

12TH REGULAR SESSION – NOVEMBER 22, 2005

Mayor R. F. Trump called this 12th Session of the Mayor and City Council to order at 7:05 p.m., Tuesday, November 22, 2005, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, K. S. Cromer, L. C. Metzner, P. M. Nigh and A. Parson-McBean; City Administrator Bruce J. Zimmerman, City Attorney William Nairn and City Clerk D. K. Spickler.

Councilmember Aleshire and Councilmember Nigh were not in attendance at the beginning of the meeting. They arrived during the Snook Annexation Public Hearing.

The invocation was offered by Rev. Yvonne Parson, Pastor of Jonathan Street House of Prayer. The Pledge of Allegiance was then recited.

Mayor Trump announced the Rules of Procedure for this meeting will be followed as adopted June 21, 2005. 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, November 29, 2005, Friday, December 2, 2005 (beginning at 10:30 a.m.), Tuesday, December 13, 2005 and the Regular Session on Tuesday, December 20, 2005 at 7:00 p.m.

Mayor Trump wished everyone a Happy Thanksgiving. Santa arrived in Hagerstown last night. He encouraged everyone to come downtown to see the lights and to shop. He thanked the City staff for their efforts with the decorations. The City Park lighting will be held on December 2, 2005. He reminded everyone that the United Way Campaign is going on. Because of the outpouring of gifts following the recent hurricanes, giving to United Way is lower than last year. There are many community projects supported by the United Way. He encouraged people to make a contribution to help the United Way.

APPOINTMENTS

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 of all members present to appoint Janice Kelsh to the Board of Zoning Appeals.

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 of all members present to appoint Dan Kennedy to the Board of Parks.

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 of all members present to appoint Cecil Bittinger, Florence Riedesel, Joann S. Rider, Henry F. DeLauney, and William L. Mason to the Board of Public Safety.

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 of all members present to appoint James W. Stone to the Hagerstown Planning Commission.

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 of all members present to appoint Thomas Cochrane and Steven E. Lohr to the Board of Technical Appeals.

Mayor Trump asked that the agenda be amended to move Item G. under New Business, Approval of AFSCME Local 3373 Contract, to the beginning of the meeting.

Jim Bestpitch, Union Representative, stated Wayne Hose, Local 3373 President, was unable to attend this meeting. Two members, Patricia Shantz and Christopher Kayser, were present. George Brandt was covering a police call.

Ray Foltz, Assistant Finance Director, presented a new contract for the Mayor and City Council's consideration. He stated the negotiations have been fair and both sides have been cooperative. The term of the contract will be July, 2005 through July, 2006. The contract includes a budgeted wage increase and an increase in the cost of health care. He reported the contract includes a \$ 50/day standby payment for members of the Street Crimes Unit, since they must be available. The cost above the budget is \$ 10,400. He stated this amount is manageable. During the negotiations, a cadet program was discussed.

Mayor Trump stated he appreciated the efforts of the negotiating team. Mr. Bestpitch stated the negotiations would not have been as smooth without the assistance of Captain Summers.

On a motion duly made by Councilmember K. S. Cromer and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a collective bargaining agreement between the City of Hagerstown and the American Federation of State, County and Municipal Employees, Council 67, AFL-CIO Local Union 3373. This agreement shall run for a period of one year commencing on July 4, 2005 through July 2, 2006. Under the terms of this agreement, the Union shall receive wage adjustments totaling 2.75% retroactive to July 4, 2005. In addition, the language and terms as negotiated will be accepted.

PUBLIC HEARINGS

The Mayor and City Council agreed to hear the scheduled Public Hearings in the following order: Bowers, A-05-08, Clemmer, A-05-09 and Snook, A-05-07.

Bowers Annexation, A-05-08

Stuart Bass, Comprehensive Planner, stated the Bowers Annexation is a result of a request for annexation as a condition for receiving water service. This item was formally introduced on October 25, 2005.

The area proposed for annexation is .128 acres. A single family detached dwelling unit was recently constructed. The property will be zoned R1 (Residential). The Planning Commission concurred with the zoning designation.

The Washington County Board of Education has stated that all the Elementary Schools serving the City of Hagerstown are at or over capacity. The Washington County Free Library has no proposed plans for construction of library facilities within the area proposed for annexation. The proposed dwelling unit will connect with Woodpoint Avenue, a local street.

