

48TH REGULAR SESSION AND WORK SESSION – August 26, 2014

WORK SESSION – August 26, 2014

Mayor D. S. Gysberts called this Work Session of the Mayor and City Council to order at 4:07 p.m., Tuesday, August 26, 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, and Donna K. Spickler, City Clerk. Councilmember K. B. Aleshire was not present.

Third Parking Deck Discussion

Eric Deike, Director of Public Works, was present to provide information regarding a third parking deck.

Multiple conversations have occurred in recent years regarding the construction of a third parking deck. The current year's budget book includes land acquisition for a third deck in fiscal year 2016 with construction slated for fiscal year 2017. The consultant group, Urban Partners, has discussed the need for a parking deck at a future date based on possible office development downtown. The Washington County Board of Education and the 2012 Parking Management Plan by Rich & Associates, Inc. have also discussed the future construction of another deck. Staff is looking for direction from the Mayor and Council on whether the City moves forward with the construction of a third parking deck.

In 2012, the City completed a Parking Management Plan by Rich & Associates, Inc. Their study indicated that "...assuming improved economic conditions within the existing occupied square footage that the blocks south of Washington Street, when considered in total, would have a projected 300 space deficiency." The study went on to state "While we do not believe that a parking garage is needed at this time, the City should begin planning for such a facility to signal to the private sector that parking can be addressed in a timely fashion..." In other words, unoccupied buildings and upper floors in the area south of Washington Street would need to be occupied given better economic conditions to create a parking deficiency and, therefore, the need for a third parking deck. The study goes on to state that "...it is not recommended that parking be provided in the hope that redevelopment will occur but only in response to firm development plans."

Discussions for redevelopment and occupancy of space in the area south of Washington Street did occur in 2012 and 2013 in relation to two potential major projects – the baseball stadium and the relocation of the Washington County Board of Education's Administration Offices. Either project could have been the catalyst sufficient to generate parking demand to support the construction of a third parking deck. For multiple reasons, neither project came to fruition.

The Board of Education (BOE) has recently met with the Mayor and Council to discuss their desires to expand the Barbara Ingram School for the Arts on South Potomac

Street. The school is looking to expand operations to provide additional opportunities to Washington County high school students. The project is still in the planning phase and the BOE is developing a funding plan. While the BOE projected additional parking requirements of approximately 50 parking spaces, this project alone does not justify the need for construction of a third deck.

There are no other solid projects or redevelopment in the area south of Washington Street currently under consideration that would lend itself to a new parking facility.

Costs for a new parking deck will vary depending upon the size of the deck. The rule of thumb for construction costs is up to \$ 20,000 per space. Construct a smaller deck and overall costs decline. However, the price per space could possibly rise since soft costs of design and land acquisition will remain relatively the same for a deck of 300 spaces as compared to a deck of 500 spaces.

The Rich & Associates, Inc. analysis projected a cost for a 500 space deck to be about \$ 12,670,000 (hard and soft costs). Urban Partners projects the cost to rise to about \$ 13,100,000 in today's numbers. The City budget book has a projected cost of \$ 10,000,000 for a 490 space deck, which includes \$ 8,425,000 for construction and \$ 1,575,000 for planning, design and land acquisition. The budget book numbers are based on a contractor's estimated construction costs from February, 2013 and the 2010 assessed value of the bank parking lot. Annual operating expenses are projected to be \$ 150,000.

Funding for the deck per the budget book is shown to be the exclusive responsibility of the City. Unless partners can be found (county, state, federal, private), the preliminary annual debt service to the Parking System is estimated to be \$ 594,000 for a 30 year term at a 4.75% interest rate, based on the City's projected cost. Obviously, debt service costs would rise if the term is lowered to 20 to 25 years, if the total costs are higher or if the interest rate is higher.

Rich & Associates, Inc. projected the annual debt service at 20 years to be \$ 1,017,000. Even with an aggressive parking rate structure (\$60 per space in 2013 to \$ 80 per space in 2020), the Parking System is projected to operate at a loss until 2018.

