

82ND REGULAR SESSION – AUGUST 26, 2008

Mayor R. E. Bruchey, II called this 82nd Session of the Mayor and City Council to order at 7:05 p.m., Tuesday, August 26, 2008, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers M. E. Brubaker, L. C. Metzner, P. M. Nigh and A. Parson-McBean; City Administrator Bruce Zimmerman, City Attorney William Nairn and D. K. Spickler, City Clerk. Councilmember K. S. Cromer was not present.

The invocation was offered by Reverend Haru Carter, Zion Baptist Church. 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, September 9, 2008, Tuesday, September 16, 2008, and the Regular Session on Tuesday, September 23, 2008 at 7:00 p.m.

PRESENTATIONS/AWARDS

Proclamation to Antietam Fire Company

Mayor Bruchey presented a proclamation to the Antietam Fire Company in recognition of their 200th Anniversary. Many events are being planned to celebrate this milestone. A moment of silence was observed in memory of Robert “Buzz” Manley, retired City of Hagerstown firefighter, who passed away August 26, 2008.

Highlight Hagerstown Awards

The following Highlight Hagerstown awards were presented:

Residential:

- | | |
|---------------|---|
| First place: | 175 S. Prospect Street - Sheila Gladhill and Kim Winders |
| Second place: | 533 Reynolds Avenue – George MacDonald and Raymond Joiner |
| Third place: | 125 N. Locust Street – Kelly Ann Reichenbaugh |

Non-residential:

- | | |
|---------|---|
| First: | 1500 Pennsylvania Avenue, Western Maryland Hospital Center |
| Second: | 37 S. Prospect Street, 37 S. Prospect Street Development, LLC |

Assisting Mayor Bruchey in presenting the awards was George C. Newman, III, Chairman of the Hagerstown Beautification Advisory Committee.

APPOINTMENTS

Mayor Bruchey administered the oath of office to Lewie Thomas, Recreation Facilities Manager.

PUBLIC HEARINGS

Expansion of Enterprise Zone

Deborah Everhart, Economic Development Director, stated this hearing is to consider the joint application of the Board of County Commissioners and the City of Hagerstown for the expansion of an enterprise zone located within the corporate boundaries of the City. The objective of the expansion is to include three parcels to the North side of Weller's Avenue in the enterprise zone.

The following were entered as Exhibits:

- Exhibit A: Map of the existing Enterprise Zone
- Exhibit B: Drawing of the properties to be included
- Exhibit C: Aerial view of the properties
- Exhibit D: Certificate of Advertisement

No testimony was presented, either in favor of or against the expansion.

The Board of County Commissioners will be holding a public hearing on the expansion on September 9, 2008. A resolution for passage will be presented to the Mayor and City Council after the hearing.

The hearing was closed at 7:24 p.m.

CITIZEN COMMENTS

James Devine, P. O. Box 2217, Hagerstown, Maryland, stated he requested reimbursement of towing fees for his vehicles during last month's meeting. He is experiencing the same problems with teenagers going by his vehicle and yelling. He found out the name of one and went to his home. He does not have a job and has limited resources and is unable to file a civil suit against the young man. He suggested that the wording be changed on parking tickets so people are not confused about how to request a court date. He has spoken before the House and Senate judiciary committees in support of a bill against hate crimes directed to homeless people. He stated no matter where he goes with his vehicles, he will be a target for harassment. Mayor Bruchey indicated he would try to assist Mr. Devine.

MINUTES

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember A. Parson-McBean, the Mayor and City Council unanimously agreed by voice vote to approve minutes, as presented, for the Mayor and Council meetings held on July 15, 2008, July 22, 2008, July 29, 2008 and August 5, 2008.

CONSENT AGENDA

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 consent agenda as follows:

- A. Information Technology/Finance: GIS Enterprise License Agreement – ESRI (Redlands, CA) \$ 35,750.00
- B. Police Department: Camera System for HPD Parking Lot – Glessner Alarms & Communications (Hagerstown, MD) \$ 33,753.00
- C. Engineering: Sidewalk Installation on Maryland Avenue – Concrete Central, LLC (Hagerstown, MD) \$ 151,216.00
- D. Public Works: Bulk Road Salt – Cargill Incorporated (Olmstead, OH) \$ 82.67 per ton
- E. Community Development: Rehabilitation Contract for 415 Clarendon Avenue – A & L Home Improvements LLC (Smithsburg, MD) \$ 74,421.00
- F. Water/Wastewater Department:
 - 1. Whole Effluent Toxicity Study – Analytical Laboratory Services, Inc. (Middletown, PA) \$ 17,365.00
 - 2. Myers Submersible Pumps – STH (Frederick, MD) \$ 32,364.00
 - 3. Backhoe Loader – Standard Equipment Company (Frederick, MD) \$ 77,017.00
 - 4. Camera Tractor – Raush Electronic USA, LLC (Chambersburg, PA) \$ 45,059.00
 - 5. Lagoon Maintenance at Willson Plant – Synagro (Baltimore, MD) \$ 54,900.00
 - 6. Patching Contract Change Order – Huntzberry Brothers, Inc. (Smithsburg, MD) \$ 42,058.00
 - 7. Construction Phase 1B – Pump Station Improvements (PS4) – C. William Hetzer, Inc. (Hagerstown, MD) \$ 28,584.00
- G. Parks and Recreation: Barrier Free Modular Play Equipment – Miracle Recreation (Martinsburg, WV) \$ 24,299.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: Land Management Code

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance to amend the Code of the City of Hagerstown, to provide a system of land use regulations known as the Land Management Code, Chapter 140, to provide a consolidation, reformatting, and certain changes of the Subdivision Regulations, the Zoning Ordinance, the Forest Conservation Ordinance, and the Floodplain Ordinance.

NEW BUSINESS

A. Introduction of an Ordinance: Zoning Ordinance Text Amendment to Modify Parking Requirements, Shopping Centers, ZT-2008-01

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 introduce an ordinance for a text amendment to the City Code, Chapter 140, Land Management Code, Article 3, C. Definitions and Article 4, Section O.3.e., Schedule, to modify the parking requirements for Shopping Centers.

B. Approval of Application for FY 2010 Community Parks and Playgrounds Projects

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 an application to the Maryland Department of Natural Resources requesting FY 2010 Community Parks & Playgrounds funding of improvements to the City's recreational facilities as follows:

1. Funkhouser Park – Barrier Free Play Equipment
2. Hager Park – Barrier Free Play Equipment
3. Pangborn Park – Lake Fountains
4. City Park – Park Benches and Picnic Tables

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, reminded everyone that the City's refuse collection will be moved one day later, due to the Labor Day holiday.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember M. E. Brubaker thanked everyone who helped with or attended Augustoberfest.

Councilmember A. Parson-McBean thanked Pastor Carter and his family for their community outreach efforts. The Jamaican festival was held on August 23, 2008 and was a success. She commended everyone for their involvement with Augustoberfest and the Jamaican festival.

Councilmember L. C. Metzner mentioned that the activities in Hagerstown over the weekend provided residents and visitors with a large cultural range of activities.

Councilmember P. M. Nigh stated attendance was doubled at Augustoberfest. Some mailboxes are being removed from neighborhoods by the post office.

Mayor R. E. Bruchey, II congratulated the organizers of Augustoberfest and the Jamaican festival for successful events. A celebration to honor the Pony League and Federal Little League players will be held at Municipal Stadium on Sunday, August 31, 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 7:47 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: September 23, 2008