

2nd REGULAR SESSION – December 18, 2012

Mayor D. S. Gysberts called this 2nd Regular Session of the Mayor and City Council to order at 7:05 p.m., Tuesday, December 18, 2012 in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, M. E. Brubaker, L. C. Metzner, D. F. Munson, P. M. Nigh; City Administrator Bruce Zimmerman, City Attorney William Nairn and D. K. Spickler, City Clerk.

The invocation was offered by Mayor D. S. Gysberts. The pledge of allegiance was recited.

NEW BUSINESS

Adoption of Revised Rules of Procedure

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 adopt the established Rules of Procedure dated December 18, 2012. These Rules and Procedures shall apply to all meetings of the Mayor and City Council to be held by this administration and shall be in effect upon adoption of the Mayor and City Council.

Mayor Gysberts announced the Rules of Procedure for this meeting will be followed as adopted December 18, 2012. 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 8, 2013, Tuesday, January 15, 2013, the Regular Session on Tuesday, January 22, 2013 at 7:00 p.m. and a Budget Retreat on Tuesday, January 29, 2012 at 4:00 p.m.

APPOINTMENTS

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote to appoint Andrew Durham to the Board of Zoning Appeals. The term of this appointment will expire on December 31, 2016.

CITIZEN COMMENTS

Francine Donachie, 10349 Bridle Court, Hagerstown, Maryland, is president of the Downtown Alliance. She is dismayed at the continued neglect of downtown. She has watched friends and partners who waited for help from elected officials that never came. The Alliance represents all aspects of business, including non-profit groups. They want to make a difference. The members have the heart and drive to help make downtown a great place. This organization has stepped up to help when asked. They sponsor City events and donate goods and services to local charities. They wonder when leaders will

stand up for the members and support revitalization for downtown. There was a glimmer of hope in the form of the MUSEC project. She thanked City staff for their positive outlook and for working with the Alliance. The citizens of Hagerstown have to stop thinking they are not worth this kind of investment. Negativity and grumbling kills projects. For the Alliance, this was not a stadium project, it was a revitalization project. She stated the members wonder what will occur now. They deserve more. The Downtown Alliance members have pledged to stand together and build up downtown.

Paul Deputy, 41-45 N. Potomac Street, Hagerstown, Maryland, is an owner of the Gourmet Goat. He invests in downtown. When a new project is presented, it seems like it is beaten down. It is difficult to keep a positive outlook. Things need to happen downtown soon to save it.

Tim Thompson, 12219 W. Lawn Lane, Hagerstown, Maryland, spoke about the sale of the property at the Army Reserve Center on Willard Street to Washington County. He suggested that the City retain ownership and lease the space to the County for use as a Senior Center. The money that the County is planning to use for the purchase could be donated to the Commission on Aging.

Rich Daughtridge, 10 Public Square, Hagerstown, Maryland, owns High Rock Studios on the square. He has been quietly positive. His business needs to expand and make some decisions about their location. The proposed stadium was exciting. They could share this information with recruits and they were excited too. He expressed his opinion that if the Mayor and City Council don't reconsider the MUSEC project, they are turning their backs on downtown.

Pastor Dan Poyner, Bridge of Life Church, 14 S. Potomac Street, Hagerstown, Maryland, is a member of the Downtown Alliance. Their agenda is to help downtown thrive and survive. He is disappointed the Mayor and Council appear to have ended the MUSEC project. There was a lot of enthusiasm surrounding the MUSEC project. He is concerned that money that would have been spent for the project will go somewhere else – from the State, from the County and from the Suns. The Ripken report says the MUSEC would be an investment, not a cost to the City. Potential losses include tax revenue, jobs, and quality of life. He asked the Mayor and Council to think about the possibilities of what a stadium could do for downtown. If the project is relocated to the East end, it won't have the same impact on the downtown.

Ryan Daughtridge, 126 Holburn Avenue, Hagerstown, Maryland, has relocated a company from New York to Hagerstown. He does not like baseball but would like to be able to take his family to a game. He thinks a stadium would be a catalyst for development downtown. He decided to move his business because he was excited about Hagerstown and wanted to be a part of it. He is concerned about how excited his employees will continue to be. There is evidence in Hagerstown that it was a thriving City. He wants to be a part of making downtown a thriving community.

Neal Glessner, 1216 Sherman Avenue, Hagerstown, Maryland, is president of Glessner Alarm and Communications. He is also a Chamber of Commerce board member. The official statement from the Chamber about the MUSEC is that they continue to support the MUSEC in downtown because it would help downtown. They

asked the Mayor and Council to continue pursuing the MUSEC in downtown. As the idea was discussed, the business community realized it could be catalyst for development downtown. Economic value would be generated with events. The Ripken study, which was completed before the private donor of \$ 15 million came forward, showed property values would increase and prompt an upward spiral. The Chamber asks that the Mayor and Council pursue the downtown stadium option.