Whether it is the plan from Urban Partners or the study by Rich & Associates, both discuss the need to either fill existing office space or create new office space in the areas south of Washington Street. The current market of employees and visitors to downtown is not enough to fund the debt service and operational costs of the two existing decks from parking deck revenue. A third deck, without an increase in office occupancy and visitors to the downtown over current levels is not financially feasible unless the Mayor and Council choose to subsidize this additional cost with General Fund dollars.

Essentially, there has only been one location seriously mentioned for a new parking deck. The location is the current surface lot located on West Antietam Street owned by the Hagerstown Trust Branch of the Columbia Bank. The surface lot currently serves the

Hagerstown Trust Bank located on W. Washington Street and mostly those visiting the District Court on W. Antietam Street.

The City of Hagerstown currently owns two pieces of property on W. Antietam Street. The first is a small parking lot of an approximate size of 100' x 82' containing 24 parking spaces. The location is 18 W. Antietam Street and sits just east of the District Court. The second is located at 19-23 W. Antietam Street. The lot contains a burned out structure scheduled for future demolition. The lot size is approximately 50' x 82'

Staff is in need of Mayor and Council direction. While many conversations have occurred in regard to a third parking deck, there have been no firm decisions on whether to actually construct a deck. The parking study and downtown development plan both speak to the issue of a third deck. However, both recommend either building it in conjunction with another major project or waiting until new office space is developed. Clearly, there needs to be additional parking demand downtown to justify the construction of a facility with this level of capital and operating cost.

If the Mayor and Council wish to construct a third parking deck on speculation, a minimum of half of the capital and operating costs will need to be obtained from non-city sources. Those sources of capital could be the State of Maryland, Washington County Government or private businesses. Otherwise, expenses for the third deck, including debt service and operating costs, will have to come from the General Fund.

Staff recommends that construction of a third deck not proceed at this time unless non-city sources of revenue and capital are found. It is also recommended that the City follow the plans presented by Rich & Associates and Urban Partners only proceeding with the construction of a third deck in conjunction with new, major development.

Mr. Deike reported that on average, usage at both decks is 50%. Even though spaces in the Arts and Entertainment District Deck are oversold, it is rarely full. During the Augustoberfest and Pop-Up events this past weekend, the A & E Deck was closed several times due to being full. The University District Deck was never closed.

Mayor Gysberts pointed out the parking problem is a perceived problem and not an actual problem. Some of the feedback he has heard is how easy it is to park downtown. He has not heard any complaints about not enough parking. It is important that people know the surface lots subsidize the parking deck.

Mayor Gysberts wondered how the City will know when is the right time to build a third deck. Mr. Deike stated the experts do not recommend building a deck on speculation. When a developer is planning a project that will require 150 parking spaces would be the appropriate time to start a third parking deck. The City of Frederick built decks based on knowledge of large projects in the pipeline at the time.

Mayor Gysberts wants to send a positive message to potential investors and commit to a parking deck, even if it doesn't move forward until the development occurs.

Mr. Zimmerman stated the Urban Partners report noted that the need for parking with development of 70,000 square feet of office space would be covered with the existing available parking.

Councilmember Munson suggested having this conversation each year so that the City is prepared when development occurs.

Mr. Deike indicated a lot of information is available through the use of the electronic sensors at the decks. This information is reviewed for trends and budget adjustments are made based on the information.

Councilmember Munson asked if the elevator at the A & E Deck is repaired yet. Mr. Deike indicated repairs are nearly complete. The elevator should be operational by the end of September.

Mr. Deike clarified that the occupancy figures include the actual number of parkers. There are no reserved spaces in either deck.

Councilmember Brubaker supports a third parking deck in conjunction with major development. He believes there are enough parking spaces for current uses. If firm plans are presented and commitments are made to renovate buildings, he will be more inclined to support a third deck.

Mayor Gysberts asked if the State would be willing to invest in a third deck, especially since District Court is paying for surface spaces.

