

35<sup>TH</sup> REGULAR SESSION AND WORK SESSION- DECEMBER 21, 2010

WORK SESSION – December 21, 2010

Mayor R. E. Bruchey, II called this Work Session of the Mayor and City Council to order at 5:39 p.m., Tuesday, December 21, 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 D. K. Spickler, City Clerk.

Mayor and Council Discussion of Legislative Session Review with Senator Elect Christopher Shank and Delegate Andrew Serafini

Senator Elect Christopher Shank and Delegate Andrew Serafini were present representing the Western Maryland Delegation.

Senator Elect Shank thanked the Mayor and Council for this opportunity to discuss issues with them. He is looking forward to working with them. The State is faced with serious revenue/expenditure imbalances that will define the next four years in Annapolis. The delegation will work with local jurisdictions to achieve some sort of resolution to the imbalances.

Delegate Serafini is the Vice Chair of the Delegation. Delegate Myers (Chair) was unable to attend the meeting. Delegate Serafini indicated the delegation appreciates what they have heard from MML and MACo and they are aware of what additional revenue cuts mean for local governments. Each community has to look at doing unique things in the community.

Councilmember Breichner stated his main interest is keeping the university system in Hagerstown. It is important for the growth of the community. He believes more students will be attending USMH than Hagerstown Community College in the near future. Gaming money is important to the local communities. The community needs this money to fund fire services and charities. City staff has done well dealing with the revenue cuts so far, but more cuts would be difficult to handle in the City's budget.

Councilmember Brubaker stated the university system and gaming funding are also important to him. He urged the delegation to not shift more costs to local governments (for example the state pension system). He looks forward to working with the delegation. He would appreciate the City's position being taken seriously. As an example he mentioned a serious discussion of the distribution of the hotel/motel tax and the calculations used for the funding. The City's budget is anticipated to be 18% less than two years ago, indicating the budget situation is at least as bad as that of the State. This creates a dilemma because public safety and road maintenance have to continue.

Councilmember Easton would like to work with the delegation to find a way that Hagerstown is not a dumping ground for people who need life services. This community

provides excellent services. However, issues are caused by people outside the community that come here and then become residents. Changes are needed within the non-profit guidelines for assistance.

Councilmember Haywood agreed and suggested tighter regulations for service organizations that are licensed through the State. She mentioned how clients are recruited and anti-clustering measures for service organizations. She suggested that a service organization that is partially funded by the local community be required to serve local clients. To prevent clustering of service organizations, subsidized residents from other parts of the state should be prohibited. Incentives for businesses to open in Hagerstown have to continue to be developed. Businesses that promote higher paying jobs are needed. State incentives for these businesses would be helpful for recruiting purposes.

Councilmember Metzner stated he realizes there is very little to look at in the way of positive budget news. He asked the delegation to do everything they can to keep the revenues at least at the current level. The gaming funds are very important to this community. Recipients of the proceeds help those who are down trodden, i.e. residents at Holly Place. He is not sure how the City would be able to keep taxes down if the subsidy for funding for the fire companies (gaming funds) would be lost.

Mayor Bruchey agrees with the concerns expressed. He has met with Senator Elect Shank and believes they have the same goals. Economic development is not just for the City but the County too. The university system is going to have to expand and will be needing more space. He believes USMH will be a bustling university in multiple locations downtown. The delegation's help is needed in maintaining funds.

Delegate Serafini stated education is important for the future of the country. He doesn't think there is a question about the commitment of the delegation to USMH. He believes a fire tax would be a detriment to the community.

Senator Elect Shank indicated concerns from the municipalities do not need to be on the Community Coalition agenda for the delegation to be watched. He has met with representatives of USMH to discuss how to maintain funding for the university in the State budget. He stated it will be very important for the recipients of the gaming funds to adhere to strict standards and procedures to show the need for the funds. He would like to talk more about the non-profit and service organizations. He has heard consistently that constituents need jobs.