Sanitary sewer service exists to serve this lot. The amount and timing of the allocation of sewer service shall be subject to the City's Sewer Capacity Allocation Program. Water service exists to this site.

The City of Hagerstown Light Department, or their designee, will design and approve the street light system. The developer is responsible for the purchase and installation, to approved Hagerstown Light Department specifications of the street light system.

No significant impact on emergency service delivery is expected.

Any necessary improvements to existing public roads shall be completed at the direction of the City Engineer at the developer's expense and constructed per the city's Public Ways Construction Standards by the developer. However, in this case, no such improvements are warranted.

Maintenance is normally performed by the Public Works Department. No significant impacts are anticipated by the Public Works Department.

Mr. Bass entered the following as Exhibits:

1. Outline for Extension of Services
2. Notification of Annexation to County, Regional and State Planning Agencies
3. Certification of Advertisement for Annexation
4. Annexation Resolution

There was no representative from Washington County present at the meeting.

There was no testimony, either in favor of or against the annexation. The hearing was then closed. The record will remain open for 10 days for written comments.

Clemmer Annexation, A-05-09

Stuart Bass, Comprehensive Planner, stated the Clemmer Annexation is a result of a request for annexation as a condition for receiving water service. This item was formally introduced on October 25, 2005.

The area proposed for annexation is .149 acres. A duplex is currently under construction. The property will be zoned R1 (Residential). The Planning Commission concurred with the zoning designation.

The Washington County Board of Education has stated that all the Elementary Schools serving the City of Hagerstown are at or over capacity. The Washington County Free Library has no proposed plans for construction of library facilities within the area proposed for annexation. The proposed dwelling unit will connect with Pangborn Boulevard, a local street.

Sanitary sewer service exists to serve this lot. The amount and timing of the allocation of sewer service shall be subject to the City's Sewer Capacity Allocation Program. Water service exists to this site.

The City of Hagerstown Light Department, or their designee, will design and approve the street light system. The developer is responsible for the purchase and installation, to approved Hagerstown Light Department specifications of the street light system.

No significant impact on emergency service delivery is expected.

Any necessary improvements to existing public roads shall be completed at the direction of the City Engineer at the developer's expense and constructed per the city's Public Ways Construction Standards by the developer. However, in this case, no such improvements are warranted.

Maintenance is normally performed by the Public Works Department. No significant impacts are anticipated by the Public Works Department.

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There was no representative from Washington County present at the meeting.

There was no testimony, either in favor of or against the annexation. The hearing was then closed. The record will remain open for 10 days for written comments.

Snook Annexation, A-05-07

Stuart Bass, Comprehensive Planner, stated the area proposed for annexation for the Snook property is 66.67 acres of land, on the north and south side of Maryland 144, to the west of Cedar Lawn cemetery. The property is zoned RS (Residential Suburban) north of MD 144 and HI1 (Highway Interchange 1) south of MD 144. There are no formal development plans at this time.

The property north of MD 144 is recommended for low density residential in the land use plan of the County's 2002 Comprehensive Plan. The Planning Commission reviewed the annexation and zoning proposal at their August 10th meeting. North of MD 144, the Commission found that the original requested R2 zoning for the property is consistent with the County zoning but inconsistent with the land uses which have developed in the single family detached neighborhood on either side of this property. The Commission recommended that R1 zoning would be more consistent with the County land use plan recommendation and with the character of the neighborhood on either side of the parcel. The applicant is now requesting R1 zoning north of MD 144.

The property south of MD 144 is recommended Industrial/Flex in the land use plan of the County's 2002 Comprehensive Plan. South of MD 144, the Planning Commission found that the requested R2 and C2 zoning of the property is inconsistent with County zoning and the County land use plan. The Commission also found that residential and commercial development would be incompatible with the character of the area and the County land use plan recommendations.

The residential portion would total approximately 44 acres and the proposed commercial portion approximately 22 acres. The commercial piece would be accessed via Insurance Way.

This item was formally introduced by the Council on August 23, 2005. A public meeting was held by the applicant to discuss the proposal with the adjacent neighborhoods on October 17, 2005. The formal Public Hearing was originally scheduled for October 25, 2005. At the request of the applicant, the Hearing was postponed until November 22, 2005.

