

81ST SPECIAL SESSION AND WORK SESSION – NOVEMBER 13, 2012

81ST SPECIAL SESSION – November 13, 2012

Mayor R. E. Bruchey, II called this 81st Special Session and Work Session of the Mayor and City Council to order at 4:05 p.m., Tuesday, November 13, 2012, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers W. M. Breichner, M. E. Brubaker, F. W. Easton, L. C. Metzner; City Administrator Bruce Zimmerman, City Attorney William Nairn and City Clerk D. K. Spickler. Councilmember A. C. Haywood was not present.

On a motion duly made by Councilmember F. W. Easton and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to meet in Special Session at 4:05 p.m.

Approval of an Ordinance: Sale of Property at 140 S. Potomac Street to CAPYBARA, LLC

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 of all members present to approve an ordinance authorizing the sale of 140 South Potomac Street, Hagerstown, Maryland, to CAPYBARA, LLC, for the sum of One Hundred Five Thousand (\$ 105,000), in accordance with all terms and conditions outlined in the purchase agreement.

Introduction of an Ordinance: Sale of Army Reserve Property at 21 Willard Street to Washington County

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 of all members present to introduce an ordinance authorizing the sale of the former U. S. Army Reserve property on Willard Street, Hagerstown, Maryland, to the Board of County Commissioners for Washington County, for the sum of Six Hundred Twenty Five Thousand Dollars (\$ 625,000.00), in accordance with all terms and conditions outlined in the Ordinance.

Discussion: Councilmember Easton takes pride in being a part of this good will act with the County Commissioners. This sale will allow the City to assist the County in saving millions of dollars and locating a Senior Center in the core of Hagerstown, rather than on Robinwood Drive. People in the neighborhood are excited about a positive use for this property, since it has been vacant for the last three years. The amenities in the area will be an asset to the Senior Center.

Councilmember Breichner reminded everyone that, two years ago, the Mayor and Council had asked the County Commissioners to reconsider

the location of the Senior Center on Robinwood Drive. A Senior Center on Willard Street will be a great benefit to City residents who are senior citizens.

Councilmember Metzner stated questions have been raised about the quick turn around on this property. He indicated for the Mayor and Council, this is not a “rush job”. When they realized the property would be reverting back to the City, they all thought it would be a good location for a senior center. The next administration will formalize the ordinance. The contract price of \$ 625,000 is lower than the appraisal; however, the property will be used to benefit City residents. The County Commissioners will be making this purchase, without using City or County tax dollars. The funding is available for use only until the end of this year, or it will be lost. He supports the project.

Councilmember Brubaker stated he understands the County must commit this funding prior to the end of December. This administration began the process, by introducing the ordinance, to allow enough time for the ordinance to become effective prior to December 31, 2012.

Commissioner Ruth Anne Callaham agreed that this working relationship with the Mayor and City Council is the best she has seen.

County Administrator Greg Murray indicated the County had considered the Army Reserve Center as a possible location, but it was still occupied by the U. S. Government at that time. He appreciates the working relationship with this administration.

On a motion duly made, seconded and passed, the special session was closed at 4:18 p.m.

WORK SESSION – November 13, 2012

LGIT Training Grant Presentation

Tim Ailsworth, Local Government Insurance Trust (LGIT), presented a grant in the amount of \$ 725.00 to Acting Police Chief Mark Holtzman. The funding is being used to send an officer to a training program. The officer will then train others within the department.

Acting Chief Holtzman thanked LGIT for the grant, which is one of many the department has received.

Krumpe’s Second Annual Do-Nut Alley Rally

Karen Giffin, Community Affairs Manager, and Fred Krumpe, Krumpe’s Donuts, were present to announce the outcome of the Rally, which was held on Friday, August

10, 2012.

This event is a 5K run/walk that benefits the Wounded Warriors Project. Mr. Krumpe stated 583 people registered to participate this year. More than \$ 9,000.00 was raised during the event. The next rally will be held on August 9, 2013.

