

WORK SESSION AND 32ND REGULAR SESSION– January 28, 2014

WORK SESSION – January 28, 2014

Mayor D. S. Gysberts called this Work Session of the Mayor and City Council to order at 5:36 p.m., Tuesday, January 28, 2014, 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 and P. M. Nigh; City Administrator Bruce Zimmerman, City Attorney Mark Boyer and City Clerk D. K. Spickler.

The Preliminary Agenda that was to be reviewed on January 21, 2014 was discussed.

Councilmember Metzner stated the Suns fireworks schedule includes a request for May 5, 2014, which is a weeknight. He does not remember approving fireworks for a week night in the past. He asked that the vote for the schedule be postponed and discussed in February, 2014.

Councilmember Aleshire stated the Council received correspondence from the Hagerstown Suns requesting a possible change to the term of the lease amendment. He is concerned the City would expend additional funding at Municipal Stadium for additional seasons for a team that is leaving. Councilmember Metzner stated that request will have to be discussed further.

There were no other questions regarding the preliminary agenda.

Historic City Park Neighborhoods 1st Decorative Street Sign Project

Jonathan Kerns, Community Development Manager, Karen Giffin, Community Affairs Manager, and members of the Historic City Park Neighborhoods 1st Group, were present to discuss a neighborhood beautification project.

In order to enhance the beauty of the streetscape surrounding City Park, the Historic City Park Neighborhoods 1st group has developed a plan to install multiple decorative street signs with hanging flower baskets and masonry bases along Virginia Avenue. Approximately seven of these signs will be constructed and located in close proximity to City Park. This project is similar to the decorative sign project carried out by the group in 2011.

The Historic City Park Neighborhoods 1st group will be utilizing funding from various sources in order to complete the project. The group anticipates using their allotment of funding, \$ 1,000.00 provided annually by the City, in combination with funds to be raised through a sponsorship program for the street signs. The group has also sought donations of materials that will help reduce overall project costs.

Once ample funding is secured, the materials will be obtained and the sign installation will be completed by the City's Public Works staff. Eric Deike, Manager of Public Works, has been involved with the project planning and has agreed to provide the labor for this public improvement. The Department of Parks and Engineering has also assisted in the planning process and will continue to assist with engineering related aspects of the street sign installations.

Councilmember Munson stated these type of signs look nice. He asked who would maintain the planters. Mr. Kerns stated this may be a partnership with Public Works.

Councilmember Munson asked if signs are being considered for other areas in Hagerstown, such as at Memorial Park. Mr. Kerns stated this could be discussed. This project, in particular, was developed by the neighborhood group.

Councilmember Aleshire asked if there is a reason these signs are different than the ones on Summit Avenue. Mr. Kerns stated it may be cost prohibitive to install the same type of signs. Heather Holman indicated the poles and scrolls will be the same as on Summit Avenue. The bases will be more substantial. Councilmember Aleshire asked if some signs will be placed in private yards. The signs will be placed behind the sidewalks and property owners will be notified.

It was the general consensus of the Mayor and City Council to support this project.

Contracts for Demolition and Renovations and Asbestos Removal for 43-53 West Washington Street

Jonathan Kerns, Community Development Manager, and Tim Young, Engineer/Designer, were present to discuss the demolition and renovations for 43-53 West Washington Street.

Funding for the demolition and asbestos removal is from CDBG funds and proceeds from the sale of Public Square property.

Councilmember Aleshire reiterated his preference that the structure that is slated for a new roof be demolished.

Mayor Gysberts asked if other work is planned before putting the property on the market. Mr. Kerns stated staff is actively marketing the property now. The only other work planned is construction of a façade. Additional Community Legacy funding will be used for this renovation. Stone will be placed on the vacant lot.

Mayor Gysberts stated this plan does not include a roof over the open area between the buildings.

Councilmember Aleshire wants to use the funding to make the biggest impact possible.