Councilmember Metzner pointed out the zoning designation is now industrial, but the application is for a residential use. If the Washington County Commissioners do not object, the zoning could be changed for a residential use, if annexed. Councilmember Metzner suggested that citizens who do not want an industrial use on the property ask the County Commissioners to not object to the residential zoning.

The Washington County Board of Education has stated that all the Elementary Schools serving the City of Hagerstown are at or over capacity. If developed with 250 dwelling units, the project could generate 102 elementary school students, 30 middle school students, and 31 high school students at build out, based on the Board of Education's formula. (Note: These figures are estimates and are provided only for illustrative purposes as a point of reference. Actual numbers will differ.) The commercial development of this property would have no impact on Washington County Board of Education facilities.

Streets constructed per the City's Public Ways Construction Standards by the developer and then offered for dedication and maintenance to the City of Hagerstown will be extended into the proposed annexation. Any necessary improvements to existing public roads shall be completed at the direction of the City Engineer at the developer's expense. Traffic studies shall be prepared by the developer and shall be in conformance with the City's Guidelines for Traffic Impact Studies.

Parks and recreation facilities within the area proposed for annexation are not planned by the City of Hagerstown. Police protection is provided by the Hagerstown Police Department which will patrol the area on a twenty-four hour basis. Maintenance (i.e. snow removal, mowing of right-of-ways, litter removal) will be performed by the Public Works Department. Significant impacts are not anticipated.

All future persons within the area proposed to be annexed shall obtain or be entitled to existing benefits of the City of Hagerstown in accordance with any special conditions contained in the annexation resolution. They shall also be required to pay for all applicable utility services, charges, assessments, taxes, and other costs and expenses which are required of the residents of the City of Hagerstown.

Mr. Bass entered the following as Exhibits:

1. Outline for Extension of Services
2. Notification of Annexation to County, Regional and State Planning Agencies
3. Certification of Advertisement for Annexation
4. Annexation Resolution

There was no representative from Washington County present at the meeting.

Jason Divelbiss, attorney with Miller, Oliver, Baker, Moylan and Stone, was present as the applicant's representative. Mr. Divelbiss, on behalf of the applicant, presented a formal request to amend the Petition for Annexation dated July 28, 2005.

With regard to the portion of property located North of MD Rte. 144 the Petitioner hereby withdraws the request for the R-2 zoning classification found in paragraph 5. In its place, Petitioner requests an R-1 zoning classification for that portion of property. The request states that the northern most portion of the property fronting along MD 144 shall be limited to single-family dwellings and the single-family dwellings shall be

oriented on the land to face MD 144 and be served by rear-loading alleyways or public roadways. The balance of the property not fronting on MD 144 for which the R-2 zoning classification is requested shall not be so limited.

With regard to the portion of property located South of MD Rte. 144 Petitioner maintains its request for both R-2 and C-2 zoning pursuant to the Annexation Plat attached to the Petition as Exhibit 2. However, pursuant to the authority granted by the Maryland Code, the Petitioner proposes an agreement regarding limitations on the uses of land otherwise permitted within these zoning districts. The petitioner proposed the principal permitted uses shall be limited to the following uses:

1. Banks, savings institutions, and credit unions, except pawn shops
2. Professional, scientific and technical services, except veterinary services
3. Administrative support services
4. Other finance and insurance
5. Radio and television broadcasting, except transmission points
6. Libraries
7. Schools for business, trade and performing and visual arts

The petitioner believes that by limiting the Principal Permitted Uses for the land zoned C-2 makes the effective zoning for this portion of the property consistent with the "Industrial/Flex" land-use classification in the Washington County Comprehensive Plan (2002).

It was noted that neighbors would not be required to hook up to the sewer service, or to even be eligible to connect without a Public Hearing and approval from the County Commissioners. The residents would have to make such a request, not the owner of the property to be annexed.

Mr. Divelbiss contended that County Commissioner approval is not required for the 22 acre portion of the proposed annexation. He stated the County Commissioners have not considered the annexation request with the use restrictions proposed by the applicant. If the County Commissioners do not approve the proposed zoning, the petition would remain the same. In that case, if the Mayor and Council agree to the annexation, the zoning would be industrial. The zoning could be changed to residential after a five year period.

Mr. Divelbiss stated the petitioner has stated both zoning classifications are needed to offset the cost of the fifteen inch sewer line that will be required.

