

58TH REGULAR SESSION – November 22, 2011

Mayor R. E. Bruchey, II called this 58th Regular Session of the Mayor and City Council to order at 7:06 p.m., Tuesday, October 25, 2011, 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 Councilmember Ashley C. Haywood. 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, November 8, 2011, and Tuesday, November 15, 2011, and the Regular Session on Tuesday, November 22, 2011 at 7:00 p.m.

GUESTS

The Hagerstown Gridiron Challenge MVP Presentation was made. North Hagerstown High School MVP Jared Line was presented a scholarship check from the Hagerstown Kiwanis by Donald Day. South Hagerstown High School Co-MVP's Brandon Hess and Isiaha Smith were presented a scholarship check from First United Bank by Pat Young.

APPOINTMENTS

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to appoint Alfred Bendell to the Board of Code Appeals. The term will expire November 30, 2015.

PROCLAMATIONS

Mayor Bruchey read a proclamation naming November, 2011 as Municipal Government Works Month. Proclamations were presented to the following representatives of the five employee groups:

- AFSCME 3373 – Tammy Jurado and Jessie Duffey
- AFSCME 1540 – Mike Hanlon
- IBEW – Pete Talbert
- IAFF – Todd Grimes
- Non-Union – Mike Spiker

Mayor Bruchey read a proclamation in recognition of Thanksgiving.

PUBLIC HEARINGS

Rezoning – Pangborn Property, North side of Pangborn Boulevard, ZM-2011-02

Alex Rohrbaugh, Planner, stated this public hearing is being held to consider a rezoning proposal for the Pangborn Corporation property.

The Pangborn Corporation (applicant and property owner) has filed an application for a rezoning for their property located on the north side of Pangborn Boulevard. The property was formerly an industrial/manufacturing use but the facility has been mostly vacant for a number of years. The property is currently zoned N-MU (Neighborhood-Mixed Use). The property was rezoned from IG to N-MU during the Comprehensive Rezoning process due to the expectation of adaptive reuse of an extensive complex of factory buildings. Since that time, Pangborn has demolished nearly all of the four buildings. Four (4) County residential property owners have indicated their opposition to any further high density housing in the neighborhood and their support for office development on the site as an alternative. As a result, the applicant has requested a rezoning from N-MU to POM (Professional Office Mixed). The Planning Commission found in favor of the applicant's arguments for change in the neighborhood and mistake in the existing zoning classification and recommended approval of the rezoning on November 9, 2011.

This rezoning is also being requested in conjunction with the applicant's petition of annexation for a 5.16 acre portion of the Pangborn property that is currently outside the City limits. The applicant has requested POM zoning for the portion of property to be annexed. The Planning Commission reviewed the appropriateness of zoning for the annexation on September 14, 2011 and recommended to the Mayor and City Council that POM zoning was appropriate for the annexation.

Mr. Rohrbaugh indicated that under Maryland law, this is considered a piecemeal rezoning. To approve a piecemeal rezoning, it must be proven that there has been a substantial change in the character of the neighborhood or there was a mistake made with the existing zoning classification. The applicant is requesting the rezoning based on both arguments. The change in the character of the neighborhood occurred because all but one of the structures on the property has been removed. The argument for a mistake in the existing zoning is due to insufficient analysis or study of the suitability for the NMU on that site

Mr. Rohrbaugh entered the following Exhibits:

1. Certificate of Advertisement
2. Planning Commission File by Reference

The following testimony was presented:

Jason Divelbiss, 13424 Pennsylvania Avenue, Hagerstown, Maryland, is the attorney representing the Pangborn Corporation. The Pangborn property is approximately 13 acres in size, with approximately six acres outside the City limits. A portion of the property is currently zoned Industrial General, as was the balance of the property until 2010. The remaining area of the property is zoned N-MU. The property owner is requesting POM zoning for the entire property.

Mr. Divelbiss asked if he should be sworn in to testify. It was decided this was not necessary.