Dan Spedden, 41 Mealey Parkway, Hagerstown, Maryland, stated in 1999, the Chamber had a stadium committee. They looked at many sites, including the current location at Municipal Stadium. The existing location is too small for major expansion. The flooding problems would be expensive to fix. The MUSEC project is a quality of life issue, a family issue and it would be a tourist site. From his perspective, the downtown site is the best location. It would be the best value for the City. He is slightly offended that all the MUSEC references are gone from the City's website. He urged the City to discuss where the best site would be with the Maryland Stadium Authority.

Dwight Saunders, 11 W. Baltimore Street, Hagerstown, Maryland, stated he is being unfairly evicted from his apartment by the Hagerstown Housing Authority. He wondered who could help him with this problem.

James Devine, P. O. Box 2217, Hagerstown, Maryland, has represented Mr. Saunders at an administrative hearing with the Housing Authority. He does not believe the hearing was fair to Mr. Saunders. Witnesses were not allowed to speak and documentation was not provided. He asked the City, who he believes has authority over the Hagerstown Housing Authority, to look into this issue. He stated Mr. Saunders deserves a full and fair hearing.

Chris Smith, 10335 Latin Lane, Hagerstown, Maryland, moved to Hagerstown in 1978. He stated his friends view Hagerstown as a dismal environment for young professionals. The City can't wait another nine months to make a decision on the MUSEC project. He stated a rising tax base will increase benefits for citizens and employees in Hagerstown.

Tim Henry, 19224 Chippendale Circle, Hagerstown, Maryland, has chaired a committee to help determine ways to bring activities and people downtown. The committee then started working on the idea of a multi-use facility. He is a huge fan of the City and this project would create revitalization of the City. A new stadium and multi-use facility will invoke community pride, excite the business and all those who want to be downtown. The downtown site is the correct location to help revitalize downtown. He mentioned cities that faced opposition of projects, i.e. Baltimore with the Inner Harbor and Camden Yards. This is an opportunity to build on the excitement that has been increasing for Hagerstown.

Robert Naugle, 920 Oak Hill Avenue, Hagerstown, Maryland, presented a newspaper article that was written in 2011 about the charm of Municipal Stadium. He urged the Mayor and City Council to make decisions regarding a new stadium carefully.

Cory Linthicum, 15201 Clear Spring Road, Williamsport, Maryland, stated baseball is his passion. He believes people will support a downtown stadium and there will be a wave of investment.

Pastor Poyner mentioned research shows that most stadiums are built downtown. Municipal Stadium is not very historic. He asked the Mayor and Council to do what is best for the City and the region. It will take courage to make difficult decisions.

Nancy Allen, 924 Oak Hill Avenue, Hagerstown, Maryland, stated the MUSEC is a prime opportunity to make something of Hagerstown. She sees problems that need to be addressed before talking of investing in downtown. The downtown is crying out for help. She stated there are safety perceptions that need to be addressed.

Mr. Thompson asked why businesses haven't located around the existing stadium if it stadiums help revitalization. He stated the City should not pay \$ 30 million for a stadium if attendance is low.

MINUTES

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 the minutes, as presented for the Mayor and Council meetings held on November 13, 2012, November 20, 2012, November 26, 2012 and November 27, 2012.

CONSENT AGENDA

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to approve the Consent Agenda as follows:

- A. Department of Parks and Engineering: Acceptance of Community Greening \$ 30,000.00 Grant
- B. Department of Utilities:
 - 1. Water Division: Generator Pump for Water Pump Stations – Washington Air Compressor Rentals (Rockville, MD) \$ 93,728.00
- C. Information Technology and Support Services: ESRI GIS Enterprise License Agreement Renewal – ESRI (Redlands, CA) \$ 93,728.00

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

A. Approval of a Resolution: Accept Offer of Dedication of Omega Drive, Cameo Drive (new portion), 490' of Imperial Drive, Hoosier Court and Wolfpack

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 accept the offer of dedication of the newly constructed Omega Drive, Cameo Drive and 490' of Imperial Drive (all in Light Business Park), Hoosier Court and Wolfpack Way (both in Collegiate Acres). The City shall commence maintenance of these streets upon the developer submitting the proper one-year maintenance bond.

B. Approval of a Resolution: Approval of a Memorandum of Understanding (MOU) with Maryland State Police Regarding Information for Vehicles and License Plates

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember D. F. Munson, 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 – Hagerstown Police Department and the Maryland State Police. The MOU establishes each party's responsibilities as they pertain to information obtained through the use of license plate screening technology.

C. Approval of Funding for Community Coalition Lobbyist

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 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.

Discussion: Councilmember Aleshire asked that the listing of the past partners be removed from the motion because it is irrelevant who the partners are. Councilmember Brubaker and Councilmember Metzner revised the motion as requested.

Motion as revised: 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 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.

D. Approval of City of Hagerstown Employee Wellness Program Funding

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to allocate \$ 25,000 of the Health Care Fund balance to be used for funding the Wellness Program for the period of January 1, 2013 to June 30, 2013.