Mr. Zimmerman stated as the City gets closer to needing additional parking, more information will be collected and details will be formed.

Councilmember Nigh agreed that a third deck should not be considered until there is a need for additional parking. She asked if the office building will be owned by the City. Mr. Gysberts stated the developer would own the building. He expects a request for proposals to be considered soon for a project developer for the office building project.

It was the general consensus of the Mayor and City Council to discuss a third parking deck when there is a need. A deck will be included in future planning and information will be presented as it becomes available.

Rodney Tissue, City Engineer, informed the group that improvements to Broadfording Road have reached the point where the road must be closed for several weeks. The road, which originally was a farm lane, was built 50 years ago. The road base is not sufficient to handle the traffic traveling to Garland Groh Boulevard. A portion of Broadfording Road will be closed to all traffic beginning on September 2, 2014. The work is expected to take 4 – 6 weeks to complete. Traffic to the shopping centers at Walmart or Best Buy will be directed to the Route 40 entrance. The project is primarily developer funded.

Community's City Center Plan Implementation - #8 Neighborhood Support Strategies – Vacant Structures Program

Kathleen Maher, Planning Director, and John Lestitian, Director of the Department of Community and Economic Development, were present to continue the discussion on revisions to the Vacant Structures Program intended to better position the City to protect the neighborhoods from blight and to protect first responders from uncertainties associated with unmonitored vacant structures.

As mentioned in July and on August 19th, the City has and continues to hear from residents that they need the City to address core problems in their neighborhoods. Urban Partners heard loud and clear in the public meetings, as staff have heard in the Council Chambers from both residents and from the Mayor and City Council, that blight and deterioration are growing; the City is in fact losing the battle as residents, both longtime and new, tire of the conditions in their neighborhoods. This issue of blight, neglected or mismanaged properties, is now pervasive throughout the City. The Community's City Center plan identifies support strategies for neighborhoods in Catalyst Project #8. An area of support needed in the neighborhoods is a program to address a significant cause of blight and the conditions and activity at vacant structures.

Based on the discussion on August 19, 2014, staff understands that the City Council has more focused priorities on the issue of blighted properties than what staff presented as revisions to the Vacant Structures Program. It is clear that the top priority is to address visible blight in the neighborhoods and that a second priority is monitoring vacant structures to protect neighborhoods from blight. Staffs estimate that at any give time there are 350 blighted vacant residential properties, in the City, 800 other vacant residential properties in unknown condition, and approximately 90 blighted vacant non-residential properties. In addition, staff understands that the improvement of the exterior conditions of blighted properties in the very near term is a higher priority for most City Council members than inspection of interior conditions in these properties. It was also clear that many of the City Council members feel that staff's proposal regarding designated contact persons and property liability insurance needs to be adjusted. Concerns were also expressed about the time period of "continuously vacant" proposed by staff and about enforcement on foreclosed properties when the "owner of record" is not yet been identified as the financial institution.

Concerns were heard about the inclusion of Crime Prevention Through Environmental Design (CPTED) standards in the ordinances.

Staff prepared a number of revisions to the original proposal to better reflect the priorities of the elected body. The following is a brief synopsis of those changes:

1. On the issue of blighted vacant properties versus simply vacant properties, the proposal to bring foreclosed, blighted, and placarded as uninhabitable properties immediately into the program remains. The trigger for registration has been raised from four months to six months continuously

- vacant for vacant structures which do not have those classifications.
2. On the issue of inspections, the text has been changed so the initial inspection is only an exterior inspection and first and subsequent renewals will involve an exterior and interior inspection.
 3. On the issue of identifying a contact person located within 30 miles of Hagerstown, this proposed change is removed and the existing requirement would continue – to simply identify a designated contact person.
 4. On the issue of required dollar amounts for property liability insurance, the text has been changed to require property insurance equal to the assessed value of the structure.
 5. Enforcement for violations of the provision of these ordinances for foreclosed properties would be issued to the financial institution.

