

73RD REGULAR SESSION, WORK SESSION AND EXECUTIVE SESSION – June 23
2015

EXECUTIVE SESSION – June 23, 2015

On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to meet in closed session to consult with counsel to obtain legal advice, #7 (Section 10-508(a)), and to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, #4 (Section 10-508(a)), on Tuesday, June 23, 2015 at 4:34 p.m. in Room 407, 4th floor, City Hall, Hagerstown, Maryland. The following people were in attendance: 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 Valerie Means, Mark Boyer, City Attorney, Paul Rose, Miles and Stockbridge Attorney, Michael Spiker, Director of Utilities, Michelle Hepburn, Director of Finance, Scott Nicewarner, Director of IT and Support Services, Jill Frick, Economic Development Manager, and Donna K. Spickler, City Clerk. The meeting was held to consult with legal counsel regarding the MELP property, pending litigation and a business proposal for a new business. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the executive session was adjourned at 5:15 p.m.

WORK SESSION – June 23, 2015

Mayor D. S. Gysberts called this Work Session of the Mayor and City Council to order at 5:45 p.m., Tuesday, June 23, 2015, 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 Valerie Means, and Donna K. Spickler, City Clerk.

FY 2015 Community Legacy Application

Kathleen Maher, Planning Director, and Alex Rohrbaugh, Planner, were present to discuss the FY 2016 application to the State's Community Legacy Program. The grant application window was opened on June 9, 2015 and the deadline for submittal of grant applications this year is July 15, 2015.

The goal of the Community Legacy program is to provide funding to local governments and community development organizations for essential projects aimed at strengthening declining urban areas through a comprehensive approach that includes activities such as business retention and attraction, encouraging home-ownership and rehabilitation, and commercial revitalization. In 2014, the projects must be consistent with the goals and strategies outlined in the City's Sustainable Community Plan and the projects must be located in the City's Sustainable Community Area.

The Maryland Department of Housing and Community Development has \$ 6 million in Community Legacy funding for grant and loan awards around the State in FY 2016. Community Legacy funds may be used only for capital projects – bricks and mortar projects or loan/grant programs for bricks and mortar projects. The City’s Community Legacy representative at the State has indicated that projects must be ready to go and be completed within two years. While there is no matching requirement, the application needs to show that the project will leverage other funds. The average award amount per project is typically \$ 100,000.

The City of Hagerstown has been fortunate to receive a number of Community Legacy awards in the past for various City or City-supported downtown revitalization and housing improvement projects. The City also received companion awards totaling \$ 324,262 from other State programs as a part of the Community Legacy requests in FY 2002 and 2003.

Staff offered three projects that meet the current priorities and that are consistent with the expectations of the Maryland Department of Housing and Community Development for Community Legacy projects. Two of the three projects directly relate to Catalytic Projects proposed by the 2014 Community’s City Center Plan.

The projects are:

1. Renovation of storefront(s) for retail or restaurants in the City Center/Main Street Area – Grant request of \$ 50,000, Match of \$ 12,000
2. Student Housing Project in City Center – Grant request of \$ 200,000, match of \$ 100,000
3. Acquisition/Rehabilitation of 1 to 2 Properties for homeownership within targeted areas – Grant request of \$ 200,000, Match of \$ 200,000

Mayor Gysberts asked how the Maryland Historical Trust review of any project in a downtown building can be addressed. Ms. Maher stated there was not enough time to address the required historical study with the first student housing project. In the future, staff would ensure there was ample time to complete the required analysis.

It was the general consensus to list the projects in the following order:

1. Student Housing project
2. Acquisition/Rehabilitation of properties for homeownership
3. Renovation of storefronts

A resolution authorizing the application is included on the Regular Session agenda.

The Work Session was adjourned at 5:55 p.m.