Councilmember Metzner had the opportunity to represent the City at the event this year. He believes the participation is so good because of the reputation of Krumpe's Donuts.

Ms. Giffin stated Krumpe's is a great business partner for Hagerstown. She thanked Mr. Krumpe and his family.

Preliminary Agenda Review

Public Hearing – Community Development Block Grant Public Needs

Councilmember Metzner suggested delaying this hearing until the new administration takes office, since they will be making the budget decisions that will be necessary for the requests that will be made. If there are no time constraints for this hearing, it will be moved to December 4, 2012.

Consent Agenda

- A. Department of Parks and Engineering:
 - 1. Parks: Extension of Grounds Services Contract
- B. Department of Public Works: Extension of Gasoline Purchase Order by \$ 40,000
- C. Information Technology and Support Services: Copier Replacements and Lease Renewal – Word Processing Services (Hagerstown, MD) \$ 21,600.00/annually

Unfinished Business

Approval of an Ordinance: Sale of Army Reserve Property at 21 Willard Street to Washington County

Approval of this ordinance will be rescheduled for December 4, 2012.

Approval of a Resolution: Accept Offer of Dedication of “Garst Court” and Mercer Drive”

These two streets are known as the Final Plat for Fairchild Heights Townhomes. When approved, the City will commence maintenance of this area.

Approval of 2013 and 2014 Pavement Preservation Program

Rodney Tissue, City Engineer, stated the Council endorsed a draft 2013 street list in January, 2012, and now the City must finalize the 2013 street list and begin to establish a list of streets for pavement preservation in 2014. This would allow utilities to budget for and install main replacements as necessary. In addition, property owners who receive curb and sidewalk notices will have approximately 12 months to complete the required work prior to the 2014 pavement preservation work.

Request to Change Traffic Pattern: Belview Avenue at Hillcrest Road

Rodney Tissue, City Engineer, stated staff is seeking direction from the Mayor and Council regarding the intersection of Belview Avenue and Hillcrest Road. This intersection is a 4-legged intersection that currently operates as a 2-way STOP control. Residents of Belview Avenue have contacted the office with complaints regarding the limited sight distance.

The Board of Traffic & Parking met and discussed the results of traffic volume information. The information collected did not meet the typical warrants for a 4-way STOP. Staff suggested removing parking spaces to improve sight distance and to work with the residents through the “Residential Traffic Calming Policy”. After reviewing comments from the residents regarding the use of the public park at this intersection, and the concern over losing parking, the Board agreed to recommend to the Mayor and Council that this intersection be converted to a 4-way STOP control.

To protect the City from unnecessary liability, staff cannot recommend installing additional STOP signs that are unwarranted. However, due to the inordinately high amount of pedestrians accessing the adjacent park and to address the limited sight distance, staff feels this intersection is unique and the MUTCD provides enough latitude to permit a 4-way STOP at this location.

Councilmember Breichner does not think a 4-way stop is necessary at the intersection. Hillcrest Avenue is not actually a through street.

Mayor Bruchey pointed out the residents expressed concern about the limited sight distance. Councilmember Metzner indicated during the Board of Traffic and Parking discussions, the limited sight distance, with the proximity of the park, was the main factor.

Approval of the change will be included on the agenda for November 20, 2012.

**Approval of Bulk Gasoline Purchase – James River Solutions (Ashland, VA)
\$ 335,907.00 and Approval of Diesel Fuel Purchase – Cato, Inc. (Salisbury, MD)
\$ 382,356.00**

Eric Deike, Director of Public Works, stated these purchases were 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. The listed prices do not include necessary taxes. The actions included on the agenda for November 20, 2012 will reflect that taxes are included.

Approval of Utilities Bulk Chemical Purchase for Remainder of FY 13 and First Half of FY 14: Wastewater - \$ 387,760.00 and Water Division \$ 510,943.00 (Various Vendors)

There were no questions regarding the purchase of chemicals.

