

**EXECUTIVE SESSION AND 1<sup>ST</sup> REGULAR SESSION – JUNE 23, 2009**

**EXECUTIVE SESSION – June 23, 2009**

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 discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, #1 at 6:12 p.m. in Room 407, 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, City Administrator Bruce Zimmerman, Rodney Tissue, City Engineer and Donna Spickler, City Clerk. The meeting was held to decide on potential members of the Sidewalk Task Force. No formal action was taken at the meeting. On a motion duly made by Councilmember F. Easton and seconded by Councilmember M. E. Brubaker, the meeting was adjourned at 6:56 p.m.

**1<sup>ST</sup> REGULAR SESSION – June 23, 2009**

**Mayor R. E. Bruchey, II called this 1<sup>st</sup> Session of the Mayor and City Council to order at 7:11 p.m., Tuesday, June 23, 2009, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers W. M. Breichner, M. E. Brubaker, F. Easton, and A. C. Haywood; City Administrator Bruce Zimmerman, City Attorney Mark Boyer and D. K. Spickler, City Clerk. Councilmember L. C. Metzner was not present.**

The invocation was offered by Mayor Robert E. Bruchey, II. The Pledge of Allegiance was then recited.

**NEW BUSINESS**

**Adoption of Revised Rules of Procedure**

**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 to adopt the established Rules of Procedure dated June 23, 2009. These Rules and Procedures shall apply to all meetings of the Mayor and City Council to be held by this administration and shall be in effect upon adoption of the Mayor and City Council.

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 7, 2009, Tuesday, July 14, 2009, Tuesday, July 21, 2009 and the Regular Session on Tuesday, July 28, 2009 at 7:00 p.m.

### **CITIZEN COMMENTS**

Daniel Hammond, 14123 Clearspring Road, Williamsport, Maryland, owns property at 815 Hamilton Boulevard. The property has been cited for peeling and chipping paint. He has asked for permission to install vinyl windows on a portion of the building to solve this problem. Vinyl windows will not be placed on the front of the building. The Historic District Commission has denied permission because of the historical nature of the building.

Mayor Bruchey stated the Mayor and Council do not have the authority to grant permission for vinyl windows. Councilmember Haywood suggested the Mayor and Council consider reviewing the requirements for replacement windows.

Mr. Hammond indicated any assistance with this matter would be appreciated.

Lester Smith, 453 W. Antietam Street, Hagerstown, Maryland, is concerned about pedestrian safety, especially at the intersection of Burhans Boulevard and Franklin Street and in the square. He stated senior citizens don't have enough time to cross the street with the timing of the walk lights. He is also concerned about the location of the bus transfer station. There are a number of people who loiter at the bus stop. He stated kids are catching rides on the side of trains and this is not safe.

Rodney Tissue, City Engineer, will review the timing of cross walk lights at the Burhans intersection.

James Devine, P. O. Box 2217, Hagerstown, Maryland, asked the Mayor and Council to consider modifying the City Code to allow a citizen to discharge a weapon in self defense. He is concerned that the City would penalize all residents with sidewalks in order to make the few who don't maintain their sidewalks do so. There are many places that should have sidewalks but don't. He doesn't think the property off the Dual Highway should be tax exempt for five years, as they have requested. Vacant commercial buildings should be filled before new buildings are permitted. Additional shopping centers will be damaging to downtown. He thinks the City should consider solar power.

### **MINUTES**

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 the minutes, as presented, for the Mayor and Council meetings held on May 12, 2009, May 26, 2009, May 29, 2009, June 1, 2009 and June 2, 2009.

The minutes from May 12, 2009 and May 26, 2009 were meetings held by the previous administration. These minutes were approved by the current administration.

