

57TH REGULAR SESSION AND DELEGATE SERAFINI MEETING – December 16, 2014

DELEGATE SERAFINI MEETING - EXECUTIVE SESSION – December 16, 2014

The meeting began at 4:15 p.m. Delegate Serafini stated he requested this meeting to bring several groups together to discuss issues that have been shared with the Delegation. The following Delegation members were present: Delegate Andrew Serafini and Delegate-elect Brett Wilson. The following Mayor and City Council members were present: Mayor D. S. Gysberts, Councilmember K. B. Aleshire, Councilmember M. E. Brubaker, Councilmember L. C. Metzner, Councilmember D. F. Munson, Councilmember P. M. Nigh, City Administrator Bruce Zimmerman, and Donna K. Spickler, City Clerk. The Washington County Commissioners had intended to attend the meeting but were unable to due to circumstances that arose during their regularly scheduled meeting. The meeting was held in the Council Chamber, 2nd Floor, City Hall, Hagerstown, Maryland. The group determined the meeting would not be a closed executive session. Delegate Serafini stated if testimony is needed from this point on, the group will communicate with one another.

Donna Brightman, Washington County Board of Education, reported the Board has met with the Commissioners and Mayor and City Council in closed sessions to provide updates on the status of an educational hub. The Board then presented the concept to the public. There is a recently expired Memorandum of Understanding that indicated the Board's intent to move forward with the project. They are developing a funding plan. All groups have been supportive of the project. With the intent to create an educational hub, the Board is planning to bridge the alley between the Barbara Ingram School for the Arts and the Maryland Theatre. If that project cannot be completed, classroom space will be lost and the Board may have to redesign the project. There is a question if the alley can be bridged because of the HVAC system at the Maryland Theatre.

Mayor Gysberts stated he understood the issue was with the clearance of the fire escape and the project may have to be redesigned.

Rob Ferree, Bowman Development, indicated the project had to be reviewed after it was determined bridging the alley may not be possible. Eliminating that part of the project simplifies the construction to some degree. They are in the process of finalizing the design at this time. It is anticipated a new cost estimate and design will be presented to the Board in January.

Mayor Gysberts stated he understands there is still interest in combining the Theatre and the education expansion on the front of the buildings.

Benito Vattelana, Maryland Theatre, stated a \$ 1.4 million upgrade to the Theatre will be completed this year. It has always been in the plan to use the alley to expand the Theatre. The Theatre Board met with the Board to discuss their needs and the Theatre Board determined that half the alley could be given to the Board without compromising

the Maryland Theatre's expansion plans. The Maryland Theatre presented a proposal to the Board which gave half the alley to the Board, with the intention that construction could also take place above the alley. The Board was not receptive to the proposal. There will still be dedicated space in the Maryland Theatre with punch outs between the two buildings. A fundraising plan will begin soon.

Delegate Serafini asked when the Maryland Theatre would be ready to move forward.

Dr. Clayton Wilcox, School Superintendent, indicated he has not heard some of these issues before, such as cantilevering the alley is an issue. The Maryland Theatre designs showed the concession area in the courtyard space. He is concerned that punch outs will only be in the front.

Jessica Green, Executive Director, stated there many audience members who park in the back of the Maryland Theatre. The Theatre is looking to retain some parking for these patrons. Mr. Vattelana stated the Board indicated to the Theatre that they did not want or need the alley.

Dr. Wilcox stated the Board will move forward and he is surprised by this conversation. The design may be better. Connection only in the front will not be feasible.

Mr. Vattelana stated the topic of needing the alley space was discussed during the first meeting of the Theatre and the Board. It was stated at that time that the Theatre would need to be able to use the alley and that something could be worked out.

Councilmember Brubaker stated the Theatre needs the alley and thinks the project can be designed appropriately to accommodate this. He wondered what the Commissioners have committed to the project.

Mr. Brightman stated estimates of the cost are expected in January. This project will not cost more than \$ 15.5 million. She believes the design will satisfy the Board's requirement. Ms. Brightman and Dr. Wilcox anticipated asking the County for \$ 4,000,000 for upfront costs and an additional \$ 6,000,000 as a loan. They will likely request \$ 1.5 million from the City of Hagerstown and possibly assistance with parking. This has not changed from the original proposal.