Dan Koenig, Pangborn Corporation Vice President of Operations, stated he has been with the company for more than 30 years. The company just turned 107 years old in 2011. The site was originally an industrial site they used to produce castings from their foundry. At one time, the facility included a fabrication shop, a machine shop, a warehouse, and a base for sales and marketing operations. The total square footage of all the buildings was just over 300,000 square feet. Approximately 20,000 square feet of building remains at the site. Demolition of some of the buildings began in 2010. Mr. Divelbiss showed a photograph of the property taken sometime in 2009 or 2010, with some demolition complete.

Mr. Divelbiss entered the photograph as Applicant's Exhibit #1.

Mr. Koenig stated they tried marketing the property for adaptive reuse but were not successful.

Mr. Divelbiss stated the comprehensive rezoning which occurred in October of 2010 changed the zoning to the N-MU classification. N-MU accommodates mixed-use buildings serving retail, service and other uses on the ground floor and residential units above the non-residential space. This classification also provides flexibility for adaptive reuse of old non-residential buildings. The Planning Commission's recommendation for rezoning to N-MU was the presence of the old factory complex and the belief it would be suitable for prominently residential mixed-use development. As Mr. Koenig has testified, all but one of the buildings on the property have been demolished; therefore, the factual presumption upon which the City zoned the subject property to NMU has proven to be erroneous. In the State of Maryland, before deciding a rezoning with regard to a specific property (also known as piecemeal rezoning) the Mayor and Council must find there has been either a mistake in the original zoning or the last comprehensive zoning, or a substantial change in the character of the neighborhood. He stated the legal standard for mistake is the presumption of validity according to a comprehensive rezoning is to overcome an error or mistake as established when there is probative evidence to show that the assumptions or premises relied upon by Council at the time of the comprehensive rezoning were invalid. Error can be demonstrated in one of two ways: 1) by showing at the time of the comprehensive zoning, the Council failed to take into account then existing facts or projects or trends which were reasonably foreseeable fruition in the

future so that the Council's action was premised initially on a misapprehension, or 2) by showing that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect. This second standard is stated differently in another case and is stated as, when the assumption upon which a particular use is predicated proves with the passage of time to be erroneous, this is sufficient to authorize a rezoning and it is this latter standard, that he believes is applicable in this case to support the applicant's argument for mistake. He provided examples of Maryland Case Law where factual evidence supported a finding of mistake.

Mr. Divelbiss stated when the property was rezoned as part of the 2010 comprehensive rezoning, a presumption was made that the buildings on the property would remain. This would make the N-MU classification the most appropriate zoning to facilitate the adaptive reuse of the property. This presumption turned out to be incorrect when the property owner demolished and razed all but one of the buildings.

Mr. Divelbiss pointed out that planning staff has concluded projected traffic counts would actually be lower for an office type development under the POM zoning versus a mixed-use residential development under the N-MU.

Mr. Divelbiss described the neighborhood as following: bounded on the north by the CSX railroad tracks, to the south by Security Road, to the east by the multifamily apartment units, and on the West by the townhouse development, Park Overlook. The Pangborn property is probably the most predominant influence on the character of this area. The property being cleared of all but one building created a substantial change in the neighborhood. As a result of this change, the commercial reuse of the property became the most logical and the most appropriate next phase for the property as opposed to an adaptive reuse of the property with mixed-use buildings that primarily consist of residential.

There was no further testimony presented, either in favor of or against the rezoning request.

Councilmember Easton asked if the owners had been involved in the decisions made during the comprehensive rezoning. Mr. Divelbiss indicated they were and had, at that time, endorsed the N-MU zoning classification.

Councilmember Brubaker inquired about the current plans for the remaining building. Mr. Koenig stated they will continue to use the building as the company's R & D center until they know if they can sell the property. The R & D operation would go to another of the company's locations if the property is sold.

Councilmember Metzner clarified that the change in the neighborhood stated is a change created by the property owners. He wondered if, under Maryland Law, this is an acceptable standard for a change in the character of the neighborhood. Mr. Divelbiss stated he had not found case law prohibiting it.

Councilmember Breichner clarified the applicant is not saying the City of Hagerstown made a mistake in the comprehensive rezoning. Mr. Divelbiss stated they are not saying it is a mistake in judgment, the zoning classification was based on a fact that turned out to be incorrect.

