

47TH REGULAR SESSION AND EXECUTIVE SESSION – July 22, 2014

EXECUTIVE SESSION – July 22, 2014

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 of all members present to meet in closed session to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, #1 (Section 10-508(a)) at 5:03 p.m. in Room 407, 4th Floor, City Hall, Hagerstown, Maryland. The following people were in attendance: Mayor D. S. Gysberts, Councilmember M. E. Brubaker, Councilmember L. C. Metzner, Councilmember D. F. Munson, Councilmember P. M. Nigh, Karen Paulson, Director of Human Resources, and Donna K. Spickler, City Clerk. The meeting was held to discuss the process for recruitment of a City Administrator. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the executive session was adjourned at 5:33 p.m.

47TH REGULAR SESSION – July 22, 2014

Mayor D. S. Gysberts called this 47th Session of the Mayor and City Council to order at 7:02 p.m., Tuesday, July 22, 2014, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers M. E. Brubaker, L. C. Metzner, D. F. Munson, and P. M. Nigh; City Administrator Bruce Zimmerman, City Attorney William Nairn, and Donna K. Spickler, City Clerk. Councilmember K. B. Aleshire was not present.

The invocation was offered by Rev. G. Stanley Steele. The Pledge of Allegiance was then recited. Rev. Steele serves as the Chairman of the City's Ethics Commission.

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 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, August 12, 2014 and Tuesday, August 19, 2014, and the Regular Session on Tuesday, August 26, 2014 at 7:00 p.m. There will be no meeting on Tuesday, July 29, 2014 or Tuesday, August 5, 2014. National Night Out will be held at Fairgrounds Park on August 5, 2014.

Mayor Gysberts informed the group he is making an official visit to Hagerstown's Sister City Wesel, Germany next week. He thanked everyone who gave him gifts to take to Wesel. He also thanked his father for accompanying him and for paying for the trip.

APPOINTMENTS

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 appoint Rev. G. Stanley Steele to the City Ethics Commission with a term to expire September 1, 2019.

Mayor Gysberts announced he has appointed George Hill to the Hagerstown Housing Authority with a term to expire August 31, 2019. It was noted this appointment does not require Council approval; however, the members present indicated they supported the appointment.

CITIZEN COMMENTS

Keely Neubauer, 942 Mulberry Avenue, Hagerstown, Maryland, spoke last month about continued property violations. She has been reporting violations and she and her husband continually are harassed. The City has said this is a civil matter that she needs to take to court. She stated she submitted a public information request that yielded 26 pages of information. She submitted a second request, which was exactly the same as the first, and was told the page count was over 700 and it will cost \$ 200 to provide the information to her. She is concerned about the difference in the amount of pages. She stated she does not want to look at filth and squalor from her driveway so she will pay the \$ 200.

Mayor Gysberts stated there are specific fees and regulations associated with public information requests, as established by the State of Maryland. He stated Ms. Neubauer could call the Mayor's office to discuss something like this, rather than coming before a public meeting.

Dr. Eric Smith, 638 Potomac Avenue, Hagerstown, Maryland, is concerned about the activity that is taking place in this neighborhood. There are people loitering, there is gun fire, and many suspicious people in the area. The Sheetz store at 700 Potomac Avenue draws trouble. He would like the City to legally shut the store down. In the past 12 months, there have been 82 police calls for service. If the store cannot be closed, he asked that the hours be limited and they be required to provide security and hire trash collectors. The site plan needs to be reviewed and changes made to make the neighborhood safer. He believes there are terrible problems in the City and it is quickly becoming a ghetto. Three inspectors will not be enough to cover the entire City. There are too many rental units in Hagerstown. There are people living in the alleys and garages. There needs to be a freeze imposed on the creation of rental units.

Mayor Gysberts is familiar with the area Dr. Smith is talking about and the Chief of Police is working with Sheetz. The ideas presented are worth looking at.

