

**82<sup>nd</sup> REGULAR SESSION – November 20, 2012**

**Mayor R. E. Bruchey, II called this 82<sup>nd</sup> Regular Session of the Mayor and City Council to order at 7:04 p.m., Tuesday, November 20, 2012, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers W. M. Breichner, F. W. Easton, A. C. Haywood, L. C. Metzner; City Administrator Bruce Zimmerman, City Attorney Mark Boyer and D. K. Spickler, City Clerk. Councilmember M. E. Brubaker was not present.**

The invocation was offered by Councilmember L. C. Metzner. The pledge of allegiance was 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: A Work Session beginning at 4:00 p.m. on Tuesday, December 4, 2012, Tuesday, December 11, 2012 and the Regular Session on Tuesday, December 18, 2012 at 7:00 p.m.

**PROCLAMATION**

Mayor Bruchey read a proclamation encouraging people to participate in Small Business Saturday, November 24, 2012, and shop at local businesses. Jay Zuspan, Representing the Downtown Alliance, accepted the proclamation on behalf of the City's businesses.

**GUESTS**

The Hagerstown Gridiron Challenge MVP Presentation was made. North Hagerstown High School MVP Tre Anderson was presented a scholarship check from the Bulldog Federal Credit Union. South Hagerstown High School MVP Sarosh Bukhair was presented a scholarship check from the Hagerstown Kiwanis Club by Jim Miller.

The following City College attendees were recognized: Harriet Bowman, Hezz Foster, Tina Angle, Frank Getz, Thomas Stouffer, Steve and Patricia McCullum, Holly, Dan and Brandon Ritchey and the Litton family.

City College is an eight-session program that teaches members of the community how the local government works and empowers them to become good ambassadors for the City of Hagerstown. Attendees meet one Monday evening each month from April through November. At each session, they visit different locations – learning how departments work and how that work makes a difference in the City. The City thanks these participants for their interest in their community and their eagerness to become informed citizens.

**CITIZEN COMMENTS**

Tim Henry, 19224 Chippendale Circle, Hagerstown, Maryland, thanked the Mayor and City Council for their tremendous bravery in doing what they thought was right during their administration. They stood their ground in the face of criticism and he appreciates that.

Doug Deal, of D & D Lawn Service, previously had a mowing contract with the City. When the contract was bid out, he was the second lowest bidder. He thought the bid was to be for one year. If he had known it might be extended, he could have possibly bid a more competitive price. The contract has been extended for the third year in a row and he is concerned about this. He asked the Mayor and Council to review the contract.

Rodney Tissue, City Engineer, stated the contractor was willing to hold the bid price for each of the extensions, even though fuel costs were rising.

Extension of the contract will be removed from the agenda for this meeting. It will be scheduled for discussion with the incoming administration.

Vinnie DiCola, 38 N. Potomac Street, Rocky's Pizza, Hagerstown, Maryland, thanked the Mayor and Council for their great work during the last four years. He hopes the incoming administration will continue moving the City forward.

## **MINUTES**

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 the minutes, as presented for the Mayor and Council meetings held on September 25, 2012, October 2, 2012, October 9, 2012, October 16, 2012 and October 23, 2012.

## **CONSENT AGENDA**

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 the Consent Agenda (without Item A. 1. – extension of grounds services contract) as follows:

- A. Department of Parks and Engineering:
  - 1. Engineering: Approval of 2013 and 2014 Pavement Preservation Program
- 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)  
\$ 21,060.00/annually
- D. Community and Economic Development: 2013 Western Maryland Blues Fest Budget

**A. Approval of an Ordinance: Revisions to City Code Chapter 209 – Sediment Control**

**Action:** On a motion duly made by Councilmember A. C. Haywood and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote of all members present to approve an ordinance to amend the Code of the City of Hagerstown by deleting and repealing Chapter 209 thereof, entitled Sediment Control, and replacing it with a new Chapter 209, to be entitled Sediment Control.

**NEW BUSINESS**

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

**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 of all members present to approve a resolution to accept the offer of dedication of Garst Court and Mercer Drive appearing on Plat No. 7619 and 7621 known as the “Final Plat for Fairchild Heights Townhomes”. The City shall commence maintenance of this area effective immediately.

**B. Approval of a Resolution: Amending Article V, Section 503 and Section 506 of the City Charter to Provide for Non-Partisan City Elections**

**Action:** On a motion duly made by Councilmember F. W. Easton and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a resolution amending Article V, Section 503 and Section 506 of the City Charter to provide for non-partisan primary and general City elections and the filling of vacancies in the office of Councilmember and Mayor on a non-partisan basis.

**C. Approval of a Resolution: Accept an Amendment to the Lease with Hagerstown Baseball, LLC**

**Action:** On a motion duly made by Councilmember A. C. Haywood and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a resolution amending the lease for Municipal Stadium with Hagerstown Baseball, LLC pursuant to that certain Lease Agreement approved by this body on October 27, 2007 and dated November 5, 2007. Hagerstown Baseball, LLC is requesting a two-year extension to the lease through December 31, 2014.

**D. Approval of Change in Traffic Pattern at Belview Avenue at Hillcrest Road**

**Action:** Councilmember L. C. Metzner made a motion to approve a change to the traffic pattern at Belview Avenue at Hillcrest Road, by adding STOP signs on Belview Avenue. This action is based on the Board of Traffic and Parking recommendation, the limited sight condition on Hillcrest Road, and the significant number of pedestrians accessing the adjacent park. Councilmember F. W. Easton seconded the motion.

