

56TH REGULAR SESSION AND EXECUTIVE SESSION – JULY 31, 2007

EXECUTIVE SESSION – July 31, 2007

On a motion duly made by Councilmember K. S. Cromer and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to meet in closed session at 5:00 p.m., Tuesday, July 31, 2007, to consult with counsel to obtain legal advice, #7. No formal action was taken at the session. The meeting was held in Room 407, 4th floor at the City Hall. The meeting was adjourned at 5:50 p.m.

56th REGULAR SESSION – JULY 31, 2007

Councilmember L. C. Metzner called this 56th Session of the Mayor and City Council to order at 7:00 p.m., Tuesday, July 31, 2007, in the Council Chamber at City Hall. Present with Councilmember Metzner were Councilmembers M. E. Brubaker, K. S. Cromer, P. M. Nigh and A. Parson-McBean; City Administrator Bruce Zimmerman, City Attorney William Nairn and D. K. Spickler, City Clerk. Mayor R. E. Bruchey, II was not present at the meeting.

The invocation was offered by Councilmember Martin E. Brubaker. The Pledge of Allegiance was then recited.

Councilmember Metzner 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, August 7, 2007, Tuesday, August 14, 2007, Tuesday, August 21, 2007 and the Regular Session on Tuesday, August 28, 2007 at 7:00 p.m.

CITIZEN COMMENTS

Mary Haines, 27 Laurel Street, Hagerstown, Maryland, provided information about the leash laws and “pooper scooper” laws in New York City. She hopes the Mayor and City Council will adopt similar laws. She also presented an article from a newspaper concerning the benefits of leashes for dogs. Councilmember Cromer indicated this has been discussed and she believes staff is gathering information.

James Devine, P. O. Box 2217, Hagerstown, Maryland, is concerned there are no pay telephones downtown. He stated he is still being harassed on Eldridge Drive. Someone has been dumping trash there and stealing mulch.

Karin Anderson, 820 Marion Street, Hagerstown, Maryland, asked the Mayor and City Council to consider amending the zoning ordinance to permit fenced front yards. A fence was installed around the front yard of 820 Marion Street that is not permitted under the current Zoning Ordinance. If they have to move the fence, it will be flush with the house. She stated her neighbors like the fence. She presented pictures of several properties with fences around the front yard. Ms. Anderson appeared before the Board of Zoning Appeals and the request for a variance was denied. Kathleen Maher, Planning Director, indicated Ms. Anderson had been to the Board of Zoning Appeals twice. The request was denied because a hardship had not been proven. Ms. Maher indicated there is still time for Ms. Anderson to appeal the decision to the District Court.

Myron Martin, 13235 Maugansville Road, Hagerstown, Maryland, discussed the opening of Terps Boulevard. He asked that the road be opened. He believes when the road is opened, his family business will be harassed because their trucks will be traveling that road. He stated Marshall Street is the worst street in Hagerstown. He asked if the City will be responsible if there is an accident with one of their trucks on other streets because Terps Boulevard has not been opened.

MINUTES

On a motion duly made by Councilmember K. S. Cromer and seconded by Councilmember A. Parson-McBean, the Mayor and City Council unanimously agreed by voice vote to approve the minutes, as presented, for the Mayor and Council meetings held on June 5, 2007, June 12, 2007, June 19, 2007 and July 10, 2007.

CONSENT AGENDA

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 the consent agenda as follows:

A. Engineering:

1. Waterline Pavement Repair – Northern Avenue – Change Order for Existing Contract – Craig Paving (Hagerstown, MD) \$ 40,000.00
2. Purchase of Replacement Vehicles:
 - a) Unit # 703 – Criswell Chevrolet, Inc. (Gaithersburg, MD)
\$ 13,896.00
 - b) Unit # 701 – Criswell Chevrolet, Inc. (Gaithersburg, MD)
\$ 9,808.00

B. Public Works: LED Traffic Signal Lights – RGA, Inc. (Powhatan, VA)
\$ 16,932.00

C. Community Affairs: Application Permit – Augustoberfest Charitable Foundation, Augustoberfest Event – August 25, 2007 and August 26, 2007