Councilmember Breichner suggested making an effort for Washington County to be a "shall" county rather than a "may" county. This change would mandate that Hagerstown receives certain funding from the County.

The County rebate/differential process was then mentioned. A rebate had been issued until last year. The County changed the process and provided a tax differential to taxpayers. Councilmember Metzner indicated the City had not complained about the

differential but they had questioned the calculation. Councilmember Metzner pointed out the City of Hagerstown is the only local municipality that did not raise taxes in response to the differential. Fire coverage is not considered in the calculation. Mayor Bruchey stated other options could have been considered. It was the general consensus of the Mayor and Council to pursue reviewing the calculation process.

Delegate Serafini stated the County says they have lost revenue also. He asked if a discussion could be held about duplicity of services and opportunities to look at other options.

Councilmember Breichner stated he anticipates the factor will change as the County's costs go down for duplicate services. Councilmember Haywood indicated the differential provides a clearer picture of the services that are provided to residents.

Senator Elect Shank asked if someone is investigating a reuse plan for the old hospital. Mayor Bruchey stated it is a work in progress. Councilmember Breichner stated he understands the hospital has a contract to tear down the hospital and Pangborn Hall. He is not sure what future plans are. Councilmember Metzner would like to see some use of the existing facility.

The work session portion of the meeting was adjourned at 6:31 p.m.

### **35<sup>TH</sup> REGULAR SESSION – December 21, 2010**

**Mayor R. E. Bruchey, II called this 35<sup>th</sup> Session of the Mayor and City Council to order at 7:07 p.m., Tuesday, December 21, 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, City Attorney John Urner and D. K. Spickler, City Clerk.**

The invocation was offered by Mayor Robert E. Bruchey, II. The Pledge of Allegiance was then recited.

Mayor Bruchey announced the Rules of Procedure for this meeting will be followed as adopted June 23, 2009. 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 11, 2011, Tuesday, January 18, 2011 and the Regular Session on Tuesday, January 25, 2011 at 7:00 p.m.

### **CITIZEN COMMENTS**

J. W. Brlecic, 44 S. Cannon Avenue, Hagerstown, Maryland, thanked the City for their efforts in anticipating the revenue losses from the hospital move.

### **MINUTES**

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 to approve the minutes, as presented, for the Mayor and Council meetings held on November 2, 2010, November 9, 2010, November 16, 2010 and November 23, 2010.

### **CONSENT AGENDA**

On a motion duly made by Councilmember A. C. Haywood and seconded by Councilmember F. W. Easton, the Mayor and City Council unanimously agreed by voice vote to approve the Consent Agenda as follows:

- A. Parks and Engineering: 2011/2012 Pavement Preservation Program
- B. Hagerstown Police Department:
  - 1.. CCTV Project Evaluation – Mariel E. Alper (College Park, MD ) \$ 30,000.00
  - 2. Toughbooks for Patrol Vehicles – Brekford (Hanover, MD) \$ 47,609.00

### **UNFINISHED BUSINESS**

#### **A. Approval of an Ordinance: Former Corsi's Local Conversion District Overlay (ZM-2010-03)**

**Action:** 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 approve an ordinance to approve a Local Conversion District Overlay, including the seven conditions endorsed by the Planning Commission, with the modification of Condition #5 that the driveway apron will be realigned during the next regularly scheduled maintenance on the curb and sidewalk, on property located at 991 Maryland Avenue.

#### **B. Approval of an Ordinance: To Convey a Portion of Stratford Avenue**

**Action:** 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 approve an ordinance determining that a certain portion of Stratford Avenue is no longer needed for a public purpose and authorizing the conveyance of said property. The Mayor and Council further authorize the execution of legal documents to convey the

one block section of Stratford Avenue from Florida Avenue to the Norfolk Southern Railroad. The ARC of Washington County, Inc. is requesting that the City release any interest in the property since they own all adjoining properties and the road no longer serves a public purpose.