Councilmember Aleshire stated he believes education is the right theme for downtown. There are many steps to completing a project and he believes it is important to address issues as they come up, rather than saving questions until the final stages of the project. He asked what time frame the Maryland Theatre is using for their project. Coordination of the two projects is important.

Dr. Wilcox pointed out he has stated that connectivity between the education hub and the Maryland Theatre would happen

Councilmember Brubaker supports the project; however, the City of Hagerstown has a very limited amount of capital resources. If the Theatre project was ready to begin, he would strongly encourage completing both projects at the same time. He recommended contacting the State of Maryland for additional funding.

Mayor Gysberts stated the projects should qualify for State funding.

Mr. Vattelana reported the Theatre wants to move as quickly as possible but they don't have the capacity to do so at this time.

Dr. Wilcox mentioned the concerns expressed by the owners of The Plum, who said the educational hub expansion would put the restaurant out of business.

Don Bowman, Bowman Development, stated they have offered to change the design plan and now is the opportunity to include all the projects being planned. He wondered if the State would be more receptive to a request from the organizations as a group, rather than individual requests.

Delegate Serafini indicated the State budget will be a challenge and the governor elect is talking about significant budget cuts. He thinks private investment is the key to successful projects.

Councilmember Metzner expressed his concern that budget cuts and no tax increases at the State level will force the City to raise taxes again to maintain service levels. He noted the City of Hagerstown contributed funding to a public liability and is now being asked to provide funding for other improvements. He stated the assumption is that the local government will provide funding when others won't.

Delegate Serafini stated the capital budget is already set for the current year. The Delegation will attempt to have funding included in the capital budget for the Theatre next year. He stated the Highway User Revenue might be restored.

Delegate-elect Wilson pointed out all municipalities have had to deal with budget cuts. They will have additional obligations as the Affordable Health Care provisions are implemented. His goal is to increase revenue in ways other than a tax increase.

Delegate Serafini stated the education hub/Maryland Theatre project is a different type of plan that the Delegation can take to the State.

Next steps include developing a time line for the education hub and determining when to apply for building permits.

Mr. Ferree pointed out the City has been good to work with throughout this process.

Delegate Serafini stated constituents contact him frequently with reports the City is difficult to deal with. He asked where he should direct these concerns.

Councilmember Brubaker stated he does not think the City is difficult to deal with. The Mayor and City Council and staff have worked hard to change this image of the City. He stated there is good communication with constituents and customers.

Delegate Serafini mentioned an example is Volvo wanting to construct a paint shop. He will forward any questions to the Mayor.

Joe Ross, Meritus Medical Center, stated there have been some minor efforts at redeveloping around the site of the old hospital. The efforts have not progressed to working with the City at this point. In his experience, there were firms around the State that would not discuss projects in Hagerstown with him because of miscommunication about the City being difficult to work with. He has learned that the City's redevelopment priorities are articulated. Meritus has looked at a number of residential uses for the property. There has been discussion about the site being a hotel complex as part of a downtown redevelopment. He wondered how much support there would be for that type of use. He stated a venue to discuss the issues with a soon to be vacant property downtown would be helpful. Parking will be a challenge at this location.

Mayor Gysberts suggested holding a charrette with interested parties before plans are made could be helpful.

Mr. Ross stated the influence of this body will be helpful as well.

Councilmember Metzner stated there needs to be a clear line of communication between the Mayor and Council and Meritus representatives. A good place to start is with the Mayor and City Council. As a body, the Mayor and City Council have not heard about a student nursing program.

Councilmember Aleshire stated he would like to discuss issues but they have not been brought to the Mayor and City Council. He wondered what the plans are for the Walnut Street clinic property when it is vacated by the clinic.

Councilmember Munson stated Mr. Ross has been easy to reach.

Mr. Ross stated the potential Mt. Aetna farms annexation will not be an easy discussion and will take a great deal of time. Good things could happen with that property.

Councilmember Aleshire agreed.

Mr. Ross stated infrastructure needs guided previous conversations about the use of the property.

Councilmember Aleshire stated if any progress is going to be made a plan to grow and expand the City has to be developed. The annexation question must also be answered.

Councilmember Metzner stated the City's annexation policy requires properties to annex if City services are provided. This does not mean the City is not interested in economic development. The policy has been in place for more than 10 years. If properties are eligible (being contiguous to the City) to annex, they will be annexed. There would be a joint benefit to both the hospital and the City to annex the property. There has not been any joint activity since the hospital moved to its current location. If Meritus wants to talk about the future of the Walnut Street property, but not until annexation is off the table for Mt. Aetna Farms, then there is nothing to discuss.