73RD REGULAR SESSION – June 23, 2015

Mayor D. S. Gysberts called this 73rd Session of the Mayor and City Council to order at 7:02 p.m., Tuesday, June 23, 2015, 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 Valerie Means, 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 Session beginning at 4:00 p.m. on Tuesday, July 21, 2015, and the Regular Session at 7:00 p.m. on Tuesday, July 28, 2015. There are no meetings scheduled for Tuesday, July 7, 2015 or Tuesday, July 14, 2015.

GUESTS

Mayor Gysberts presented a proclamation to Fire Chief Kyd Dieterich, who is retiring after 35 years of service. He thanked Chief Dieterich for his dedication to the citizens of Hagerstown.

CITIZEN COMMENTS

Austin Hefferman, 1118 Hamilton Boulevard, Hagerstown, Maryland, received a notice from the City stating the trees at his residence are in violation of height regulations. He stated his only recourse is to pay a significant fee to file an appeal. He pays Antietam Tree to trim and fertilize his trees. He stated he has not been successful reaching a staff member to discuss the violation. He does not have any alternative but to pay a high fee to file an appeal.

Councilmember Brubaker asked Mr. Hefferman to contact Kathleen Maher, Planning Director, to discuss the violation notice.

Councilmember Metzner stated Mr. Hefferman has one other alternative, and he is exercising it. If a notice is issued for a violation that doesn't exist, it needs to be resolved. He stated another example is fees for Eastern Boulevard. If a fee is paid on a mistake in the Code, he stated the fee should be refunded.

Mr. Hefferman stated an invitation to discuss the issue before a violation notice is issued would be a better process. If his trees are impeding traffic, he will pay to have them trimmed.

Mayor Gysberts suggested an informational contact regarding code expectations to assist home owners.

Councilmember Munson stated the Mayor and City Council will look into this issue.

Marsha Fuller, 912 Oak Hill Avenue, Hagerstown, Maryland, is opposed to the idea of the City trimming trees. She has spent a good deal of money to have her trees professionally trimmed. She asked the Mayor and City Council to consider lowering the height requirement from 15 feet to 13 feet.

Mayor Gysberts reminded everyone there is a program administered by the City where residents can obtain a tree for their private property.

Councilmember Metzner informed everyone that the cost for the City to perform tree trimming would be cost prohibitive.

Marvin Lohr, 1135 Sunnyside Drive, Hagerstown, Maryland, has an idea to create a tax free zone for a specific area, such as downtown. He lived in Rehoboth Beach for several years and saw that a tax free zone draws people to the area. He thinks this would help stimulate the downtown.

Mayor Gysberts mentioned he has been researching the concept of a Community Revitalization Investment Zone (CRIZ) in Hagerstown.

Mr. Lohr stated he has other ideas as well. Mayor Gysberts asked Mr. Lohr to contact him to discuss his ideas.

Judy Chambers, 931 Oak Hill Avenue, Hagerstown, Maryland, supports the regulations for tree height. The regulations keep the sidewalks clear and passable.

PUBLIC HEARING

Land Management Code Amendments

A Public Hearing was held to discuss a number of proposed amendments to the Land Management Code. Kathleen Maher, Planning Director, and Stephen Bockmiller, Zoning Administrator/Development Review Planner, were present to answer any questions during the hearing.

The Hagerstown Planning Commission spent nine months reviewing and finalizing a package of amendments to the Land Management Code, which was forwarded to the Mayor and City Council during their review.

The Mayor and City Council reviewed the recommendations from the Commission and staff at their March 24, 2015, May 5, 2015, and June 9, 2015 meetings and made some modifications to the package, which includes the following:

1. A revision to the residential fence proposal for properties adjacent to commercial and industrial zones and non-conforming commercial and industrial uses
2. Inclusion of the storefront protection zone provision for the CC-MU
3. Inclusion of window graphics in the sign area maximums for wall-mounted graphics
4. Inclusion of dumpster enclosures for all new dumpsters
5. Inclusion of staff prepared written opinions for review and approval by the Board of Zoning Appeals
6. Prohibition of Hookah Lounges and Tobacco Shops in the CC-MU

The proposed amendments include a Storefront Protection Zone (SPZ) in the Downtown. This zone is intended to enhance revitalizing of the downtown as a pedestrian-friendly center of commerce, learning, and education by promoting the occupation of storefronts by certain higher-intensity business/commercial uses. Such uses have the potential to attract additional pedestrian traffic, attract private investment to the City Center, and support the City Center's cluster of arts, cultural, and education related activities.