Councilmember Munson stated this demolition will make downtown more attractive. He asked if there had been any interest in the property. Mr. Kerns stated he believes there has been.

It was the general consensus of the Mayor and City Council to approve the contract.

Noise Ordinance Update

Kathleen Maher, Planning Director, was present to answer any remaining questions regarding the draft revisions to the Noise Ordinance. The proposed ordinance was revised to reflect comments received at the January 7, 2014 Work Session.

It was the general consensus to approve the ordinance during the January 28, 2014 Regular Session.

Housing and Neighborhoods Legislation – Update

John Lestitian, Director of Community and Economic Development, and Chief Mark Holtzman, were present to review the final drafts of Chapter 95 and Chapter 197 with the Mayor and Council and to review the Code Administration tract in Chapter 95 from which a property may be deemed a Chronic Nuisance Property. Staff have worked with the City Attorney to implement the direction of the Mayor and Council and to clarify any housekeeping items.

The following language has been incorporated into the final draft of Chapter 95:

“Chronic Nuisance Property shall also mean any privately owned property, regardless of type, at which there have been at least 3 Code Administration notices of violation issued within any twelve month period for a violation from among the following qualifying property maintenance standards:

1. Chapter 64-8, Section 302.1, Sanitation
2. Chapter 64-8, Section 302.4, Weeds
3. Chapter 64-8, Section 307, Rubbish and Garbage
4. Chapter 185, Nuisance Abatement (Weeds, Trash and Debris Abatement Ordinance)

Councilmember Metzner stated the Council had not discussed including code violations counting toward a property being designated as a chronic nuisance. Mr. Lestitian stated this was discussed on January 7, 2014 and the consensus was to include code violations.

Councilmember Metzner stated he was ready to introduce the ordinances before the code violation language was added. He would welcome a discussion about repeated code violations. He is concerned that complaints about weeds and abatement of the violation would cause a landlord to lose their certification.

Mr. Lestitian indicated Chapter 95 applies to all properties. Four notices are sent to the owners before a fine is imposed.

Mr. Zimmerman stated the Council discussed the impact on the neighborhood from a property that has recurring code violations, as well as the impact of repeated police calls. Staff understood the Council wished to include code violations as chronic nuisances.

After the third violation, the property is designated as a nuisance property. The fourth notice includes a fine. This does not mean the owner will be losing the certification. Mr. Lestitian stated, from the staff's perspective, it brings problem property owners to the table.

Councilmember Nigh stated more than \$ 10,000 in fines have been issued to a property on Mulberry Avenue. The property management company should make sure all the violations are addressed. She supports including code violations in the Chronic Nuisance Ordinance, as presented.

Councilmember Metzner stated it will not be as easy to identify the culprit for some of the code violations, such as rubbish and garbage on the property.

Councilmember Munson supports including code violations as chronic nuisances.

Councilmember Brubaker suggested discussing this more in February. In the meantime, he suggested introducing the ordinances during the Regular Session.

Councilmember Aleshire is willing to proceed with introduction of the ordinances, but he wants to have additional discussions. He wants to work within the confines of the proposed legislation. He stated drug activity is a different type of nuisance than the others on the list.

Chief Holtzman pointed out other nuisances, such as high grass, are more readily noticeable.

Mr. Lestitian asked for clarification if there should be a specified fine for the code violations and if repeatedly violations trigger the loss of the certification.

Councilmember Metzner stated the biggest culprits with the weed, etc. violations are the properties that are in foreclosure. He does not have any issues regarding a penalty for the violations.

Mayor Gysberts does not think the names of the owners who have 3 or more violations for code violations should be published.

It was the general consensus to introduce the ordinances during the Regular Session.

The Work Session was adjourned at 6:32 p.m.

