

59TH REGULAR SESSION – AUGUST 28, 2007

Mayor R. E. Bruchey, II called this 59th Session of the Mayor and City Council to order at 7:00 p.m., Tuesday, August 28, 2007, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers M. E. Brubaker, K. S. Cromer, L. C. Metzner, P. M. Nigh and A. Parson-McBean; City Administrator Bruce Zimmerman, City Attorney John Urner and D. K. Spickler, City Clerk.

The invocation was offered by Evangelist Pamela Williams. 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 4, 2007, Tuesday, September 11, 2007, Tuesday, September 18, 2007 and the Regular Session on Tuesday, September 25, 2007 at 7:00 p.m. A Joint Meeting will be held with the Washington County Delegation at 2:00 p.m. on Tuesday, September 25, 2007.

AWARDS

The recipients of the 2007 Highlight Hagerstown Awards were:

North End	First Place	Frances & Leslie Saunders, 236 Mealy Parkway
	Runner Up	William & Sara Godwin, 215 E. Irvin Avenue

East End	First Place	Ray & Pay Lushbaugh, 331 Radcliffe Avenue
	Runner Up	Ann S. Mitchell, 600 Observatory Drive

South End	First Place	Carlton Rowe, 437 Summit Avenue
	Runner Up	David & Sandra Needy, 449 Guilford Avenue

West End	First Place	Richard & Diane Herber, 1421 Salem Avenue
	Runner Up	Linda Jean Schuller, 1408 Salem Avenue

New Developments

First Place	Cortland Villas
Runner Up	Gateway Crossing

Commercial – Architectural

First Place	Demcore Development, 28 S. Potomac Street
Runner up	Paul Deputy & Steve Cook, 41 N. Potomac Street

Commercial – Landscaping

First Place	Maryland Theater, 21 S. Potomac Street
Runner Up	Westview Business Center, 223 N. Prospect Street

George Newman, Chairman of The Hagerstown Beautification Advisory Committee, assisted with presenting the awards.

BOARD APPOINTMENTS

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. S. Cromer, the Mayor and City Council unanimously approved the following Board Appointments:

Hagerstown Housing Authority: Rosalind Martin (08/30/2012)

Board of Zoning Appeals:

James Shives (04/30/2010)

Linda Irvin-Craig (04/30/2010)

Preservation Design District Commission:

Michael Gehr (06/30/2010)

Karl Sanford (06/30/2010)

Vickie Hrabal (06/30/09)

Planning Commission:

Douglas Wright, Jr. (05/01/2012)

Frederick Nugent (05/01/2012)

CITIZEN COMMENTS

Mary Haines, 27 Laurel Street, Hagerstown, Maryland, thanked the Code Compliance Department and the Police Department for dealing with the condemned house at 1203 Potomac Avenue. She thanked the City for the work at the intersection of Hamilton Boulevard and Magnolia Street. Some residents have asked that streets be swept at least once per month. They have also requested a law regarding where grass clippings are to be placed. She stated the form being developed for complaints about dog waste needs to have a place to identify the dog and owner and the person making the complaint.

Cadmus Hicks, 45 E. Irvin Avenue, Hagerstown, Maryland, received a notice to repair his sidewalk. He is concerned that the sidewalk has been damaged by a tree that was planted by the City of Hagerstown. The Board of Technical Appeals upheld the validity of the notice that was issued. He asked the Mayor and City Council to review the situation at his residence. He presented photographs and a detailed description of the sidewalk.

Brian Caron, 17551 A York Road, Hagerstown, Maryland, works with the Hagerstown BMX track at Fairgrounds Park. He stated they are having difficulty getting people to the track because all traffic must utilize a one way street. He suggested making a connecting road between the upper and lower portions of the park. He asked the Mayor and City Council to consider this. Councilmember Metzner mentioned the previous

administration had toured the area and considered a connecting road. The track is open on Wednesday and Friday from 5:30 p.m. until dark. There is safety equipment available for use, free of charge.