The proposed SPZ has the highest concentration of storefronts – 155 storefronts; 28% occupied with high-intensity users.

The SPZ does not apply to space oriented internally, single-user auditorium buildings, single-user institutional buildings, buildings without storefronts, and properties outside the SPZ.

Historic District Commission (HDC) hardship provisions create flexibility in the process for review of major economic development opportunities downtown involving new construction and provide guidance to the HDC on Public Benefit Hardship applications when reviewing demolition requests.

“Denial not being in the best interests of a majority of the persons in the community” is expanded to include “Due to its obstruction or serious complication of a bona-fide Major Economic Development Opportunity, or due to other reasons”.

“A major improvement program which will be of substantial benefit to the City” is being clarified that it means: The project is in a government CIP or budget and the government agency has complete designs for the capital project.

The Public Benefit Hardship is a new standard which allows the City Administrator or his/her designee, provides HDC with a detailed recommendation in support of a project deemed to be a bona-fide “Major Economic Development Opportunity”.

Graphics revisions were motivated by complaints over certain types of graphics being used, observations that some of the graphics provisions are too constraining in some situations, the desire to make the graphics provisions easier to understand, and the desire to provide consistency between parts of City Code addressing signs/graphics.

The amendments will require removal of prohibited temporary graphics within 180 days of the effective date of this Code amendment.

Window graphics requires that they be subject to the size limitations for building-mounted graphics for the building or business. Graphics include sandwich board signs, wall-mounted directory graphics, and theater marquee signs in CC-MU district.

Miscellaneous amendments include allowing two of the voting members of the HDC to live outside the City. There are numerous definition changes and clarifications of existing language included. Other amendments address quality of construction, dumpsters, wireless communication facilities, and site lighting.

Proposed amendments include revisions to the Board of Zoning Appeals process. The amendments also require written decisions to be prepared by staff or the City Attorney for review and approval of the BZA.

The entire package of amendments is available on the City's website.

Councilmember Aleshire wants to make sure someone who wants to redevelop an existing building for an educational hub does not experience a hardship because of these amendments.

Mayor Gysberts asked if businesses like Little Caesars would need a permit every time they change the signs announcing specials.

Councilmember Aleshire does not think they should have to secure a permit for each special poster they are required to post (from their corporate group).

Mayor Gysberts asked if any consideration was given for a set back for graphics. Ms. Maher stated the regulations are based on the size of the building.

Ms. Maher indicated graphic regulations are typically put in place for aesthetics and to limit driver distraction.

Mr. Bockmiller indicated this is an overhaul of the entire ordinance that lessens some of the regulations and adds regulations for window signs.

Councilmember Metzner has not heard any complaints about signs. My Tech on Dual Highway puts out a lot of signs. He is not sure he thinks money should be spent to enforce a sign regulation.

Mayor Gysberts indicated the amendments will be discussed during a Work Session in July.

Councilmember Aleshire asked if tarps being used on a roof on Mulberry Street are in violation of land management regulations. Ms. Maher stated staff will look into this prior to the Work Session discussion.

The following were entered into the record:

Exhibit A – Public Hearing Notice

Exhibit B – Planning Commission file by reference

Mr. Bockmiller stated a letter was received by Jason Divelbiss, Attorney, opposing the proposed text amendments, specifically regulations for the Storefront Protection Zone.

The following testimony was presented:

Bill Hynoeky, 16803 Notley Road, Hagerstown, Maryland, works for Strickler Signs. He did not realize the sign regulations had been changed. Some of the changes are causing confusion and unhappiness with the business owners. He thought the County and the City mirrored each other's sign regulations. This is not the case.