Mr. Divelbiss entered the following as applicant's exhibits:

- Exhibit 1: Correspondence from Greg Murray, Washington County Department of Water Quality providing information about the proposed 15" interceptor (Newgate Interceptor Phase II)

Exhibit 2: History of the National Pike flyer

The following testimony was presented:

1. Robert Nearchos, 12325 Richwood Drive, Hagerstown, Maryland, stated he has lived in this house for more than 30 years. He stated he was concerned that the residents were not aware of the details of the annexation. He expressed concern about the location of the water line connection. He stated it seemed there would be a better place than under Route 40. He stated this is a planned community and it is not about industry or houses. He stated he is not in favor of the annexation.
2. Robert Bowers, 12212 Cedar Crest Avenue, Hagerstown, Maryland, stated this has been a quiet community for more than 40 years. Additional development would disrupt the quietness.
3. Max Robinson, 17540 Cedar Lawn, Hagerstown, Maryland, stated his was the first house built in the Cedar Lawn development. He stated he thinks the applicant should clarify what he intends to do if the property is annexed.

The applicant deferred comments until later.

4. William Roth, 12140 Hopewell Road, Hagerstown, Maryland, stated he would rather see houses than large warehouses located across the road from his home.
5. Jan Smith, 17404 W. Washington Street, Hagerstown, Maryland, stated her main concern is that her granddaughters cannot sit on her front porch and enjoy the outdoors because of the traffic. She stated there needs to be a change in the traffic pattern to get trucks out of the area. Washington Street is being used as a shortcut. There is a large amount of dust. Any further commercial development will create more problems.
6. John Kreigh, Jr., 17538 W. Washington Street, Hagerstown, Maryland, stated he is in favor of the annexation because he would rather have residential development than industrial development.
7. Tim Thompson, 12219 W. Lawn Lane, Hagerstown, Maryland, stated he feels the main purpose of the annexation is to benefit the applicant's family. He is concerned the area will be similar to the development behind Wal-Mart. He stated there are now plans for 1,100 homes and a 15" sewer line is being installed on Hopewell Road. He wondered what taxpayers get for their money. He stated he feels the County Commissioners have already been influenced because the property owner's brother is a Commissioner. He stated he is not in favor of the annexation.

Mr. Nearchos stated there have been sewer lines south of Maryland Route 144 and the County has never attempted to provide sewer service to the Cedar Lawn area.

Mr. Divelbiss responded for the applicant. He stated 10 of 16 acres north of Maryland Route 144 are included in the annexation request. There is a sliver of property that is adjacent to Route 40 that is intended to remain in the County and be given to the property owners. He stated this is not a request for the annexation of Cedar Lawn. The request does not affect any property other than the applicant's. The sewer line that is being installed on Hopewell Road is part of the Newgate Interceptor project and is Phase I. The construction that is occurring in that area is not being done by the owner or potential developer of this property.

Mr. Divelbiss responded to the statement made that the applicant's brother being a County Commissioner has influenced the Commissioners. He stated Greg Snook leaves the room and does not participate in any discussion about the proposed annexation or development.

Councilmember Aleshire asked if there are plans to connect the sliver of property along Route 40 to the existing road. Mr. Divelbiss indicated there were currently no plans to do so. Councilmember Aleshire asked if the applicant's plan includes a street grid system. Mr. Divelbiss stated this would be deferred to the Planning Commission.

Councilmember Aleshire asked if there would be sections of the road that would be constructed to County design standards and other sections that would be constructed to City design standards. Mr. Divelbiss stated the City design standards would apply for any areas annexed. It would be deferred to the Planning Commission to determine how to integrate the differing regulations.

Councilmember Aleshire asked if there were any plans to extend a roadway from the C2 portion of the property connecting it to Route 144. Mr. Divelbiss stated it would be likely that Insurance Way would be extended to connect to Hopewell Road. It would be up to the County and City engineers to determine how to best treat the traffic.

Councilmember Aleshire asked how the residential area would be separated from the commercial area in regards to traffic flow. Mr. Divelbiss stated the residential traffic would be routed to Route 144, if permitted by the State Highway Administration. If this is not permitted, access would be from Insurance Way. The commercial traffic would use the same road, but be routed in the opposite direction.

