

**56<sup>TH</sup> REGULAR SESSION, WORK SESSION AND EXECUTIVE SESSION –  
October 25, 2011**

WORK SESSION – October 25, 2011

Mayor R. E. Bruchey, II called this Work Session of the Mayor and City Council to order at 5:05 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, and D. K. Spickler, City Clerk

Hagerstown's City Center

Bruce Zimmerman, City Administrator, John Lestitian, Department of Community and Economic Development Director, Christy Blake, Downtown Business Recruitment and Retention Manager, and Kathy Maher, Planning Director, were present to provide information regarding the City's efforts and plans for enhancing Hagerstown's downtown. The goal for downtown is that the City Center serves Hagerstown as a strong employment, cultural, education, commercial and residential center.

Mr. Zimmerman thanked the people who care about downtown for being in attendance at this meeting. This includes members of the downtown business community and City staff.

Similar to other towns, Hagerstown now faces further hurdles as the full force of the economic recession results in the loss of City Center businesses and increased vacancies. Some in the community view the City Center as losing relevancy, a location that will decline in prosperity. For many, downtown is currently not a location in which they choose to either invest or remain.

Despite these difficulties there are strengths on which the City can build. Many people believe in the downtown and are taking positive steps to enhance its future. Some have identified opportunities that will improve the City Center which they are willing to pursue. Many good assets remain in the City Center that will help in the future. This Mayor and Council have been willing to take new approaches and actions which will strengthen the City Center. The City has talented and experienced staff throughout the City departments who are committed to making the City Center a better place.

For these reasons, Mr. Zimmerman is confident that the City Center will return as a vibrant and healthy downtown. The City has the ability to face the current realities and tackle the real and substantial challenges confronting the downtown with new thinking and approaches. In the future, City Center will look and function differently than it has in the past, but there is no doubt the City Center will serve the community in many positive ways and be a source of pride and enthusiasm for the citizens.

Mr. Zimmerman stated the downtown core is the responsibility of City government; however the City is not the sole entity responsible for determining the success of downtown. The total community has to be involved. Hagerstown's City Center is a product of a community partnership that includes government, community institutions, businesses, non-profit agencies, the media and citizens. The decisions and actions of all of these partners have in the past and will continue in the future to create Hagerstown's City Center. The community depends on the health of the City Center.

The current challenge is that the City Center is experiencing a combination of disinvestment and lack of support, which is leading to empty storefronts and buildings, a concentration of low income residents, and a deteriorating public perception. Clearly, as a city government and a community, no one can be satisfied with the current condition of the City Center, nor turn a blind eye to the trends which are harming downtown. Mr. Zimmerman stated this situation should be tackled like was done with anticipated budget shortfalls five years ago.

Hagerstown's downtown has experienced significant loss of retail businesses and the closure of restaurants. Important institutions and businesses have chosen to locate outside of the City Center. Major employers and institutions with a long term presence in the City Center have relocated, leaving empty and underutilized buildings which create challenges to those remaining downtown. For some, the City Center does not compete with "suburban style developments" as a viable location for business investment and economic development. Downtown is currently not viewed as an attractive residential option for most people with the financial resources to choose other locations. The physical condition, size, and age of many buildings, along with the necessary cost of renovations create major financial hurdles for developers which make downtown revitalization projects unattractive and often unfeasible. The view of the City Center, as an unsafe location with uncomfortable public places, combined with a heavy concentration of low income housing, discourages private sector investors, shoppers, and restaurant patrons from considering downtown in their plans. The City's Historic Preservation requirements are perceived by some as a major obstacle to City Center revitalization projects. Public parking is frequently described as insufficient and too costly in the City Center.

Ms. Maher stated the community has embraced arts, entertainment, education and culture as a key mechanism to reinvigorate Hagerstown's City Center as a destination in the region. The concept for an Arts & Entertainment District in downtown Hagerstown was introduced by the Chamber's consultant, LDR International, Inc. in 1996. Cy Paumier of LDR came to Hagerstown, studied the strengths and challenges and developed a Downtown Enhancement Plan. This plan included rendering and schematic layouts for recommended infrastructure enhancements, as well as the idea for an Arts and Entertainment District focused on the first block of S. Potomac Street.

