

20th REGULAR SESSION – June 18, 2013

Mayor D. S. Gysberts called this 20th Regular Session of the Mayor and City Council to order at 7:11 p.m., Tuesday, June 18, 2013 in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, M. E. Brubaker, D. F. Munson, P. M. Nigh; City Administrator Bruce Zimmerman, City Attorney William Nairn, and D. K. Spickler, City Clerk. Councilmember L. C. Metzner was not present.

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

ANNOUNCEMENTS

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, July 9, 2013, Tuesday, July 16, 2013, and the Regular Session on Tuesday, July 23, 2013 at 7:00 p.m. There are no meetings scheduled for June 25, 2013 (MML Convention) or July 2, 2013. No meeting is currently scheduled for July 30, 2013.

APPOINTMENTS

On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote of all members present to make the following appointments to the Planning Commission:

James Stone, Term to Expire June 30, 2018

Judy Wheeler, Term to Expire July 31, 2018

CITIZEN COMMENTS

There were no citizen comments.

MINUTES

On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to approve the minutes, as presented, for the Mayor and Council meetings held on April 30, 2013, May 7, 2013, May 14, 2013 and May 21, 2013.

CONSENT AGENDA

On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote of all members present to approve the Consent Agenda as follows:

- A. Department of Parks and Engineering: Abatement of Debris and Abatement of Weeds and Brush – Earn Contractors, Inc. (Gaithersburg, MD) \$ 55,000 to \$ 60,000 annually
- B. Department of Utilities: Water Division: Flash Mixer at R. C. Willson Treatment Plant – Apparatus Repair and Engineering, Inc. (Hagerstown, MD) \$ 24,443.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: Amendment #8 to Police and Fire Retirement Plan – Civil Marriage Protection Act

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote of all members present to approve an ordinance to amend the City of Hagerstown Police & Fire Employees’ Retirement Plan in order to reflect changes in Maryland’s Civil Marriage Protection Act. This amendment addresses death benefits, rollovers, beneficiaries and Qualified Domestic Relations Orders.

Discussion: Councilmember Munson mentioned this is a State mandate and this ordinance conforms to the mandate.

B. Approval of an Ordinance: Revision of Chapter 117, Recycling and Refuse Collection – Definition of Dumpster

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote of all members present to approve an ordinance to revise Chapter 117, Recycling and Refuse Collection, to amend the definition of “dumpster” to include roll-off trash containers and to prohibit dumpsters on residential properties except under certain circumstances enumerated in the ordinance. This change is proposed because staff needs better tools to protect the quality of life in the City’s residential neighborhoods.

C. Approval of an Ordinance: Repeal Chapter 184, Property Maintenance, and Replacement with New Chapter 184, Portable Storage Containers

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote of all members present to approve an ordinance to repeal Chapter 184, Property Maintenance, and replace it with a new Chapter 184, Portable Storage Containers. This change is proposed for the following reasons: 1) old Chapter 184 includes sections covered in other chapters of the City Code; 2) the language pertaining to portable storage containers needs clarification; and 3) staff need better tools to protect the quality of life in the City’s residential neighbo

rhoods and to clarify circumstances under which such containers are permitted in commercial and industrial areas.

D. Approval of an Ordinance: Amending Chapter 60-3, Parking Enforcement

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote of all members present to approve an ordinance to amend Section 60-3, Parking Enforcement, of the City Code to allow auxiliary police and duly authorized individuals to enforce parking provisions under Article 5 of Chapter 60 of the City Code.

E. Approval of an Ordinance: Amending Chapter 60-28, Towing and Impounding of Vehicles Illegally Parked

Action: On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote of all members present to approve an ordinance to amend Section 60-28, Towing and Impounding of Vehicles Illegally Parked, of the City Code to permit authorized individuals to impound vehicles illegally parked.

F. Approval of an Ordinance: Amending Chapter 60-9, Immobilizing and/or Impounding of Vehicles for Unsatisfied Summonses or Citations

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 of all members present to approve an ordinance to amend Section 60-9, Immobilizing and/or Impounding of Vehicles for Unsatisfied Summonses or Citations, of the City Code to permit authorized individuals in the Department of Public Works to boot or impound vehicles illegally parked and to act as hearing officers under Section 60-9.