Approval of Motor Vehicle Administration – Privacy Protection Policy Agreement

Mark Holtzman, Acting Chief of Police, introduced Karen Cook, who is the new director of the Memorial Recreation Center. Ms. Cook is submitting a request for funding for the after school program. This program was originally funded under the C-Safe Grant but in recent years has been funded through the city's general fund.

The MRC provides a variety of constructive afterschool programs to area youth. This program runs for the 2012-2013 school year at a cost of \$ 17,940.00.

It was the general consensus to approve the funding for the continuation of the after school program.

Approval of Agreement, Release and Waiver of Liability with DFIN, LLC

Acting Chief Holtzman indicated this agreement permits the use of the former Hagerstown Hotel property by the police department for training. The property, located at 1910 Dual Highway, is slated to be demolished in the future by the owners. The agreement permits the use of the building's interior from November 15, 2012 to November 15, 2013.

It was the general consensus to approve the agreement.

This completed the preliminary agenda review.

Western Maryland Blues Fest

Karen Giffin, Community Affairs Manager, and Carl Disque, Executive Chair of the Festival, were present to provide information about the 2013 Blues Fest. Staff is seeking approval for authorization of the 2013 Western Maryland Blues Fest Budget. This is a working, fluid budget for the committee, pending venue selections and contract negotiations.

The festival will be held from May 30, 2013 through June 2, 2013. Mr. Disque thanked the Mayor and City Council for working with the group during the last four years. He thanked Bruce Zimmerman and Karen Giffin for their efforts through the years, especially with the challenges during last year's event. Ms. Giffin pointed out the event is also manned by more than 200 volunteers.

Community Coalition Lobbyist Funding Request

John Latimer, was present to discuss the 2013 County Community Coalition efforts. The Coalition is inviting the City of Hagerstown to participate again this year. The coalition's members include the Chamber of Commerce, Washington County, City of Hagerstown, CHIEF (the Industrial Foundation), the Greater Hagerstown Committee, Washington County Public Schools, the Washington County Free Library and the Convention and Visitors Bureau.

As the community grows, the Coalition partners increasingly see the need to supplement the work of the delegation and help promote Washington County in Annapolis. No matter the strength of the local delegation, Washington County will always need a concerted effort to be heard along side larger, more urban areas. The Coalition is focused on helping overcome this disadvantage in Annapolis.

As in the past, the Coalition will hire a lobbyist to push the state-level agenda during the 2013 General Assembly session. The program will also keep the members posted on issues of concern throughout the year, serving as an "early warning system" for anything in Annapolis that may affect Hagerstown or Washington County.

Again this year, they are asking the partners to participate financially. The Coalition is asking the City to contribute \$ 5,000.

Councilmember Brubaker stated for this amount of money, there are advantages in term of just the watch list. An example would be the threats of eliminating funding for University of Maryland at Hagerstown. The coalition keeps the City aware of many things in Annapolis.

Councilmember Easton asked if this administration would be approving the expenditure. Mr. Zimmerman indicated they would not at this meeting but could at the November 20, 2012 if they wished to. Councilmember Easton indicated he supports this activity but would prefer to let the incoming administration determine if they want to participate. He thinks a similar group, at the Federal level, would be helpful as well.

Councilmember Breichner stated this is a worthwhile endeavor. Keeping up with the needs of those in Washington County is important.

It was the general consensus to defer the request until the new administration takes office.

Charter Amendment Resolution

During the November 2012 election, the following question was placed on the ballot:

Should Article V Section 503 of the Charter of the City of Hagerstown be amended by the Hagerstown City Council to provide for a non-partisan primary in which the ten persons with the highest votes without regard to political party shall become candidates for City Council in a non-partisan general election and the two persons with the highest number of votes without

regard to political party shall become candidates for Mayor in a non-partisan General election?

The unofficial results of the election indicate 70% of voters favor changing Hagerstown's election to non-partisan.

Mr. Nairn indicated there may be other sections of the Charter that need to be revised to reflect the results of a non-partisan election, such as the filling of vacancies. The current Charter requires that vacancies be filled with persons of the same party.