32nd REGULAR SESSION – January 28, 2014

Mayor D. S. Gysberts called this 32nd Regular Session of the Mayor and City Council to order at 7:05 p.m., Tuesday, January 28, 2014 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 Mark Boyer 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 September 24, 2013. 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, February 4, 2014, Tuesday, February 11, 2014, and the Regular Session on Tuesday, February 25, 2014 at 7:00 p.m. No meeting is scheduled for Tuesday, February 18, 2014.

GUESTS

Recognition of 200th Anniversary of Naming of Hagerstown

Mayor Gysberts read a proclamation recognizing the 200th Anniversary of the naming of Hagerstown. The proclamation will be displayed in the City Clerk's office.

Special Recognition to Tom Riford

Mayor Gysberts read a special recognition and thank you statement for Tom Riford, Executive Director of the Convention and Visitors Bureau. Mr. Riford is leaving the CVB. Mr. Riford thanked the Mayor and Council for their continual support.

CITIZEN COMMENTS

Charles Burkett, 15 N. Locust Street, Hagerstown, Maryland, is opposed to the Crime Free Housing legislation. He owns two businesses and several rental properties. He wants downtown to be safe and free of crime. The tenants should be held responsible, not the landlords. He is concerned that a fee will be imposed in the future for the certification that is being discussed. An 8 hour training class is too long. The review board (for appeals) does not include any private representation. He asked if landlords are to become the police. He stated landlords will start to discourage tenants from calling the police because of the possibility of the call being put on a list. He stated more laws will not fix the problems.

Mayor Gysberts stated everyone should read the memos and proposed ordinances and not listen to the misinformation that is being published about these ordinances. For example, the educational session is not 8 hours long.

David Rider, Spring Valley Circle, Hagerstown, Maryland, has a City Contractor's license and has a business office at 120 N. Jonathan Street, Hagerstown, Maryland. He has renovated and built many residential units in the City. Residents at Northgate pay for extra police

protection. Some downtown businesses have moved because their employees and customers didn't feel safe. Now, it seems, the City wants property owners to be police officers. He stated the Mayor and Council should raise taxes and put more police on the streets.

Joe Kraft, 18545 Kent Avenue, Hagerstown, Maryland, wondered why Chapter 95, Nuisance Excessive Use of City Services, has been changed to remove the Hagerstown Police Department from the title. He is concerned that it now includes Code Administration. He is also concerned about the definition of qualifying calls.

Councilmember Metzner stated the concerns noted by Mr. Kraft were discussed during a Work Session held earlier this evening. There will be additional work session discussions before the ordinances are approved.

Mr. Kraft stated Chapter 95 should continue to be called Excessive Use of Police Services, with a focus on crime.

Tom Bartles, 50 N. Burhans Boulevard, Hagerstown, Maryland, represents the AFSCME 3373 union. On behalf of the police union, he thanked the Mayor and Council for a three month extension to the contract. The union met with the City negotiating team in early December. He is hoping the proposal presented at that meeting will help resolve the contract. He appreciates the professionalism the City negotiating team has exhibited to the 3373 negotiating team. The members of 3373 are committed to serving the City, as they always have.

Nancy Allen, 924 Oak Hill Avenue, Hagerstown, Maryland spoke representing Pen Mar Association of Realtors. The Association is opposed to the proposed changes for Chapter 95 and Chapter 197 of the City Code. They feel the changes infringe on the property rights of the owners. These changes will deter real estate purchases and will reduce property values. The Association welcomes an opportunity to offer suggestions for addressing the crime in neighborhoods. She then spoke as a homeowner and taxpayer. Her family moved to Hagerstown 25 years ago because of the neighborhood feeling. The neighborhood has changed and residents want help from the City, not more regulations.