Councilmember Haywood asked if the owners perceive an impediment for their plans with the current zoning. She indicated previous conversations with Mr. Divelbiss showed there wasn't any sort of understanding on the part of Pangborn or the City of Hagerstown of what would actually happen on the property. Mr. Divelbiss indicated that is correct. The property owner was anticipating how this property would be redeveloped during the comprehensive rezoning. They believe that the POM classification provides a better opportunity for redevelopment. There is a party in active negotiations for the acquisition of the property, but no contract has been signed.

Councilmember Haywood stated the future use of this property will dictate the well being of that neighborhood and the well being of the city property adjacent to it.

There being no further discussion or testimony, the hearing was closed. The record will remain open for ten days for additional comment.

Pangborn Annexation – North Side of Pangborn Boulevard, ZM-2011-03

Alex Rohrbaugh, Planner, stated a request has been submitted to annex property on the North Side of Pangborn Boulevard, located at 580 Pangborn Boulevard. Although most of it is already within the Corporate Boundary, there is a 5+ acre portion of the property that remains outside the City. Also, there are five residential lots further south on Pangborn Boulevard that are completely in the County and would be enclaved by a complete annexation of the Pangborn property. The property owner (Pangborn Corporation) has petitioned to annex into the City the remainder of their property, but leaving a 12' wide strip of property in the County to avoid enclaving the five residential lots to the south, who have expressed opposition to annexation. Staff has been advised by the City Attorney that this proposal is permissible under State Annexation Laws.

The proposed annexation was introduced on September 27, 2011. The Annexation Plan was also adopted at this time. The area of the subject property is approximately 5.16 acres. While to portion of the Pangborn property within the City is zoned N-MU (Neighborhood Mixed Use), the property owner has requested POM (Professional Office Mixed) zoning for the annexation. In addition, the property owner has filed to re-zone the portion of Pangborn within the City from N-MU to POM.

The portion within the City was rezoned from IG to N-MU during the Comprehensive Rezoning process due to the expectation of adaptive reuse of an extensive complex of factory buildings. Since that time, Pangborn has demolished nearly all of the buildings and the five single-family County residential property owners to the south have indicated their opposition to any further high density housing in the neighborhood and their support for office development on the site as an alternative.

The Planning Commission reviewed the proposed zoning change on September 14, 2011 and determined that due to the change in the character of the property and in light of neighborhood concerns about high-density housing POM zoning would be appropriate.

The current County zoning is IG (Industrial General). Since County IG zoning and City POM zoning are not generally consistent, express approval for a zoning change was required by the County. Such approval was granted by the County Commissioners on November 8, 2011.

The petition includes a request for an exception to the PEP zone to allow this property to be approved for the PEP program. Staff has informed the applicant that such a request cannot be processed until an application that provides detail on the development plan for the site is completed.

As required by State Law, there were four published notices advertising the annexation hearing at no less than weekly intervals. The Annexation Plan was provided to the appropriate County, Regional, and State Planning Agencies, at least 30 days prior to the Public Hearing. After the Public Hearing, the Mayor and Council may pass or reject the annexation resolution. If the resolution is passed, the annexation becomes effective in forty-five (45) days.

Mr. Rohrbaugh entered the following as Exhibits:

- Exhibit 1: Certificate of Advertisement
- Exhibit 2: Planning Commission File by Reference
- Exhibit 3: Correspondence from Washington County granting Express Approval from IG to POM

The following testimony was presented:

Jason Divelbiss, 13424 Pennsylvania Avenue, Hagerstown, Maryland, is the attorney representing the Pangborn Corporation. Mr. Divelbiss indicated the testimony presented during the previous rezoning hearing provided the details of this property. The information should be reviewed in conjunction with the rezoning hearing.

There was no further testimony presented.

The hearing was closed. The record will remain open for ten days for additional comment.

Community Development Block Grant Program FY 2012/2013 – Community Needs Hearing

Jonathan Kerns, Community Development Manager, stated the purpose of this public hearing is to obtain the views and comments of individuals and organizations concerning the City's housing and community development needs, including project recommendations from organizations and individuals for FY 2012/2013 CDBG funds.