Tom Campbell, 900 Noland Drive, Hagerstown, Maryland, is concerned about the operations at the Schuster Concrete Plant on Sherman Avenue. He stated there will be

dust and noise as the rock crushing is taking place. He asked that an air quality monitor be installed.

Mayor Gysberts stated the City has heard the concerns but Hagerstown does not have any jurisdiction over the air quality issues for that property. The air quality issues are the responsibility of the Maryland Department of the Environment. He understands MDE will be holding another hearing.

Christopher Brown, 642 Oak Hill Avenue, Hagerstown, Maryland, owns Shindle's Pharmacy. He also is concerned about the activities at the Sheetz store.

Dr. Smith stated the rental/owner ratio is causing neighborhood blight. Residents should be encouraged to become home owners.

Mayor Gysberts informed the group the City of Hagerstown provides incentives for home owners.

Dr. Smith stated landlords should be responsible for their tenants. There should be limits on the number of people that can live in a single rental unit. There should also be two off street parking spaces for rental units. He suggested imposing additional taxes on vacant properties. The owner of the MELP property should be taken to court and made to demolish the building.

Councilmember Metzner stated the City of Hagerstown has filed suit against the owner of the MELP property. To address tenant issues, the Mayor and Council implemented crime free housing regulations several months ago.

Ronald Conrad, 13840 Ideal Circle, Hagerstown, Maryland, is concerned about the activity at the Sheetz store as well. He owns the property adjacent to Sheetz. The store originally had two gas pumps and more have been added, in addition to offering more merchandise and food. He is concerned that the dumpsters are only inches from his property. He is also concerned about the number of vacant buildings in this neighborhood. Vacant buildings cause a negative impression of the neighborhood.

Randy Changuris, 2815 Rohrersville Road, Rohrersville, Maryland, stated better downtowns make better neighborhoods. He visited Denver, Colorado and thinks Hagerstown could be like Denver. In Denver, officials made a main thoroughfare into a pedestrian mall. The mall is paved with patio stones and free shuttles run for the full 20 blocks. There are upright pianos in many locations for people to play.

Mayor Gysberts mentioned pianos will soon be placed in downtown Hagerstown.

Mr. Changuris stated there is a park that leads directly to downtown Denver. There is also a walkway to the stadium. Businesses on either side of the walkway are thriving.

There is a common theme for the restaurants in Denver. They all offer craft beer. He thinks Hagerstown can thrive using some of these same ideas. It will take courage but it can be done.

Mayor Gysberts and Councilmember Metzner have both visited this area in Denver. Mayor Gysberts stated people in Hagerstown have to start believing they and Hagerstown are worth the investment.

Lynne Cueto, 468 N. Potomac Street, Hagerstown, Maryland, expressed her concerns about the Sheetz store on N. Potomac Street. Someone from Sheetz should go through the surrounding neighborhoods and pick up the trash that is left behind from their customers.

Joe Zaier, 650 Oak Hill Avenue, Hagerstown, Maryland, agrees with Dr. Smith. The Sheetz store is causing problems in the neighborhood. He sees the neighborhood deteriorating every day. Some of the problems are excessive noise at 3:00 a.m., trash thrown around and other inappropriate activities. He wondered if it is legal to have a gas station located in a residential area. He would prefer that the gas station be closed, or at least have limited hours.

Mayor Gysberts thanked those that spoke during the meeting and for the ideas they offered. The Mayor and Council are listening to them. The City is doing its best to take every legal action possible.

Councilmember Metzner informed the group that the police force is at the highest number of officers ever. The 11 cent tax rate increase will pay for more officers. More inspectors are being added to the work force. It is not the Mayor and Council against the residents. Everyone lives in the same neighborhoods.

Councilmember Brubaker suggested sending information from this meeting to officials at Sheetz, Inc., including the handouts and a copy of the video. Then the City should discuss the issues with Sheetz to resolve the problems.

Councilmember Munson noticed a lot of trash in the neighborhood this morning, most likely from Sheetz customers.