Allen Johnson, 13941 Blue Mountain Drive, Maugansville, Maryland, is president of the Landlord Association. The members agree with Ms. Allen's comments and extend the assistance of the association to the Mayor and Council. They have worked with Officer Kendle to encourage landlords to participate in the Crime Free Housing initiative. The landlords who participated have benefited from it. However, now the City wants to mandate a class for 2,100 landlords. There are 36 properties that have been identified as problem properties. A friendly and supportive attitude would go a long way in encouraging landlords to take care of their properties. Mr. Johnson read a letter from a landlord who stated he will move his investments elsewhere if the proposed changes are implemented. The writer stated he would support a Crime Free Ordinance. The course should not be mandated. The writer stated he expects a tax rate increase will be needed to support a growing Code Compliance office.

John McCalla, 9816 Parsonage Lane, New Windsor, Maryland, founded the Real Estate Investors Group. Within this group, Hagerstown is considered an unfriendly place to do

business. He is willing to invest in property in Washington County but not in the City of Hagerstown. Adding more ordinances and regulations will not help improve the City's image to real estate investors.

Roger Fairborn, 277 Eastern Boulevard, Hagerstown, Maryland, is a real estate broker in Hagerstown. He has been active in organizations and with projects to benefit the citizens of Hagerstown. A good program for home owners is offered by The Home Store. He wondered why the landlord association has not been allowed to work with the City in developing this ordinance. The basic requirements in the ordinance are already being met. Increased regulations diminish investment interest in Hagerstown. Better management is needed by becoming pariahs of sorts. There are several instances in the list of disturbances that are not crime related. The qualifying calls should also be noted if the person is found guilty, not before. He is concerned that a domestic disturbance would be included on the list without a conviction.

Councilmember Metzner pointed out domestic violence is specifically exempt from the list of qualified calls. Mr. Fairborn is concerned similar calls may be included.

Terry Wigfield, 511 Salem Avenue, Hagerstown, Maryland, attended a landlord association meeting where it was stated the City would only enforce safety violations. He was charged by the City for removing a mattress, before he had a chance to take care of it. He feels the City lied to him. These regulations are infringing on his rights. He stated snow has not been removed from many sidewalks.

Terrance Hooper, 10018 White Hall Road, Hagerstown, Maryland, is a real estate investor and owns 9 units in the City. He takes his job as landlord seriously and screens tenants strictly. With multiple tenants, he feels he is at risk of being noted as having a chronic nuisance property, especially if code violations are included. He fears the people who are going to be harmed the most are the good tenants.

Councilmember Metzner stated the expectation of a landlord receiving a notice is that the incident/problem would be addressed.

Mayor Gysberts stated the ordinance does not pose a risk to the property owner. It is hoped good property owners learn something new with the training component.

Councilmember Metzner pointed out the word eviction is not mentioned in this ordinance. The City is not mandating that tenants be evicted. The Mayor and Council are trying to help property owners. There is one two-hour class, and that is it. He stated he will not vote in favor of the excessive use of services if it includes code violations.

Joan Lord, 711 Salem Avenue, Hagerstown, Maryland, owns property and a property management company. She would like to be notified of any police calls to her properties. Additional regulations are making it difficult to sell property in the City. She likes living in Hagerstown. She asked the Mayor and Council to consider an incentive to attend class by reducing the rental licensing fee.

Bob Cody, 14924 Clearspring Road, Williamsport, Maryland, agreed with comments made by Allen Johnson and others.

Lynne Cueto, 468 N. Potomac Street, Hagerstown, Maryland, has lived at this address since 1973. She is concerned about the crime free regulations and how they will be enforced.

Timbu Day, 832 Oak Hill Avenue, Hagerstown, Maryland, makes sure her rental property is a wonderful property. Her property is besieged by rentals that didn't follow the same thoughts. Neighbors wanted action for the tenants who caused problems, with many alarming incidents. There was a large drug bust. A small handful of landlords are the problem. These will continue to ignore the laws. She asked that the laws already on the books be enforced. She feels that the requirements for inspections should be uniform.

Mayor Gysberts stated Chapter 95, Excessive Use of City Services, addresses the issues Ms. Day mentioned.

