

21st REGULAR SESSION – July 23, 2013

Mayor D. S. Gysberts called this 21st Regular Session of the Mayor and City Council to order at 7:04 p.m., Tuesday, July 23, 2013 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 Councilmember Kristin B. Aleshire. 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: Downtown Tour on July 30, 2013 at 4:00 p.m., Work Sessions beginning at 4:00 p.m. on Tuesday, August 13, 2013, and Tuesday, August 20, 2013, and the Regular Session on Tuesday, August 27, 2013 at 7:00 p.m. National Night Out will be held on Tuesday, August 6, 2013 at Fairgrounds Park. There is no Work Session scheduled for August 6, 2013.

APPOINTMENTS

Mayor Gysberts announced that Richard McCleary is being reappointed to the Hagerstown Housing Authority. The term of this appointment will expire August 31, 2018.

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 make the following appointments:

City Ethics Commission:

Kathleen O'Connell, Term to Expire September 1, 2013

Hagerstown Redevelopment Authority (to be renamed Hagerstown Loan Review Authority):

Leroy Burtner, Term to Expire August 1, 2016

Randy Catlett, Term to Expire August 1, 2016

Brian Selders, Term to Expire August 1, 2016

Historic District Commission:

Christina Davis, Term to Expire July 23, 2017

Debra Reeder, 11 W. Baltimore Street, Apt. 832, Hagerstown, Maryland, lives at Potomac Towers. She has heard a stadium is being considered across from Potomac Towers. The residents at Potomac Towers are senior citizens and handicapped people and they don't want to hear the noise from a stadium.

Joe Marschner, 522 Summit Avenue, Hagerstown, Maryland, is a Hagerstown resident and president of the Hagerstown Neighborhood Development Partnership (HNDP). He is concerned about what he feels is a slow erosion of democracy. He is opposed to the proposed amendments to the Hagerstown Redevelopment Authority. He is concerned the amendments will take the public out of the process of deciding where taxpayer funded CDBG money is used in Hagerstown. He presented a written statement to the Mayor and City Council detailing his concerns.

Mayor Gysberts would like to review the scope and roll of the HNDP.

Carol Smith, 45 W. Baltimore Street, Hagerstown, Maryland, lives in the C. W. Brooks Building. She still does not want the stadium located downtown.

Joe Renner, 15513 Spring Hill Drive, Hagerstown, Maryland, is an owner of Carol and Company, located at Longmeadow Shopping Center. He stated there is a problem with skateboarders at the Center. The merchants want to be included in the City regulations prohibiting skateboarding on sidewalks.

Mayor Gysberts stated this is private property and the owner could prohibit skateboarding.

Councilmember Metzner indicated enforcement is the responsibility of the property owner for private property. He stated Hagerstown police officers are not going to enforce regulations for skateboarding on private property. He suggested Mr. Renner discuss this issue with the property owners.

Sharon Disque, 21 E. Franklin Street, Hagerstown, Maryland, is the Executive Director of the HNDP. She stated she has a basic knowledge of the CDBG program and is concerned about the amendments proposed for the Hagerstown Redevelopment Authority. Without the benefit of the HRA, the Mayor and Council are dependent on Staff when making decisions about block grant activities. She stated the proposed changes increase staff autonomy and reduce community participation in revitalization efforts. She stated vacancies don't indicate people aren't willing to serve; people haven't been asked to serve. She provided a written statement that is part of the record.

Betty Hays, 10922 Larch Avenue, Hagerstown, Maryland, is a member of the HNDP Board of Directors and President of the Board of Local Association Realtors. The association needs strong member input and they are asking for continued citizen involvement by keeping the HRA as it is in the City Code. The HRA provides a way for citizens to participate in economic development. She stated people are willing to serve; they just have to be asked.

Nancy Allen, 924 Oak Hill Avenue, Hagerstown, Maryland, is a member of the TEA Party and is concerned about the democratic process in the City. The last election was undoubtedly about the stadium and candidates were publicly opposed to the stadium. She urged these elected officials to continue to be the voice of the people.