Councilmember Nigh encouraged people to continue calling the police for all these incidents. Every call matters.

Ms. Neubauer stated filing complaints causes issues between neighbors. Mayor Gysberts stated Ms. Neubauer's case is personal and a civil matter. Ms. Neubauer disagreed.

CITY ADMINISTRATOR COMMENTS

Bruce Zimmerman, City Administrator, had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember P. M. Nigh is still waiting to hear if another hearing will be held by the Maryland Department of the Environment (MDE) concerning the Shuster Concrete operation. She is concerned about the noise and dust. Senator Chris Shank has sent a letter to MDE requesting a report of the findings from the first hearing. Zoning on this property is heavy industrial. She is also concerned about the number of people living in a rental unit. John Lestitian, Director of Department of Community and Economic Development, stated it is difficult to prove over-crowding. She is sorry Ms. Neubauer had to resort to making a public information request. She offered to discuss this with her after the meeting. She agrees properties owned by banks are a problem and that the Sheetz store is an issue. She hopes this addresses the concerns expressed.

Mayor Gysberts stated he tries to keep decorum at the Regular Session and to limit the back and forth conversations. He encouraged citizens to reach out to individual Mayor and Council members at any time outside the meeting.

Councilmember M. E. Brubaker has visited Denver, Colorado also. Another good example of a pedestrian mall is in Boulder, Colorado. He has also visited some areas that are not good examples of pedestrian malls. He visited Europe recently and had a fantastic visit in Wesel, Germany. There are many people who ride bicycles in Wesel. He thanked friends from Wesel for their hospitality.

Councilmember L. C. Metzner stated the Mayor and Council have enacted legislation to improve rental properties. The concerns expressed by those that spoke are a good example that proactive legislation for commercial uses may help address the issues. He stated the City fought long and hard to get CSX to repair railroad crossings. The crossings were finally repaired after the City posted signs at the crossings suggesting to citizens they contact CSX directly. He suggested staff provide the appropriate name and address of someone at Sheetz, Inc. for citizens to contact directly with their concerns. The Mayor and Council will do what they can to alleviate the situation. The problems are clear but the answers are not also easy but everyone at the City is working on a solution.

Councilmember D. F. Munson thanked Dr. Smith for discussing his concerns with the Mayor and City Council. No one wants Hagerstown to become a big ghetto. He stated there is additional legislation being considered.

Mayor D. S. Gysberts thanked everyone for speaking during this meeting. In the Hagerstown community, Code is used as the standard, not as a negative. It is important to hear from owners, residents and people in the neighborhoods. He congratulated the Hagerstown Municipal Band for their 100th anniversary program. He is looking forward to his pending trip to Wesel, Germany. He is proud and honored to represent Hagerstown. Bike Night in Hagerstown was another great success. He stated he is a fan of naming and shaming to get people to take care of problems. He has met with Brian Hammock, CSX representative, to discuss a number of issues, including the people who

are living in a camp beside the tracks behind City Park. Two people died in that area last year and he won't allow that to continue. More discussion will be taking place to resolve this issue.

Mayor Gysberts met with Juliana Albowicz, representative for Senator Barbara Mikulski, Sonny Holding, representative for Congressman John Delaney, and Robin Summerfield, representative for Senator Ben Cardin, to discuss any grant assistance that may be available to the City of Hagerstown. They believe there may be some funds available. He is looking forward to routine meetings with the representatives.

Mayor Gysberts and Councilmember Brubaker met with a representative from Sustainable Maryland today. This helps focus the efforts of the City of Hagerstown to become a sustainable community in Maryland and be a model for other communities.

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 of all members present to approve the minutes, as presented, for the Mayor and Council meetings held on May 6, 2014 and May 19, 2014.