G. Approval of an Ordinance: Amending City Code Section 238-15 To Provide For a Late Fee on Water and Sewer Department Bills

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote of all members present to approve an ordinance as introduced which amends City Code Section 238-15 by the addition of subsection J to read as follows: A late payment charge of 10% will be calculated upon the total charges and applied to the Water and Wastewater Bill or any portion of the bill not paid by the current amount due date. Each subsequent Water and Wastewater Bill not paid in full will be subject to the aforementioned late payment charge on the unpaid balance.

Discussion: Mayor Gysberts stated there was lengthy debate regarding the late fees and this fee is similar to surrounding communities. Councilmember Brubaker also mentioned that staff has promised to work with customers who are experiencing unusual circumstances.

H. Approval of an Ordinance: City of Hagerstown Drinking Water Bond, Series 2013A, and City of Hagerstown Drinking Water Bond Series 2013B for R. C. Willson Plant Improvements

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote of all members present to approve an ordinance as introduced on June 4, 2013 authorizing the City of Hagerstown to issue and sell upon its full faith and credit, general obligation bonds to the Maryland Water Quality Financing Administration in one or more series in an aggregate principal amount not to exceed \$ 10,708,400. Proceeds from the sale of the bonds will be used for the public purpose of financing the R. C. Willson Water Plant Improvements as more fully described in the ordinance together with related expenses and costs of issuance. Staff is hereby also directed to proceed with developing the necessary detailed documents to proceed with the sale of the bonds as directed by this ordinance.

Discussion: Councilmember Brubaker pointed out this bond issue is not paid for from general taxpayer funds. This bond issue is necessary to keep the water plant in good condition to reliably supply water to customers. Repayment will be from user revenue. Councilmember Aleshire stated, in order to meet the payment obligations for the bond, customers need to pay their bills. This is why a late fee has been introduced.

I. Approval of an Ordinance: Transferring Property on Robinwood Drive to the Board of County Commissioners of Washington County

Action: On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote of all members present to approve an ordinance to transfer property of the City of Hagerstown on Robinwood Drive for construction purposes related to the upcoming Robinwood Drive Project. The Washington County Board of Commissioners has requested the transfer of .0593 acres of land (2,584 square feet recorded in Plat Number 100-10-535) which is a portion of a parcel utilized as the Wastewater Division Pump Station 8. The request is for no monetary compensation.

Discussion: Councilmember Munson pointed out this is a good example of the City and County working together. Councilmember Brubaker stated this is a good action. Councilmember Aleshire is concerned the County paid a private individual \$ 150,000 for land in Maugansville and are paying nothing for this

land. Mayor Gysberts stated the Mayor and Council received a memo outlining the City and County's partnership and collaboration over the last several years. Councilmember Nigh asked if the City has received land from the County. Mr. Zimmerman will provide this information. Mayor Gysberts stated he hopes the County will reciprocate this action by the City.

NEW BUSINESS

A. Introduction of an Ordinance: Authorizing the Sale of 11-12 and 15-16 Public Square

Action: Councilmember D. F. Munson made a motion to introduce an ordinance authorizing the sale of properties located at 11-12 and 15-16 Public Square for the sum of \$ 240,000 and in accordance with all terms and conditions outlined in the Purchase Agreement. Councilmember M. E. Brubaker seconded the motion.

Discussion: Andrew Sargent, Downtown Manager, presented a revised agreement for the Mayor and City Council's review. Two changes were made – one to provide a more accurate deed description and the other to recognize the Clock Tower agreement.

Councilmember Aleshire noted this is one of the first items this administration discussed. The Council decided to notify the public this property was potentially for sale. A second offer was made for the property from the public awareness efforts. He believes people will agree this is a better deal than the first one.

Councilmember Brubaker stated this is a more competitive process. He hopes the other interested party will continue to be interested in downtown.

Councilmember Nigh stated the selling price should be about \$ 500,000. She thinks the City should wait to sell the property for a higher offer.