Ms. Day stated, as a landlord, she is concerned that the property behind hers is an unsafe disaster and that nothing can be done about it.

James Stone, 1172 The Terrace, Hagerstown, Maryland, owns commercial rental property. He stated the ordinance is fundamentally flawed and can't be fixed by redrafting it. It imposes responsibility on property owners and landlords for the conduct of a third party. He understands crime needs to be addressed. The Hagerstown Police Department is good. If there aren't enough resources to enforce the laws, more officers need to be added to the department. He is not responsible for what other people do. He stated the ordinance may be unconstitutional. This ordinance will make it more difficult for responsible landlords to manage their properties. The Mayor and Council should be concerned about the people who live in the City, even if they don't care about non-resident landlords.

Nate Steuer, P. O. Box 1871, Hedgesville, West Virginia, thanked the Mayor and Council for taking the time to review and revise the noise ordinance.

Michael Stanford, 12709 Bradbury Avenue, Smithsburg, Maryland, read a letter from Travis Poole. He noted the time of the training session has not been designated. He doesn't think anyone disagrees with the voluntary Crime Free Housing initiative training. What people disagree with is a mandated training session. There are problems with the definition of qualifying calls and the appeals process. This effort is for less than 1% of landlords. There will be a cost to the City to manage the certifications.

Bill Wiles, Sheridan Avenue, Hagerstown, Maryland, noted the Hagerstown Housing Authority's (HHA) responsibility is not addressed in the proposed ordinance. He wondered how he can evict a tenant if his lease is with the HHA.

Steven Rayner, 7 West Irvin Avenue, Hagerstown, Maryland, is concerned about the unintended consequences of implementing the crime free ordinances. This might create

additional burdens on people who are interested in owning property in Hagerstown. Additional regulations will increase the cost of housing in Hagerstown.

CITY ADMINISTRATOR COMMENTS

Bruce Zimmerman, City Administrator, had no additional comments.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember K. B. Aleshire attended the tour of the Board of Education offices, the Washington County MML Chapter meeting, the Coalition meeting and the Employee Service Award luncheon. He appreciates the work the City employees do. He keeps a record of his activities and wants to dispel the notion that he doesn't care about non-resident owners. He detailed the number of emails he sent to members of the landlord association and others regarding concerns about the crime free housing legislation. He offered to meet with members of the landlord association but didn't receive a response. The training session is not 8 hours long. If all landlords were responsible, this conversation would not be taking place. He stated an editorial in the Herald Mail chastised people like him for questioning the process that was used to select the members of the Urban Partners committee. It implied that the Mayor and Council have fumbled and that the process should be ignored if it means red tape and inconvenience. He took an oath to uphold the Charter and Ordinances of the City of Hagerstown and he will not ignore either. He is looking forward to providing the attorney's opinion of this matter to the newspaper.

Councilmember M. E. Brubaker thanked everyone who spoke during Citizen Comments. Some of the same concerns were most likely expressed when the Rental Licensing program was implemented. Some property owners have asked for help. The crime free legislation is designed to help tenants and investors. He addressed Councilmember Aleshire's comments. He is wrong in inferring that Council members are not upholding the Charter and Ordinances of the City. They are trying to improve Hagerstown in the best way they see fit. Councilmember Aleshire's position is not that of the whole Council, as the editorial implied. The Council unanimously voted for the project and the process. A majority is in favor of proceeding and a majority does not feel the process has been violated. He wants to move forward. The Council has received criticism for not spending close to \$ 1 million for a downtown plan. The City is utilizing a \$ 100,000 grant from the State to fund the plan that will be developed by Urban Partners. The City's ethical standards are not being violated.

Councilmember L. C. Metzner stated the nuisance law has been on the books for years. The changes proposed to the law is to reduce the number of qualified calls from 10 to 3. The Council has heard overwhelmingly that the people who are doing the right things should not be penalized. The requirements of the law are a mandated training session and a lease. He wondered if exempting someone from the training if they had proof of comparable training would be possible. This legislation is to address the landlords and properties such as one Hamilton Boulevard home that housed a meth lab.