In order to reflect the stated priorities for blight and to fund the program to support the neighborhoods, staff proposes adjusting the license fee system as follows:

1. Vacant Residential Structures
 - a. Foreclosed, blighted, placarded as uninhabitable - \$ 500 at initial registration and at each renewal.
 - b. Other vacant residential structures continuously vacant for six months - \$ 100 at initial registration and at each renewal, as is the existing license fee for residential properties.
2. Vacant Non-Residential Structures
 - a. Foreclosed, blights, placarded as uninhabitable - \$ 500 at initial registration; \$ 1,000 at each subsequent renewal.
 - b. Other Vacant Non-Residential Structures continuously vacant for six months – maintain fee system proposed on August 19th - \$ 250 at initial registration; \$ 500 at first renewal; \$ 1,000 at subsequent renewals.

Based on conservative projections, approximately \$ 140,000 would be raised annually from vacant structures for this program. It is anticipated that this revision to the fees, with the changes to the program specified above, would generate adequate funding to cover the City's expenses to properly staff this program and to respond to citizens and protect neighborhoods from blight.

Mr. Lestitian stated uninhabitable properties are inspected and repairs are ordered to make the building safe. Interior inspections are being recommended to uncover serious safety hazards, many of which are not visible from the outside.

Councilmember Metzner stated he is more interested in ending the blight of the vacant structures than the fines. He asked what difference the proposed ordinances will make in the neighborhoods. He mentioned an owner who left the property and thought it was in the bank's name will receive violation notices, when they really don't own the property anymore.

Mr. Lestitian stated uniform civil citations are used for violations. In cases of blighted properties, staff will be seeking abatement of the condition. Typically, abatement includes mowing and removing trash. For this type of program, it is hoped that a pool of money would be available to cover the abatement expenses. Councilmember Brubaker suggested a revolving type fund to provide resources for future abatements.

Councilmember Metzner asked how lending agencies will be notified they are in violation of City Code if the property is not registered as a vacant structure. Mr. Lestitian indicated larger banks have companies they deal with to keep track of maintenance on foreclosed properties. Abatement fees can be included as a lien against the property. Other jurisdictions use this process as well.

Councilmember Brubaker asked if inspections would be completed on blighted or non-blighted vacant structures. Ms. Maher indicated an exterior inspection would be completed on all structures. If the structure is still vacant after 12 months, an exterior and interior inspection would be completed.

Chief Holtzman then discussed the value of incorporating Crime Prevention Through Environmental Design (CPTED) standards into the ordinance. He stated the first walk through of an interior inspection is challenging due to the uncertainty of the stability of the structure. CPTED standards require shrubs no higher than 3 feet and trees no lower than 7 feet. Lighting standards are also included. CPTED standards are designed to make it easier to view a yard and to monitor activity at a structure and to deter criminal activity.

Mayor Gysberts pointed out the standards would be mandatory for vacant structures, not for occupied structures. The standards enhance safety and prevents making a vacant structure from being attractive to vandals, etc.

Mr. Lestitian pointed out it seemed a majority of the Council was opposed to incorporating CPTED requirements in the ordinance.

Councilmember Nigh supports including CPTED standards in the ordinance.

Councilmember Munson also supports including the standards. The neighborhoods are experiencing terrible problems. He has contacted Code Compliance four times since last week about issues similar to what is being discussed here. People have to be fully responsible for their properties.

Councilmember Brubaker commended staff for their efforts with developing these vacant structure ordinances. He wants to move forward with implementing the regulations. He believes people will want to invest in Hagerstown when they see improvements in the neighborhoods. He thinks a substantial fine will be a motivating factor for people to maintain their properties. Blighted properties tend to attract nuisances. He stated it is time to show staff that the Council supports them and allow

them to work with these regulations. He would like to have a progress report of the Crime Free regulations.

Councilmember Metzner thinks it may be a violation of the fourth amendment to attempt to complete interior inspections unless the property is blighted. He would like an opinion from the City attorney.