Barbara Hovermill, 16286 Spielman Road, Williamsport, Maryland, stated she has 2,700 signatures from residents who are opposed to a stadium downtown. She stated these residents want the Council to keep their word and not support a stadium. She has heard that one Councilmember has changed their mind. She stated the people want Municipal Stadium renovated. Hagerstown is the only City that has a historical stadium. People would connect with historic amenities, such as old fashioned uniforms and scoreboards. She stated the light plant should be demolished and the Hagerstown Springworks property should be purchased.

Tim Light, 13318 Maugansville Road, Hagerstown, Maryland, was present to discuss an issue with Code Enforcement. He also represents the owners of the Hagerstown Springworks property and the property is for sale. He purchased 10 Elizabeth Street in the 1970's and has made numerous repairs. The current resident, Harry Stotlemeyer, has equitable ownership in the property. Mr. Stotlemeyer's residence has been condemned due to multiple Code issues. When the property was condemned, there were Code Enforcement officers and police officers present. Mr. Light does not think this should have occurred because \$ 8,000 in repairs have been completed. There was no reason to remove Mr. Stotlemeyer from his property.

Harry Stotlemeyer, 10 Elizabeth Street, Hagerstown, Maryland, stated he is living in a tent because his residence was condemned. He has made many repairs to the home. He stated Code employees ruined many of the repairs.

Nicole Cague, 542 Washington Avenue, Apt. # 2, Hagerstown, Maryland, was at Mr. Stotlemeyer's residence when the house was condemned. His doors and siding were ruined.

Mayor Gysberts stated this will be reviewed and Mr. Stotlemeyer will be contacted.

John Benisek, 11237 Kemps Mill Road, Williamsport, Maryland, attended the meeting to hear about the stadium. The public funding will be from Washington County residents. He stated the money should be spent on a worthwhile project, not a stadium.

PUBLIC HEARINGS

ZM-2013-01: Hager's Crossing PUD Amendment - West City Elementary School

Alex Rohrbaugh, Planner, indicated the parcel is 16.52 acres in size and is part of the Hager's Crossing Planned Unit Development (PUD) which was zoned as such in 2002. Hager's Crossing was designed to contain a total of 381 single-family dwellings, 261 townhouses, 264 multi-family dwellings, community center, and various open space amenities. This parcel was planned to contain the apartment units, none of which were constructed – this was likely a result of the housing downturn of the late 2000s.

In 2010, a committee of City, County, and Board of Education Staff began exploring potential sites for a new “West City” elementary school to replace Conococheague and Winter Street schools. Site selection criteria included size of tract, proximity to infrastructure, compatibility with adjacent land uses, and a central location that minimizes student travel distance. Twenty-two sites were ultimately considered, and it was determined that the parcel in question would be the most optimal site for the school. The County purchased the multi-family section of Hager’s Crossing in 2012 with the intent of building the West City Elementary School there. Since the Hager’s Crossing PUD overlay did not originally include a school, an amendment to this PUD overlay to allow for a school at the property is required. An amendment to a PUD overlay is given the same process as an overlay rezoning. Staff anticipates that a site plan will be submitted towards the end of the rezoning process.

Staff from City Planning, Washington County, and Board of Education held a meeting at the Hager’s Crossing Community Center on April 24, 2012 to give residents a chance to learn about the proposed school and an opportunity to ask questions or express comments/concerns. Approximately 60 residents attended the meeting, and the proposal for a school (which will replace the original plan for 264 multi-family dwelling units) was received generally favorably. Staff has kept the meeting attendees and the Hager’s Crossing HOA advised of upcoming meetings during the amendment process.

The Planning Commission held its Public Review Meeting on May 29, 2013. At the meeting, the Commission heard presentations from Staff and the applicants on the rezoning proposal. Testimony was presented from two residents and a letter was received from one resident in the Hager’s Crossing development. All three were in favor of the PUD amendment to allow the school. The applicant also entered into the record an e-mail from Mr. Rachuba, the original developer of Hager’s Crossing, stating that he was in favor of the amendment. During the 10 day post-hearing period, Staff also received e-mails from 7 more residents in Hager’s Crossing, each stating that he/she was in favor of the amendment.

At the June 12, 2013 meeting, the Planning Commission recommended approval of the PUD amendment with the condition that the school shall be oriented towards Hager’s Crossing Drive and should be close enough to the street to provide for a more traditional neighborhood design. Staff feels that the “Concept Alternative” drawing provided in the information generally satisfies that requirement. The “Concept Alternative” is not a site plan, which means there is room for change between the concept and what will actually be built. Staff believes that the recommended site plan condition still gives the applicant flexibility in site design so as not to be locked in with one particular concept.