D. Finance/Information Technology: Multifunction Copier Replacement – Word

Processing Services (Hagerstown, MD) \$ 3,492.00/month

E. Water and Sewer Department:

1. Service Agreement for Oxygen System – M2T Technologies (Peekskill, NY) \$ 19,400.00
2. ¾ Ton 2007 Pick-up Truck, Unit # 524 – Miller Brothers Ford, Inc. (Ellicott City, MD) \$ 30,211.00
3. Four 4” Neptune Meters and Brass Plugs – HD Supply Waterworks, LTD (Martinsburg, WV) \$ 19,572.72
4. Trailer Mounted Valve Exerciser and Vacuum – E. H. Wachs Company (Lincolnshire, IL) \$ 29,850.00
5. ZCORR Loggers – Itron (Liberty Lake, WA) \$ 12,500.00
6. Cost of Service Study for Water and Sewer System- Municipal & Financial Services Group (Annapolis, MD) \$ 18,150.00
7. Pump Assembly – Geiger Pump and Equipment (Baltimore, MD) \$ 18,779.00

OLD BUSINESS

A. Approval of an Ordinance: Amend Chapter 60, Vehicles and Traffic, to Clarify Parking Prohibitions

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 to amend the City Code, Chapter 60, Vehicles and Traffic, by adding a new Subsection (23). This amendment will clarify certain parking prohibitions.

NEW BUSINESS

B. Approval of Crime Analyst Position

Action: On a motion duly made by Councilmember P. M. Nigh and seconded by Councilmember K. S. Cromer, the Mayor and City Council unanimously agreed by voice vote to approve of the addition of a Crime Analyst Position for the Police Department to be funded with recently approved grant funding from the Governor’s Office of Crime Control and Prevention C-SAFE Program in the amount of \$ 50,700.

C. Approval of School Resources Officer Position

Action: On a motion duly made by Councilmember P. M. Nigh and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to approve of the addition of a third

School Resources Officer position within the Police Department. The Board of Education has requested the addition of this third position to be assigned to the alternative school located at Western Heights Middle School beginning with the start of the 2007-08 school year. Board of Education funding in the amount of \$ 37,565 will be received to support this position, representing approximately 79% of the cost of a new police officer. This funding is in addition to the \$ 37,565 the Board of Education will provide for each one of the existing two School Resources Officer positions, which are assigned to North High and South High.

Councilmember Cromer, through the 2+2 Committee, will ask the County Commissioners to pay for a portion of this position.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, stated the reconstruction of Marshall Street started this week. The road will be reconstructed and this is why the road is now dirt.

MAYOR AND COUNCIL COMMENTS

Councilmember P. M. Nigh reminded everyone that National Night Out will be held on Tuesday, August 7, 2007, beginning at 6:00 p.m. The event will start at Fairgrounds Park and will conclude with swimming at the Memorial Recreation center. She stated one staff member was working in a bucket truck and live wires touched the truck. The employee was unhurt. Lightning struck the home of two police officers. She asked if lightning rods are still used on homes. She asked why more vehicles are parking the wrong way in parking spaces. Councilmember Parson-McBean stated this is allowed in larger cities. Councilmember Nigh stated the air conditioning at the market is working very well. More vendors are needed. She informed the group that information about gangs will be shown on Channel 6.

Councilmember K. S. Cromer had no additional comments.

Councilmember M. E. Brubaker congratulated Councilmember Alesia Parson-McBean on her completion of the Rawlings Fellowship program. A commencement ceremony was held on July 27, 2007. Several council members and staff members attended. The participants and attendees were very distinguished. He pointed out the federal government may now govern what materials are carried on railroad cars. This could impact Hagerstown.

Councilmember A. Parson-McBean thanked Councilmember Nigh, Councilmember Brubaker, Deborah Everhart, Economic Development Director, and Alfred Martin, Finance Director, for attending the commencement ceremony on July 27, 2007. She learned a great deal through the Fellowship.

Councilmember L. C. Metzner apologized for not being able to attend the Fellowship commencement ceremony. He stated the Mayor and City Council understand Mr. Martin's concerns. He announced the University Plaza Concert series, Music by the Lake, Family Night at Potterfield Pool and Movies on the Plaza are continuing.

There being no further business to come before the Mayor and City Council, on a motion duly made by Councilmember K. S. Cromer and seconded by Councilmember M. E. Brubaker, the meeting was adjourned at 7:43 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: August 28, 2007