Councilmember D. F. Munson thanked everyone for speaking during the meeting. He agreed with the comments from Councilmember Brubaker and Councilmember Metzner.

Councilmember P. M. Nigh stated the contract with AFSCME # 3373 needs to be discussed again. She asked if there is something on the table with this group. Mr. Zimmerman stated the negotiating team has presented the offer to the Mayor and City Council.

Mayor D. S. Gysberts thanked those that spoke. He stated everyone at the table took an oath to uphold the ordinances of the City. He believes his colleagues diligently and faithfully execute the oath. He does not think anyone is ignoring a process outlined in the City Code. The contract detailed the process with Urban Partners and the vote to accept the contract was unanimous. Urban Partner's purpose is to engage the community and gain feedback from all the stakeholders. Some people may not like the stakeholders but they are part of the process. There are more than 120 people involved in this project. The plan will create links and create a catalyst for downtown. This is an important project. He looks forward to the final report.

PUBLIC HEARING

Water and Wastewater Five Year Rate Plan

A Public Hearing was held to receive public comment regarding a proposed Five Year Rate Plan that would be in effect from Fiscal Year 15 through the end of Fiscal Year 19 for increases in water and sewer user rates.

Under the proposed increase, water service user rates will increase 2 % for all City customers in each of the five years. Sewer rates for users of the City of Hagerstown sewer system will increase by 12% for all City customers in FY 15, by 4% in FY 16 and FY 17, and 2% in FY 18 and FY 19, including both joint service area and full service sewer customers. Low pressure system and industrial surcharge rates are also proposed to increase by 7.0%. The proposed increases would take effect on all bills rendered after July 1 of each of the five Fiscal Years.

There was no testimony presented. The hearing was closed at 8:43 p.m.

MINUTES

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 minutes, as presented, for the Mayor and Council meetings held on November 26, 2013, December 3, 2013, December 10, 2013, and December 17, 2013.

CONSENT AGENDA

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

- A. Information Technology and Support Services:
 - 1. Update of Data/Phone Communications Room in City Hall – Glessner Alarm & Communications (Hagerstown, MD) \$ 14,742.60

- B. Department of Utilities:
 - 1. Grinder Pump Replacement – Fluid Solutions, Inc. (Westminster, MD) \$ 55,000.00
 - 2. Replacement of Bulbs for the UV Disinfection System – Ozonia North America, LLC (Leonia, NJ) \$ 9,880.00
 - 3. Effluent Launder Covers on Clarifiers – Conewago Enterprises, Inc. (Hanover, PA) \$ 19,866.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: Repeal of Chapter 155, Noise, and Replacement with New Chapter 155 Noise Control

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 an ordinance to repeal Chapter 155, Noise, and replace it with a new Chapter 155, Noise Control. This change is proposed for the following reasons: 1) old Chapter 155 includes provisions which complicate enforcement of the ordinance; and 2) staff need a better tool to protect the quality of life and public health, safety and welfare of the citizens of Hagerstown from excessive noise.

NEW BUSINESS

A. Introduction of an Ordinance: To Increase Water Rates

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 introduce an ordinance to increase the unit cost of water rates by 2% per year for Inside City customers and 2% per year for customers outside of the City over the next five fiscal years. These rate increases are necessary to meet the revenue requirements of the Water Fund in order to keep the fund self supporting as determined by the recently completed cost of service study prepared for the City by the Municipal Financial Services Group.

The detailed individual rate changes in the volume charges and fixed charges by meter size are indicated, by fiscal year, in the body of the ordinance. The increased rates shall be effective for all bills rendered on or after July 1, 2014 and for all bills rendered on or after July 1st of each of the subsequent four fiscal years.