Councilmember Brubaker noted the amendments that are being presented during this meeting are not being adopted yet.

Mr. Hynoeky is hoping to address the difference in the regulations, especially on the Dual Highway.

No further testimony was presented.

The record will remain open for 10 days for additional comments.

The hearing was closed at 8:39 p.m.

CITY ADMINISTRATOR COMMENTS

Valerie Means, City Administrator, had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember P. M. Nigh had no additional comments.

Councilmember D. F. Munson had no additional comments.

Councilmember L. C. Metzner had no additional comments.

Councilmember M. E. Brubaker congratulated the Maryland Theatre for their 100th anniversary. A gala was held on June 20, 2015 at the Ryder Jet Center. It was an enjoyable event.

Councilmember K. B. Aleshire thanked Scott Nicewarner for how he is handling the Interim Department of Community and Economic Development Director position. He does not like to meet in closed session and he encouraged citizens to remain patient as the Mayor and City Council work through issues with the demolition of the MELP building. The Mayor and City Council's goal is to have the building removed.

He thanked Councilmember Metzner for his comments in a recent article regarding binding arbitration. He believes Chambersburg has a different situation, but the underlying issue is similar. The national union message is telling. The article shows people don't understand the potential impact when the decisions for funding are taken from the elected body.

Councilmember Aleshire wished Chief Dieterich well as he retires.

Mayor D. S. Gysberts thanked the Maryland Theatre for the event on Saturday. It was interesting to hear Bob Eubanks. He welcomed the Miss Maryland pageant to Hagerstown. He hopes the event is held downtown for many years. He is looking forward the annual MML convention next week.

A new item will be added to the agenda, regarding the MELP property and a proposed extension of the agreement.

MINUTES

On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve the minutes, as presented, for the Mayor and Council meetings held on May 5, 2015, May 12, 2015, May 19, 2015, and May 26, 2015.

CONSENT AGENDA

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

- A. Department of Parks and Engineering:
 - 1. Electric Service Upgrade of Former Fairgrounds Park Grandstand Building – Beacon Electric (Clear Spring, MD) \$ 44,650.00
 - 2. Construction of Recreation Space in Grandstand Building in Fairgrounds Park – Work to be completed in-house - \$ 77,350.00
- B. Department of Utilities:
 - 1. Water: Magnafloc Polymer – George S. Coyne Chemical Co., Inc. (Droydon, PA) \$ 46,980.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: Amending Chapter 64, Building Construction, Article IV, Electrical Standards

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 amend the City's Code by deleting and repealing Chapter 64 Building Construction, Article IV, Electrical Standards, and replacing it with a new Article IV, Electrical Standards, which provides for updated electrical requirements, licensing, and penalties. This code will become effective for electrical permit applications received on or after September 1, 2015.

B. Approval of an Ordinance: Amending Chapter 64, Building Construction, Article I, Building Standards

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 amend the City's Code by deleting and repealing Chapter 64 Building Construction, Article I, Building Standards, and replacing it with a new Article I, Building Standards, which provides for updated building requirements, licensing, and penalties. This code will become effective for building permit applications received on or after September 1, 2015.

C. Approval of an Ordinance: Amending Chapter 64, Building Construction, Article V, Plumbing Standards

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 amend the City's Code by deleting and repealing Chapter 64 Building Construction, Article V, Plumbing Standards, and replacing it with a new Article V, Plumbing Standards, which provides for updated plumbing requirements, licensing, and penalties. This code will become effective for plumbing permit applications received on or after September 1, 2015.

D. Approval of an Ordinance: Amending Chapter 64, Building Construction, Article VI, Mechanical Standards

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 amend the City's Code by deleting and repealing Chapter 64 Building Construction, Article VI, Mechanical Standards, and replacing it with a new Article VI,

Mechanical Standards, which provides for updated mechanical requirements, licensing, and penalties. This code will become effective for mechanical permit applications received on or after September 1, 2015.