Councilmember Brubaker has lobbied for the bridge over the Antietam. The City Engineer has also worked on the idea. The City cannot be constrained and constantly squeezed and be expected to do the projects that have been discussed. The City can't be limited by not being allowed to share in the revenue from the other side of the bridge. He suggested that the City and Meritus can work together on this project.

Mr. Ross stated he thinks the right people need to be in the room for a discussion and those people are not present at this meeting. From a philosophical standpoint, he understands the City's position that they can't participate. There were fees paid by Meritus that were significant when the hospital moved from the City limits. He would be happy to participate in the discussion, if the right people are in attendance, i.e. CHIEF, legal counsel, the City of Hagerstown.

Councilmember Metzner stated if there is undeveloped land that is contiguous to the City and water/wastewater service is requested, the property will be annexed. If the property is not contiguous, the owners will sign a pre-annexation agreement that requires annexation when the property becomes contiguous. These requirements of the annexation policy are the same as they've been since it was adopted.

Delegate Serafini stated he received word that the County Commissioners are not going to be able to attend this meeting as originally planned.

Mr. Ross pointed out the assessment for Meritus Medical Center is \$ 24 million.

Delegate Serafini stated Meritus has had to make some difficult decisions as State funding is reduced. He noted the City has had to deal with reduced State funding as well.

It will take time to reverse the harm the State funding cuts have caused.

Delegate Serafini stated the Delegation needs to hear if there are issues that need to be addressed. All parties need to speak together and work out the problems. He is committed to helping this happen.

There being no further business to be discussed, the meeting was adjourned at 5:49 p.m.

57TH REGULAR SESSION – December 16, 2014

Mayor D. S. Gysberts called this 57th Session of the Mayor and City Council to order at 7:05 p.m., Tuesday, December 16, 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, City Attorney Mark Boyer, and Donna K. Spickler, City Clerk.

The invocation was offered by Councilmember Kristin B. Aleshire. 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, January 6, 2015, Tuesday, January 13, 2015 and Tuesday, January 20, 2015, and the Regular Session on Tuesday, January 27, 2015.

Mayor Gysberts presented a Certificate of Special Recognition to William Nairn, City Attorney, who is retiring as of December 31, 2014. Mr. Nairn's wife Linda and daughter Carrie were also present.

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 re-appoint Dennis Miller to the Planning Commission, term to expire October 31, 2019, and to appoint Rodney Campbell to the Planning Commission, term to expire May 30, 2019.

Mayor Gysberts announced that Mr. Miller has served on the Planning Commission for 40 years. In recognition of his dedication, the annual Dennis Miller Volunteer Award was created. Mr. Miller is the first recipient of the award.

CITIZEN COMMENTS

There were no citizen comments.

CITY ADMINISTRATOR COMMENTS

Bruce Zimmerman, City Administrator, wished everyone a Merry Christmas and a Happy New Year. He appreciates all the hard work of the Mayor and City Council and hopes they feel good about the many things they have accomplished.

MAYOR AND COUNCIL COMMENTS

Councilmember P. M. Nigh thanked everyone who helped with the City Park tree lighting.

Councilmember D. F. Munson attended the Maryland Symphony Orchestra concert on December 13, 2014. The Hagerstown Choral Arts and students from the Barbara Ingram School for the Arts participated in the concert as well. It was an extraordinary production. The recycling event held on November 15, 2014 was very successful. Two tractor trailer loads of items were brought to the event. This should be done again next year.

Councilmember L. C. Metzner is looking forward to continuing to work with City Attorney Mark Boyer with his new firm. He wished everyone a Merry Christmas and a Happy Hanukah.

Councilmember M. E. Brubaker attended two informative events at the Washington County Free Library. A tour of historic churches will be held on December 26, 2014. Mayor Gysberts presented the Mayor and City Council's goals to the community at the Library on December 11, 2014. He urged everyone to look to the future and not fight past battles. He wished everyone Happy Holidays.

Councilmember K. B. Aleshire thanked the members of the Washington County Delegation who attended today's meeting. He thanked everyone for their willingness to hold the meeting in open session. He stated this Mayor and City Council has now been in office for two years. Contrary to some predictions, the City has not fallen apart. He thanked staff who work hard throughout the year. He noted that Mr. Nairn worked through the cable franchise agreement, which is a complex document. He thanked him for his service to the City.