Councilmember Aleshire stated the County has zoning that is consistent with the City's R1 zoning district. Currently, under the County jurisdiction, the owner has the ability to develop this property. The development would have to meet to the County's Adequate Public Facilities Ordinance (APFO) and could possibly be developed at a faster pace than if it is annexed into the City. Mr. Divelbiss stated the applicant could proceed with development unencumbered by any APFO requirements because it is commercial. Councilmember Aleshire stated the County needs to understand this is another instance in which the City would be extending services without any benefit.

Councilmember Aleshire stated annexation has to be initiated by the individual property owner. Mr. Divelbiss stated the annexation process contemplates the participation of the individuals.

Robert Nearchos stated the County started to build a road from Hopewell Road to the Greencastle Pike, but it has not been completed.

There being no further testimony, either in favor of or against the annexation, the hearing was closed at 9:18 p.m. The record will remain open for 10 days for written comments.

MINUTES

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote to approve the minutes, as presented, for Mayor and Council meetings held on October 4, 2050, October 11, 2005, October 18, 2005 and October 25, 2005.

CONSENT AGENDA

Robert Nearchos, 12325 Richwood Drive, Hagerstown, Maryland, stated he is concerned about the expenditure for traffic signals. He stated the cost will be over \$200,000 for the signals. He suggested installing a three way stop on Garland Groh Boulevard. Councilmember Aleshire pointed out that the developer is paying for the traffic signals, not the City.

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:

1. Traffic Signal Installation on Garland Groh Boulevard - Bartow Drive (near McDonald's) - Valentine Electric, Inc. (Hagerstown, Maryland) \$ 99,663.50
2. Traffic Signal Installation on Garland Groh Boulevard - Ryans/Fridays Access Road - Valentine Electric, Inc. (Hagerstown, Maryland) \$ 70,502.00

B. Water and Sewer Department:

1. Ciba Magnafloc LT - Coyne Chemical Co., Inc. (Croydon, Pennsylvania) \$ 22,194.80
2. 3/4 Ton Pickup - Criswell Chevrolet (Gaithersburg, Maryland) \$ 25,500.00
3. Blending Disinfection Engineering/Design - Black & Veatch \$ 34,300.00
4. Modelling, Master Plan Update - Hazen & Sawyer \$ 71,130.00

5. Wastewater Treatment, Water Treatment and Pool Chemicals - Multiple Vendors \$ 812,950.00
- C. Light Department: Transformers - National Transformer Sales (Raleigh, North Carolina) \$ 53,276.00
- D. Purchasing:
 1. Bulk Salt - International Salt Co, LLC (Clarks Summit, Pennsylvania)
\$49.18/ton
 2. Diesel Fuel and Gasoline Tankwagon Purchases - Contract Extension with
A. C. & T. Co., Inc. (Hagerstown, Maryland) - 87 Octane - Oil Price Information Service (OPIS) +\$.1290/gallon; Diesel Fuel - Oil Price Information Service (OPIS) +\$.1190/gallon
 3. Heating Oil - A. C. & T. Co., Inc. (Hagerstown, Maryland) Oil Price Information Service (OPIS) +\$.1424/gallons.
 4. #2 Heating Fuel - Petroleum Traders Corp. (Fort Wayne, Indiana) Oil Price Information Service (OPIS) +\$.0206

UNFINISHED BUSINESS

A. Approval of a Resolution: Crampton Annexation, A05-06

Action: Councilmember L. C. Metzner made a motion to adopt an Annexation Resolution and Petition for Paul N. Crampton, Jr. for property located on the east side of South Potomac Street, Across from South Hagerstown High School. The property to be annexed is 7.77 acres in size and is intended to be added to and made part of the adjacent municipal lands. Councilmember K. B. Aleshire seconded the motion.

Discussion: Councilmember Cromer stated she had been assured the drainage area had been cleared out. She stated this is not the case and Mr. Sprecher is still experiencing difficulties with water.

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

B. Approval of a Resolution: Haven Road Annexation, A-05-01

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 remove from the table the adoption of the resolution for the Haven Road Annexation which was previously tabled on October 25, 2005.

Adoption of Annexation Resolution – Haven Road, Case No. A-05-01

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote to adopt the resolution for the Haven Road Annexation reflecting the amended petition as reviewed by Mayor and Council during the November 15, 2005 work session. The amended petition will provide for the annexation of 51.96 acres to be zoned R3. The petition will allow for the construction of 376 residential units, unless Mayor and Council grant approval of a higher number of units to include workforce housing. The petition also provides that in the event the City of Hagerstown adopts an Adequate Public Facilities Ordinance, this development will be allowed to proceed with a minimum of 25 units per year.