The City of Hagerstown and its various downtown partners have been working diligently to implement the A&E District Plan's recommendations for Downtown. Ms.

Maier presented a chart listing projects for each of the six main strategy areas of the Plan. The total City contribution for the projects is as follows:

1.	Enhance the Public Realm	\$ 5.5 million
2.	Increase Public Perception of Safety	Ongoing
3.	Improve Public Parking	\$ 4.4 million
4.	Develop Additional Attractions and Support Existing Anchors	\$ 1.75 million
5.	Develop Events and Activities to Draw People Downtown	Ongoing
6.	Improve Building Stock and Fill Available Space	\$6.3 million

These improvements and projects total more than \$ 18 million.

Hagerstown's Comprehensive Plan as adopted by the Mayor and Council in 2008 includes a Downtown Element, which appears on page 6-1 of the Plan. The goals for downtown as identified in the Comprehensive Plan include: 1) Reinforce downtown Hagerstown's role as the region's government, economic, institutional, and cultural center; and 2) Enlarge the City's share of regional retail and tourist revenue by concentrating specialized businesses and cultural amenities in the downtown.

Mayor and Council adopted a Strategic Plan for the City of Hagerstown on September 28, 2010. The Strategic Plan identifies focus areas and goals for the entire City and includes objectives specific to downtown. These objectives include the following:

1. Participate in a community partnership to develop a Parking Master Plan for downtown.
2. Extend technology assets to attract future business development in the City Center.
3. Complete North Potomac Street Sidewalk Project.
4. Enhance the image of Hagerstown through the use of social networking and current media outlets.
5. Assist and support Washington County in the redevelopment of remaining lands of the Massey Property to compliment expansion of the Washington County Free Library.
6. Complete commercial/residential redevelopment projects in City Center.
7. Evaluate opportunities for establishment of a trolley service from outer edge destinations to City Center.

Other objectives related to the East End, Municipal Stadium, the Fairgrounds Park Grandstand, Biking/Walking trails, City-wide Comprehensive Rezoning, and City/County mutually shared goals also provide strategic direction on projects that are not located in the downtown core, but will certainly benefit the City Center.

The current Mayor and Council have undertaken a number of initiatives reflecting new approaches to strengthening the City Center. As the Mayor and Council have discussed their priorities, staff has been directed to rethink and restructure operations and

staffing. Likewise, Mayor and Council have emphasized the importance of building relationships with other agencies and organizations to enhance economic development in the downtown. Mr. Lestitian indicated the following initiatives were developed from this direction:

1. Partners in Economic Progress Incentive Program (PEP): In recognition of the difficulties created by the recession, the Mayor and Council approved the PEP Incentive Program in 2009 to assist downtown property owners and businesses. The intent of the PEP Program is to spur renovation of buildings within the designated PEP Zone through a variety of incentives. To date this program has supported the renovation of two City Center buildings, with four more in the pipeline.

In addition to the property owner incentives, the City can offer Upper Floor Commercial Space Rent Relief to eligible businesses locating in a renovated building within the PEP Zone. To date, this program has provided Upper Floor Commercial Space Rent Relief to six businesses in the City Center.

2. 60 West Washington Street: To increase foot traffic and improve the streetscape on West Washington Street the City purchased the former CVS building in April, 2011. By August 1, 2011, the front portion of the building was renovated and began serving as the location of a new downtown business, Think ReInk. The remainder of the building will serve as a small business incubator. This incubator project offers the City, in partnership with the University System of Maryland – Hagerstown, the opportunity to provide support, technical assistance and guidance to businesses that complement the community and the existing downtown business fabric, as well as cultivate the sector of high tech businesses in the City's core.
3. 36-40 North Potomac Street: The City purchased this underutilized and deteriorated building in August, 2011. Once renovated, 36-40 North Potomac Street will have four loft-style residential units on the upper floors of the building with a gallery space on the street level for display of resident and community artist's work.
4. Code Administration Improvements: In recognition of barriers to redevelopment, the City streamlined the process for plan review and the application of relevant codes and standards. Most importantly is the shift in approach to find innovative solutions to common code problems.
5. Parking Plan: The City Public Works Department is moving forward with contracting a firm to perform a comprehensive evaluation of City Center parking system demand, customer service, finances, operations and future improvements. This initiative recognized the crucial importance parking plays in the future vitality of the City Center.
6. Transfer of McBare's Building to Maryland Theatre: The Maryland Theatre draws thousands of people to the City Center and is a major attraction to the Arts & Entertainment District. To support the operations

and future vision of the Maryland Theatre, on October 26, 2010, the Mayor and Council approved the transfer of the McBare's Building to the ownership of the Theatre.

