a side street such as this. He asked the Mayor and Council to review the sidewalk policy and not require sidewalks in older neighborhoods.

Mayor Bruchey announced the union contracts would be discussed at this time.

Approval of Labor Contract: IAFF 1605

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember A. C. Haywood, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a Collective Bargaining Agreement between the City of Hagerstown and the International Association of Fire Fighters Local No. 1605. This agreement shall run for a period of one year commencing on June 28, 2010 through July 3, 2010 and is consistent with the wage and benefit parameters included in the City's FY 2010/11 Budget. A summary outlining the major provisions included in this agreement is part of the motion.

Approval of Labor Contract: AFSCME 3373

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 a Collective Bargaining Agreement between the City of Hagerstown and the American Federation of State, County, and Municipal Employees, Council 67, AFL-CIO Local Union 3373. This agreement shall run for a period of one year commencing on June 28, 2010 through July 3, 2011 and is consistent with the wage and benefit parameters included in the City's FY 2010/11 Budget. A summary outlining the major provisions included in this agreement is part of the motion.

Approval of Labor Contract: AFSCME 1540

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 a Collective Bargaining Agreement between the City of Hagerstown and the American Federation of State, County, and Municipal Employees, Council 67, AFL-CIO Local 1540. This agreement shall run for a period of one year commencing on June 28, 2010 through July 3, 2011 and is consistent with the wage and benefit parameters included in the City's FY 2010/11 Budget. A summary outlining the major provisions included in this agreement is part of the motion.

Approval of Labor Contract: IBEW 307

Action: On a motion duly made by Councilmember A. C. Haywood and seconded by Councilmember F. W. Easton, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a Collective Bargaining Agreement between the City of Hagerstown and the International Brotherhood of Electrical Workers Local Union 307. This agreement shall run for a period of one year commencing on June 28, 2010 through July 3, 2011 and is consistent with the wage and benefit parameters included in the City's FY 2010/11 Budget. A summary outlining the major provisions included in this agreement is part of the motion.

Mayor Bruchey thanked all the unions and staff for working together to complete the contracts. He knows everyone will continue to serve the citizens of Hagerstown in the best way possible.

Jim Bestpitch, Representing AFSCME 3373 and 1540, thanked the Mayor and City Council for signing the union contracts. Union members are willing to work with the City to get through these difficult financial times. He stated he would expect some reciprocation at the end of the difficult times. He thanked Donna Frazier, Human Resources Director, and Ray Foltz, Assistant Finance Director, for their efforts.

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 of all members present to approve the minutes, as presented, for the Mayor and Council meetings held on May 1, 2010, May 4, 2010, May 11, 2010, May 18, 2010 and May 25, 2010.

CONSENT AGENDA

On a motion duly made by Councilmember F. W. Easton and seconded by Councilmember A. C. Haywood, the Mayor and City Council unanimously agreed by voice vote of all members present to approve the Consent Agenda as follows:

- A. Engineering: Installation of Sidewalks and Alley modifications for the Handicapped - Arthur Construction (Dulles, VA) Not to Exceed \$ 40,000.00
- B. Community Affairs: Application/Permit Augustoberfest Charitable Foundation, Central Parking Lot, August 18, 2010 through August 22, 2010
- C. Human Resources:
 - 1. Dental Insurance – Administration – Carefirst Administrators (Baltimore, MD) \$ 17,000.00
 - 2. Employee Assistance Program – Behavioral Health Services (Hagerstown, MD) \$ 12,870.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: Land Use Management Code Text Amendment – ZT-2009-04 To Add Additional Definitions for Residential Care Facilities and to Accordingly Modify the Land Use Chart

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 an ordinance for a text amendment to the City Code, Chapter 140, Land Management Code, Article 4, Land Use Charts in Sections B, D, E, F, and H, and Section C, Definitions.

B. Approval of an Ordinance: Repealing and Replacing Chapter 213 of the City Code “Stormwater Management”

Action: Councilmember A. C. Haywood made a motion to approve an ordinance to amend the Code of the City of Hagerstown by deleting and repealing Chapter 213 thereof, entitled Stormwater Management, and replacing it with a new Chapter 213, to be entitled Stormwater Management. Councilmember M. E. Brubaker seconded the motion.

Motion carried, with Councilmember W. M. Breichner voting No.

C. Approval of an Ordinance: Amendments to Chapter 60, Vehicles and Traffic

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 an ordinance to amend Chapter 60 of the City Code entitled, Vehicles and Traffic, to revise regulations pertaining to vehicle towing and parking enforcement.