E. Approval of Hagerstown Police Department Position and Vehicle Related to Safe Speed for Students

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to approve the hiring of an additional police officer to operate Hagerstown's Safe Speed for Students (Speed Camera) program. This motion includes the purchase of a marked police cruiser equipped to operate the program from the street for the purpose of increasing police visibility downtown. Approval of the additional police officer position will increase sworn police personnel from 106 to 107 (with a total of 105 funded).

Discussion: Councilmember Nigh is concerned that filling this position will take someone off the street.

F. Approval of Hagerstown Fire Department Funding for Three Captain Positions

Action: On a motion duly made by Councilmember P. M. Nigh and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote for approval to restore funding for three Captain positions within the Fire Department that are currently unfunded. Funding for these positions will be provided from the Safe Speed for Students Program.

G. Approval of Utilities Department Demolition of the Structure at 28 West Church Street

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote to approve the demolition of the structure at 28 West Church Street by TKO Construction in the amount of \$ 14,499.00.

Discussion: Councilmember Munson stated his office was located in this building for 36 years and he never had any kind of criminal problems. He thanked City Light for being a responsive landlord throughout his time there.

CITY ADMINISTRATOR'S COMMENTS

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Bruce Zimmerman, City Administrator, reminded residents that refuse and recycling schedules will change during the next two weeks due to the holiday. Yard waste will end for the winter after next week. He wished everyone a Merry Christmas and Happy New Year.

MAYOR AND COUNCIL COMMENTS

Councilmember K. B. Aleshire stated it is unfortunate that the people speaking about the stadium left the meeting before Mayor and Council comments. Communication has to be two way on this issue. He is concerned about the notion that this body is killing the MUSEC project. He would like to share all the information about the MUSEC project with the citizens. He came into office thinking the \$ 15 million private donation was secure. It appears the donation may not exist. He pointed out other administration members have said the project won't move forward without the \$ 15 million. He stated he understands a majority of the County Commissioners indicated they did not feel the proposed location was the right location. The County's commitment of a contribution toward the project was because Hagerstown is the only municipality that pays into the 911 Center. The Delegation has had nine months to consider this project. He understands there is opposition from City representatives. He stated he was under the impression that the Suns ownership preferred the downtown site. It was enlightening to hear from Mr. Quinn (Suns) they were not saying they wanted a stadium downtown. He stated the property acquisition estimates are not accurate, based on the appraised value and the purchase cost. He was not aware of three proposals from interested businesses. All the information needs to be released. He served 10 years in elected office and has supported the A & E Deck, University Plaza, improvements for the Maryland Theatre and funding in the County budget for the Barbara Ingram School for the Arts and the new library.

Councilmember Aleshire stated there could be incarcerated labor available to help with MELP demolition, when it occurs.

He stated the tragedy in Newtown, Connecticut should make everyone realize that children should be protected, at all costs.

Councilmember M. E. Brubaker stated this City, County and region will face huge challenges. He stated leaders will need to move forward and not dwell on the past. He wished everyone a good holiday season.

Councilmember L. C. Metzner looks forward to a public discussion of the issues presented during Citizen Comments. The MUSEC will be addressed quickly because of the time frame to request inclusion in the Governor's budget. He is convinced that this administration understands the energy consideration of the MUSEC project has created as it relates to significant downtown redevelopment. Regarding the recent shooting in Connecticut – the nation has to say these actions are not acceptable in this country.

Councilmember Metzner invited everyone to attend to ribbon cutting tomorrow at the Panama Canal Restaurant, 40 E. Washington Street in Hagerstown. This new restaurant serves good food at reasonable prices. City Center Dollars are still available at the Convention and Visitors Bureau. Anyone purchasing \$ 20 of City Center Dollars will

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receive an additional \$ 5. He is looking forward to a bright and happy future in Hagerstown.

Councilmember D. F. Munson commended the Herald Mail for stating the Board of Education belongs downtown. He hopes the County and the elected School Board are listening. He wished everyone a Merry Christmas.

Councilmember P. M. Nigh stated hiring three Fire captains is a step in the right direction. She hopes the funding source remains high enough to restore all the firefighter positions. She hopes there are enough qualified applicants for filling police officer positions. The City needs community police officers who can talk to people. She attended the MSO Concert on December 15, 2012. The talent of the Northern Middle School chorus was amazing. The Maryland Theatre is a jewel in downtown. She would like to see more entertainment events held there. She wished everyone a Merry Christmas and a Happy New Year.

Mayor D. S. Gysberts stated the quality of the performances at the Maryland Theatre is impressive. He will be rolling out a process for getting all the stakeholders with the stadium project and downtown revitalization involved. It is important that the Mayor and Council and stakeholders not be divided. No idea is dead. The MUSEC information being taken off the City's website was a staff decision and he supports their decision. The Mayor and Council members are doing their best to read all the information presented for the MUSEC project and others. He wished everyone a Merry Christmas and a Happy New Year.

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 8:47 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: January 22, 2013