Mayor Gysberts asked if it would be a violation if the owner of a vacant structure consented to the inspection.

Councilmember Metzner does not know if that would stand up in court. He can support the ordinance, if interior inspections for vacant structures are not required for twelve months. Interior inspections of blighted structures is different. He noted that the Supreme Court is recognizing corporations as human beings in more cases. This may become an issue if fines are levied against the owner who has moved away and a bank holds the title to the property.

Mayor Gysberts stated it is good to act swiftly; however the Mayor and Council have an obligation to be deliberative.

Councilmember Munson asked how soon the legislation can be implemented.

Mr. Lestitian stated staff recommends further discussion and review in September, with introduction of the ordinances on September 9, 2014. Approval could then be scheduled for September 30, 2014.

Staff is reviewing ways to help the program fund itself. One option is a revolving fund of \$ 100,000. A suggestion was made to increase the fee for blighted properties.

Mayor Gysberts suggested holding a special session on September 9, 2014 to introduce the ordinances and to schedule approval on September 30, 2014. Implementation would then occur at January 1, 2015.

The Work Session was adjourned at 5:26 p.m.

Mayor D. S. Gysberts called this 48th Session of the Mayor and City Council to order at 7:05 p.m., Tuesday, August 26, 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 William Nairn, and Donna K. Spickler, City Clerk.

The invocation was offered by Councilmember Martin E. Brubaker. The Pledge of Allegiance was then recited.

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, September 9, 2014, Tuesday, September 16, 2014 and Tuesday, September 23, 2014, and the Regular Session on Tuesday, September 30, 2014. There will be no meeting on Tuesday, September 2, 2014.

APPOINTMENTS

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 appoint Andrew B. Kramer as the City's Administrative Hearing Officer.

Mayor Gysberts welcomed members of Boy Scout Troop 8 to the meeting.

GUESTS

Highlight Hagerstown Awards

Mayor Gysberts and Alex Rohrbaugh, Planner, presented Highlight Hagerstown Awards to the following:

Residential:

1. 1314 Potomac Avenue – owner Larry Painter and Ann Abbott
2. 513 Reynolds Avenue – owner Allen and Heather Holman
3. 151 South Prospect Street – owner Eric and Tammy Ford

Non-residential:

1. Deafnet, 551 Jefferson Street

Adopt-A-Planter

1. Discovery Station - 101 West Washington Street
2. Otterbein United Methodist Church – 35 North Potomac Street
3. Poole & Kane, P.A. – 29 West Franklin Street

CITIZEN COMMENTS

Jan Hiatt, 921 Dewey Avenue, Hagerstown, Maryland, discussed the curfew for juveniles in Hagerstown. He is concerned about the behavior of juveniles in his neighborhood. The current curfew ordinance does not help with the vandalism and nuisances he has had to deal with because of juveniles older than 16. This curfew gives permission for juveniles to be out on the streets until midnight on weekends and it needs to be changed. He has contacted the Hagerstown Police Department many times in the last several months. He is not satisfied with the police response and follow up from some of these calls. It is disappointing when victims of crimes are punished more than the criminal. If action is taken now, this neighborhood can be helped.

Mayor Gysberts stated he has discussed the curfew with Chief Holtzman and he knows it is being enforced. Parenting is the key to end the problems with juveniles. He stated the police department does a good job of following up on calls. He stated this Mayor and Council is concerned about every neighborhood.

Peter Perini, P. O. Box 2997, Hagerstown, Maryland, was present to discuss his candidacy for the Board of Education. It is important that the Board of Education reach out to all Washington County municipalities and work closely with the Mayors and City Council members, especially with Hagerstown. There are 14 schools within the City limits of Hagerstown. He wants to work with the City to move forward with joint projects.

Robert Miller, 650 N. Prospect Street, Hagerstown, Maryland, is still concerned about his safety when using the walk way to his residence. A small handrail was installed but it is still not safe to get to the sidewalk. He is having problems at his residence with bed bugs as well. He has spoken at several Mayor and Council meetings and has not received a contact from the Code office.