### **CONSENT AGENDA**

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 to approve the Consent Agenda as follows:

#### **A. Public Works:**

1. Signal Cabinet for Jefferson St. and Cannon Avenue – Econolite Control Products, Inc. (Hanover, MD) \$ 11,375.00
2. Camera Security System for North Potomac Street Deck – Control Systems, Inc. (West Hartford, CT) \$ 37,428.00
3. Heavy-Duty Vehicle Lift – C & T Equipment Co. (Gaithersburg, MD) \$ 14,488.00
4. ½ Ton Pickup Truck – Hetrich Fleet Services, Inc. (Denton, MD) \$ 17,187.00

#### **B. Engineering:**

1. Traffic/Planning Study of Extension of Professional Court to Robinwood Drive – Sabra Wang & Associates (Baltimore, MD) \$ 25,811.78
2. 2009 Pavement Preservation Program – Craig Paving, Inc. (Hagerstown, MD) \$ 840,000.00

#### **C. Light Department:**

1. Decorative Streetlight Poles – Hagemeyer (Hagerstown, MD) \$ 13,204.80
2. HADCO Decorative Streetlights – HADCO (Littlestown, PA) \$ 25,900.00
3. Garage Door Replacement – K & K Door (Chambersburg, PA) \$ 12,300.00

#### **D. Water Department:**

1. Processors and Digital I/O – Flow Tech (Hunt Valley, MD) \$ 26,702.40
2. Miscellaneous Inventory for Water Fund – HD Supply Waterworks, LTD (Martinsburg, WV) \$ 31,830.88

#### **E. Human Resources:**

1. Workers Compensation Insurance – Injured Workers' Fund (Towson, MD) \$ 757,503.00
2. Administration of Medical Claims – National Capital Administrative Services (NCAS) (Owings Mills, MD) \$ 404,000.00
3. Aggregate Stop Loss Insurance and Specific Stop Loss Insurance – Highmark Life Insurance (Pittsburgh, PA) \$ 209,669.00
4. Dental Insurance – Administration – NCAS (Owings Mills, MD)

- \$ 34,927.00
5. Employee Assistance Program – Behavioral Health Services (Hagerstown, MD) \$ 12,650.00

F. Finance: Approval of Bank of America as City Purchasing Card Provider

H. Police Department: Replacement Laptops for Criminal Investigators – Pelican Mobile (Hanover, MD) \$ 21,285.00

Councilmember Breichner thinks a policy should be considered to seriously consider purchases from local businesses.

### **UNFINISHED BUSINESS**

There was no unfinished business.

### **NEW BUISNESS**

#### **A. Approval of a Resolution: City of Hagerstown Public Facilities Bonds of 2009**

**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 resolution authorizing the City of Hagerstown to issue and sell \$ 17,995,000 in general obligation bonds to be designated as the City of Hagerstown Public Facilities Bonds of 2009 as detailed in the resolution.

As required by the enabling ordinance adopted on November 4, 2008 and which became effective on December 5, 2008, the resolution enumerates the uses of the bond proceeds and all the details regarding the bonds and their sale. The resolution provides that the full faith and credit and unlimited taxing power of the City of Hagerstown shall be irrevocably pledged to the payment of principal and interest on the bonds. Appropriate City officials are hereby authorized to take the actions necessary to proceed with the bond sale.

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

**Action:** On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember F. Easton, the Mayor and City Council unanimously agreed by voice vote to adopt 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, MD.

**C. 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 to adopt 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, MD.

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

**Action:** On a motion duly made by Councilmember F. Easton and seconded by Councilmember W. M. Breichner, the Mayor and City Council unanimously agreed by voice vote to adopt 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, MD.

**E. Approval of a Resolution: Residential Lease Agreement for Property at 10831 Water Works Road, Williamsport, MD**

**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 to adopt a resolution authorizing the execution of a lease between the City of Hagerstown and Ricky L. Delauter for the residence located at 10831 Water Works Road, Williamsport, MD.

Discussion: Councilmember Breichner asked if the tenants are required to obtain flood damage insurance. City Attorney Mark Boyer stated the leases state the City's liability insurance covers the structure, but not the contents. Staff would encourage tenants to seek flood insurance.

**F. Approval of a Resolution: Residential Lease Agreement for Property at 124 Charles 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 to adopt a resolution authorizing the execution of a lease between the City of Hagerstown and Moses Norris for the residence located at 124 Charles Street, Hagerstown, Maryland.

**G. Approval of a Resolution: Residential Lease Agreement for Property at 570 Jefferson 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 to adopt a resolution authorizing the execution of a lease between the City of Hagerstown and Gerald Bernhisel for the residence located at 570 Jefferson Street, Hagerstown, Maryland.

**H. 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. Easton, the Mayor and City Council unanimously agreed by voice vote to adopt a resolution authorizing the execution of a lease between the City of Hagerstown and Lewie Thomas, III for the residence located at 728 Frederick Street, Hagerstown, Maryland.