Discussion: Councilmember Nigh asked if there could be more than 25 units built per year. Councilmember Aleshire stated it would be 25 per year, however, up to 50 could be completed if not all 25 are completed within one year. Councilmember Nigh asked if this would be the same for other developers. Councilmember Aleshire stated he believes the Mayor and City Council have negotiated with this developer for the number of permitted units. He stated he believes this petition is to the best advantage for the City. If the property had been developed without being annexed, there would have been 900 units impacting the City's water and sewer system.

Councilmember Cromer asked for clarification that some of the units could be held over from the previous year. Councilmember Aleshire stated this is correct.

Councilmember Metzner stated that a vote against this annexation is a vote for uncontrolled growth. If the property is not annexed, there could be more than 800 apartments built, using the City's services with no tax benefits paid to the City.

Councilmember Cromer asked if the issues with Kensington Lane have been dealt with. Councilmember Aleshire stated the petition includes a statement that Kensington may be connected, instead of shall be connected.

NEW BUSINESS

A. Introduction of an Ordinance: To Authorize City Staff to Execute Certain License Agreements

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to introduce an Ordinance for staff approval of certain License Agreements between the City and property owners. Staff approval shall be limited to License Agreements for street furniture, and the replacement of existing ramps, steps, stoops, porches, and other existing encroachments.

B. Resolution: Acceptance of Dedication Offer Delaware Lane and a Portion of Meridian Drive in Hagerstown

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 pass a resolution to accept the offer of dedication of "Delaware Lane" and a portion of "Meridian Drive." The City shall commence maintenance of these streets upon the developer submitting proper one-year maintenance bond.

C. Resolution: Accepting Bond Bill Funds for The Barbara Ingram School for the Arts

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote to adopt a resolution accepting funds authorized by the Maryland General Assembly, in the amount of Four Hundred Thousand (\$400,000) Dollars, to be used as a grant for design, renovation, and reconstruction for the Barbara Ingram School for the Arts, a performance and visual arts high school.

D. Resolution: Change in Custodial/Trustee Agreement for Police and Fire Retirement Funds

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 a Resolution, changing the Custodial/Trustee for the City of Hagerstown Police and Fire Retirement Program to Mercantile-Safe Deposit and Trust Company, effective January 1, 2006.

The members of the Retirement Committee voted at a meeting on July 14, 2005, to recommend the change for approval, after consulting with Mary Claire Chessire, the attorney of record who assisted in the original design of the investment retirement plan.

The effective date of the change allows the City time to notify retirees from the plan that future retirement checks will be from Mercantile-Safe Deposit and Trust Company.

E. Approval of Parks and Recreation Rate Changes

Action: Councilmember K. B. Aleshire made a motion to approve the following rate increase and changes at the Department of Parks and Recreation facilities effective January 1, 2006:

1. Increase the green fees by \$1 at Hagerstown Greens at Hamilton Run
2. Admit ages 2 and under free of charge during public swim times and for season passes at Claude M. Potterfield Pool.
3. Increase the season pass rates at Claude M. Potterfield Pool, however offer 2005 rates to those who pay by March 31, 2006.
4. Increase the hourly Pool rental rates by \$10 at Claude M. Potterfield Pool.
5. Increase the swim lesson rates by \$5 at Claude M. Potterfield Pool.

Councilmember L. C. Metzner seconded the motion.

Motion carried, 4-1 with Councilmember A. Parson-McBean voting No.

F. Approval of Municipal Resale Water Customer Discount

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 offering a discount of 16% off our new outside City of Hagerstown water rates effective December 1, 2005 to our three municipal resale water customers. They are the towns of Smithsburg, Funkstown and Williamsport. The discount will be offered for up to 90 days to allow sufficient time to complete development of, review and approval of written water service agreements between each of the three towns and the City of Hagerstown. The discount of 16% is based on the determination by our rate consultant of the City's avoided cost of service due to the towns' operation and maintenance of the water system within their municipal limits and direct billing of their own municipal customers.