7. **Funding Support:** Despite the loss of annual operating revenue due to the economic recession, the City has continued to devote financial resources to the betterment of the City Center. The Mayor and Council's approved FY 11/12 Budget includes approximately \$ 500,000 in reprogrammed bond proceeds and an additional \$ 250,000 in funding in the Economic Redevelopment Fund to support capital projects and initiatives which will enhance the City Center. In addition the City's annual budget includes funding to provide operating support for many organizations that promote arts and education and in most cases have an active presence in the City Center.
8. **Other Downtown Support:** The Mayor and Council funded the streetscape and sidewalk improvement project on the first block of North Potomac, unveiled Renaissance Way to open the new entrance way to the A&E Parking Deck, authorized the creation of Market Faire as a weekly outdoor farmers market in the Central Parking Lot, approve \$ 1.5 million in City funding for construction of the new library, approved new legislation related to Bottle Clubs and Entertainment Clubs, supported three new downtown events including the Velo Bike Race, Bike Night and Thunder in the Square and approved a new agreement with City funding to enable the Miss Maryland Scholarship Pageant to remain at the Maryland Theatre.

In addition to the projects, the Mayor and Council authorized the establishment of the Department of Community and Economic Development to strengthen City operations, better maximize the impact of City resources and provide staff greater opportunity for collaborative efforts. The creation of the Downtown Business Recruitment & Retention Manager position strengthens the City's economic development program. The new Communications Manager position will enhance the City's image and communication with the public.

The City of Hagerstown and the Hagerstown-Washington County Economic Development Commission have developed four objectives and five strategies designed to support the goal of enhancing and strengthening Hagerstown's City Center as a business, arts & entertainment, education and residential hub.

Working in partnership with businesses and downtown organizations has always been a component of the City's plans for downtown revitalization. Ms. Blake reported that she has been working closely with downtown businesses and organizations. Using ideas from previous initiatives, including Hagerstown Advance, and strategies, a plan has been developed for moving forward.

The City's plan for City Center encompasses a defined vision, mission and a set of strategic directions. The directions include:

1. Market and Promote the City Center
2. Retain and Expand Current Investment
3. Attract New Investment
4. Improve the Physical Environment

Ms. Blake stated through centrifugal development, the City Center will be the core of the city and won't be fragmented. There is potential for 24 hour movement and activity in the City Center.

Mr. Zimmerman stated this information is a useful summary for citizens in knowing how staff is approaching the issues. He stated to achieve this vision of creating a viable City Center for commerce and quality of life will require the hard work and commitment of all sectors of the community. City Center needs increased community support that extends beyond what can be provided by the City government. He encouraged residents to patronize City Center shops and restaurants, attend performances at the Maryland Theater, participate in the downtown's festivals and events, visit the new Library and enjoy the downtown. The City needs the community to embrace a positive outlook and to avoid the negative attitudes and comments that can be damaging to a downtown.

Councilmember Breichner stated one of the biggest problems is the perception of downtown. There are a significant number of Section 8 housing units. Section 8 housing does not bring the kind of market a normal business person would expect to visit the establishment. He suggested increasing uniformed police officers downtown. This would create a comfortable setting for visitors and send a message to the individuals who are detrimental to the perception of downtown. Elderly citizens have told him they are afraid to visit downtown.

Mr. Zimmerman stated there is a bike patrol and downtown patrol already in place. In addition, members of the Auxiliary Police group are working in the downtown.

Councilmember Breichner stated he believes it is critical that the City continues to purchase buildings for renovation.

Councilmember Haywood stated the City needs to seek projects with the highest impact. She would like to see a column showing the return on the investment for the list of accomplishments. Mr. Zimmerman indicated this information will be provided to the Mayor and City Council. Councilmember Haywood stated staff needs to follow up with businesses who request information.