Mayor Gysberts stated this is not a typical real estate transaction with a listing price. The value is determined in a variety of ways. The goal is to create enhanced value of the property with a purchaser who shares the vision of what the Mayor and Council want for downtown, not to make the most money possible. The notion of the City manipulating the market is overstated. The sale of property achieves the goal of disposing of property the City doesn't need and returning it to the tax roll.

Councilmember Nigh stated she does not understand why the City is suddenly interested in selling property. The property does not have to be sold.

Mayor Gysberts stated if the City does not have a plan for these types of properties, they should be sold to people who share the City's vision for downtown.

Motion carried, 3-1 with Councilmember P. M. Nigh voting No.

B. Introduction of an Ordinance: Smoking Ban in University Plaza

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 of all members present to introduce an ordinance to prohibit smoking in University Plaza. This action is taken in cooperation with the University System of Maryland and their prohibition of smoking on their campuses. A violation shall be treated as a municipal infraction and subject to fines set forth in the ordinance.

C. Introduction of an Ordinance: Amending City Code, Chapter 57, Bicycles and Other Human-Powered Vehicles, Section 57-2 and 57-3

Action: On a motion duly made by Councilmember P. M. Nigh and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote of all members present to introduce an ordinance to amend Chapter 57, Bicycles and Other Human-Powered Vehicles, to combine Section 57-2 and 57-3 into a single section prohibiting the operation of bicycles or play vehicles in a reckless manner upon any streets of the City or upon any City-owned property.

Discussion: Councilmember Brubaker stated this amendment clarifies language in the ordinance and provides discretion to police officers.

D. Introduction of an Ordinance: Amending City Code, Chapter 95, Excessive Use of Police Services, Amending Definition of “Board”

Action: Councilmember M. E. Brubaker made a motion to introduce an ordinance to amend the definition of “Board” in Section 2 of Chapter 95, to include a representative of the City’s Department of Community and Economic Development. Councilmember K. B. Aleshire seconded the motion.

Discussion: Councilmember Nigh was surprised to learn the Board of Public Safety had been eliminated. She thought it was inactive, not eliminated. She asked why, since this Board is needed. She wants the Board reinstated. Mr. Zimmerman stated this legislation does not eliminate the Board of Public Safety. The Board was eliminated in 2011 or 2012, based on the function and recommendation of the Police Chief and the Fire Chief.

Motion carried, 3-1 with Councilmember P. M. Nigh voting No.

E. Approval of a Resolution: For Purposes of Compliance with U. S. Treasury Regulations, Section 1.150-2 relating to the R. C. Willson Water Plant Project

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a resolution that evidences the City’s reasonable expectation to issue not to exceed \$ 9,208,400 of tax-exempt obligations for purposes of the R. C. Willson Water Plant Project and to use proceeds of such obligations to reimburse all or a portion of project expenditures paid prior to the date such obligations are issued.

Discussion: Councilmember Brubaker stated this project ensures safe, reliable water, paid for by the users. Councilmember Aleshire reiterated his comments that customers have to pay their bills in a timely manner in order for the City to meet the bond payment obligations.

F. Approval of a Resolution: Approving the Community Development Block Grant FY 2013-2014 Annual Action Plan

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a resolution approving the FY 2013-2014 Community Development Block Grant Annual Action Plan as set forth in the resolution. The U. S. Department of Housing and Urban Development has advised the City that, for FY 2013-2014, Hagerstown is eligible to receive an entitlement amount of \$ 666,490 of the Community Development Block Grant Program. This funding will include the part time Neighborhood Code Administration Inspector as discussed with Mayor and Council on June 11, 2013. Councilmember Aleshire amended the motion to note the additional funding is also to be used for the homeownership program. The entire amount is not solely for the Neighborhood Inspection Officer.

Discussion: Councilmember Munson mentioned this entitlement is significantly lower than it was a few years ago. Councilmember Brubaker noted the City’s revenue has decreased as well.