Mr. Rohrbaugh entered the following as Exhibits:

Exhibit A – Certificate of Advertisement

Exhibit B – Planning Commission file by reference

Councilmember Aleshire pointed out that conditions placed on the PUD, such as the school’s orientation toward Hager’s Crossing, by the Planning Commission would be enforced by Planning Staff and not the Mayor and City Council. Mr. Rohrbaugh indicated the Mayor and City Council would impose the conditions, possibly based on recommendations from the

Planning Commission. Planning staff would then determine if the conditions are met. Councilmember Aleshire stated he feels the orientation conditions are rather nebulous.

Councilmember Brubaker stated the Planning Commission concurred that the exact location would be determined through the site plan process. The Commission wanted to provide some flexibility for the school placement.

Testimony:

Kirk C. Downey, 100 W. Washington Street, Hagerstown, Maryland, is the Deputy County Attorney. He is present on behalf of the applicant (Washington County Commissioners). A site selection committee studied a number of sites when the Board of Education notified the County Commissioners that two aging schools needed to be replaced. The site at Hager's Crossing is the most feasible location for a new school. The applicant thanked the Mayor and Council and City staff for their assistance in moving through this process. The property is located in Hager's Crossing and is bordered on the west by the Community Center, farm land to the north, townhomes to the east and single family homes to the south. There are 244 dwellings (mostly single family homes) to be built in this development. The zoning is currently RMED and a PUD allows a school as a principal use. This site will be used for a school, rather than the original plan for multi-family dwelling units.

Mr. Dave Trostle, Frederick, Seibert and Associates, 128 S. Potomac Street, Hagerstown, Maryland, indicated there will be an additional left turn lane added to the intersection with Garland Groh Boulevard. The lot will include more green space than the originally approved PUD. The existing stormwater management plan will be utilized.

Karen McCarthy, 12113 Fallenton Circle, Hagerstown, Maryland, lives in the Hager's Crossing community and supports the approval of the PUD for a school. This would be a good addition to the community.

Councilmember Aleshire asked if the 725 parking spaces that were noted for the development were strictly for that development. Mr. Trostle indicated they were. The school plan calls for 125 parking spaces.

There being no further testimony, either in favor of or against the proposed PUD, the hearing was closed. The record will remain open for 10 days for additional comments.

Mr. Zimmerman stated discussion of the PUD is scheduled for the Work Session on August 13, 2013. Depending on the outcome of the Mayor and Council discussion, it could be scheduled for introduction on August 27, 2013.

It was mentioned that Dr. Clayton Wilcox, Justin Hartings, Donna Brightman (Washington County Board of Education) and Greg Murray, County Administrator, were also in attendance.

Land Management Code Text Amendments – Car lots, on premise signs, retail use as a special exception in Industrial Restricted (IR) Districts, etc.

Stephen Bockmiller, Zoning Administrator, stated this public hearing is being held to gain public input on the proposed revisions to the City’s Land Management Code. This package of 24 revisions includes many minor “clean up” changes, as well as other more substantial changes, such as revisions to the car sales facilities regulations and an update to the on-premise sign regulations for all zoning districts in the City. The “clean up” amendments are following up on the comprehensive revisions which occurred in Phase II last fall. A document showing all of the proposed revisions, as well as staff explanation of the justification for each change was presented to the Mayor and Council for their review.

The Planning Commission forwarded the package of Land Management Code amendments at their June 26, 2013 meeting. The only public comments received at the Commission’s public hearing on May 28, 2013 were from representatives of the local small facilities auto sales industry and from City Economic Development staff. The auto sales reps indicated opposition to the proposed site enhancement regulations for new facilities. The City’s Economic Development Director requested an additional amendment to accommodate retail in industrial districts. Two local sign contractors were consulted on the proposed sign amendments and they indicated general support for the changes. Following the hearing, the Planning Commission made a minor revision to the auto sales text to clarify when a site plan is required. The Planning Commission did not incorporate the Economic Development Director’s request, because they were not comfortable with allowing general retail in industrial districts with only a size restriction. Expressed reservations included concerns about the blending of truck traffic and customer traffic and the appropriateness of diverting retail away from commercial districts.