Councilmember Brubaker stated there are a number of initiatives ongoing. An important issue is that cooperation from the public/private partnerships is essential. If the City invests in a parking garage, the private sector needs to step up and be part of the group. Increased investment from the private sector is needed. He thinks staff is working well to address the perception issues.

Councilmember Haywood asked if information is available for how another parking deck could increase the desire of businesses to locate in downtown. The Parking Study could provide this information.

Councilmember Metzner stated people who have not visited Hagerstown for many years have indicated to him that the downtown has improved, from the festivals to fewer reportable crimes. A standard is needed where retail businesses want to locate downtown. He thinks the Alexander House is an example of something detrimental to the desire of businesses wanting to locate downtown. Relocation of the Board of Education to downtown would be a major boost to the dynamics of downtown. Downtown is much better than it was many years ago.

Councilmember Easton thanked staff for this excellent presentation. He appreciates the honest assessment and discussion. He thanked those in the audience who have not given up on downtown and remained a part of the community. He suggested discussing the downtown issues with other communities who have successfully increased downtown business. There are many organizations that are willing to invest in a community, even if the payoff is not as large as at a mall or outlet center. He stated the A&E District Plan is 10 to 12 years old and should be updated.

Councilmember Haywood stated the City should review the initiatives for encouraging and revitalizing downtown housing, including incentives for a variety of price ranges. The incentives of the PEP Program should be more flexible.

Mayor Bruchey stated he is frustrated that Hagerstown Advance has not been more successful in generating interest in Hagerstown. He stated the Mayor and Council discuss high income projects. He challenged developers and the Hagerstown-Washington County Economic Development Commission to give Hagerstown a chance to meet their needs. He stated the City would make every effort to meet these needs. This plan for downtown should answer the questions of people asking if there is a plan.

He stated Hagerstown is a great city and downtown will be great again, with retail, business professionals, small shops, and the courts. He noted that every step of redevelopment in Frederick was noted positively by the media. Washington County media outlets should follow projects and report positively on the efforts. The City's strategic plan calls for focusing on the whole City and community. The downtown is the core of the city and success radiates from there.

He stated the Hagerstown Police Department is a premiere department and does the best they can with limited resources. He thanked staff for the presentation and thanked the audience for attending. He invited an open discussion from the community, outside of the Council Chamber.

The work session was adjourned at 6:30 p.m.

EXECUTVE SESSION – October 25, 2011

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 meet in closed session to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, #1 at 6:31 p.m. in the Mayor's Office, 2<sup>nd</sup> Floor, City Hall, Hagerstown, Maryland. The following people were in attendance: Mayor R. E. Bruchey, II, Councilmember W. M. Breichner, Councilmember M. E. Brubaker, Councilmember F. W. Easton, Councilmember L. C. Metzner, City Administrator Bruce Zimmerman, and Donna K. Spickler, City Clerk. The meeting was held to discuss various personnel issues. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the meeting was adjourned at 6:54 p.m.

**56<sup>TH</sup> Regular Session – October 25, 2011**

**Mayor R. E. Bruchey, II called this 56<sup>th</sup> Regular Session of the Mayor and City Council to order at 7:11 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 William Nairn 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, Tuesday, November 15, 2011, and the Regular Session on Tuesday, November 22, 2011 at 7:00 p.m.

**PROCLAMATION**

Mayor Bruchey read a proclamation naming October 24 through October 28, 2011 as Economic Development Week. The proclamation was accepted by Christy Blake, Downtown Business Recruitment and Retention Manager.

**CITIZEN COMMENTS**

Wes Churchey, Cool Hollow Road, Hagerstown, Maryland, is the owner of The Churchey Group. The Churchey Group is the developer of Greenwich Park. The Mayor



and Council considered an amendment to the sprinkler requirement ordinance during the October 18, 2011 work session. He stated he wanted to address several statements that were made during the meeting. It has been a City policy that roadways in a development would be paved when the development was complete. Mr. Day, a resident at Greenwich Park, had appeared before the Mayor and Council asking that the roadway be paved. Mr. Churchey discussed a pavement schedule with the City Engineer. The roadway was paved in July. The development is not complete at this time. He feels that Mr. Day was given special privileges, not him.