G. Approval of Memorandum of Understanding with Hagerstown Community College for Police Academy

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 of all members present to enter into a Memorandum of Understanding (MOU) with Hagerstown Community College with respect to the Hagerstown Community College Police Academy. The MOU establishes that the Hagerstown Police Department will provide instructional support at the academy in exchange for reduced tuition. The Hagerstown Police Department will receive a credit of \$ 10.00 per hour for instructional time at the academy for a maximum of 1,700 hours or \$ 17,000 per class. These funds will be retained by the college in a tuition reimbursement account used to offset the cost of City sponsored police

H. Approval of Budget Transfer – 60 West Washington Street Renovation

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 of all members present to authorize a budget transfer of \$ 53,906 from the Economic Redevelopment Fund for the completed Phase 2 renovations at 60 West Washington Street. The transfer is necessary because of the timing of the USDA Grant Award and a slight overrun of the contract in the amount of \$ 3,906. The USDA Grant Funds (\$ 50,000 originally budgeted for a portion of Phase 2 renovation costs) will be utilized for Phase 3 renovation costs which will complete the Business Incubator portion of the building.

Discussion: Councilmember Brubaker stated this will assist in completing the original intent for the building. Councilmember Nigh asked what the cost of this building has been for the City. Mr. Zimmerman will provide the information.

I. Approval of First-Third Grant Program, Part of INVEST Hagerstown

Action: Councilmember D. F. Munson made a motion to approve the First-Third Grant Program with a funding level of \$ 1.2 million. The purpose of this program is to inspire and enable significant redevelopment both city-wide and in the urban core, reusing and repurposing existing vacant and under-utilized properties. The program includes two levels of grants, one offered solely in City Center and one offered throughout the entire City of Hagerstown. Applications shall be awarded the grants based on eligibility criteria that will determine whether an applicant qualifies. Funding for this program will come from the General Fund reserve. Councilmember K. B. Aleshire seconded the motion.

Discussion: Councilmember Munson stated this program will need to be monitored carefully. Mayor Gysberts stated the final investment decision will be up to the Council. Councilmember Nigh will be voting No to this program. She doesn't understand why the employees can't be made whole from the reserve funds.

Motion carried 3-1 with Councilmember P. M. Nigh voting No.

Mayor Gysberts stated he hopes union contracts will be completed in a timely manner. It would behoove the employee groups to bargain in good faith, with a realistic picture of the City's finances. There are various options, but the facts remain the same. The budget is what it is. He hopes the negotiating teams can come to agreements for multiple years, with reopeners included. There is concern about the triennial assessment. It is not appropriate to tie salaries to general fund reserves. Employees have to be treated equal. At some point, reinstatement of steps will have to occur. He is a member of a union in Montgomery County. Steps have been phased in there, keeping in mind the income level of residents in the County. He hopes the negotiating teams continue to come to the table. The City has absorbed the increased costs in

health care. This discussion will continue in the coming months.

J. Approval Of Transfer of Police Department Vehicle

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote of all members present to approve the transfer of an unmarked 2000 Ford Crown Victoria from the Hagerstown Police Department to the Washington County Technical School. This vehicle has over 200,000 miles and will be refurbished by the students at Tech High for use in the Criminal Justice Program.

K. Approval of Worker’s Compensation Insurance for Fiscal 2014 and Brokerage Services

Action: Councilmember M. E. Brubaker made a motion to approve of coverage with the Injured Worker’s Insurance Fund for workers’ compensation coverage in the amount of \$ 9455,622 for Fiscal Year 2014. In addition, Mayor and Council are hereby approving Keller Stonebraker as the City’s workers’ compensation insurance broker for Fiscal Year 2014 at a cost of \$ 35,000. The total cost of insurance and brokerage services will be \$ 990,622. Councilmember D. F. Munson seconded the motion.

Discussion: Councilmember Aleshire stated CBIZ met all the bid requirements. Keller Stonebraker bid lower than CBIZ but did not include brokerage services. Wright Gardner Insurance bid the brokerage services for \$ 25,000. He does not understand how Keller Stonebraker is being considered for the brokerage services when the proposal was not complete.

Mayor Gysberts stated he understands the bid process was new for brokerage services.

Councilmember Aleshire stated CBIZ can provide the risk services. This will impact the City’s ability to control expenses.