**C. Approval of an Ordinance: To Repeal and Re-enact Article XII, the Board of Traffic and Parking, and Article XIV, Board of Technical Appeals**

**Action:** Councilmember L. C. Metzner made a motion to approve an ordinance to repeal and re-enact Chapter 10 Part 2 Article XII, Board of Traffic and Parking and Article XIV Board of Technical Appeals to update and make the provisions uniform with others in Chapter 10. The Code is amended by adding new Article XII and Article XIV to the Code. Councilmember A. C. Haywood seconded the motion.

Discussion: Councilmember Brubaker stated he will vote against the ordinance because of the term limit language.

Councilmember W. M. Breichner made a motion to table the ordinance for reconsideration. Councilmember M. E. Brubaker seconded the motion to table.

Discussion: Councilmember Breichner stated the terms limits should be discussed further. It is difficult to find people to fill these volunteer positions. Councilmember Metzner indicated the ordinance does not preclude the Mayor and Council from reappointing members. Mr. Zimmerman indicated the ordinance gives the Mayor and Council the authority to reappoint a member, if they choose to. The Chairman term is limited to two consecutive calendar years. Councilmember Haywood asked if a discussion of term limits at a later date would encompass all boards.

Motion to table defeated, 2-3 with Councilmember L. C. Metzner, Councilmember A. C. Haywood and Councilmember F. W. Easton voting No.

Motion to approve the ordinance passed, 3-2 with Councilmember W. M. Breichner and Councilmember M. E. Brubaker voting No.

**NEW BUSINESS**

**A. Introduction of an Ordinance: Accepting Offer of Sale and Authorizing the Purchase of 60 West Washington Street**

**Action:** On a motion duly made by Councilmember W. M. Breichner and seconded by Councilmember F. W. Easton, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance authorizing

the purchase of property known as 60 West Washington Street, Hagerstown, Maryland, for \$ 220,000, and related closing costs. The funding sources identified for the purchase include: \$ 50,000 Maryland Community Legacy Grant, \$ 75,000 from the Downtown Revitalization Fund, and the balance from the CIP Fund Balance.

Discussion: Councilmember Haywood is looking forward to locating a business incubator in this building. Councilmember Brubaker stated the City can't purchase every distressed building but this one is in a key location.

**B. Introduction of an Ordinance: Authorizing the Execution of an Agreement and Deed for a City Water Line to Serve the Long Meadow Shopping Center**

**Action:** On a motion duly made by Councilmember A. C. Haywood and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance authorizing the execution of an Agreement and Deed of Waterline Easement to allow for the installation of a new waterline to service the Long Meadow Shopping Center owned by FB Hagerstown, LLC, and involves the crossing of land of Advertising, Inc. on the east side of Maryland Route 60.

**C. Approval of a Resolution: 2011 Sewer Capacity Allocation Program (SCAP)**

**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 approve a resolution to create the 2011 Sewer Capacity Allocation Program. Minor changes to process have been made from the 2010 SCAP and these changes have been approved by the Maryland Department of the Environment.

**D. Approval of a Resolution: Lease Agreement for 28 W. Church Street, Hagerstown, Maryland**

**Action:** On a motion duly made by Councilmember F. W. Easton and seconded by Councilmember W. M. Breichner, the Mayor and City Council unanimously agreed by voice vote to approve a resolution authorizing a lease between the City of Hagerstown Light Department and Donald Munson, for office space located at 28 West Church Street, Hagerstown, MD. The lease agreement shall be in effect from January 1, 2011 to December 31, 2011 at the monthly rate of \$ 400.00 (four hundred dollars).

**E. Approval of a Resolution: Approval of a User Agreement for the Hagerstown BMX at Fairgrounds Park**

**Action:** On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember W. M. Breichner, the Mayor and City Council unanimously agreed by voice vote to approve a resolution to renew a long-term user agreement with the Hagerstown BMX to utilize a portion of Fairgrounds Park to conduct their Bicycle Motorcross program for the period of January 1, 2011 through December, 2012. User shall have the right to renew this agreement for two (2) additional – two (2) year terms beginning January 1, 2013.