Councilmember Easton stated Mr. Day's request was not discussed at a work session. The issue was raised during Citizen Comments at several meetings.

Mr. Churchey stated the reason he did not accept the alternative system to address the sprinkler requirement presented by the fire department is because of the design and installation of the alternative. His homes are built with two hour fire walls. He indicated the State may be repealing the sprinkler requirement. On the other hand, the State may never repeal the requirement. The new code allows an exemption.

Mr. Churchey thanked Councilmember Easton for being opposed to mandating that a sprinkler system has to be installed in a home. He suggested allowing everyone to view the video that was mentioned.

He indicated this requirement affects David Lyles Development and him the most. He welcomed an opportunity to discuss this issue with those affected.

Councilmember Haywood asked why Mr. Churchey had not spoken during Citizen Comments prior to the passage of the ordinance. Mr. Churchey stated he discussed this issue with staff.

Mr. Churchey stated he did not appreciate comments made by Councilmember Haywood during the work session. He is proud of the work he does with the family based business. He builds good quality products and homes.

Councilmember Haywood stated her comments were not about Mr. Churchey personally. She removes the individuals while considering issues and looks at the issue itself.

Joan Sanders, 601 Observatory Drive, Hagerstown, Maryland, stated she felt obligated to appear at this meeting after hearing comments from the work session last week. The Greenwich community is comprised of a variety of professional people and they do not live in inferior houses.

Councilmember Haywood stated she did not say the construction was inferior.

Ms. Sanders stated many residents were shocked at the comments during the work session. She stated Mr. Churchey is an honest, dedicated builder.

Councilmember Haywood stated she was not commenting on Mr. Churchey or the Greenwich development specifically, she was commenting on the state regulations.

Donald Crum, 632 Observatory Drive, Hagerstown, Maryland, stated a sprinkler system should be optional and not mandatory. He took Councilmember Haywood's comments as being directly about the homes built by The Churchey Group. The comments may be detrimental to the residents of Greenwich Park. He does know of anyone who has an issue with a Churchey built home.

Jay McLaughlin, IESI, Scotland, Pennsylvania, thanked the Mayor and City Council for the opportunity to bid on the recycling and trash collection contract. IESI now offers a low disposal rate, which would be available to the City anytime.

Don Groseclose, Kessel Road, Hagerstown, Maryland, was present representing Allied Waste. He presented a letter to the Mayor and City Council stating Allied Waste is the lowest responsible bidder for Option A or B of the bid. He stated savings to the City could be more than \$ 2 million over the life of the contract with Option A or B.

Gordon Bartels, 139 S. Mulberry Street, Hagerstown, Maryland stated he was chairman of the Solid Waste Commission where he lived prior to coming to Hagerstown. He was not a member of the City's Recycling Task Force but he attended meetings. He was in favor of most of the recommendations. However, they did not consider making recycling mandatory. He believes it should be mandatory. He urged the Mayor and City Council to make recycling mandatory. He also recommended keeping the twice per week trash collection.

Ron Lytle, Contemporary School of the Arts and Gallery, 4 W. Franklin Street, Hagerstown, Maryland, asked when the City would be expanding the arts and entertainment district to include other downtown locations.

Janet Bartels, 139 S. Mulberry Street, Hagerstown, Maryland, expressed her concern that a downtown resident was not on the Recycling Task Force. There needs to be more marketing regarding dual stream recycling before any money is spent on single stream recycling.

Councilmember Metzner pointed out the contract that is to be awarded will cost less than what is currently being paid. It costs less to citizens for single stream recycling.

Councilmember Haywood stated it has been proven that single stream recycling increases participation.

Ms. Bartels does not believe everyone will recycle just because they have a tote.

Councilmember Easton stated the City can provide the tools for recycling and it will be up to the citizens to use those tools. He does not believe in mandating recycling.

Ms. Bartels stated she does not think the Council actually sees what occurs in her downtown neighborhood. Some things have to be mandated to help everyone live together better. More focus needs to be placed on neighborhoods.

Councilmember Brubaker thanked Ms. Bartels for her comments. He stated this is a big change and educating residents will be important. The Mayor and City Council decided now was the time to take these risks.