Mayor Gysberts stated he would follow up with staff on these issues.

Pietro Priola, Greens and Grains, 2 W. Washington Street, Hagerstown, Maryland, thanked the Downtown Movement for coordinating the Pop Up Shop event last weekend. Downtown was a great place over the weekend. He wondered what can be done about loud music from cars. He has an outside seating area and patrons find it difficult to hear each other because of the loud music. He asked if an ordinance requiring people to wear shirts is possible. He is also concerned about the number of reckless bicyclists on sidewalks.

Nancy Allen, 924 Oak Hill Avenue, Hagerstown, Maryland, commended the Mayor and Council and City staff for a successful weekend. She asked if the realtors could be notified of the next event in advance. There are many opportunities where realtors can encourage this type of activity. She stated it is important to have families visiting downtown. The community has to be careful how they are encouraging growth

downtown. Crime is increasing and many neighborhoods are experiencing this. Residents in the north end community are trying to help the police in reducing crime. There has been good response. She is concerned about some of the ideas to deter crime, such as bright lights (which would encroach on privacy). The ambiance of the neighborhood has to be preserved, even while making it less attractive for criminals. She encouraged the City to decrease regulations and increase incentives for people to locate here.

Mayor Gysberts pointed out this Mayor and Council is very committed to the neighborhoods.

PUBLIC HEARING

A public hearing was held to discuss a proposed franchise agreement with Antietam Cable Television, Inc.

Karen Giffin, Community Affairs Manager, Scott Nicewarner, Director of Information Technology and Support Services, and William Nairn, City Attorney, were present to discuss the Antietam Cable Television, Inc. agreement.

Ms. Giffin entered the following Exhibit:

Exhibit 1: Certificate of Publication – Notice of the Public Hearing

Ms. Giffin provided the following highlights:

1. Twelve year non-exclusive agreement
2. District Court added to the list of connection sites
3. Language incorporating Maryland State Law regarding the maximum late fee that can be charged
4. The City will receive 5% of Antietam Cable's gross revenues
5. Performance values established
6. Customer service standards included
7. Funding for PEG channels – there are two channels, one for the City and one for Hagerstown Community College. In order to have access to a PEG channel, a detailed plan must be provided.

There was no testimony presented, either in favor of or against the agreement.

The ordinance will be scheduled for introduction on August 26, 2014, and approval will be scheduled for September 30, 2014. The ordinance would become effective on October 30, 2014.

The record will remain open for 30 days for additional comments. The hearing was then closed at 7:51 p.m.

Mayor Gysberts thanked staff for working through this lengthy review.

CITY ADMINISTRATOR COMMENTS

Bruce Zimmerman, City Administrator, reminded the group that City Hall will be closed on Monday, September 1, 2014 in recognition of Labor Day. Refuse and recycling pick up dates will be pushed back one day because of the holiday. He reminded everyone that Broadfording Road will be closed to all traffic beginning September 2, 2014. The County and developers are providing a majority of the funding for the project.

MAYOR AND COUNCIL COMMENTS

Councilmember P. M. Nigh has visited Mr. Hielt to discuss his concerns. Problems with juveniles are out of control. She wants to discuss a stricter curfew, similar to the one Baltimore City recently implemented. The parents of the juveniles have to take more responsibility for their children. She is tired of people wearing pants very low. She hopes the City and the neighborhoods can work together to solve the problems.

Councilmember D. F. Munson attended the ground breaking ceremony for the Senior Citizen Center earlier today. This project is a reality because of the close cooperation of the City and the County.

Councilmember L. C. Metzner stated this past weekend in Hagerstown was phenomenal, with the Augustoberfest event and the Pop-Up Shops. This is an example of what can happen in Hagerstown when government and citizens get together and decided to do something to make the City better.