Discussion: Councilmember Munson stated these rates are reasonable and responsible. Councilmember Brubaker pointed out these rates are still lower than surrounding communities.

B. Introduction of an Ordinance To Increase Sewer Rates

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 introduce an ordinance to increase the unit cost of sewer rates at the following amounts for Inside City customers; FY 15 at 12%, FY 16 at 4%, FY 17 at 4%, FY 18 at 2% and FY 19 at 2%. The unit cost of sewer rates for customers outside of the City are as follows; FY 15 at 12%, FY 16 at 4%, FY 17 at 4%, FY 18 at 2% and FY 19 at 2%. These rate increases are necessary to meet the revenue requirements of the Wastewater Fund in order to keep the fund self supporting as determined by the recently completed cost of service study prepared for the City by the Municipal Financial Services Group.

The detailed individual rate changes in the volume charges and fixed charges by meter size are indicated, by fiscal year, in the body of the ordinance. The increased rates shall be effective for all bills rendered on or after July 1, 2014 and for all bills rendered on or after July 1st of the subsequent four fiscal years.

Discussion: Councilmember Brubaker pointed out the combined rates are not the same as they are for water.

C. Introduction of an Ordinance: Amending Chapter 95, Excessive Use of Police Services

Action: On a motion duly made by Councilmember P. M. Nigh and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance to amend the Code of the City of Hagerstown, Chapter 95, Excessive Use of Police Services, to repeal and re-enact Chapter 95 Excessive Use of City Services. These amendments will establish a definition for a chronic nuisance property, amend the minimum number of police qualifying calls which must be met prior to becoming a chronic nuisance property and establishes the minimum number of certain code administration violations which must be met prior to becoming a chronic nuisance property. This ordinance applies to all properties throughout the city. Further, this ordinance supports the City of Hagerstown's Vision and Commitment to Housing and Neighborhoods, which is focused on protecting and enhancing the quality of life throughout the City.

D. Introduction of an Ordinance: Amending Chapter 197, Rental Facilities

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 the Code of the City of Hagerstown, Chapter 197 thereof, Rental Facilities. These amendments will require that all residential landlords obtain certification as a residential operator. The certification process requires attending a one-time FREE training seminar on Crime Free Housing. Further these amendments require the use of a written lease which contains a Crime Free lease provision. There are no additional City fees as the result of these amendments. This ordinance supports the City of Hagerstown's Vision and Commitment to Housing and Neighborhoods, which focuses on protecting and enhancing the quality of life throughout the City.

Discussion: Councilmember Brubaker stated the last two actions are introductions only. The Mayor and Council will continue to discuss this legislation.

E. Approval of a Resolution: Lease Agreement Addendum with Potomac Building, LLC for State of Maryland, Department of Social Services – Church Street Parking Lot.

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to approve a resolution authorizing the City of Hagerstown to enter into a lease agreement addendum with Potomac Building, LLC for the State of Maryland, Department of Social Services for the Church Street Parking Lot, Hagerstown, Maryland to lease the premises for a period of thirteen years and three months commencing on July 1, 2010. The rental rates will be as follows:

July 1, 2010	\$ 43,428.00 annually
July 1, 2011	\$ 43,428.00
July 1, 2012	\$ 44,556.00
July 1, 2013	\$ 45,684.00
July 1, 2014	\$ 46,812.00
July 1, 2015	\$ 47,940.00
July 1, 2016	\$ 49,068.00

Rent shall stay the same for July 1, 2016 through September 30, 2023.

F. Approval of Solicitation for Purchase of the City's Public Improvements Bond of 2014, General Obligation Bond

Action: Councilmember M. E. Brubaker made a motion to approve of the solicitation to be circulated by Public Advisory Consultants, Inc. (PAC), the financial advisor to the City, on behalf of the City. This solicitation for the purchase of the City's general obligation bond in an aggregate principal amount of approximately \$ 735,000 will be substantially in the form presented to the Mayor and Council. PAC is hereby authorized to circulate such solicitation, substantially in the form

so provided, with such changes as may be agreed to by the City Administrator and the Acting Director of Finance.