Following the Planning Commission action on the requested text amendment for retail in industrial districts, Planning staff considered the goals of the Economic Development staff and the concerns of the Planning Commission and formulated a proposal for how general retail could be accommodated in an industrial district while still providing some zoning protections in the industrial districts and surrounding areas. An alternative proposal from the Economic Development Director, based on input from Planning staff, to allow retail under certain conditions as a special exception use in the Industrial Restricted (IR) district, is included in the meeting packet information for the Mayor and Council’s consideration.

Mr. Bockmiller entered the following as Exhibits:

Exhibit A – Certificate of Advertisement

Exhibit B- Planning Commission file by reference

Mr. Bockmiller stated the proposed amendments exempt existing car sales facilities from the proposed text amendments if the use remains the same.

Jill Estavillo, Economic Development Manager, was present to request a text change to allow General Retail as a Special Exception use in the Industrial Restricted (IR) zoning districts, subject to two conditions:

- a. the retail use shall not occupy more than 25% of the total gross square footage of floor area of the buildings on a single property or of the buildings in a unified development under common ownership spanning more than one property; and
- b. off-street parking shall be provided in accordance with the current parking standards in the LMC for all uses on the property, unless a variance is granted by the BZA.

Ms. Estavillo stated this amendment would allow for uses similar in nature that are not specifically named in the Zoning Ordinance.

Councilmember Brubaker stated this recommendation has not been reviewed by the Planning Commission; however, as a Planning Commission member, he supports Mayor and Council consideration of this proposal. Councilmember Brubaker stated Mr. Bockmiller and the Planning Commission have spent a lot of time reviewing these amendments, which will make the Land Management Code more efficient and easier to use. These changes are not connected to the sites that were deliberately left out of the Comprehensive Plan.

Mayor Gysberts mentioned this process has spanned several years.

There being no further testimony, either in favor of or against the proposed amendments, the hearing was closed. The record will remain open for 10 days for additional comments.

MINUTES

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 minutes, as presented, for the Mayor and Council meetings held on June 4, 2013, June 11, 2013, June 18, 2013 and June 27, 2013.

CONSENT AGENDA

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

- A. Department of Utilities: Electric Division: Emergency Purchase – Transformer – ABB, Inc. (South Boston, VA) \$ 40,000.00
- B. Department of Community and Economic Development:
 1. Application Permit and Open Container Exemption for Augustoberfest – August 24 and 25, 2013
 2. Application Permit and Open Container Exemption for Maryland International Film Festival – August 2, 2013
 3. Application Permit and Open Container Exemption for Doleman Black Heritage Museum Jazz Night – August 15, 2013 and September 14, 2013
- C. Department of Parks and Engineering: Mills Park – Phase II Trail – Multiple Vendors \$ 37,500.00
- D. Police Department:

1. Software Maintenance for Police Records Management System – Keystone Public Safety, Inc. (Hanover, MD) \$ 31,060.00
2. Software Maintenance for Mobile Data Terminal Software – Keystone Public Safety, Inc. (Hanover, MD) \$ 29,298.00
3. Motorola Portable Radios – Washington County Government (Hagerstown, MD) \$ 23,340.38

UNFINISHED BUSINESS

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

Action: Councilmember K. B. Aleshire made a motion to approve an ordinance authorizing the sale of properties located at 11-12 & 15-16 Public Square for the sum of \$ 240,000 and in accordance with all terms and conditions outlined in the Purchase Agreement. Councilmember L. C. Metzner seconded the motion.

Discussion: Councilmember Aleshire stated this property is not all of public square. It is the property between the Elizabeth Hager Center and the corner property. He asked if staff is working with the original owner for a long term agreement for the elevator. Mayor Gysberts stated he understands the agreement should be worked out between the private owners.

Motion carried 4-1 with Councilmember P. M. Nigh voting No.

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

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 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.

Discussion: Councilmember Metzner asked that expanding the smoking ban to all parks be added to a work session. Mr. Zimmerman indicated that discussion is scheduled for August 20, 2013.

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

Action: Councilmember M. E. Brubaker made a motion to approve 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. Councilmember L. C. Metzner seconded the motion.