Councilmember Brubaker stated he feels there should be a temporary provision for filling vacancies with the incoming administration because they were elected in a partisan election. Any vacancies should be filled by party, then the provision should expire with the incoming administration's term.

Councilmember Metzner stated if the non-partisan charter amendment is approved, any vacancies from that point on should be made on a non-partisan basis. He stated this administration should be the group that passes a Charter Amendment to have non-partisan elections beginning in 2016.

Councilmember Brubaker stated since the incoming administration was elected in a partisan election, any vacancies should be filled on a party basis.

Mr. Nairn will draft a resolution to amend the Charter to hold non-partisan elections and to fill vacancies on a non-partisan basis.

Councilmember Metzner wondered if the City election should be held on the Gubernatorial schedule, rather than the Presidential schedule. The primary would be much closer to the general election with the Gubernatorial schedule. He wondered if the cost would be too much to hold the election on that schedule. He noted he did not think it was practical to hold the City's election with the Presidential election.

Hagerstown Suns – Lease Extension at Municipal Stadium

Rodney Tissue, City Engineer, stated the current lease with the Suns expires on December 31, 2012. Staff is requesting Council's approval to extend the lease from January 1, 2013 through December 31, 2014. There is no change from the current lease except the Suns have requested a sentence at the end of Section "IV Term" that says that the lease may be terminated at any time with 90-days notice without penalty.

Councilmember Metzner stated this lease is a good faith effort for the City saying to the Suns they would like to continue to work together.

Mr. Tissue stated the Suns pay the City \$1 for the use of the stadium and they run the operations. The Player Development contract with the professional league disqualifies the use of Municipal Stadium for future player development.

It was the general consensus to approve the extension.

Program Open Space (POS) Proposed Projects for FY 2014

Rodney Tissue, City Engineer, and Junior Mason, Parks Superintendent, were present to discuss the FY 2014 POS application.

Mr. Tissue reported the City was awarded \$ 65,000 in POS funding from last year's application.

The following projects are being considered for submission:

1. Potterfield Pool Amenities (for wading pool) - \$ 49,500
2. Potterfield Pool Shade Canopy (for concession area) - \$ 13,500
3. Dog Park Amenities (for new dog park) - \$ 22,500
4. City Park Pavilion (for north end of lake) - \$ 22,500
5. Kiwanis Park Pavilion - \$ 22,500
6. Pangborn Park Gazebo (near the gardens) - \$ 10,800
7. Staley Park Pavilion (near existing pavilion) - \$ 22,500

Councilmember Brubaker suggested moving the dog park request to number 7. Councilmember Metzner suggested moving the Kiwanis Park Pavilion to number 3. After further consideration, the list was set as follows:

1. Potterfield Pool Amenities (for wading pool) - \$ 49,500
2. Potterfield Pool Shade Canopy (for concession area) - \$ 13,500
3. Kiwanis Park Pavilion - \$ 22,500
4. City Park Pavilion (for north end of lake) - \$ 22,500
5. Pangborn Park Gazebo (near the gardens) - \$ 10,800
6. Staley Park Pavilion (near existing pavilion) - \$ 22,500
7. Dog Park Amenities (for new dog park) - \$ 22,500

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, reminded everyone that City Hall will be closed on Thursday, November 22, 2012 and Friday, November 23, 2012 for the Thanksgiving holiday. Trash and recycling pick up will be delayed one day due to the holiday.

MAYOR AND COUNCIL COMMENTS

Councilmember M. E. Brubaker is glad to see economic development projects being completed in Hagerstown. Duvinage Corporation and Susquehanna bank are moving forward with projects.

Councilmember W. M. Breichner asked that signs be placed at Hager Park to help people find the park entrance.

Councilmember L. C. Metzner is also glad projects are moving forward.

Councilmember F. W. Easton had no additional comments.

Mayor R. E. Bruchey, II stated Perfect Stitch Upholstery will hold a grand opening on November 15, 2012 at 10:00 a.m.

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 5:25 p.m.

Respectfully submitted,

Donna K. Spickler
City Clerk

Approved: December 18, 2012