The following testimony was presented:

Ron Lytle, 4 W. Franklin Street, Contemporary School of the Arts and Gallery, Hagerstown, Maryland, asked the City to consider funding his request for a grant this year.

Joe Marschner, 522 Summit Avenue, Hagerstown, Maryland, is president of the Hagerstown Neighborhood Development Partnership, Inc. (HNDP). He asked the Mayor and City Council to consider restoring funding from CDBG funds. The purpose of the HNDP is to encourage the creation and expansion of development. The Home Store is grateful for the \$ 50,000.00 the Mayor and Council have provided the Home Store through the General Fund for their housing counseling and administration, but the loss of CDBG funding for their Fair Housing services has caused a hardship to the organization, and as of July 1, full time staff has been furloughed one day each week.

Councilmember Haywood expressed concerned about the lack of cooperation between HNDP and the City's Economic Development program and how this could be addressed. She stated the success of rehabilitation is all organizations working together.

Major Robert Lyle, 534 W. Franklin Street, Hagerstown, Maryland, was present representing the Salvation Army. He stated they would be applying for funding for their new building project and renovation of the shelter. The shelter will be for women and children.

Councilmember Breichner clarified the request is for renovation of existing buildings, not new construction.

Councilmember Haywood asked if the geographical information of the clients served by Salvation Army has been provided to the City. Major Lyle stated they serve Washington County and 92% of those they serve have a City of Hagerstown connection. Their services are not offered to people outside the county, except in an extreme emergency situation.

Councilmember Easton stated he will not vote for funding for any organization that provides services to anyone outside the community.

Major Lyle stated they work with women and children who are homeless and help them get into housing.

Robin Roberson, 249 Mill Street, Hagerstown, Maryland, was present representing the Community Free Clinic. She spoke on behalf of patients who have come to the Clinic. The Clinic was able to order blood tests for patients because of the funding they received from the CDBG program last year. More than 60,000 patients were seen at the Clinic last year. As of October, the Clinic has a shortfall of \$ 500,000.

Serena Bell, 392 N. Prospect Street, Hagerstown, Maryland, spoke on behalf of her community. People are suffering and need help. She made this request as a citizen, not as a representative of an organization.

Mr. Kerns indicated additional comments will be accepted until December 22, 2011. Notice of this hearing was published in the Herald Mail newspaper on November 12 and November 16, 2011. Notices were also posted on the City's website, Channel 6 and on Facebook.

The hearing was then closed.

CITIZEN COMMENTS

Ron Lytle, 4 W. Franklin Street, Hagerstown, Maryland asked that the Contemporary School for the Arts and Gallery be included in the City's general fund budget this year.

MINUTES

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 the minutes, as presented, for the Mayor and Council meetings held on October 4, 2011, October 11, 2011, October 18, 2011 and October 25, 2011.

CONSENT AGENDA

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 Consent Agenda as follows:

- A. Public Works: Bulk Road Salt – Cargill Incorporated (North Olmstead, OH)
\$ 65.87 per ton
- B. Department of Utilities:
 - 1. Water Division: Water Meter Transceiver Units – L/B Water Service, Inc.
(Chambersburg, PA) \$ 32,912.00
- C. Department of Community and Economic Development: Western Maryland Blues Fest 2012 Budget of \$ 11,507.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: Bond Reprogramming

Action: On a motion duly made by Councilmember A. C. Haywood and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance as introduced

on October 25, 2011 supplementing and amending Ordinance No. O-08-25, City of Hagerstown General Obligation Bonds, originally introduced on 10/28/2008, approved on 11/4/2008, and effective on 12/5/2008 authorizing the City of Hagerstown to issue and sell, upon its full faith and credit, general obligation bonds consisting of Public Facilities Bonds, Tax-Exempt Series 2009A, and Public Facilities Bonds, Taxable Build America Bonds (Direct Payment) Series 2009B in an aggregate principal amount of \$ 17,995,000.