Penny Nigh, 634 N. Mulberry Street, Hagerstown, Maryland, was representing We Care Neighborhoods First. She read an email from Mary Haines expressing her concern that once per week trash pick up will create many problems, including excessive amounts of trash on the sidewalks. Ms. Haines is concerned that fees continue to increase.

Councilmember Brubaker wanted to make it clear that this service will cost less than the existing service. Reducing the cost of the service will ensure the trash collection is not being subsidized by the general fund.

Ms. Nigh stated the neighborhoods first groups should have been asked if they had recommendations for the task force. She expressed her concern about large amounts of trash with once per week collection. She stated Allied Waste has been the supplier of the collection service for 20 years. She asked the Mayor and City Council to reconsider twice weekly pick up.

Councilmember Metzner pointed out Allied Waste bid a price lower than the current collection charges.

Councilmember Brubaker stated this service was put out for bid. Three companies submitted bids. This is the responsible thing to do for taxpayers.

Tom Stang, Waste Management, stated representatives of Waste Management were present who could answer any questions about single stream recycling.

## **MINUTES**

On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember F. W. Easton, the Mayor and City Council unanimously agreed by voice vote to approve the minutes, as presented, for the Mayor and Council meetings held on September 13, 2011, September 20, 2011 and September 27, 2011.

## **CONSENT AGENDA**

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 of all members present to approve the Consent Agenda as follows:

- A. Hagerstown Police Department: Qualtrax Software – Qualtrax Compliance Software (Christiansburg, VA) \$ 29,550.00
- B. Public Works: Parking Master Plan of the City Center – Rich & Associates, Inc. (Southfield, MI) \$ 33,464.00
- C. Department of Utilities:
  - 1. Wastewater Division: Repair Nitrified Recycle Pump – AR&E (Hagerstown, MD) \$ 11,507.00
- D. Department of Community and Economic Development:
  - 1. Rehabilitation Façade Rehabilitation at 36-40 North Potomac Street – Milton Stamper Builders (Hagerstown, MD) \$ 60,000.00
- E. Fire Department: Kidde Smoke Alarms – Kidde, Residential & Commercial Division (Mebane, NC) \$ 10,348.56

**UNFINISHED BUSINESS**

**A. Approval of an Ordinance: Hodge Local Conversion District, 245-248 N. Locust Street, ZM-2011-01**

**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 to approve an ordinance for a Local Conversion District Overlay, including the two conditions endorsed by the Planning Commission, on property located at 245-247 North Locust Street.

**B. Approval of an Ordinance: To Amend the City Code, Chapter 10, Article X, Board of Public Safety**

**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 an ordinance to repeal Chapter 10, Article X of the City Code entitled Board of Public Safety. The public need for the Board of Public Safety has ceased and it is in the best interests of the citizenry that Chapter 10, Article X be repealed in its entirety.

**C. Approval of an Annexation Resolution: Tractor Supply Company, Case No. A-2011-02**

**Action:** 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 an annexation resolution known as the Tractor Supply Company Annexation for property located at

11935 Hopewell Road, as well as portions of Interstate 81 and Western Maryland Parkway. The portion of property to be annexed is approximately 64.87 acres in size and is intended to be added to and made part of the adjacent municipal lands.

## **NEW BUSINESS**

### **A. Introduction 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 introduce an ordinance 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 attached document.

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. Introduction of an Ordinance: Amending Chapter 60, Vehicles and Traffic**

**Action:** On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember A. C. Haywood, the Mayor and City Council unanimously agreed by voice vote to introduce 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 a Resolution: Lease Agreement with Softball League at Fairgrounds Park**

**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 a resolution to enter into a new agreement with the Hagerstown Fairgrounds Softball Association (HFSA) in Fairgrounds Park. The HFSA will have exclusive use of two fields and non-exclusive but priority scheduling use of the third softball field. This agreement is for the period of January 1, 2012 through December 31, 2016. User shall have the right to renew this agreement for two (2) additional – two (2) year terms beginning January 1, 2017.