Following receipt of responses to the solicitation, the Mayor and Council will adopt a resolution identifying the purchaser of the bond and fixing final details of such bond.

Councilmember D. F. Munson seconded the motion.

Motion carried, 4-0, with Councilmember K. B. Aleshire abstaining from the vote.

G. Approval of Amendment to the Power Service Agreement with Allegheny Energy Supply Company, LLC

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 the Amendment No. 4 to the Power Service Agreement between the City of Hagerstown and Allegheny Energy Supply Company, LLC. The existing Power Service Agreement has been extended for a period of two years, from the initial expiration date of May 31, 2015 through the new expiration date of May 31, 2017. The MWh (megawatthour) charge for service during the aforementioned two year period will become \$ 51.50.

Discussion: Councilmember Munson and Councilmember Metzner mentioned this will be the third rate reduction for City light customers.

H. Approval of Hagerstown Suns Fireworks Schedule 2014

This item was removed from the agenda for further discussion.

I. Approval of Construction of Memorial Park – Phase II

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 the expenditure of funds for the construction of Memorial Park – Phase II in the amount of \$ 120,000. The project is funded by Program Open Space funds, Excise Tax funds, and the balance to be taken from FY 14 CDBG “Neighborhood Parks” budget. The Mayor and Council further authorize staff to complete the work and enter into contracts for trade-type work. Phase II includes the plaza, landscaping, lighting, fountain, memorial walls, historic markers for events, and Character Counts markers.

J. Approval of Contracts for 43-53 West Washington Street – Demolition and Renovations and Asbestos Removal

Action: Councilmember D. F. Munson made a motion to approve the Contract RFP-13-AR-13 for Asbestos Removal at 43-53 West Washington Street to HEPACO, LLC of Baltimore, MD in an amount not-to-exceed \$ 70,000.

It was further moved for the approval of Contract 13-13-M-10 for the demolition and renovations to the Rear of 43-53 West Washington Street to Milton Stamper Builders of Hagerstown, MD in the amount of \$ 197,940.00. Funding for both contracts is from the following:

\$ 36,330 CDBG Demolition of Properties Fund
\$ 144,050 CDBG Commercial Rehab of City-owned building fund
\$ 237,300 – or less depending on final project costs – proceeds from sale of Public Square property.

Councilmember M. E. Brubaker seconded the motion.

Discussion: Councilmember Aleshire reiterated his preference to demolish the rear of 47 West Washington Street rather than replacing the roof. He feels the money would be better spent on reconstruction of 49-53 West Washington Street.

Motion carried, 4-1 with Councilmember K. B. Aleshire.

K. Approval of Management Services for Potterfield Pool

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote to approve a three year contract for pool management services at Potterfield Pool with American Pool Enterprises of Columbia, MD beginning with the 2014 pool season.

L. Approval of City Funding Support for the Maryland Theatre

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 of \$ 160,000 in City funding to support the Maryland Theatre 24 Month Capital Infrastructure Program as outlined in the Theatre's presentation to the Mayor and Council on January 14, 2014. The Theatre has projected a total cost of \$ 1,535,000 to complete projects including Ceiling Restoration and Repair, Upgrades to the Boiler and HVAC, Floor Surface Repair and Installation of New Seating, and Theatrical Lighting Upgrades. The City's \$ 260,000 in funding will match the \$ 260,000 in private contributions already received for the project and is conditioned on Washington County providing matching funding of \$ 260,000 or more. The source of the City's \$ 260,000

contribution is a portion of funds Hagerstown received from the prior sale of the Army Reserve Center to Washington County.

Discussion: Mayor Gysberts stated the County has approved funding of \$ 300,000 to support the Theatre.

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 9:28 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: February 25, 2014