

WORK SESSION AND EXECUTIVE SESSION – October 12, 2010

Mayor R. E. Bruchey, II called this Work Session and Executive Session of the Mayor and City Council to order at 4:07 p.m., Tuesday, October 12, 2010, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers W. M. Breichner, M. E. Brubaker, F. W. Easton, A. C. Haywood, L. C. Metzner, City Administrator Bruce Zimmerman, and City Clerk D. K. Spickler.

Proclamation – Character Counts Month and Week

Mayor Bruchey presented a proclamation naming October as Character Counts Month to Carolyn Brooks, Director of CSafe. She provided a packet of information about the history and mission of Character Counts.

Proclamation – Breast Cancer Awareness Month

Mayor Bruchey read a proclamation naming October as Breast Cancer Awareness Month in Hagerstown. Janet Lung accepted the proclamation. She presented everyone with pink ribbons to wear in recognition of Breast Cancer Awareness.

Building Code Adoption – Sprinkler Requirement

John Lestitian, Department of Community and Economic Development Director, and Acting Fire Chief Kyd Dieterich were present to answer questions regarding the building code sprinkler requirement. The approval of the updated Building code, which contains a requirement for residential sprinklers in newly constructed one and two family dwellings was tabled on September 28, 2010.

The following is a summary of the requirements and discussion:

1. International Code Council authored the 2009 Building Code which includes a requirement for residential sprinklers in one and two family dwellings.
2. The State of Maryland adopted the 2009 Building Code with the sprinkler requirement intact.
3. Several jurisdictions, including Washington County, amended the code to remove the sprinkler requirement.
4. Strictly from a code standpoint, staff have examined this issue and recommended adoption of the code with the sprinkler requirement intact.
5. Local builders have advised that their primary concerns involve the state of the economy and timing of this additional requirement.
6. Firefighters have expressed a safety concern if the requirement is removed.
7. Staff addressed questions regarding insurance savings, cost of installation and input from local builders.

8. The major change in construction standards is the use of manufactured components for floor systems. These systems fail considerably faster in the event of fire.
9. A local builder has proposed a compromise position which involves protecting the floor systems as an option in certain cases. Strictly from a code standpoint this compromise does not offer the level of protection of a sprinkler system.

Staff seek direction from the Mayor and Council to include or exclude the sprinkler requirement from the Building Code update. The State of Maryland Code includes the requirement, but jurisdictions can exempt the requirement at this point in time.

Councilmember Breichner asked if a sprinkler would be required if he renovated his home to include a “mother in law” apartment. Mr. Lestitian indicated it would be required if the construction was totally new. Councilmember Brubaker and Councilmember Metzner stated this should be excluded from the requirement.

Councilmember Breichner checked with insurance companies and found the reduction in the premium was less than 5% for a home with a sprinkler system. The payoff with a sprinkler system is safety.

Councilmember Easton questioned why the State of Maryland included sprinkler requirements in the State code. He asked why staff is recommending requiring sprinklers in Hagerstown.

Chief Dieterich indicated Prince Georges County completed a 15 year study. During that time, there were 101 fire fatalities in Prince Georges County but none were in a structure with a residential sprinkler system. The State is basing the requirement on these statistics. Current construction regulations allow lighter weight material with earlier collapse times. He believes this is secondary to the whole issue but it is important to firefighters.

Councilmember Breichner stated the Washington County Commissioners did not require sprinklers when they recently adopted the building codes. He believes this is in part because of development without access to a public water system. City residents are served by a public water system, which would provide consistent water pressure and volume. He is in favor of including sprinkler requirements for the City.

Councilmember Brubaker is also in favor of including sprinkler requirements. He requested wording to define whether a system is required for additions.

Councilmember Easton asked why sprinkler systems would not be required for construction of an addition. Councilmember Brubaker indicated there may be an issue with installation of additional water pipes and the addition may not include a sleeping area.

Councilmember Haywood is not in favor of requiring sprinkler systems. Construction of unsafe homes should not be permitted.

Councilmember Metzner pointed out a compromise on the requirement for additions is preferable to not having the requirement at all. His concern is public safety.

Councilmember Easton expressed concern that this requirement will be another point where Hagerstown is viewed as not being builder friendly. This may provide reasons for someone to not build in the City limits. This requirement does not make life better for citizens.

Councilmember Haywood asked if approved plats would be grandfathered in. Mr. Lestitian stated this could be discussed again. Councilmember Brubaker would not support the grandfather clause for homes where construction has not started. If a building permit has been issued, it should be grandfathered in.

Mayor Bruchey indicated the tabled motion will be included on the agenda for October 26, 2010.

Ethics Code Discussion

The Mayor and City Council discussed the proposed revision of the Ethics Code, as suggested by the Ethics Review Board. Doug Wright, Ethics Review Board, was present to answer questions.

Councilmember Breichner indicated the recommendations presented were reasonable. He stated it may be difficult to create a list of five names for the Mayor to consider for appointment to the new City Ethics Commission. Mr. Wright indicated the process outlined would create a pool of names for the Mayor to consider. The Board did not mandate the size of the pool. Each Council member could possibly include some of the same names for consideration.

Mr. Zimmerman mentioned that Senate Bill 315, enacted earlier this year, will require municipalities with ethics ordinances to meet or exceed State ethics law requirements regarding conflict of interest and financial disclosure. All ordinances will have to be certified by the State as of October, 2011. A model ordinance is being created but is not available yet.

Mayor Bruchey indicated the requirement does not stop the City from moving forward with these recommendations and appointing the new City Ethics Commission. Councilmember Metzner recommended sending the recommended Ethics Ordinance to the State Ethics Board for review. It was the general consensus to do this and to schedule introduction of the ordinance for October 26, 2010.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember F. W. Easton attended the Community Concert last week. It was a good event and well attended. He thanked everyone involved with the Harvest Hoedown event. He stated if this event gets bigger, the area may have to be expanded.

Councilmember A. C. Haywood was at Harvest Hoedown with the Dig In Hagerstown booth. She thanked all the volunteers involved in this community event. The City Center Art Walk will be held on October 16, 2010. Retail establishments will be showcasing artists throughout the day.

Councilmember L. C. Metzner had no additional comments.

Councilmember W. M. Breichner also attended the Community Concert. This series of four concerts (with reciprocal events at other locations) is a good bargain and the talent is good.

Councilmember M. E. Brubaker had no additional comments.

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

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 4:55 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: November 23, 2010