Mayor D. S. Gysberts thanked everyone for their faithful service during the last two years. The Hagerstown Choral Arts will hold a concert on December 20, 2014. The tour of historic houses of worship will be held on December 26, 2014. This administration's task is to look into the next hundred years for the City. He wished everyone Happy Hanukah and a Merry Christmas.

MINUTES

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to approve the minutes, as presented, for the Mayor and Council meetings held on October 21, 2014 and October 28, 2014.

CONSENT AGENDA

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. B. Aleshire, the Consent Agenda was approved as follows:

- A. Department of Community and Economic Development:
 - 1. Approval of Street Closure for First Hagerstown Hose Company 200th Anniversary Parade – October 3, 2015

- B. Department of Public Works:
 - 1. Vehicle Replacement – Unit 25 – McCafferty Ford (Mechanicsburg, PA) \$ 93,763.00
 - 2. Road Salt Purchase – Morton Salt, Inc. (Chicago, IL) \$ 83.21 per ton

- C. Department of Parks and Engineering:
 - 1. Approval of Pavement Preservation Program – Summer, 2015 and Draft for Summer, 2016

- D. Department of Utilities:
 - 1. Wastewater: Polymer System Replacement – Sherwood Logan & Associates (Annapolis, MD) \$ 46,100.00
 - 2. Wastewater: Pump Replacement for WWPS No. 8 – Shafer, Troxell & Howe, Inc. (Frederick, MD) \$ 41,134.00

- E. Police Department:
 - 1. K-9 – Hanoverian Hound – Georgia K9 (Edisto Island, SC) \$ 11,500.00
 - 2. K-9 – Patrol/Narcotics Detection K9 – Cobra Canine (Loudon, TN) \$ 11,000.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: Accepting a Land Transfer from Beazer Homes for Terrapin Park

Action: On a motion duly made M. E. Brubaker and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance authorizing the acceptance of an offer of 2.09 acres of land from Beazer Homes, Inc. to the City of Hagerstown in Collegiate Acres development for the purpose of a public park. The park shall be named “Terrapin Park”. Staff is authorized to begin maintenance of the park as outlined in the Ordinance.

NEW BUSINESS

A. Introduction of an Ordinance: Amending the City Code by Adding Chapter 183, Nuisance – Unattended Donation Containers

Action: On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance to add Chapter 183, Nuisance – Unattended Donation Containers, to the Code of the City of Hagerstown. This code amendment will prohibit the use and maintenance of unattended donation containers in the City as a means of protecting the neighborhoods from the nuisance conditions associated with such containers. This amendment to the City Code will have an effective date of July 1, 2015.

B. Introduction of an Ordinance: Amending Chapter 216, Streets and Sidewalks, of the City Code to Add Provisions for Private Use of Public Sidewalks

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance to amend Chapter 216, Streets and Sidewalks, to the Code of the City of Hagerstown. This code amendment is intended to protect the livability, quality of life, and image of the community by placing controls on private use of public sidewalks for certain commercial activity. A new Article VIII, Private Use of Public Sidewalks, will be added to Chapter 216 that includes standards and restrictions for merchandise displays, sidewalk cafes, yard sales, and encroachments of structures and objects in the public right-of-way.

C. Approval of a Resolution: City of Hagerstown Request to Comment to State Agencies

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 a resolution which requests that the State of Maryland allow for an opportunity for the City to comment on pending contracts, permits, licenses, and funding requests and applications related to organizations operating in, expanding operations in or seeking to operate in the City of Hagerstown. The purpose of this requested opportunity to comment is so that the State is made aware whether a pending action is congruent with the City of Hagerstown's vision and related plans.

Discussion: Mayor Gysberts noted the Mayor and Council will be exploring similar legislation for Federal agencies and County agencies.

D. Approval of a Grant Agreement: Maryland Department of Transportation – Design of Marsh Run Trail

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to approve a grant agreement for the design of the Marsh Run Trail with the Maryland Department of Transportation. The grant is \$ 75,000 and has no cash match and will continue bicycling-related improvements in the City. The grant will be used for the conceptual and preliminary design of a trail from Park Circle to Potomac Street.