With respect to certain of the original projects intended to be funded from the 2009 Bonds proceeds, the City has either achieved cost savings, cannot spend, or determined not to fund certain original projects from the proceeds of the 2009 Bonds. The purpose of this ordinance is to supplement and amend the original ordinance to reallocate \$1,431,000 of the original issue to finance or reimburse costs of additional public purpose projects of the City as identified in the documents.

Staff is hereby directed to take all necessary actions to proceed with and develop the detailed supplemental ordinance, resolutions and other documents necessary for the reprogramming of the 2009 Bond proceeds.

B. Approval of an Ordinance: To Amend the Code of the City of Hagerstown, Chapter 60, thereof, entitled Vehicles and Traffic, to revise Section 60-3 thereof to update the enforcement provisions of the said Chapter 60

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 approve an ordinance to amend the Code of the City of Hagerstown, Chapter 60, thereof, entitled Vehicles and Traffic, to revise Section 60-3 thereof to update the enforcement provisions of the said Chapter 60.

C. Approval of an Ordinance: Authorizing the Acquisition of 101 East Avenue

Action: On a motion duly made by Councilmember A. C. Haywood and seconded by Councilmember W. M. Breichner, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance authorizing the City of Hagerstown to enter into a Contract of Sale for the purchase of 101 East Avenue, Hagerstown, MD. The purchase price is \$ 68,700.00. This acquisition is for development of a pocket park to address neighborhood needs. The funding of this acquisition and the project is from the reprogrammed bond funds.

NEW BUSINESS

Item H was moved to the beginning of new business.

H. Approval of One Time Payment of \$ 1,000 for Each Full Time Employee

Action: On a motion duly made by Councilmember W. M. Breichner and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve a one-time payment of \$ 1,000 to be made to each full time employee who is employed by the City on November 28, 2011. Funding for this one-time payment will come from unreserved fund balance for General Fund and Special Revenue Fund employees and from unrestricted net assets for Enterprise Fund employees.

Discussion: Councilmember Haywood thanked employees for their hard work over the past year, and thanked the unions for their cooperation. She suggested that employees spend some of the money at downtown businesses.

Councilmember Brubaker indicated this one time payment will help employees, who have had no COLA for four years and no step increases for three years. Employees also experienced ten furlough days in 2010. Vacancy management has been difficult for the remaining employees. The City has maintained a strong fund balance and is in a strong fiscal position despite revenue reductions.

A. Introduction of an Ordinance: Amending Chapter 38, Police and Fire Employees' Retirement Plan, Sixth Amendment

Action: On a motion duly made by Councilmember A. C. Haywood and seconded by Councilmember W. M. Breichner, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance to amend the City of Hagerstown Police & Fire Employees' Retirement Plan as follows:

1. A change to 38-26B – Pickup Contributions – The change will provide the provision for all active employees to continue with employee contributions until they retire/resign.
2. A change to 38-33 – maximum Limitations on Benefits – this reflects a change in federal law and to ensure that the Plan may remain qualified for tax purposes.
3. A change to 38-55 – Retirement Plan Committee – Currently the committee includes a citizen of the City of Hagerstown. The recommended change defines that committee members have investment/financial experience. That background and expertise would bring added value to the committee. Update Committee from Personnel Manager to Director.

B. Introduction of an Ordinance: Non-Exclusive Right-of-Way Agreement with LUMOS of West Virginia

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember A. C. Haywood, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance to enter into a Non-Exclusive Right-of-Way Agreement with LUMOS of West Virginia Inc. for the use of Streets and Other Public Places of the City of Hagerstown. The initial term of the Agreement is five years and will allow for the placement of poles, wires, conduits, cables, and telecommunication facilities within City rights-of-ways.

C. Approval of a Resolution: Approval of a Lease for N. Potomac Street Parking Deck with State Department of Education, Division of Rehabilitation Services (DORS) and Department of Juvenile Services (DJS)

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 to approve a lease agreement between the City of Hagerstown and the State of Maryland Department of Education, Division of Rehabilitation Services (DORS) and Department of Juvenile Services (DJS) for the rental of 9 parking spaces in the North Potomac Street Parking Deck.