Councilmember M. E. Brubaker thanked everyone involved with either of the great events last weekend. He congratulated the winners of the Highlight Hagerstown awards. He pointed out loud noise (talking or from vehicles) seems to be a big thing in Hagerstown. He hopes there is a way to make the City more civil.

Councilmember K. B. Aleshire apologized for not being able to attend the work session earlier today. He does not think it is possible to pass legislation for public decency. He believes whole heartedly that a third parking deck will spur development. He is concerned about the condition of the areas surrounding two donation collection containers at the former Giant Eagle building on Pennsylvania Avenue. He is aware of two jurisdictions that have ordinances regulating these containers. He thanked all who participated in the most recent Wind Down event. He has noticed there is more bicycle traffic in the square and in the alleys. He is concerned about pedestrians in these locations. He noted that The Greens at Hamilton Run golf course is much better than it was two years ago, thanks to City staff. He had an occasion to call 911 to report an incident recently and police responded within 2 minutes. Hagerstown residents are fortunate to have the level of service they do from the Hagerstown Police Department.

Mayor D. S. Gysberts thanked everyone involved with making Augustoberfest a success again this year. Ms. Giffin deserves a lot of credit for leading the group. The

Pop Up Shop event organized by the Downtown Movement was an outstanding event. He hopes the momentum continues. Many are seeing what can happen when there are enthusiastic people involved. There is a serious need for volunteers on the City's many Boards and Commissions. He thanked the Sheetz store on Potomac Avenue for taking it upon themselves to close the store between midnight and 4:00 a.m. The management at the store has also committed the employees to assist in picking up litter.

MINUTES

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 minutes, as presented, for the Mayor and Council meetings held on May 20, 2014, May 27, 2014, June 3, 2014, June 17, 2014, June 23, 2014, June 24, 2014, July 8, 2014, July 15, 2014, July 17, 2014 and July 22, 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 to approve the consent agenda as follows:

- A. Department of Community and Economic Development:
 - 1. Application Permit for Leadership Washington County – University Plaza, September 11, 2014

- B. Police Department:
 - 1. Annual Software Agreement for HPD Record Management System – Keystone Public Safety, Inc. (Maple Shade, NJ) \$ 34,098.00
 - 2. Annual Software Agreement for HPD Mobile Data Terminal – Keystone Public Safety, Inc. (Maple Shade, NJ) \$ 37,709.00
 - 3. Lexipol Law Enforcement Manual Subscription Service – Lexipol, LLC (Aliso Viejo, CA) \$ 14, 393.00

- C. Department of Utilities:
 - 1. SCADA Maintenance Agreement – ABB, Inc. (Wickliffe, OH) \$ 59,940.00
 - 2. Repair/Replacement of the Chlorine Hoist Conductor Rail – Kone Cranes, Inc. (Springfield, OH) \$ 16,368.00

UNFINISHED BUSINESS

A. Approval 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 P. M. Nigh and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve 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.

NEW BUSINESS

A. Introduction of an Ordinance: Amending Chapter 173 – Peace and Good Order of the City Code

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 introduce an ordinance to amend Chapter 173, Section 173-6, Peace and Good Order, of the City Code. This amendment would remove the “public drunkenness” language. Future charges regarding disorderly intoxication types of complaints shall be charged under the appropriate sections of the Maryland Code.

B. Introduction of an Ordinance: Amending Chapter 25-1 – Drug Free School Zones of the City Code

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 to introduce an ordinance to amend Chapter 25, Section 25-1, Drug Free School Zone Map, of the City Code. This amendment would reflect the changes in the City's school boundaries with the addition of the Barbara Ingram School for the Arts (BISFA) Downtown.

C. Introduction of an Ordinance: Amending the City Code to add a New Chapter 70 entitled Cable System Ordinance

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 introduce an ordinance to amend the City Code to add a new Chapter 70 entitled Cable System Ordinance.

D. Introduction of an Ordinance: Antietam Cable Franchise Agreement

Action: 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 introduce an ordinance to authorize the City of Hagerstown to enter into a Cable Television Franchise Agreement with Antietam Cable Television, Inc.