NEW BUSINESS

A. Approval of a Resolution: Residential Lease Agreement for Property at 23510 Warner Hollow Road

Action: Councilmember W. M. Breichner made a motion to approve a resolution authorizing the execution of a lease between the City of Hagerstown and John Rinehart and Michele Rinehart for the residence located at 23510 Warner Hollow Road, Smithsburg, Maryland. Councilmember A. C. Haywood seconded the motion.

Motion carried, with Councilmember M. E. Brubaker abstaining.

B. Approval of a Resolution: Residential Lease Agreement for Property at 12140 Crystal Falls Road

Action: On a motion duly made by Councilmember W. M. Breichner and seconded by Councilmember A. C. Haywood, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a resolution authorizing the execution of a lease between the City of Hagerstown and Charles Henson and Laurie Henson for the residence located at 12140 Crystal Falls Road, Smithsburg, Maryland.

C. Approval of a Resolution: Residential Lease Agreement for Property at 12727 Ritchie Road

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 execution of a lease between the City of Hagerstown and Bradley Luhn for the residence located at 12727 Ritchie Road, Smithsburg, Maryland.

D. Approval of a Resolution: Residential Lease Agreement for Property at 10831 Water Works Road

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 a resolution authorizing the execution of a lease between the City of

Hagerstown and Ricky L. Delauter located at 10831 Water Works Road,
Williamsport, Maryland.

**E. Approval of a Resolution: Residential Lease Agreement for Property at 570
Jefferson Street**

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 a resolution authorizing the execution and delivery of a lease between the City of Hagerstown and Gerald Bernhisel for the residence located at 570 Jefferson Street, Hagerstown, Maryland.

**F. Approval of a Resolution: Residential Lease Agreement for Property at 728
Frederick Street**

Action: On a motion duly made by Councilmember A. C. Haywood and seconded by Councilmember F. W. Easton, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a resolution authorizing the execution and delivery of a lease between the City of Hagerstown and Lewie Thomas, III for the residence located at 728 Frederick Street, Hagerstown, Maryland.

**G. Approval of a Resolution: Residential Lease Agreement for Property at 280
Mill Street**

Action: On a motion duly made by Councilmember W. M. Breichner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a resolution authorizing the execution and delivery of a lease between the City of Hagerstown and Eric Hastings for the residence located at 280 Mill Street, Hagerstown, Maryland.

**H. Approval of a Resolution: To Name a Segment of Driveway in City Park as
“Museum Drive”**

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 a resolution to name the segment of driveway in City Park from Key Street to the Museum as “Museum Drive”. This designation, as requested by the Washington County Museum of Fine Arts, reflects the importance of the Museum and will better direct visitors.

I. Approval of an Expenditure of Funds to Comply with Terms of the November 10, 2008 Memorandum of Understanding between the City of Hagerstown and Washington County Hospital Association (\$ 473,952.33)

Action: On a motion duly made by Councilmember A. C. Haywood and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote of all members present to approve the expenditure of \$ 473,952.33 from Wastewater Division CIP 04-811-769 account number 548001-5881-C0769. Approval of an expenditure is required to comply with terms of the November 10, 2008 Memorandum of Understanding between the City of Hagerstown and Washington County Hospital Association.

J. Approval of a Utilities Department – Water Division EIM Valve Actuator Purchase from J. C. Controls, Inc. for Fiscal Year 11 (\$ 251,759.62)

Action: On a motion duly made by Councilmember F. W. Easton and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to approve for Fiscal Year 11 the Filter Valve Actuator purchase from J. C. Controls, Inc. in the amount of \$ 251,759.62. Adequate budgetary funds are in place in the three accounts listed on page one of the New Business Approval Form.

K. Approval of Water Division Inventory Purchase for Radio Read Meters for the Residential Meter Replacement Program (L/B Water Service, Inc. \$ 339,522.00)

Action: On a motion duly made by Councilmember A. C. Haywood 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 \$ 339,522.00 of Water Division Inventory funds for the purchase of radio read meters for the residential meter replacement program.

L. Approval of the Contract for the 2010 Pavement Preservation Program – Craig Paving, Inc. (Hagerstown, MD) \$ 398,455.20

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 a contract with Craig Paving, Inc. of Hagerstown, MD in the amount of \$ 398,455.20 for the Pavement Preservation Program for 2010. The project includes \$ 351,818.20 for milling, paving, patching, crack filling, and \$ 46,637.00 for Phase II of the Ice Rink driveway reconstruction. Funding for the project includes County grant funds, general funds, and prior bond proceeds.

M. Approval of City Funding Support for New Central Library Renovation and Expansion Project

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 of the City providing \$ 1,391,611.93 to Washington County for reimbursement of their property acquisition costs associated with this project. Washington County has provided a written request for reimbursement along with documentation to the City verifying these costs have been incurred. The City's check in the amount of \$ 1,391,611.93 will be released following the County's approval of a contract for the demolition and construction of the Renovated and Expanded Library.