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 of all members present to approve the consent agenda as follows:

- A. Department of Community and Economic Development:
 - 1. Application Permit for Augustoberfest – Augustoberfest Charitable Foundation – Central Parking Lot and Surrounding Area – August 21, 2014 through August 24, 2014

- B. Department of Parks and Engineering:
 - 1. Marsh Run Walls Repairs – Building Systems, Inc. (Hagerstown, MD)
\$ 99,585.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: Authorizing Two Month Extension to the Cable Television Franchise Agreement with Antietam Cable Television, Inc.

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 an ordinance to authorize a two month extension of the Cable Television Franchise Agreement with Antietam Cable Television, Inc.

NEW BUSINESS

A. Introduction of an Ordinance: Catalyst Project #8 – Amending Chapter 197, Rental Facilities to Provide the Necessary Support to City Neighborhoods

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 of all members present to introduce an ordinance to amend the Code of the City of Hagerstown, Chapter 197 thereof, Rental Facilities. These amendments will require that:

1. Exterior Inspections be conducted annually
2. The annual per unit license fee be increased to \$ 75.00

Catalyst Project #8 from the Community's City Center Plan calls for action to provide the necessary neighborhood support to regulate residential rental properties. These amendments are consistent with the City's Vision and Commitment for Housing and Neighborhoods and the Community's City Center Plan.

B. Approval of a Resolution: Amendment to Softball Long-Term User Agreement

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 of all members present to approve a resolution to accept an amendment to the Softball User Agreement at Fairgrounds Park to allow the softball groups to hold two all-night softball events during a calendar year. The current User Agreement requires all events to be completed by 10:00 p.m.

C. Approval of Resolution: Memorandum of Understanding for Special Deputies

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 of all members present to approve a resolution to authorize the Mayor to enter into a Memorandum of Understanding with the Washington County Sheriff's Office to permit City of Hagerstown Police Officers to function as Special Deputies outside of the jurisdictional limits of the City under the authority of the Sheriff of Washington County.

D. Approval of City Funding Support for Maryland Theatre Seating Campaign

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 of up to \$ 100,000 in City funding support for the Maryland Theatre's Seating Campaign. This funding will be provided as a one for one match to the Theatre's private fund raising to purchase replacement seating throughout the Theatre. The source of the City's funding will be the Capital Improvement Program Fund Balance.

Discussion: Councilmember Brubaker noted this project is a small step in carrying out the downtown improvement plan. He hopes the community supports the fundraising efforts.

Councilmember Munson stated restoration of the Maryland Theatre is the keystone to saving and continuing development downtown.

E. Approval of General Fund Reimbursement to Hagerstown's CDBG Program – FY 05 Project for 28-50 East Baltimore Street

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 authorize a repayment to the Hagerstown CDBG Program in the amount of \$ 164,213. The source of funds for the repayment will be from general fund balance reserves. This repayment is required by the U. S. Department of Housing and Urban Development for IDIS Project #507- FY 05 Hagerstown Neighborhood Development Partnership (HNDP) acquisition of 28 – 50 East Baltimore Street. After repayment, the \$ 164,213 will be made available to Hagerstown's FY CDBG Homeownership Program.

Discussion: Councilmember Brubaker commended staff for making sure this funding stays in the City's budget. Mayor Gysberts noted the repayment eliminates the CDBG restrictions for future use of the property. Councilmember Munson stated this action allows the possibility of getting rid of an eye sore.

F. Approval of Catalyst Project #8 – Authorizing Three New Full-time Positions to Support City Neighborhoods through the Rental Licensing Program

Action: On a motion duly made by Councilmember P. M. Nigh and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote of all members present to approve the addition of three (3) full-time Code Compliance Inspector positions. These positions are necessary to support the neighborhoods through the rental licensing program. These positions will be funded by an increase in the annual rental licensing fee. The addition of these positions returns staffing to 2003 levels. This action is consistent with the City's Vision and Commitment to Housing and Neighborhoods and the Community's City

Center Plan.

Discussion: Councilmember Nigh is glad additional inspectors are finally being added, after being decreased by a previous administration.

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 8:28 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: August 26, 2014