Discussion: Councilmember Metzner thanked the Mayor and Council for this action, on behalf of the Board of Traffic and Parking. The Board discussed and reviewed this matter for several months.

Councilmember Breichner stated he will oppose the change because the sight distance is not compromised to the degree to warrant a four way stop.

Motion carried, 3-1 with Councilmember W. M. Breichner voting No.

**E. Approval of Bulk Gasoline Purchase – James River Solutions (Ashland, VA)  
\$ 362,227.00**

**Action:** On a motion duly made by Councilmember A. C. Haywood and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote of all members present to approve of the bulk gasoline purchase for City operations from James River Solutions. The price is per the Oil Price Information Service (OPIS) average on 09/20/12 of \$ 3.0287 per gallon plus the bidder's plus factor of \$0.0250 per gallon for a total price of \$3.0537 per gallon. The estimated annual cost of gasoline is \$ 362,227, which includes taxes. 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.

**F. Approval of Diesel Fuel Purchase – Cato, Inc. (Salisbury, MD) \$ 411,968.00**

**Action:** On a motion duly made by Councilmember A. C. Haywood and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote of all members present to approve of the bulk diesel fuel purchase for City operations from Cato, Inc. The price is per the Oil Price Information Service (OPIS) average on 09/20/12 of \$3.1663 per gallon plus the bidder's plus factor of \$0.0200 per gallon for a total price of \$ 3.1863 per gallon. The estimated annual cost of diesel fuel is \$ 411,968, which includes taxes. 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 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**

**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 of all members present to approve the expenditure of \$ 387,760.00 of Wastewater Division funds and the expenditure of \$ 510,943.00 of Water Division funds for the purchase of bulk chemicals. The purchases will occur in the second half of Fiscal Year 13 and the first half of Fiscal Year 14. 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-1195.

**H. Approval of Motor Vehicle Administration – Privacy Protection Policy Agreement**

**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 of all members present to approve the Motor Vehicle Administration Privacy Protection Policy agreement, and for Captain Holtzman to execute the agreement on behalf of the Hagerstown Police Department. Execution of this agreement is a condition of a \$ 15,530 grant to the City from the Maryland Highway Safety Office.

**I. Approval of Memorandum of Understanding with Memorial Recreation Center for After School Program**

**Action:** On a motion duly made by Councilmember A. C. Haywood and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote of all members present to approve of the funding request by the Memorial Recreation Center for the 2012 school year.

This funding will allow the Memorial Recreation Center to continue to operate an after school program located at 109 West North Avenue, Hagerstown, Maryland.

**J. Approval of Application for FY 2014 Program Open Space (POS) Projects**

**Action:** On a motion duly made by Councilmember A. C. Haywood and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote of all members present to approve of an application to Washington County requesting FY 2014 Program Open Space funding of improvements to the City's recreational facilities (by priority) 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

**K. Approval of Memorandum of Understanding with DFIN, LLC for Use of Property at 1910 Dual Highway**

**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 of all members present to approve a Memorandum of Understanding (MOU) between the City of Hagerstown and the DFIN, L.L.C.

This MOU contains an agreement, release and waiver of liability for use of the former hotel property at 1910 Dual Highway, Hagerstown, Maryland by members of the Hagerstown Police Department.

**CITY ADMINISTRATOR'S COMMENTS**

A video was shown, highlighting the accomplishments and projects supported by this administration. A collage of some of the photos was presented to each Mayor and City Council member.

*Bruce Zimmerman, City Administrator*, thanked the Mayor and City Council for their work during the last three and a half years. This Mayor and Council has worked to create a positive impact on the City and its government. They faced obstacles and challenges but could reach decisions and take action. They were not afraid to tackle big issues or projects, were open to considering new ways of doing things and had a vision for Hagerstown. The largest project, the downtown multi-use sports and events center was part of that vision. They are leaving a legacy they can be proud of by increasing services to citizens without a tax increase.

**MAYOR AND COUNCIL COMMENTS**

*Councilmember W. M. Breichner* expressed his appreciation to the citizens of Hagerstown. He has enjoyed serving the City, both as an employee as an elected official. Doing this work is not possible without the support of hundreds of employees and elected officials. If things are running smooth, without controversy, it usually means very little is being accomplished. He thanked his fellow officials, Mr. Zimmerman, and City staff for their support through the years.

*Councilmember F. W. Easton* congratulated the next administration and wished them well. He thanked this administration for accomplishing great things, in a professional manner. He thanked the staff who supported them and helped them make decisions. He thanked the citizens for their comments and challenges to him.

*Councilmember A. C. Haywood* thanked staff for the video presentation. She is proud to have served the City for the past three years. She appreciates the creativity of staff in

20, 2012

MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

dealing with issues. She thanked the Council for making the world better around them.

*Councilmember L. C. Metzner* stated Councilmember Brubaker, who is ill and unable to attend this meeting, sends his thanks as well. Councilmember Metzner thanked the citizens for his opportunity to serve for a fifth term. This journey started with an appointment to fill a vacancy on the Council and Councilmember Breichner assisted with the appointment. He expressed his gratitude to Councilmember Breichner and to Mayor Bruchey for their service to the City. He thanked this administration, which has been one of the finest he's worked with, for their work.

*Mayor R. E. Bruchey, II* addressed the citizens of Hagerstown, saying it has been an honor to serve this fantastic City. He is honored to have worked with the hard working and proficient staff. He thanked the citizens for allowing him to serve as Mayor. He thanked Mr. Zimmerman for his leadership. He wished the next administration the best.

There being no further business to come before the Mayor and City Council, on a motion duly made, seconded and passed, the meeting was adjourned at 7:51 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: December 18, 2012