Discussion: Councilmember Metzner clarified that Long Meadow Shopping Center is private property and is not subject to government ordinances or enforcement. Those who move their business off the public right-of-way should not expect public enforcement.

Councilmember Nigh stated this ordinance requires the operator to be in control in all areas.

Motion carried 4-1, with Councilmember P. M. Nigh voting No.

D. Approval 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 approve 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 L. C. Metzner seconded the motion.

Discussion: Councilmember Aleshire clarified this action substitutes a representative of the Department of Community and Economic Development for a member of the eliminated Board of Public Safety on the Appeals Board. This is correct.

Councilmember Nigh stated she does not think the Board of Public Safety should have been eliminated.

Mr. Zimmerman stated the Board of Public Safety was eliminated in 2011. A discussion of the Board of Public Safety will be scheduled in August.

Motion carried 4-1, with Councilmember P. M. Nigh voting No.

NEW BUSINESS

A. Introduction of an Ordinance: Amending City Code, Chapter 33, Code of Ethics

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 to introduce an ordinance to amend Chapter 33, Code of Ethics, of the City Code to include a definition of gift, to clarify financial reporting requirements for elected officials, to revise financial disclosure requirements for non-elected officials and employees to comport with Maryland law, to revise lobbying gift disclosure limitations to comport with Maryland law, and to revise and clarify disciplinary actions for violations.

B. Introduction of an Ordinance: Amending Chapter 10, Part 2, Article XIII, Hagerstown Redevelopment Authority, of the City Code

Action: Councilmember K. B. Aleshire made a motion to introduce an ordinance to amend the Code of the City of Hagerstown, Chapter 10, Part 2, Article XIII. This amendment repeals and replaces the current Article XIII. The amended language changes the name and clarifies the duties of this authority. The new name will be the Hagerstown Loan Review Authority. Councilmember L. C. Metzner seconded the motion.

Discussion: Councilmember Aleshire, Councilmember Brubaker and Councilmember Nigh asked that a discussion of the Hagerstown Redevelopment Authority be scheduled for a Work Session in August.

Mayor Gysberts stated he was startled by the comments regarding the proposed amendments for the HRA. He wondered what the purpose of HNDP is. He suggested there may be several boards to be reviewed.

Motion carried 4-1, with Councilmember P. M. Nigh voting No.

C. Approval of a Resolution: FY 2014 Community Legacy Application

Action: Councilmember D. F. Munson made a motion to adopt a resolution indicating approval of the City's FY 2014 Community Legacy application to the Maryland Department of Housing and Community Development. The application requests funding for two City capital projects: (1) \$ 52,900 for a renovation project for 43-53 West Washington Street, and (2) \$ 50,000 for a renovation project for 170 West Washington Street. Councilmember M. E. Brubaker seconded the motion.

Discussion: Councilmember Aleshire does not support including restoring the façade at 43-53 W. Washington Street in the application.

Motion carried 4-1, with Councilmember K. B. Aleshire voting No.

D. Approval of APFO Mitigation Plan for The Reserve at Collegiate Acres

Action: Councilmember L. C. Metzner made a motion to approve an APFO mitigation plan for The Reserve at Collegiate Acres, a project which will create 272 multi-family units on the last three parcels at Collegiate Acres. The mitigation plan, as approved by the County Commissioners, is to break the project into two construction phases and for the developer to pay \$ 544,000 in an APFO to the County prior to the issuance of any building permits for the two phases. The phasing plan is for construction to begin on Parcel 3 in 2013 and construction to begin on Parcels 4 and 5 in 2015. Councilmember D. F. Munson seconded the motion.

Discussion: Councilmember Aleshire stated this action approves a mitigation plan that was authorized by the County Commissioners. He thinks the motion should state the approval is for the mitigation plan, not the APFO. He stated the City will receive a lower amount of APFO fees because the fee for this project is mitigated. He is concerned the City is giving up the revenue stream, leaving a gap in funding for projects.

Motion carried 4-1, with Councilmember Nigh voting No.

