

2ND SPECIAL SESSION, WORK SESSION AND EXECUTIVE SESSION – July 21, 2009

Mayor R. E. Bruchey, II called this 2nd Special Session, Work Session and Executive Session of the Mayor and City Council to order at 4:04 p.m., Tuesday, July 21, 2009, in the Council Chamber, 2nd Floor, at City Hall. Present with the Mayor were Councilmembers W. M. Breichner, F. Easton, A. C. Haywood and L. C. Metzner; City Administrator Bruce Zimmerman, City Attorney Mark Boyer and D. K. Spickler, City Clerk. Councilmember M. E. Brubaker was not present.

Mayor Bruchey announced the following item will be added to the Executive Session agenda: 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.

Preliminary Agenda Review

Consent Agenda

- A. Engineering: Two Contracts for Installation of Sidewalks and Alley Modifications for the Handicapped – Concrete Central, LLC (Hagerstown, MD) \$ 80,187.50
- B. Light Department: Aluminum Cable – Stuart C. Irby Co. (Rocky Mount, NC) \$ 17,082.00
- C. Police Department:
 - 1. Upgrade Current CCTV System Downtown and Noland Village – Glessner Alarms and Communications (Hagerstown, MD) \$ 70,934.00
 - 2. Two 2009 Chevrolet Impala Police Sedans – Criswell Chevrolet, Inc. (Gaithersburg, MD) \$ 39,283.00Chief Smith reported the purchase of these vehicles would be through a Federal stimulus program.
- D. Community Affairs: Application Permit for Augustoberfest, August 22, 2009 and August 23, 2009
- E. Water Department:
 - 1. Powerware Units – Eaton Corporation (Raleigh, NC) \$ 12,700.00
 - 2. Meters and Transceiver Units – L/B Water Service, Inc. (Chambersburg, PA) \$ 182,216.48
 - 3. Water Inventory Items – HD Supply Waterworks, LTD (Martinsburg, WV) \$ 37,179.77
 - 4. Inventory for Stockroom – Weiss Brothers of Hagerstown (Hagerstown, MD) \$ 13,393.13
 - 5. Protectus Meters – HD Supply Waterworks, LTD (Martinsburg, WV) \$ 31,430.00

Approval of a Resolution: Designation of Michael Spiker as Environmental Protection Agency Grant Representative

In order to submit Federal Grant Applications for City of Hagerstown Utilities Department projects, an authorized representative with signatory responsibility must be appointed. This is a standard requirement for submission within the EPA grant process. It was agreed to appoint Michael Spiker, Director of Utilities, as the representative. Approving this resolution will allow the Water Division to move forward in their quest to secure the \$ 300,000 grant for Phase 1A of the R. C. Willson Transmission Main Replacement Project.

It was the general consensus to approve the resolution.

Approval of a Resolution: FY 2010 Community Legacy Grant Application

The Mayor and City Council need to pass a resolution authorizing the FY 2010 application to the State's Community Legacy Program. Last month, staff submitted a formal Letter of Intent outlining the following proposed projects:

1. Home Pride Residential Renovations Grant Program
2. Downtown Living Residential Rehab and Adaptation Grant Program

It was the general consensus to approve the resolution.

Approval of an Easement Agreement: 1935 Dual Highway, LLC (Younger Motorcars)

Rodney Tissue, City Engineer, informed the Mayor and Council that in March, 2007, Younger Motorcars submitted a site plan to construct an 18,720 sq. ft. addition to their sales facility on the Dual Highway. The addition was proposed to be constructed over an existing storm drain and associated easements. At that time, the Engineering Department recommended against allowing the construction, but consented with the Planning Commission and allowed the construction, provided the owner take responsibility for the storm drain.

The parties have developed an agreement that states the following:

1. The City Engineer will determine if the pipe is failing under the building addition.
2. The pipe would be reconstructed in an alternate alignment outside the building addition at the full cost of the property owner and a new easement established over the new storm drain alignment.
3. That the property owner gives the City the right to inspect the pipes as necessary.

Councilmember Breichner recommended stricter language in the agreement. Mr. Tissue stated this has been negotiated for two years and all the parties have approved the language as it is now.

It was the general consensus to approve the easement agreement.

Approval of Master Plan for Mills Park

Mayor and Councilmembers have been receiving letters from residents expressing concern about the long range plans for Mills Park. Councilmember Metzner asked if any concerns had been expressed about Phase I of the plan. Rodney Tissue, City Engineer, indicated the objections appear to be more for the longer trails that are proposed. Councilmember Metzner stated it should be made clear that only Phase I is being considered at this time. Future phases would be discussed with the neighborhood prior to any approval or construction of additional trails.

This completed the preliminary agenda review.