Myron Martin, 13235 Maugansville Road, Hagerstown, Maryland, again asked that Terps Boulevard be open to traffic so home buyers know the road will be used. He doesn't understand why the City will not open the road. Councilmember Metzner stated the City will be receiving a road built by a developer. This is a private road at this time and the City cannot force the owner to open the road. The developer has agreed to dedicate the road to the City after 100 homes are built. He would like to think all interested parties can work together to resolve this situation. Councilmember Metzner stated the developer could ask for a sign limiting truck traffic on the road. Mr. Martin indicated he had been told the road would be opened when the second phase of the development began. Councilmember Cromer stated the road would be opened after 100 homes are built. Mayor Bruchey remembers truck traffic on Rhode Island as long as 45 years ago. He and Councilmember Metzner expressed interest in discussing the situation with Mr. Martin in more detail.

MINUTES

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 approve the minutes, as presented, for the Mayor and Council meetings held on July 17, 2007, July 24, 2007 and July 31, 2007.

CONSENT AGENDA

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. S. Cromer, the Mayor and City Council unanimously agreed by voice vote to approve the consent agenda as follows:

- A. Engineering: Potterfield Pool Whitecoat – ATS Pool Construction
(Rockville, MD) \$ 92,823.00
- B. Water and Sewer:
 - 1. Grinder Pumps – Fluid Solutions (Taneytown, MD) \$ 24,440.00
 - 2. Eight Inch Meters – HD Supply Waterworks, LTD (Martinsburg, WV)
\$ 21,340.00
 - 3. Lagoon Cleaning – Synagro (Baltimore, MD) \$ 82,350.00
 - 4. Meters for Residential Meter Program – L/B Water Service, Inc.
(Chambersburg, PA) \$ 149,531.92
 - 5. Change Order 3 – Construction Phase Engineering Services for the West
End Tank – Hazen and Sawyer (Baltimore, MD) \$ 95,588.00
- C. Parks and Recreation: Barrier Free Modular Play Equipment – Miracle
Recreation (Martinsburg, WV) \$ 24,299

NEW BUSINESS

A. Introduction of an Ordinance: To Amend the City Code, Chapter 197, Removal of Sunset Provision from Rental Licensing Program

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 to amend the City Code, Chapter 197, to repeal Section 197-11, *Expiration*, Thereby removing the automatic expiration provision of the Rental Facilities Ordinance.

Discussion: Councilmember Cromer asked to discuss this further in a work session prior to voting to adopt the ordinance.

B. Resolution: Supporting Maryland Department of Housing and Community Development, Neighborhood BusinessWorks Program for Financing to Edward Tovornik, Jr.

Action: Councilmember K. S. Cromer made a motion to adopt a Resolution supporting Maryland Department of Housing and Community Development Neighborhood Businessworks Program for financing to Edward Tovornik, Jr. in the amount of \$ 500,000. Councilmember L. C. Metzner seconded the motion.

Motion carried, 4-1 with Councilmember P. M. Nigh voting No.

C. Resolution: Acceptance of Offer of Dedication of Monet Drive and papa Court

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 accept the offer of dedication of “Monet Drive” and “Papa Court”. The City shall commence maintenance of these streets upon the developer submitting the proper one-year maintenance bond.

D. Approval to Create the Position of Community Resources Coordinator

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. S. Cromer, the mayor and City Council unanimously agreed by voice vote to approve the creation of the position of Community Resources Coordinator to be shared between Hagerstown Fire Department and Community Development Department. This position is to be 100% grant funded and will cease to exist if such funding is no longer available.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, reminded everyone that due to the Labor Day Holiday on Monday, September 3, 2007, all trash collection will be moved one day later.

MAYOR AND COUNCIL COMMENTS

Councilmember P. M. Nigh stated she received a letter complaining about the condition of the sidewalks at the Shiloh Building. Code Compliance will check this complaint.

Councilmember K. S. Cromer thanked the Code Compliance staff for making sure the weeds were removed in her business neighborhood. She thanked everyone for their efforts in making the Augustoberfest celebration a success, especially Charlie Sekula and Karen Giffin.

Councilmember L. C. Metzner congratulated the recipients of the first Beautification Awards.

Councilmember A. Parson-McBean wished her husband a happy anniversary.

Councilmember M. E. Brubaker thanked the organizers and volunteers and City staff members who helped with Augustoberfest.

Mayor R. E. Bruchey, II wished Councilmember Parson-McBean a happy birthday. He spoke with a homeowner on Fairground Avenue who reported graffiti and is having difficulty removing it. He asked for information regarding removal.

He stated he respects Mr. Martin's position and he is concerned about the safety of the children attending the schools along the route the trucks follow.

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 8:12 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: September 25, 2007