E. Approval of City Funding for After School Program at Parkside Community Center

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 to approve the proposal provided by the Hagerstown Housing Authority to provide after school programming at the Parkside Community Center located on Sumans Avenue. This program was originally funded by the State of Maryland C-Safe grant program, but in recent years has been funded through the City's general fund. Through this program, the Hagerstown Housing Authority provides a variety of constructive after-school activities to area youth. This program will run for the 2013-2014 school year with a cost of \$ 18,881.00 in City funding support.

F. Approval of City Funding for After School Program – BTJ Dance Group

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 to approve of City funding to support after school programs conducted by the Hagerstown Housing Authority. This program was originally funded under the C-Safe grant but, in recent years, has been funded through the City's general fund. The City will provide up to \$ 3,500.00 from the General Fund for the BTJ Dance Group After School Program.

G. Approval of a Contract to Replace the Roof on the Market House

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 approve the contract to replace the Market House roof in the amount of \$ 123,760.00. Staff is authorized to spend up to \$ 130,000 to cover contingency items for this project. The contract will be awarded to B & R Roofing of Fawn Grove, Pennsylvania.

Councilmember Brubaker amended the motion to clarify that staff is authorized to spend up to \$ 130,000 total for the project. The \$ 130,000 includes a contingency amount.

H. Approval of AFSCME 1540 Contract

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to approve a collective bargaining agreement between the City of Hagerstown and the American Federation of State, County and Municipal Employees Local No. 1540. This agreement shall run for a period commencing on August 1, 2013 through June 30, 2016. Under the terms of this agreement, the union shall receive a cost of living wage adjustment totaling 2.0% effective August 1, 2013. This three year contract includes a wage and benefit reopener for years two and three. Major terms of the agreement are summarized in an agreement with the packet information.

Discussion: Councilmember Aleshire expressed his concern about the language allowing retirees and dependents to enroll in the City’s plan in later years. Other points discussed were not included in the summary memo. He wondered if advancing a step for those at one and two years will compress the wage scale.

Mayor Gysberts stated staff will clarify the summary and address the issues raised by Councilmember Aleshire. He commended staff and union members for their work on this contract. The process has not been easy.

Councilmember Nigh would like all unions to work together.

I. Approval of Financial Assistance Funding for the Maryland Theatre Association, Inc. – Façade Project – Not to Exceed \$ 4,000.00

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 authorize a grant to the Maryland Theatre Association, Inc. for the scheduled façade project. This project includes exterior sign boards, upper floor decorative window painting and painting of trim work. This grant is Not-to-Exceed \$ 4,000. Funding for this grant will be from the Economic Redevelopment Fund and from the Façade and Sign Program as may be applicable.

CITY ADMINSTRATOR COMMENTS

Bruce Zimmerman, City Administrator, had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember K. B. Aleshire discussed a sewer issue with a home in Greenberry Hills. There was a question of which utility (City or County) was responsible for the line. The information on the City’s website conflicted with what the homeowner was told. The information posted should match the policy. He commended Jeff Decker for his help. He

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doesn't think it is productive during citizen comments for speakers to single out individuals. He apologized to the Code Enforcement employee whose name was mentioned. He stated it is interesting to see how the barn in Williamsport is working out as a rental venue. He suggested adding a link to the City's website for information about the progress at the MELP. He met with the editorial board at the Herald Mail. There appears to be confusion about the Suns project and its application to downtown. He supports a stadium and he wants to retain minor league baseball. There are other ideas that could be considered for downtown revitalization. Mayor Gysberts asked him to serve on a Suns lease negotiation committee. He will serve if the primary purpose is to retain minor league baseball, not to revitalize downtown.

Councilmember M. E. Brubaker stated when speaking, comments should be civil. Many times, the Mayor and Council have not had an opportunity to hear both sides of an issue.

Councilmember Metzner suggested reviewing the Rules of Procedure, in particular the expectations for Citizen Comments. He mentioned that the owners of the Hagerstown Spring Works property had offered to finance the purchase to the City, at a very high interest rate.

Mayor Gysberts agreed the guidelines for Citizen Comments should be reiterated at each meeting. Speakers should not attack the Mayor and Council or City employees during Citizen Comments.

Councilmember D. F. Munson thanked staff for the work they do.

Councilmember P. M. Nigh had no additional comments.

Mayor D. S. Gysberts announced there will be a tour of downtown properties on July 30, 2013, beginning at 4:00 p.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 9:08 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: August 27, 2013