**I. Approval of a Resolution: Residential Lease Agreement for Property at 2-A S. Cleveland Avenue**

**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 adopt a resolution authorizing the execution of a lease between the City of Hagerstown and Eugene and Priscilla Taylor for the residence located at 2-A S. Cleveland Avenue, Hagerstown, Maryland.

**J. Approval of an Agreement: Approval of Other Post Employment Benefit (OPEB) Trust Investment Policy Statement**

**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 to approve the "Other Post Employment Benefits (OPEB) Investment Policy Statement" which reflects the investment policy guidelines for investment of funds in the newly created OPEB Trust Fund. The policy statement is similar to the City's Sworn Police and Fire Pension Plan. It is designed to provide a framework to generate acceptable long term returns for the plan, at a level of risk suitable to this type of plan.

**K. Approval of an Agreement: Retiree Health Benefit Plan**

**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 Retiree Health Benefit

Plan Agreement which reflects the health benefits that the City currently provides to its eligible retirees and in certain instances, their eligible survivors and dependents, in accordance with agreements entered into from time to time between the Mayor and Council and its employee groups.

**L. Approval of an Agreement: Retiree Health Plan Trust Agreement**

**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 to adopt a Retiree Health Plan Trust Agreement to set aside funds in trust for future retiree health and dental benefits in accordance with new governmental accounting standards that are applicable to the City beginning with fiscal year 2008/2009.

City officials are authorized to take the necessary actions to enter into agreements with PNC Bank, N.A. to serve as Trustee for the plan and to fund the budgeted \$ 810,000 from the Health Care Fund to the newly created trust fund prior to June 30, 2009.

**M. Approval of Sidewalk Task Force Members**

**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 to approve of the following members to serve on the City's Sidewalk Task Force:

1. Councilmember Ashley C. Haywood
2. Joseph Caha
3. Scott Frazier
4. Joseph Marschner
5. Mike Stanford
6. Larry Wisherd
7. Mary McPherson, Representing the Washington County Health Department

Staff support for the Task Force will be provided by City Engineer Rodney Tissue, Assistant City Engineer Jim Bender, Construction Inspector Danny Poffenberger and a City Attorney.

**N. Approval of an Agreement for Eastern Boulevard Extended**

**Action:** On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember F. Easton, the Mayor and City Council unanimously agreed by voice vote to enter into an Agreement with the Board of County Commissioners of Washington County, MD, and Holcim (US) Inc., a

Delaware corporation, for the extension of Eastern Boulevard and for the relocation of Old Forge Road.

This agreement does not require the expenditure of any City funds, but acknowledges that the City will continue to participate in good faith with the County in the design, construction and maintenance of the road improvements.

#### **O. FY 2010 Community Legacy Application**

**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 to authorize staff to submit a Community Legacy application to the Maryland Department of Housing and Community Development for the two residential assistance and incentive programs presented at the June 9, 2009 Mayor and City Council meeting. The requested grant funds will be matched by existing budgeted funds for existing City residential and downtown revitalization incentive programs.

#### **CITY ADMINISTRATOR'S COMMENTS**

*Bruce Zimmerman, City Administrator*, reported the fire department made a successful water rescue yesterday from the Antietam Creek. A teenager was caught in the undercurrent at the dam and was unable to swim to shore. Captain Mark Cleck and his team rescued the girl and one other person. This incident stresses the need for awareness of the danger of swimming in unattended areas.

#### **MAYOR AND COUNCIL COMMENTS**

*Councilmember W. M. Breichner* noted the passing of Robert Johnson, who was an outstanding citizen. Mr. Johnson, who was referred to as Coach, was very involved in the community. He coached basketball at the North Street School.

*Councilmember M. E. Brubaker* had no additional comments.

*Councilmember F. Easton* thanked citizens for attending this meeting and being willing to express their concerns.

*Councilmember A. C. Haywood* thanked city staff for their hard work during the past month.

*Mayor R. E. Bruchey, II* acknowledged that Robert Johnson was important in this community. The 38<sup>th</sup> annual Miss Maryland pageant is being held on June 27, 2009. There will be no meeting on June 30, 2009. The Maryland Municipal League convention will be held June 28 – July 1, 2009. He thanked the Council for a positive first month.



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 7:51 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: July 28, 2009