E. Approval of Changes to City Debt Management Policy

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 adopt the Debt Management Policy, which is designed to provide sound financial management and both protect and enhance the City's bond rating. This policy provides boundaries within which debt issuance and overall debt management processes will operate.

F. Approval of Mayor and City Council Goals and Priorities for 2015 and 2016

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 the Goals and Priorities for 2015 through 2016. These goals and priorities set forth the Mayor and Council's plan for serving Hagerstown related to Economic Development, Public Facilities and Infrastructure, Citizen-Based Government, Neighborhoods, Active/Health Living, Public Safety, and Innovative/Progressive Government in accordance with the City's Vision, Mission, and Core Values.

G. Approval of Funding for a Community Coalition Lobbyist

Action: Councilmember M. E. Brubaker made a motion to authorize the expenditure of \$ 5,000.00 from the General Fund in order to contribute toward hiring Manis, Canning and Associates as the Community Coalition Lobbyist. Other funding partners that have provided funding in the past include Washington County, the City of Hagerstown, the Chamber of Commerce, CHIEF, Convention & Visitors Bureau, Washington County Public Schools and the Washington County Free Library. Councilmember D. F. Munson seconded the motion.

Discussion: Councilmember Brubaker reported the former lobbyist group, Rifkin, Livingston, Levitan and Silver did not wish to be named as the Coalition's lobbyist this year. The Coalition met to discuss other firms and the consensus was to hire the firm of Manis, Canning and Associates. The Washington County Commissioners withheld their vote from this action.

Councilmember L. C. Metzner made a motion to table the discussion.
Councilmember P. M. Nigh seconded the motion to table.

Discussion: Councilmember Metzner wondered how there can be a community coalition when the County Commissioners opted not to vote. He wants to know what happened with the former lobbyist group. He needs more information about Manis, Canning before he makes a decision. He concern is based on the history of the coalition and not the funding amount.

Councilmember Brubaker agrees with the concerns; however, he thinks it is in the best interest of the City to hold the Coalition together. The former group does not feel they would be as effective as in the past given the major changes due to the recent election.

Councilmember Metzner stated if the County Commissioners are not participating the coalition is not a Community Coalition.

Councilmember Munson agreed the coalition should be held together. During his years as a Senator, he had the opportunity to work with Manis, Canning and he feels they will do a good job representing the groups in Washington County.

Councilmember Aleshire stated it appears the County may have an interest in a different firm. He does not want to delay the process by debating who to hire as a lobbyist because the General Session will be over before a decision is made. He supports the appointment of Manis Canning.

Motion to table failed 2-3, with Councilmember M. E. Brubaker, Councilmember K. B. Aleshire, and Councilmember D. F. Munson voting No.

A vote was taken on the original motion.

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

H. Approval of Request for Statement of Interest (RFSI) for Developer/Partner for Catalyst Project #3

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 authorize staff to post a Request for Statement of Interest (RFSI) for a developer/partner for an initial, pilot housing project as part of Catalyst Project #3 – University System of Maryland at Hagerstown (USMH) Expansion Support.

I. Approval of Request for Information (RFI) for the Implementation of High-speed Broadband and Services in City Center Hagerstown

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to approve the distribution of a Request for Information (RFI) document for the implementation of high-speed broadband and other technical services for the target commercial area of City Center Hagerstown. This RFI will ask interested respondents to provide information as to ideas and recommendations on how best to provide high-speed broadband services to this underserved area, as well as opportunities for expansion into other targeted commercial, residential and public space.

J. Approval of Use of Fairgrounds Park for a Country Music Fest and Exemption of Park Rule Prohibiting Alcohol

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 grant permission for the Police Athletic League to host a Country Music Fest on September 26, 2015 at the Fairgrounds Park and will hereby exempt the park rule prohibiting alcohol only during the Country Music Fest and only for attendees of legal drinking age in the designated festival area. The Police Athletic League must first secure all required permits for the event and for the sale of alcohol and sign an application/permit with the City of Hagerstown which will outline all details and requirements. At a later date, the application/permit will be approved by the Mayor and City Council. City Services needs will be reviewed and discussed with the Mayor and City Council at a Work Session meeting in early 2015.

Discussion: Councilmember Aleshire hopes there is assurance provided that the fields won't be damaged if there is rain that day. Detective Nick Varner stated they will ensure the fields are not destroyed in the event of rain.

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 7:52 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: January 27, 2015