**D.. Approval of a Resolution: Lease Agreement for 124 Charles Street**

**Action:** On a motion duly made by Councilmember F. W. Easton and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to authorize the execution and delivery of a lease between the City of Hagerstown and Timothy and Tina Shafer for the residence located at 124 Charles Street, Hagerstown, Maryland. Lease shall be in effect November 1, 2011 through June 30, 2012.

**E. Approval of a Resolution: Acceptance of Street – Terps Boulevard**

**Action:** On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember F. W. Easton, the Mayor and City Council unanimously agreed by voice vote to approve a resolution to accept the offer of dedication of the newly constructed Terps Boulevard in the Collegiate Acres development. The City shall commence maintenance of this street upon the developer submitting the proper one-year maintenance bond.

**F. Approval of a Resolution: Storm Drainage Easement for Salvation Army**

**Action:** Councilmember F. W. Easton made a motion to approve a resolution accepting a Storm Drain Easement for 539 George Street (Salvation Army). This agreement sets forth the terms and conditions for relocating a section of existing storm drain from under a proposed building. Councilmember L. C. Metzner seconded the motion.

Discussion: Councilmember Haywood indicated she will not be voting in favor of the resolution because the Salvation Army has not provided information to the City about who they will be bringing to Hagerstown.

Motion carried, 4-1 with Councilmember A. C. Haywood voting No.

**G. Approval of a Resolution: Lease Agreement Amendment for Rhubarb House**

**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 a resolution to amend the

existing lease for John D. Ralston and Shellie C. Ralston (The Rhubarb House) located at No. 12 Public Square. Terms and conditions of the amendment are for one year, retroactive March 1, 2011 to February 29, 2012.

**H. Approval of a Resolution: Community Legacy Grant Application – 60 West Washington Street and 36-40 North Potomac Street Grant Application**

**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 a resolution authorizing staff to submit a Community Legacy grant application to the Maryland Department of Housing and Community Development for up to \$ 200,000 for the following proposed projects:

1. Up to \$ 100,000 – Renovation of the former CVS Building to assist in the development of the Small Business Incubator
2. Up to \$ 100,000 – Renovation of the mixed use building located at 36-40 N. Potomac Street to assist in the development of Artist Lofts & Gallery

**I. Approval of a Resolution: Maryland Housing Rehabilitation Program Application – 36-40 North Potomac Street**

**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 a resolution authorizing staff to submit a Maryland Housing Rehabilitation Program Application to the Maryland Department of Housing and Community Development for up to a \$ 300,000 loan for 20 years at 3% interest for the following purpose:

Provide funding for the renovation of the mixed-use building located at 36-40 North Potomac Street into four (4) artist housing units and a cooperative gallery. The rents from the project will be used to make the loan payments.

**J. Approval of City Center Holiday Parking Program**

**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 the recommended downtown holiday parking plan to allow two hours of free parking in the North Potomac Street and Arts & Entertainment parking decks on weekdays beginning Monday November 21, 2011 through Monday, January 2, 2012. Parking in the decks after 4 p.m. in the evenings and all day Saturday and Sunday will be free.

Parking in the city center, central business district street and lot meters will continue to be free after 5 p.m. and all day Saturday and Sunday as it is normally throughout the year.

Also, parking enforcement of metered spaces along the streets and in city owned lots would be suspended during the city recognized holidays of Thanksgiving (November 24 and 25) and Christmas (December 23 and 26).

**K. Approval of Wholesale Electric Power Supply Contract Extension with Allegheny Energy Supply Company, LLC**

**Action:** On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember F. W. Easton, the Mayor and City Council unanimously agreed by voice vote to approve the Amendment to the Power Service Agreement between the City of Hagerstown and the Allegheny Energy Supply Company, LLC. The existing Power Service Agreement has been extended for a period of one year, from the initial expiration date of May 31, 2013 through the new expiration date of May 31, 2014. The MWh (megawatt hour) charge for service during the aforementioned one year period will become \$ 54.36 (fifty four dollars and thirty six cents.)