Discussion: Councilmember Brubaker pointed out these two ordinances are being introduced during this meeting. Approval is expected to take place on September 30, 2014.

E. Approval of a Resolution: Memorandum of Understanding with Hagerstown Police Department with Washington County Sheriff's Department for Search and Rescue Committee

Action: On a motion duly made by Councilmember P. M. Nigh and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to approve a resolution to authorize the City of Hagerstown to enter into a Memorandum of Understanding with the Washington County Sheriff's Office to provide for the coordination of efficient, efficient and professional search and rescue services to the citizens of Washington County.

F. Approval of Renewal of Agreement between Hagerstown Police Department and Drug Enforcement Administration

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 authorize the renewal of a Memorandum of Understanding with the U.S. Drug Enforcement Agency. This agreement renews the City's commitment to provide two officers and one sergeant to the City's DEA office to work specifically on narcotics investigations in Hagerstown and the surrounding areas. In return, the DEA provides reimbursement for overtime costs associated with drug investigations up to \$ 17,374 per officer to the City of Hagerstown.

G. Approval of After School Program: Parkside Community Center

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 approve of 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 CSafe 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 2014-2015 school year with a cost of \$ 18,881.00 in City funding support.

H. Approval of After School Program: BTJ Dance Group

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 of City funding support for after school programs conducted by the Hagerstown Housing Authority. This program was originally funded under the CSafe grant but, in recent years, has been funded through the City's general fund. The Hagerstown Housing Authority provides qualified dance instructors, who provide a supervised program for the participants in a safe environment. The City will provide up to \$ 3,500.00 from the General Fund for the BTJ Dance Group After School Program.

I. Approval of Proposal: R. C. Willson Phase IV/Consent Agreement – Hazen and Sawyer \$ 430,132.00

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 Hazen & Sawyer Construction Management Critical Phase IV Disinfectant By-Product Rule 2 Project at the R. C. Willson Water Treatment Plant in the amount of \$ 430,132.00.

J. Approval of Purchase: MUNIS Software Maintenance Renewals – Tyler Technologies, Inc. (Dallas, TX) \$ 176,576.23

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 of the renewal of the maintenance contract for support of the MUNIS Municipal Financial System software with Tyler Technologies, Inc. The cost of the renewal is \$ 176,576.23, including \$ 30,000 for database administrative support, and \$ 146,576.23 for support and update licensing for 26 program modules in use by City staff.

K. Approval of Funding for Hagerstown Police Department Cameras

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 to approve of the creation of a new Capital Improvement Project in FY 15 titled Crime Cameras and CPTED to address the immediate replacement needs for the Police Department's aging crime camera network. This project will also support neighborhood

based Crime Prevention Through Environmental Design (CPTED) Improvements such as street and alley lighting. Initial funding for the FY 15 project will come from either FY 14 General Fund Surplus based on fiscal year end results or savings from the deferral of FY 15 Police Department vehicle purchases.

L. Approval of Additional City Funding for Children's Village

Action: Councilmember D. F. Munson made a motion to approve of City funding to support Children's Village of Washington County, Inc. Children's Village plays a vital role in providing safety training and education for children in the community. City funding support, in the amount of \$ 5,000.00, will be from existing funds currently allocated for contributions to other agencies in the FY 15 General Fund budget. Councilmember L. C. Metzner seconded the motion.

Discussion: Councilmember Aleshire is concerned that the City continues to fund organizations without review. He supports Children's Village but not the review process for such requests.

Councilmember Brubaker stated the City is facing a budget crisis and must be cautious about funding.

Councilmember Munson stated Children's Village is a good cause and he supports the funding.

Mayor Gysberts met with staff to discuss a process for determining funding for organizations. He encouraged the Council to support the request from Children's Village since the funding is to be from an allocation to another agency that is now closed.

Motion carried, 3-2 with Councilmember K. B. Aleshire and Councilmember M. E. Brubaker voting No.

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 8:30 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: September 30, 2014