Mayor Trump announced that Carolyn Brooks is being re-appointed to the Hagerstown Housing Authority. Councilmember Parson-McBean stated she is opposed

to this appointment. The City does not have a vote on the Board because Ms. Brooks is the chairperson.

CITIZEN COMMENTS

Regina Swope, 5 Dartmouth Drive, Hagerstown, Maryland, stated the number of fireworks displays at the Hagerstown Suns games is a small number compared to the opportunities. The fireworks last 10 – 15 minutes and any successful effort in getting people to participate is good. Fireworks is big for baseball. Having fourteen fireworks displays gives the fans a choice of which games to attend. There has been one instance that she can remember when the fireworks were started late. This was because the game was delayed due to rain. She stated it is safer to set off the display once it is set up. Crews clean up the debris after the shows. She stated the fireworks are enjoyed by many and they should not be restricted because of complaints of a few people. She stated there is excitement in children's eyes when they see fireworks.

Dan Spedden, 41 Mealey Parkway, Hagerstown, Maryland, thanked the Mayor and Council for the work that is being done at the plaza at the stadium. He stated he attends the Suns games every night. There are many families that do the same. There is a certain excitement attached to fireworks. He would not like to see the ball club restricted in any way. He stated it is difficult for the Suns to work within one of the oldest stadiums in the country. He is concerned that the Suns management is restricted to what they can do on the spur of the moment. He stated there is noise everywhere. He can hear the North High Band from his home. He has heard concerts being held at Fairgrounds Park at his home. He stated that being more restrictive to the Suns may put minor league baseball in jeopardy.

Kevin Moriarty, 520 May Street, Hagerstown, Maryland, stated the fact that there is a minor league team contributing to the community is a huge plus. The Suns plans for fireworks are carefully thought through. He thinks it would be appropriate for the City to commend the Suns and encourage their continued efforts.

Amy Haight, 358 Radcliffe Avenue, Hagerstown, Maryland, stated she lives 100 yards from the baseball stadium. She is here to support the fantastic job the team has done to notify the surrounding neighborhood. She does not want to see the shows stopped. She plans parties around the displays.

Brett Rosenthal, 11210 Eastwood Drive, Hagerstown, Maryland, stated he has been attending Suns games all his life. He was the bat boy last year. He adores all the players. Friday nights are the most popular nights to go to the game. He asked that the Friday nights be kept for parents and kids. He asked the Mayor and Council to give the Suns permission to keep the same number of fireworks.

Todd Rosenthal, 11210 Eastwood Drive, Hagerstown, Maryland, congratulated his son, Brett, for doing a good job. Mr. Rosenthal indicated he sent a letter to each Council member in favor of fireworks. He moved his business here 18 years ago and the Suns are

the reason why he moved his company here. Attending games is an activity that allows his employees and family to have fun. Attendance is 20% higher on fireworks nights, but the ticket price stays the same. The only way to keep a company is for that company to make a profit. For the Suns, that translates to people in the stadium.

Gary Deweerd, 60 Broadway, Hagerstown, Maryland, is president of the Suns fan Club. There are 241 members in the fan club, from all around the area. He stated people come to the games to see the fireworks. He asked that the fireworks be kept.

Mark Meany, 1330 Woodland Way, Hagerstown, Maryland, stated he loves the Suns. They have a positive impact on community spirit and the local economy. He asked the Mayor and Council to do whatever they can to keep fireworks at the stadium.

Bob Savitt, Myersville, Maryland, stated his family has been attending games since 1981. He has brought friends and neighbors from the Washington, DC area to the games and particularly on fireworks nights. Those games are always crowded.

Tom Riford, Hagerstown Washington County Convention and Visitors Bureau (CVB), stated he is attending this meeting as the president of the CVB and as a father. He stated he usually chooses the nights when there are fireworks displays. Tourism is a function of economic development. The Hagerstown Suns represent a significant amount of tourism with the number of people who come to Washington County. The Suns are the top tourism attraction inside the City limits. He would not like to see the loss of the Suns and a loss of jobs.

