

EXECUTIVE SESSION – DECEMBER 20, 2005

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 of all members present to meet in closed session at 6:30 p.m. in accordance with the provisions of the annotated Code of Maryland, State Government Article, Section 10-508(a) #1 to consider the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction. No formal action was taken at the session. The meeting was held in the Mayor's Office, 2<sup>nd</sup> floor at the City Hall. The meeting was adjourned at 6:50 p.m.

14<sup>TH</sup> REGULAR SESSION – DECEMBER 20, 2005

**Mayor R. F. Trump called this 14<sup>th</sup> Session of the Mayor and City Council to order at 7:00 p.m., Tuesday, December 20, 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.**

Mayor Trump wished all the citizens a Merry Christmas and a Happy Holiday.

The invocation was offered by Councilmember Lewis C. Metzner. 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, January 10, 2006, Tuesday, January 17, 2006, Tuesday, January 24, 2006 and the Regular Session on Tuesday, January 31, 2006 at 7:00 p.m.

**GUESTS**

The Scholarship awards were presented to the players from North Hagerstown High School and South Hagerstown High School who were voted MVP during the annual Gridiron Classic Football Game.

Tony Bender, South Hagerstown High School, was presented a \$ 250.00 check on behalf of the First National Bank of Greencastle by Magda Halgash.

Tommy Evans, North Hagerstown High School, was presented a \$ 250.00 check on behalf of the Hagerstown Kiwanis Club by William Breichner.

## **MINUTES**

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 to approve the minutes, as presented, for Mayor and Council meetings held on November 1, 2005, November 8, 2005, November 15, 2005 and November 22, 2005.

## **CONSENT AGENDA**

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 to approve the Consent Agenda as follows:

- A. Engineering:
  - 1. 2006/2007 Overlay Projects
  - 2. Demolition of 134 Clarkson Avenue - Allegany Wrecking (Hagerstown, Maryland) \$ 21,200.00
- B. Water and Sewer Department: Emergency Power Transfer Switch - AR&E  
(Hagerstown, Maryland) \$ 25,070.00
- C. Fire Department: Scott Air Packs - MES-Allsafe Fire Equipment  
(Williamsport, Maryland) \$ 188,316.75
- D. Community Development: Rehabilitation of House at 441-443 North Jonathan Street - Milton Stamper Builders (Hagerstown, Maryland) \$ 128,150.00
- E. Police Department:
  - 1. Replacement Computers - Dell OptiPlex Systems \$ 20,135.14
  - 2. Declaring Old Computers as Surplus
- F. Public Information: 2006 Western Maryland Bluesfest Proposed Budget – \$ 190,000.00

## **UNFINISHED BUSINESS**

### **A. Approval 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 move for the approval of an Ordinance for staff to approve certain License Agreements for street

furniture and the replacement of existing ramps, steps, stoops, porches, and other existing encroachments.

**B. Approval of an Ordinance: Revising Refuse Service fee for the Collection and Disposal of Household Refuse**

**Action:** Councilmember L. C. Metzner made a motion to approve an ordinance to increase the Refuse Service Fee for the collection and disposal of household refuse and for the collection of curbside recycling by the City of Hagerstown, from \$ 27.00 to \$ 35.75 per quarter per residential dwelling unit for all bills rendered after January 20, 2006. This fee funds the increased cost of collection and the expanded curbside recycling program to include co-mingled glass, plastic and aluminum.

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

**C. Approval of a Resolution: Bowers Annexation, A-05-08**

**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 adopt a Resolution and Petition of Annexation for Michael C. Bowers for property located on the west side of the City, at 304 Woodpoint Avenue. The property to be annexed is .128 acres in size and is intended to be added to and made part of the adjacent municipal lands.

**D. Approval of a Resolution: Clemmer Annexation, A-05-09**

**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 adopt a Resolution and Petition of Annexation for Andrew J. Clemmer for property located on the east side of the City, at Lot 186 Pangborn Boulevard. The property to be annexed is .149 acres in size and is intended to be added to and made part of the adjacent municipal lands.

**NEW BUSINESS**

**A. Resolution: Acceptance of Dedication Offer: Trafalgar Drive and Monroe Avenue**

**Action:** Councilmember L. C. Metzner made a motion to accept the offer of dedication of "Trafalgar Drive" in the Greenwich Park Development and "Monroe Avenue" in the Kensington Villa Development. The City shall

commence maintenance of these streets upon the developer submitting the proper one-year maintenance bond. Councilmember K. S. Cromer seconded the motion.

Discussion: Councilmember Aleshire stated he does not support the acceptance of Monroe Avenue because it is not connected to Eastern Boulevard. This will force emergency personnel to travel a greater distance to get to these neighborhoods.

Motion carried, 4-1 with Councilmember K. B. Aleshire voting No.

**B. Resolution: Indicating Intent to Amend the Comprehensive Plan for a Civil War Heritage Area**

**Action:** 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 to adopt a resolution indicating the City of Hagerstown's intent to amend the Comprehensive Plan to incorporate the Heart of the Civil War Management Plan. This resolution is a necessary step in formally submitting the Management Plan for State Certification of the Heart of the Civil War Heritage Area in Washington, Frederick, and Carroll Counties.

**C. Resolution: To Create 2006 Sewer Capacity Allocation Program (SCAP)**

**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 adopt a resolution enacting the 2006 Sewer Capacity Allocation Program for the City's Wastewater Treatment Plant, which was approved by the Maryland Department of the Environment on December 8, 2005.