The term of the Lease is two years and commences on December 10, 2011. The annual rent to be paid to the City is \$ 6,696.00.

D.. Approval of a Recycling and Refuse Service Fee for the Collection and Disposal of Residential and City Center Commercial Unit Recycling and Refuse

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 move for approval of a decrease to the "Recycling and Refuse Service Fee" for the collection and disposal of household refuse, and curbside recycling from \$ 41.00 to \$ 39.00 per quarter per residential dwelling unit for all bills rendered after January 1, 2012. This decrease is the result of program improvements approved by Mayor and Council in October, 2011.

It was further moved for the approval of a new program for the collection of commercial trash and recycling in the City Center. This program will be offered to businesses in the City Center only, with certain volume restrictions. The "Recycling & Refuse Service Fee" for this program shall be \$ 50.00 per quarter per commercial unit for all bills rendered after January 1, 2012

E. Approval of the Utilities Department Bulk Chemical Purchases – Various Vendors \$ 915,743.60

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 the expenditure of \$ 365,956.00 of budgeted Wastewater Division funds and the expenditure of \$ 549,787.60 of budgeted Water Division funds for the purchase of bulk chemicals. The purchases will occur in the second half of Fiscal Year 12 and the first half of Fiscal Year 13. The chemicals, which are used in the treatment processes employed by the Divisions, were bid through the City/County joint bidding process utilizing County Bid PUR-1168.

F. Approval of Bulk Diesel Fuel Bid – Mansfield Oil Company (Gainesville, GA) \$ 3.0414/gal as of 09/02/11, Estimated Annual Total \$ 243,312

Action: On a motion duly made by Councilmember A. C. Haywood and Councilmember F. W. Easton, the Mayor and City Council unanimously agreed by voice vote to approve the bulk diesel fuel purchase for City operations from Mansfield Oil Company. The price is per the Oil Price Information Service (OPIS) average on 09/02/11 of \$ 3.0203 per gallon plus the bidder's plus factor of \$0.0211 per gallon for a total price of \$ 3.0414 per gallon. The estimated annual cost of diesel fuel is \$ 243,312. This purchase was competitively bid by the Washington County Purchasing Department to obtain a better bulk rate for Washington County, the Board of Education and the City of Hagerstown.

G. Approval of Bulk Gasoline Purchase – Petroleum Traders Corporation (Fort Wayne, IN) \$ 2.8016/gal as of 09/02/11, Estimated Annual Total \$ 336,192

Action: On a motion duly made by Councilmember M. E. Brubaker and Councilmember W. M. Breichner, the Mayor and City Council unanimously agreed by voice vote to approve the bulk gasoline purchase for City operations from Petroleum Traders Corporation. The price is per the Oil Price Information Service (OPIS) average on 09/02/11 of \$ 2.7777 per gallon plus the bidder's plus factor of \$0.0239 per gallon for a total price of \$ 2.8016 per gallon. The estimated annual cost of gasoline is \$ 336,192. This purchase was competitively bid by the Washington County Purchasing Department to obtain a better bulk rate for Washington County, the Board of Education and the City of Hagerstown.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, welcomed Erin Wolfe, Communications Manager, to the City. He thanked the Mayor and City Council for their approval of the one time payment for employees.

MAYOR AND COUNCIL COMMENTS

Councilmember L. C. Metzner urged everyone to visit the businesses downtown, especially on Small Business Saturday (November 26, 2011).

Councilmember A. C. Haywood had no additional comments.

Councilmember F. W. Easton had no additional comments.

Councilmember M. E. Brubaker thanked the volunteers who serve on the City's boards and commissions. These volunteers spend many hours as members. The tree lighting was a great event.

Councilmember W. M. Breichner had no additional comments.

Mayor R. E. Bruchey, II thanked Karen Giffin (Community Affairs Manager) and her staff for planning the tree lighting event and Holly Fest. He also thanked the students who performed during these two events. He noted that Donna Frazier, Director of Human Resources, and Joe Frazier, Rehabilitation Services Coordinator, are retiring in December. He thanked them for their service and wished them well.

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 8:46 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: December 20, 2011