Councilmember Munson stated he is reluctant to provide business to CBIZ, which is not located in the City or in the County.

The vote on the motion was as follows:

- Councilmember M. E. Brubaker – Yes
- Councilmember D. F. Munson – Yes
- Councilmember K. B. Aleshire – No
- Councilmember P. M. Nigh – No

Mayor D. S. Gysberts broke the tie by voting Yes. Motion carried.

Mayor Gysberts stated this issue will be revisited.

L. Approval of Liability and Property Insurance for Fiscal 2014 – Local Government Insurance Trust (LGIT)

Approval: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote of all members present to approve the Fiscal 2014 renewal of coverage with the Local Government Insurance Trust (LGIT) for liability and property insurance in the amount of \$ 407,794.

M. Approval of Administration of Medical Administrative Fees for FY 2013-14

Action: On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote of all members present to approve of Carefirst Administrators to administer the medical claims for FY 2013-14. Carefirst Administrators is the only Maryland carrier to administer the national Blue Cross network for the City's health insurance plan.

N. Approval of the Contract for the 2013 Pavement Preservation Program

Action: On a motion duly made Councilmember M. E. Brubaker and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a contract with Craig Paving, Inc. of Hagerstown, MD in the amount of \$ 709,793.95 for the 2013 Pavement Preservation Program. The project also includes \$ 30,206.05 for pavement markings, testing, and miscellaneous items. Funding for the project is Highway User Revenue.

Discussion: Councilmember Brubaker stated he has been working with the State and Federal government to assist with the cost of repaving for Route 11 (Burhans Boulevard).

O. Approval of Police Department Civilian Recruitment and Training Coordinator

Action: On a motion duly made by Councilmember P. M. Nigh and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote of all members present to approve of a Civilian Recruitment and Training Coordinator position for the Hagerstown Police Department as presented to Mayor and Council on April 30, 2013. Funding for this position will come from existing and ongoing personnel vacancy savings in the Police Department.

P. Approval of 2% Cost of Living Adjustment for Full-Time Regular Non-

Action: Councilmember K. B. Aleshire made a motion to approve of a 2% Cost of Living Adjustment (COLA) to full-time regular, non-union employee wages effective July 1, 2013. Funding for this increase in full-time regular, non-union employee wages will come from the approved budget for FY 13/14 from funds appropriated for employee pay increases. This is the first COLA non-union employees have received since FY 2008-2009. Councilmember M. E. Brubaker seconded the motion.

Discussion: Councilmember Nigh will be voting no because she feels all employees should be equal. This will create tension between union and non-union employees.

Councilmember Brubaker stated another way to view this is to say the union negotiating teams are holding the non-union employees hostage. Non-union employees are being penalized for having no contracts.

Councilmember Nigh stated during her second term, union and non-union employees worked together to come to agreements.

Mayor Gysberts thinks will create tension within the union ranks for their failure to get a completed contract. It is unrealistic that all steps would be restored in one year. This is non-negotiable. He intends to treat everyone equally.

Councilmember Brubaker wondered where the \$ 1.5 million funding source would be for step increases. A number of combinations have been developed that need to be discussed during negotiations.

Motion carried 3-1 with Councilmember P. M. Nigh voting No.

CITY ADMINSTRATOR COMMENTS

Bruce Zimmerman, City Administrator, had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember M. E. Brubaker stated the bicycle race on June 14, 2013 was great. He wished more people in the region would attend. There were two ribbon cuttings today for new businesses. It is good to see people using Grennawalt Park. He commended staff for the excellent design of the park and the way the design was implemented.

Councilmember D. F. Munson congratulated Deputy State's Attorney Michael for his efforts in reconvicting Merle Unger, who killed Hagerstown Police Officer Kline in the 1970's. He also thanked Chief Holtzman for his efforts. Progress is being made on the demolition of the Mid-Town motel. He attended the Municipal Band concert on June 16, 2013. Several people thanked the City for the new seats. The Flying Pie restaurant will be open soon.