**D. Resolution: Approval of a Grant Agreement, Accepting Bond Bill Funds to be Used as a Renovation Grant for Supporting the Establishment of the Barbara Ingram School for the Arts**

**Action:** On a motion duly made by Councilmember P. M. Nigh and seconded by Councilmember K. S. Cromer, the Mayor and City Council unanimously agreed by voice vote to enter into a grant agreement with the State of Maryland, acting through the Board of Public Works, accepting bond bill funds to be used as a renovation grant for supporting the establishment of the Barbara Ingram School for the Arts.

**E. Resolution: Approval of User Agreement: Hagerstown Area Youth Soccer League (HAYSL)**

**Action:** Councilmember K. B. Aleshire made a motion to approve a resolution to renew the Lease Agreement with the Hagerstown Area Youth Soccer League (HAYSL), to utilize three multipurpose fields located at Fairgrounds Park for the period of January 1, 2006 through December 31, 2006. User shall have the right to renew this agreement up to three (3) additional one (1) year terms beginning January 1, 2007.

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

**F. Resolution: Approval of User Agreement: American Little League**

**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 to renew the Lease Agreement with the American Little League to utilize the youth baseball fields located at Hager Park and Fairgrounds Park for the period of January 1, 2006 through December 31, 2006. User shall have the right to renew this agreement up to three (3) additional one (1) year terms beginning January 1, 2007.

**G. Resolution: Approval of Lease Agreement: Russell Harshman**

**Action:** On a motion duly made by Councilmember P. M. Nigh and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote to approve a resolution to renew the Lease Agreement with Russell L. Harshman for the portion of unimproved real estate, located along the west side of North Cleveland Avenue, north of and adjacent to 325 North Cleveland Avenue, and south of the Fairgrounds Park entrance road for the period November 1, 2005 through December 31, 2007.

**H. Resolution: Approval of User Agreement: Washington County Seniors' Softball League**

**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 approve a resolution to renew the Lease Agreement with the Washington County Seniors' Softball League for two softball fields at City Park for the period of January 1, 2006 through December 31, 2006. User shall have the right to renew this agreement up to three (3) additional one (1) year terms beginning January 1, 2007.

**I. Approval of License Agreement: 920 Corbett Street**

**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 enter into a Right-of-Way/License Agreement with Raymond Campbell, to utilize a portion of the right-of-way of 920 Corbett Street to construct a masonry retaining wall along the front of the property.

**J. Approval of Reaffirmation of City Guarantee of Washington County Sports Foundation Loan**

**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 approve of the City providing a letter to Hagerstown Trust Company reaffirming the City's guaranty of the Washington County Sports Foundation's restructured loan with the bank. As stated in the original guaranty approved on June 23, 1998, the maximum amount of the guarantee is \$ 250,000 which will be in effect until June 30, 2013, the end of the original 15 year loan term.

**K. Approval of Renovations to Third Floor of City Hall**

**Action:** 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 authorize the renovations to the third floor of City Hall in the Engineering & Inspections Department. The Public Works staff is authorized to complete the renovations in conjunction with various contracted services as outlined in the attached December 8, 2005 memo. Staff is further authorized to enter into these necessary contracts. All work shall be completed within the \$ 160,000 allocated in the Capital Improvement Project #636 from future bond proceeds as noted in the FY 05/06 budget.

**CITIZEN COMMENTS**

There were no citizen comments.

**CITY ADMINISTRATOR'S COMMENTS**

*Bruce Zimmerman, City Administrator*, stated that a legal opinion is being obtained in reference to the Snook Annexation, regarding clarification of the zoning question for a portion of the annexation. He anticipated that a vote will be scheduled for the January 10, 2006 meeting. He thanked and complimented the Water Distribution Department for their handling of two difficult water breaks. He thanked the Mayor and Council and Staff for a good year in 2005. He wished everyone a Merry Christmas, Happy Holiday and Happy New Year.

### **MAYOR AND COUNCIL COMMENTS**

*Councilmember L. C. Metzner* wished everyone Happy Holidays, Merry Christmas and a Happy New Year.

*Councilmember A. Parson-McBean* also wished everyone a Merry Christmas and a Happy New Year. She expressed special wishes for those who have lost loved ones and friends during the year. She thanked everyone for working hard and not getting frustrated with her as she is learning.

*Councilmember K. B. Aleshire* pointed out that the revised Sewer Capacity Allocation Program was approved at about the same time the hospital request was submitted to the Maryland Department of the Environment (MDE). He would like a status report from MDE. He stated six members of this body fully support the Barbara Ingram School for the Arts, just like they did for the University System. He applauded the neighborhoods around the City for their first "Night of Lights." He stated the City has not stated it will participate in a one-third split for construction costs for Eastern Boulevard (as has been reported in the newspaper.) He stated the Planning Commission approved a change in the Hager's Crossing PUD. Part of the development was changed from rental units to condominium units.

*Councilmember P. M. Nigh* stated the Water Distribution employees dealt with a 24" main break very efficiently. Public Works has dealt with two snow storms and has done well. The police department continues to be busy. She has a prior commitment this evening and will not be able to attend the festivities that are planned for after the meeting. She wished everyone a Merry Christmas.

*Councilmember K. S. Cromer* wished everyone a happy, healthy, safe holiday and a Happy New Year. She thanked the City staff members for all they do throughout the year.

*Mayor R. F. Trump* stated the City has a great staff. He wished everyone a Happy New Year and Happy Holidays. He stated he is blessed to live in Hagerstown and this is a great community.

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 K. S. Cromer, the meeting was adjourned at 7:28.

Respectfully submitted,

Donna K. Spickler  
City Clerk

Approved: \_\_\_\_\_