Born Learning Park Trails

Karen Giffin, Director of Community Affairs, Junior Mason, Parks Superintendent, and United Way representatives Greg Snook, Jenny Fleming and Kelly Redmond, were present to discuss United Way's request to partner with the City to install Born Learning Trails at Staley, Wheaton and Pangborn Parks.

Ms. Redmond indicated this is a pilot program. It is hoped that it would expand into other areas of Washington County.

This campaign is a national public engagement campaign that is designed to create awareness about the importance of early learning among children ages birth to 6 years. It stresses the vital role of a parent as the child's first teacher. Local efforts of this Campaign have included the distribution of educational materials and several awareness activities, such as the Born Learning Fest.

As part of this Campaign, trails were created to serve as an interactive, playful and visible community engagement tool. It captures 10 outdoor fun and educational games on engaging signs that are research-based and research-vetted. They boost language and literacy skills and encourage families to get active.

The United Way would seek sponsors for the trails and recruit volunteers for the installation. All trails will be reviewed and inspected by Mr. Mason. The Community Affairs Department would search for a sponsor to install or fund 150 feet of black top at each park for the trails. The City would need to enter into a Memorandum of Understanding with the United Way.

Approval of the request will be included on the agenda for July 28, 2009.

Request for Closure of South Potomac Street – Friday Evenings

Karen Giffin, Director of Community Affairs, and Jay Constantz, Executive Director of The Maryland Theater, were present to discuss a request for a street closure for the Wind Down Friday events.

Mr. Constantz stated this is the second year of the program and they would like to expand the area to provide space because attendance is increasing. Closing the first block of S. Potomac Street to traffic during the event would provide more safety for pedestrians crossing the street from the A & E Parking Deck. The road would be closed to vehicular traffic but it would not be inaccessible for emergency vehicles.

Chief Gary Hawbaker had previously submitted a letter outlining the Fire Department's concern for the safety of residents if the emergency response time would be delayed due to a road closure. Councilmember Metzner asked staff to work with Chief Hawbaker and Police Chief Arthur Smith to address their concerns.

Councilmember Haywood thinks it would be good to include all the other businesses downtown in the promotion of the street closure and Wind Down Fridays. She knows artists and other business people who would be interested in participating.

The cost will be covered by the Downtown Police Squad, with assistance from the Fire police. A logistics meeting will be scheduled to determine the exact layout.

Charles Sekula, Schmankerl Stube, thanked the City for the work that has been done on S. Potomac Street. The events that have been held are attracting more and more people. He suggested closing this block of S. Potomac Street on Fridays, Saturdays and Sundays.

Don Bowman, Bowman Development Company, suggested holding other events, such as car shows or weekend antique shopping on the street as well. He thinks this would create even more interest in downtown.

Dave Peacher, Peach Pub, is supportive of all these ideas.

Councilmember Metzner stated if the street is closed on a regular basis, all downtown merchants should be included in the discussion of events and activities. Councilmember Haywood agreed that all downtown merchants be included.

2ND SPECIAL SESSION – July 21, 2009

On a motion duly made by Councilmember W. M. Breichner and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed to meet in special session at 4:47 p.m.

**Approval of Application/Permit Agreement, Open Container Law Exemption
and Street Closure for the Wind Down Friday Events**

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember A. C. Haywood, the Mayor and City Council unanimously agreed by voice vote 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 an application/permit agreement 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, Mayor and City Council formally approve the possession of alcoholic beverages (beer and wine) in designated festival areas for every Friday from July 24, 2009 to September 18, 2009 from 5:00 p.m. to 9:00 p.m.

The Special Meeting was adjourned at 4:49 p.m.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, announced that Mark Holtzman was promoted to Captain today.

MAYOR AND COUNCIL COMMENTS

Councilmember A. C. Haywood welcomed Elevations Salon to downtown.

Councilmember L. C. Metzner complimented staff on the maintenance of the parks.

Councilmember W. M. Breichner stated Community Parks and Playgrounds funding has been awarded for Pangborn Park. He mentioned that Moses Norris, city employee, has retired from the military, after 25 years of service.

Councilmember F. Easton encouraged residents to contact Councilmembers with their concerns.

Mayor R. E. Bruchey, II had no additional comments.

EXECUTIVE SESSION – July 21, 2009

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 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, and to consider the acquisition of real property for a public purpose and matters directly related thereto, #3 at 4:50 p.m. in the Council Chamber, 2nd Floor, City Hall, Hagerstown, Maryland. The following people were in attendance: Mayor R. E. Bruchey, II, Councilmember W. M. Breichner, Councilmember F. Easton, Councilmember A. C. Haywood, City Administrator Bruce Zimmerman, City Attorney Mark Boyer and Donna Spickler, City Clerk. The meeting was held to discuss an appointment to the Hagerstown Redevelopment Authority and an opportunity to acquire a downtown building. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the meeting was adjourned at 5:51 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: August 25, 2009