John McCune, 314 Radcliffe Avenue, Hagerstown, Maryland, stated he pleaded with the Mayor and City Council and Mr. Landes last year to give the residents a break on the times and frequency of the fireworks. He stated the people he spoke with who signed a petition that was presented last year are not generally opposed to fireworks, they just want a reduction in the number of fireworks displays. They are also asking for a curfew to be placed on the starting time for the displays. He disagrees that fireworks started late only once and that the time is 12 minutes for a display. He stated the displays usually last from 15 to 20 minutes. Some have started at 10:30 p.m., others at 9:15 p.m. and others at 10:10 p.m. He stated there are elderly people in the neighborhood and people who have to get up in the morning at 4:00 a.m. He stated Mr. Landes made a statement that he would be in favor of seven displays during the season and now he wants three consecutive nights on three separate occasions. He stated all he is asking for is some consideration for the people in the neighborhood and to the East Ridge area. He stated he is asking for a curfew on the starting and stopping time.

Russell Neff, Ridenour Road in Washington County, stated he is a business owner in the City limits who will be celebrating 30 years in business in 2006. He stated any type of restriction can hinder a business and the slightest change could affect the profit. He would not like to see the Suns leave. He doesn't want anything to hinder this organization. He has many business friends who feel the same way.

Debbie Fisher, 1001 Hamilton Boulevard, Hagerstown, Maryland, stated when she sees fireworks it reminds her of her freedom and of the people who lost their lives for her freedom. She stated there are not that many during the year, which adds to the excitement. She does not want to see them end.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, thanked all the Staff and volunteers who helped with the Tree Lighting and Holly Fest.

MAYOR AND COUNCIL COMMENTS

Councilmember K. S. Cromer stated she was on vacation last week. She thanked everyone for their efforts each year to put up Christmas decorations. Everything looks very nice.

Councilmember P. M. Nigh stated she had a question about the Crampton annexation. She asked if Mr. Crampton was supposed to be responsible for taking care of the drain. When she receives complaints, she will ask the Mayor to go with her to look at the problem. She stated the Zoning hearing was held for the hospital last evening and this evening. People don't realize that, as Hagerstown citizens and taxpayers, they will end up paying for roads and infrastructure for the hospital. The hospital won't be contributing much money, they will be looking to the developers. The insurance companies are not going to pay for everything.

Councilmember K. B. Aleshire stated he was also at the Board of Zoning Appeals hearing and provided testimony. He stated much of the testimony centered on the need for a new hospital and he doesn't think that is what the zoning appeal was intended to be. He met with the Planning Department to discuss zoning regulation changes. He appreciates the time the department has spent on those issues.

He asked about the work that is occurring at the armory building. He stated it was his understanding that the tenants have been ABC. If the tenant changes, that will change the Mayor and City Council's intent when they accepted the pass through of the building. He stated there is a definition in this month's Maryland Municipal League magazine of Maryland Priorities Areas. He stated the County has finally approved an APFO. This will be added to a work session of the Mayor and Council.

Councilmember Aleshire stated that, given the media flack about the cost of the bus trip, he would hope the Mayor and Council would look at the additional expense of the National League of Cities conventions and he would appreciate an update on that.

Councilmember A. Parson-McBean thanked the Human Resources Department for the get well card she received. She thanked John Lestitian for giving her the opportunity to attend the Equality Maryland Jazz Brunch. She thanked Councilmember Metzner and Councilmember Nigh for attending the NAACP Freedom Fund Banquet on Saturday. She thanked Councilmember Metzner for being very supportive of the causes she champions. She expressed her thanks to Councilmember Metzner for embracing her and making her feel a part of this group.

Councilmember L. C. Metzner stated he was upset about an article that was in the newspaper a few weeks ago. As he read more, he was less upset. This year, for the first time, the City had a Holiday Tree. It wasn't a holiday tree before and it isn't one now. The City has a Christmas tree. He stated he hopes that as a community, we don't decide Christmas is not Christmas. It is a wonderful time of year.

He suggested that people shop downtown on Black Friday (the day after Thanksgiving) instead of fighting the crowds at the mall. The shops downtown are unique and will provide a wonderful experience. There are fine stores with fine people who appreciate the customer's presence. He wished everyone a Happy Thanksgiving.

Mayor R. F. Trump thanked the citizens of Hagerstown for being good citizens. This is evident in all the events. He stated he is embracing growth and looks forward to the progress of the hospital and health care. Things will flow easier at a new facility. He wished everyone a Happy Thanksgiving.

There being no further business to come before the Mayor and City Council, on a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember A. Parson-McBean, the meeting was adjourned.

Respectfully submitted,

Donna K. Spickler
City Clerk

Approved: _____