**L. Approval of a Purchase: Design Engineering Services for Phase IV RC Willson-Disinfectant By-Product Rule 2 – Hazen and Sawyer Environmental Engineers and Scientists (Baltimore, MD) \$ 1,190,249**

**Action:** Councilmember A. C. Haywood made a motion to approve the expenditure of \$1,190,249 (one million one hundred ninety thousand two hundred forty nine dollars) for the R. C. Willson Phase IV – Disinfectant By-Product Rule 2 Compliance Engineering Services. Hazen and Sawyer Environmental Engineers and Scientists will complete the final design, prepare the bid ready documents, and perform the bidding services. Water Division CIP 740, account number 52-85001—5892-C0740 currently has \$ 8,640,000 (eight million six hundred forty thousand dollars) budgeted through FY 14. Funding for this project will be a future bond issue. Additionally, MDE has approved \$ 9.16 million in project funding with \$ 1.5 million in principal loan forgiveness. Councilmember F. W. Easton seconded the motion.

Discussion: Councilmember Breichner stated this is a change order, not a bid item. He asked if MDE would extend the deadline. Michael Spiker, Director of Utilities, stated MDE would not extend the deadline.

Motion carried 4-1, with Councilmember W. M. Breichner voting No.



**M. Approval of a Contract: Trash and Recycling Collection Services – Waste Management of Pennsylvania (Greencastle, PA) Residential \$ 1,240,617.84, Commercial \$ 4,764.00**

**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 Contract No. 11-11-M-11 with Waste Management of Pennsylvania for curbside collection of residential trash, recyclables, and yard waste. This three year contract will commence January 1, 2012 and includes an option for future Mayor and Council consideration of a three year extension. This contract is for “Option D” as referenced on the presented spreadsheet and Waste management of Pennsylvania is the low responsive bidder for the aggregate amount of collection and disposal costs. The annual fee is \$ 1,240,617.84 for residential collection and \$ 483,000 for disposal, based on the spreadsheet. This option enhances the City’s recycling program (without increasing rates to residents) by providing:

- 1.. Once a week single stream recycling collection
2. Once a week trash collection (twice per week in the City Center)
3. Once a week yard waste collection
- 4.. A recycling incentive program

In addition to the above residential service, the Mayor and Council further moved to approve as part of Contract No. 11-11-M-11, a new program for the collection of commercial sing-stream recycling and trash in the City Center. The annual fee is \$ 4,764, based on collection of an estimated 50 commercial properties.

All of the above services are consistent with the Trash and Recycling Task Force recommendations presented to the Mayor and Council in March, 2010.

Discussion: Rodney Tissue, City Engineer, wanted to clarify this approval starts the contract with Waste Management. Other actions to complete include purchase of recycling totes/containers and an agreement with the landfill.

**N. Emergency Procurement Ratification – Demolition of 149 West Washington Street – Allegany Wrecking & Salvage \$ 106,705.65**

**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 ratify an emergency procurement for the demolition of 149-153 West Washington Street. The building had partially collapsed and presented an imminent public safety hazard. Staff ordered the immediate demolition of the structure to eliminate the threat to

public safety. Allegany Wrecking and Salvage, of Hagerstown, Maryland completed the work. The cost of the demolition was \$ 106,705.65. The property owners will be invoiced for the demolition and if the invoice is not paid, a lien will be placed against the property.

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

*Bruce Zimmerman, City Administrator*, reminded everyone the Alsatia Mummer's Parade will be held on Saturday, October 29, 2011 at 6:00 p.m.

### **MAYOR AND COUNCIL COMMENTS**

*Councilmember W. M. Breichner* remembers there was opposition to Mr. Churchey's project from neighbors. Mr. Churchey resolved the issues. He stated there is no question of the quality of building by Mr. Churchey. He feels the homes should have sprinkler systems.

*Councilmember M. E. Brubaker* met with EDC and staff to discuss infrastructure. The City staff prepared an excellent chart. He suggested staff send this chart to all elected officials in the County. The Planning Commission met to discuss conversion districts. They will be discussing text amendments to be friendlier to owners and the community.

*Councilmember F. W. Easton* expressed his appreciation of the presentation during the Work Session held earlier today.

*Councilmember A. C. Haywood* had no additional comments.

*Councilmember L. C. Metzner* had no additional comments.

*Mayor R. E. Bruchey, II* is looking forward to the Mummer's Parade. He thanked the members of the Recycling Task Force for volunteering their time and reviewing different options for recycling.

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 8:40 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: November 22, 2011