The balance for the payment of the City's total commitment of \$ 1.5 million in financial support for this project will be presented to Mayor and Council at a later date. The source of funds for the City's \$ 1.5 million commitment includes \$ 1,250,000 in general obligation bonds borrowed in September, 2009 and \$ 250,000 in reprogrammed prior year unexpended bond proceeds from the City's 2006 General Obligation Bond Issue.

Discussion: Councilmember Haywood and Councilmember Brubaker are looking forward to a committed announcement from the Library Board on a temporary downtown site for the library.

N. Approval of Traffic Signal removal at Summit Avenue and Howard Street

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 of the removal of the traffic signal at the intersection of Summit Avenue and Howard Street. The signal is approximately 50 years old, is the last mechanical controller in the City, and lacks other modern equipment. Engineering study indicates the signal does not meet the standard warrants and can be removed. The Mayor and Council further authorized staff to remove the signal and install a 4-way STOP traffic control.

O. Approval of Donation to the Washington County Museum of Fine Arts

Action: On a motion duly made by Councilmember A. C. Haywood and seconded by Councilmember F. W. Easton, the Mayor and City Council unanimously agreed by voice vote of all members present to donate funds in the amount of \$ 10,983.75 to offset the Building Permit Fees that the Washington County Museum of Fine Arts paid for the Courtyard Enclosure Project. This donation is consistent with City policy. The

funds will be taken from unspent CIP funds, or other sources deemed appropriate by the Director of Finance.

P. Approval of Workers Compensation Insurance – Injured Workers’ Insurance Fund (Towson, MD) \$ 781,029.00

Action: On a motion duly made by Councilmember W. M. Breichner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote of all members present to approve of coverage with the Injured Workers’ Insurance Fund for workers’ compensation coverage and broker fees in the amount of \$ 781,029. The renewal resulted in an increase of \$ 800 as compared to last year’s policy.

Q. Approval of Administration of Medical Claims for 2010-2011 – Carefirst Administrators (Baltimore, MD) \$ 397,900.00

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 of the administration of medical and prescription claims through Carefirst Administrators for the City of Hagerstown’s health and prescription coverage for the plan year 2010-11. The City’s health insurance is self-insured and Carefirst Administrators offers processing for the national Blue Cross network.

R. Approval of Aggregate Stop Loss Insurance and Specific Stop Loss Insurance – Highmark Life Insurance (Pittsburg, PA) \$ 227,574.00

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 coverage through Highmark Life Insurance Company for the Stop Loss Insurance for the City of Hagerstown’s medical/prescription plans for the plan year 2010-11. The City’s health insurance is self-insured and the individual stop loss coverage pays claims once an individual’s claims exceed \$ 200,000. The aggregate stop loss coverage policy will continue with Highmark, who provided the policy last year and provided the lowest cost for coverage this year.

S. Approval of Agreement for Administration of HOME Initiative Funds

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 of an Agreement for Administration of HOME Initiative Funds between the Maryland Department of Housing and Community Development and the

City of Hagerstown for the purpose of providing an aggregate of \$ 200,00 in soft second and third mortgages for eligible homebuyers for the acquisition of existing homes within the City. No matching funds are required on the part of the City and the maximum amount of assistance each purchaser may receive is \$ 10,000.

The following item was added to the agenda for consideration:

T. Approval of Funding Repairs to Memorial Recreation Center, Inc.

Action: On a motion duly made by Councilmember W. M. Breichner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a grant to the Memorial Recreation Center, Inc. of \$ 5,870.00 in Community Development Block Grant funds to make repairs to the building located at 109 West North Avenue. Funds for these repairs will be reprogrammed from Neighborhood Development leaving \$ 36,233.00 in that activity.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, commended the efforts of the negotiating team for working within the parameters of the budget. He wished John Lestitian well in his new position with the City.

MAYOR AND COUNCIL COMMENTS

Councilmember W. M. Breichner had no additional comments.

Councilmember M. E. Brubaker thanked Chief Hawbaker for his 25 years of dedicated service to the City of Hagerstown. He noted the importance of the efficiencies to be gained by the formation of the new Department of Community and Economic Development.

Councilmember F. W. Easton also thanked the negotiating teams. He congratulated Chief Hawbaker in his retirement. He also wished Mr. Lestitian well.

Councilmember A. C. Haywood stated there were two Neighborhoods 1st block parties this past weekend that were very nice. She attended the three point bicycle race in Williamsport on June 20, 2010, which brought business to downtown Williamsport.

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 7:55 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: July 27, 2010