**F. Approval of a Resolution: Approval of a User Agreement for the Hagerstown Area Police Athletic League (PAL) at Fairgrounds Park**

**Action:** On a motion duly made by Councilmember A. C. Haywood and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve a resolution to enter into a new agreement with the Hagerstown Area Police Athletic League (HAPAL) in Fairgrounds Park. The HAPAL will have non-exclusive but priority scheduling use of the outdoor hockey rink and a portion of the Grandstands. This agreement is for the period of January 1, 2011 through December 31, 2015. User shall have the right to renew this agreement for two (2) additional – two (2) year terms beginning January 1, 2016.

**G. Approval of a Resolution: Memorandum of Understanding with U.S. Immigration and Customs Enforcement (ICE)**

**Action:** On a motion duly made by Councilmember F. W. Easton and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve a resolution authorizing a Memorandum of Understanding (MOU) between the City of Hagerstown and the U.S. Immigration and Customs Enforcement (ICE). This MOU will allow the Hagerstown Police Department to assist ICE with ongoing investigations. The agreement does not incur any financial obligations for the City and would make City personnel eligible for overtime, paid by ICE.

**H. Approval of Funding for a Community Coalition Lobbyist**

**Action:** On a motion duly made by Councilmember A. C. Haywood and seconded by Councilmember F. W. Easton, the Mayor and City Council unanimously agreed by voice vote to authorize the expenditure of \$ 5,000.00 from the General Fund in order to contribute toward hiring Michael Johansen with the firm Rifkin, Livingston, Levitan and Silver, as the Community Coalition Lobbyist. Other funding partners that have provided funding in the past include Washington County, the City of

Hagerstown, the Chamber of Commerce, CHIEF, Convention and Visitors Bureau, Washington County Public Schools and the Washington County Free Library.

### **I. Approval of a Grant Management Policy**

**Action:** 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 approve a Grant Management Policy. The policy establishes procedures for City departments to follow and creates checks and balances for the application, submission, and management of grant funding.

### **J. Approval of Application for FY 2012 Program Open Space Projects**

**Action:** On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember F. W. Easton, the Mayor and City Council unanimously agreed by voice vote to approve an application to Washington County requesting FY 2012 Program Open Space funding of improvements to the City's recreational facilities as follows:

1. Hellane Park Walkway Improvements
2. Potterfield Pool Double-Tube Slide
3. Potterfield Pool Pavilion
4. Golf Cart Storage
5. City Park North Parking Lot Improvement

### **CITY ADMINISTRATOR'S COMMENTS**

*Bruce Zimmerman, City Administrator*, thanked the Mayor and Council for their work in 2010. They have worked through difficult issues and done good things that will make Hagerstown successful in the future. He wished everyone Happy Holidays.

### **MAYOR AND COUNCIL COMMENTS**

*Councilmember W. M. Breichner* thanked his fellow elected officials for their work. He wished success and happiness to staff, residents and fellow council members in the new year.

*Councilmember M. E. Brubaker* wished everyone a Merry Christmas and Happy Holidays.

*Councilmember F. W. Easton* extended holiday wishes to citizens and staff.



*Councilmember A. C. Haywood* wished everyone happy holidays. She thanked Senator Elect Shank and Delegate Serafini for taking the time to meet with the Mayor and Council.

*Councilmember L. C. Metzner* wished everyone happy holidays.

*Mayor R. E. Bruchey, II* extended holiday wishes to everyone. He is looking forward to a new year and dealing with the challenges that will come up. He thanked Mr. Zimmerman for his ability to set a course for the future of the City and for handling the pressures of the economy. He thanked Mr. Zimmerman for his leadership and assisting the Mayor and Council in making the necessary decisions.

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 7:30 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: January 25, 2011