Councilmember P. M. Nigh is concerned firefighters will leave Hagerstown to work for more money in other locations. The pay rate for police officers needs to be raised so that qualified police officers stay with Hagerstown. She wondered how negotiations are progressing. She has heard the City is being heavy handed with the unions. Mr. Zimmerman stated the update provided in executive session indicated progress has been made on non-financial issues on both sides. Both groups are focusing on financing at this point. The negotiating teams are meeting regularly. Unions are aware of the six month extension that has been granted. Staff is waiting for a response from the union groups for future meeting dates and times.

Councilmember Nigh asked if an inventory of buildings for sale or lease could be placed on the City's website. Mayor Gysberts asked if Councilmember Nigh meant just City property. Councilmember Nigh stated it would be all property. If someone wants to invest in Hagerstown, they should not have to look at several websites. Mayor Gysberts indicated the Department of Community and Economic Development is working on a list like this.

Councilmember K. B. Aleshire attended the MiHi Fishing Frenzy. The event was well attended. A child was recently hit by a vehicle on Pangborn Boulevard. He knows staff has been reviewing traffic situations in this area. He suggested adding signs in the development indicating the streets are not thru streets. He met with the real estate round table. He is interested in getting the group on a Mayor and Council agenda to hear their ideas. An APFO Mitigation Plan for Collegiate Acres is being reviewed by the County Commissioners next week. He thought a mitigation plan would be reviewed by the City prior to County consideration. Mr. Zimmerman will provide clarity on the process.

Councilmember Aleshire stated the Herald Mail newspaper reported the Council has been quiet about the stadium. He reiterated he has not been quiet and he is open to sharing any conversation. If he doesn't have the information, he cannot share it. He knows the Mayor has had a conversation with Bruce Quinn (majority owner of the Hagerstown Suns). He is not aware of the content of the conversation so he cannot make a public statement. He has heard from three sources that this Council is revisiting the downtown site, having negotiations with private parties, and there is a majority of the Council in support of the downtown location. To his knowledge, there are three alternative sites being considered. He is not aware of what officials are meeting with City staff. If there are members of this body meeting with parties, he is not aware of it and he has not been included.

Mayor D. S. Gysberts reported the Singer gallery has reopened at the Washington County Museum of Fine Arts. The Valley of the Shadow display will run through the end of July. He thanked Abigail Nigh (Councilmember Nigh's granddaughter) for singing during the Flag Day ceremony on June 14, 2013. The bicycle race will bring a lot of excitement downtown. The Relay for Life was held on June 14, 2013. He judged a tent decorating contest. The former Memorial Recreation Center has been renamed the Robert W. Johnson Community Center. The week of June 16, 2013 was proclaimed as Miss Maryland week. A promotional video is being created to promote the Color Splash 5K, being held in September. He congratulated the Hagerstown Suns, who are the first half division winners in the South Atlantic League.

He then addressed the stadium issue raised by Councilmember Aleshire. The Council will have to be able to have some conclusion or clear direction by mid-July. There is no new information; therefore, it has not been placed on an agenda. He met with Mr. Quinn. He believes Mr. Quinn only wants what is best for his business and for the community in which it resides. He believes Mr. Quinn is still interested in moving forward with a project in Hagerstown. He is working with staff to develop an agreement for the Mayor and Council's consideration. He is not going to negotiate in the Herald Mail newspaper.

Councilmember Nigh stated citizens are hearing the downtown site is being reconsidered. It is being said one member of the Council has changed his mind and is supporting the downtown site.

Mayor Gysberts stated if you only look at one site, there is nothing to compare it to. He understands Councilmember Aleshire has removed the downtown site from his consideration, but he is not sure others have ruled it out. He does not think anyone should be restricted from having a private conversation with anyone. No decision has been made, either by him or by other members. He hopes to continue to work on developing something into a negotiated agreement that doesn't need to be site specific. At the appropriate time, it will be placed on the agenda.

Councilmember Aleshire stated a meeting with a private individual is different from meeting with cogs and wheels and making a proposal with all the pieces in place.

Mayor Gysberts stated he is not saying if that has happened or not. He reiterated at the appropriate time, it will be placed on the agenda.

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 8:49 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: July 23, 2013