

9TH SPECIAL SESSION, WORK SESSION AND EXECUTIVE SESSION – October 6, 2009

Mayor R. E. Bruchey, II called this 9th Special Session, Work Session and Executive Session of the Mayor and City Council to order at 4:06 p.m., Tuesday, October 6, 2009, in the Council Chamber, 2nd Floor, 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, and City Attorney John Uner. Councilmember L. C. Metzner was not present.

Work Session – October 6, 2009

Proclamation Disability Awareness Month

Mayor Bruchey presented a proclamation to Peggy Martin, Sandra Funk, Joe Kuhna and Councilmember Forrest Easton recognizing Disability Awareness Month.

Parking for Emergency Vehicles at Hospital

This item was removed from the agenda.

License Agreement for Dumpster Placement

Rodney Tissue, City Engineer, and Jim Bender, Assistant City Engineer, reported Aristaeus, LLC (Aristaeus), the owner of the property located at 20 West Washington Street, has requested permission to install a garbage dumpster along the rear of their building, encroaching into the right-of-way of Alley 1-134 (McCardell Alley). The placement of the dumpster at this location will force traffic using the alley to leave the right-of-way and drive across a portion of private property owned by L.E.D. Associates, LLP (LED). Because this would be a new encroachment into a public right-of-way, a License Agreement would be required to install the dumpster.

The proposed License Agreement gives the City the right to revoke the license to Aristaeus immediately upon written notice, with the requirement that the dumpster and any related equipment or obstructions be removed within 24 hours of receipt of the notice. The proposed License Agreement is also contingent upon the grant of the license from LED to the City to allow for the relocation of traffic flow across LED's property. If the License to Aristaeus is terminated, the License from LED to the City shall automatically be terminated as well. The proposed License Agreement includes Hold Harmless and Indemnification clauses to protect both the City and LED from claims resulting from Aristaeus' exercise of the license. Aristaeus is also required to provide General Liability insurance to both the City and LED during the term of the license.

If the Council is willing to grant the License Agreement, Staff suggests that Aristaeus be allowed to immediately install the dumpster on the following conditions:

1. The Revocable License Agreement is executed by all three parties
2. Aristaeus provides the required insurance certificates prior to placement of the dumpster
3. Reflective markers are installed on the ends of the dumpster to increase its visibility to traffic in the alley.

It was the general consensus of the Mayor and Council to move forward with the license agreement. Staff will finalize the agreement for official action on October 27, 2009.

State Grant for Interpretive Plaques

Kathleen Maher, Planning Director, stated the City's grant application to the Maryland Heritage Area Authority for funds for Round Three of the Interpretive Plaques Program was successful. Round Three will create 15 plaques around the City on various aspects of Hagerstown's history.

As requested, the City was awarded \$ 5,000 for the proposal. The grant would be matched by \$ 4,000 in cash and \$ 1,000 in in-kind services to install the plaques. The matching cash was included in the budget in the Downtown Beautification account.

In order to move forward, the Mayor and City Council would need to vote to accept the grant which authorizes staff to enter into a grant agreement with the State of Maryland for the project.

Given the current budget constraints, staff is asking if the Mayor and City Council are still interested in pursuing this project and utilizing General Fund dollars to match the grant.

It was the general consensus to accept the grant from the Maryland Heritage Area Authority.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember F. Easton thanked the City for the Disability Awareness Month proclamation. The first Feet on the Street event was held last week. This was a good event. He hopes a meeting with the County Commissioners is scheduled soon.

Councilmember A. Haywood thanked citizens for their input on agenda items.

Councilmember W. M. Breichner had no additional comments.

Councilmember M. E. Brubaker had no additional comments.

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

Executive Session – October 6, 2009

On a motion duly made by Councilmember F. Easton and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to meet in closed session to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, #4, to consider the acquisition of real property for a public purpose and matters directly related thereto, #3 and to protect the privacy or reputation of individuals with respect to a matter that is not related to public business, #2 and administrative function, #15 at 4:25 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 M. E. Brubaker, Councilmember F. Easton, Councilmember A. C. Haywood, City Administrator Bruce Zimmerman, City Attorney John Urner, Richard Phoebus, Sharon Disque, Rodney Tissue, City Engineer, Larry Bayer, Director of Community Development, and Tim Gordon. The meeting was held to discuss two downtown business proposals, the acquisition of a downtown building and to review names for Cramer Alley. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the meeting was adjourned at 6:15 p.m.

9th Special Session – October 6, 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 Special Session at 6:25 p.m.

Hagerstown Revolving Loan Fund Program Application From Our Three Sons, LLC Affirmation of Hagerstown Redevelopment Authority Recommendation

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 of all members present to accept the recommendation of the Hagerstown Redevelopment Authority to deny the request made by Our Three Sons, LLC for \$ 161,000 in assistance through the Hagerstown Revolving Loan Fund program.

Upper Floors Revolving Loan Program Application From Our Three Sons, LLC Affirmation of Hagerstown Redevelopment Authority Recommendation

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 of all members present to accept the recommendation of the Hagerstown Redevelopment Authority to deny the

request made by Our Three Sons, LLC for \$ 101,000 in assistance through the Upper Floors Revolving Loan program.

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 6:28 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk
(by video)

Approved: November 24, 2009