E. Approval of an Ordinance: Amending Chapter 64, Building Construction, Article I, Building Standards by Deleting and Repealing Sprinkler Standards to Comply with State Regulations.

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 amend the City's Code by deleting and repealing §64-1.1 of Chapter 64 Building Construction, Adoption of Standards for Residential Sprinkler, and deleting and repealing §64-1.2 of Chapter 64, Sprinkler Amendments to comply with state requirements for residential sprinkler standards to now include installation in all one-and-two family dwellings. This code will become effective for building permit applications received after December 31, 2015.

NEW BUSINESS

A. Introduction of an Ordinance: Acceptance of Land from State Highway Administration at 1481 Salem Avenue

Action: On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance authorizing the transfer of 0.59 acres of land from the State Highway Administration (SHA) to the City of Hagerstown. The ordinance authorizes the Mayor and staff to execute the Road Transfer Agreement with SHA, and further authorizes the transfer of a portion of the land adjacent to the street to the neighboring property owner as it is not needed for a public purpose.

B. Approval of a Resolution: FY 2016-2010 Community Development Block Grant Five Year Consolidated Plan, the FY 2015/2016 Annual Action Plan, and the 2015 Analysis of Impediments to Fair Housing Choice

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 a resolution approving the FY 2016-2020 Five Year Consolidated Plan, the FY 2015/2016 Annual Action Plan, and the 2015 Analysis of Impediments to Fair Housing Choice for the Community Development Block Grant program, authorizing the Mayor to file an application for financial assistance with the U.S. Department of Housing and Urban Development in the amount of \$ 641,604 for the Community Development Block Grant program, and

further authorizing the Mayor to execute all other documents relating to the City's Community Development Block Grant program for FY 2015/2016.

C. Approval of a Resolution: Acceptance of a Site Agreement Between the City of Hagerstown and Shentel

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 a resolution authorizing the approval of the Site Agreement between the City of Hagerstown and Shentel. This agreement provides for the leasing of 10,000 square feet of Wastewater Division property to construct a base station and antennae structure. The property is identified as Parcel ID: Tax Map 315, Parcel 1034, located at 1 Clean Water Circle, Hagerstown, Maryland.

D. Approval of a Resolution: Acceptance of Deed of Easement for Terrapin Park Water Service

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to approve a resolution to enter into a deed of easement with Beazer Homes Corp. and accept an easement for the installation and maintenance of a water line serving Terrapin Park.

E. Approval of a Resolution: FY 2016 Community Legacy Application

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote to adopt a resolution indicating approval of the City's FY 2016 Community Legacy application to the Maryland Department of Housing and Community Development. The application requests funding for three City capital projects: (1) \$ 200,000 for a second student housing project in the City Center; (2) \$ 200,000 for acquisition/rehabilitation of 1 to 2 properties for homeownership within targeted areas of the Sustainable Community Area; (3) \$ 50,000 for renovation of storefront(s) for retail and/or restaurant in the City Center and Main Street Areas.

Discussion: Councilmember Munson hopes the legislators continue this program. It has been beneficial for the City of Hagerstown.

F. Approval of the City Center Retail and restaurant Incentive Program

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 authorize the City Center Retail and Restaurant

Incentive Program, delivering grant money to new businesses locating in the Main Street Area, helping them with both capital improvements and business startup costs. The source of funds is the Economic Development Business Incentive line item in the Economic Development operating budget.

G. Approval of a Contract: 2015 Pavement Preservation Program – Craig Paving, Inc. (Hagerstown, MD) Not to Exceed \$ 1,005,000

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 approve a contract with Craig Paving, Inc. of Hagerstown, Maryland in the amount of \$ 1,005,000 for the 2015 Pavement Preservation Program. The project also includes \$ 50,000 for pavement markings, and \$ 5,000 for testing and miscellaneous items. Funding for the project is Highway User Revenue in the amount of \$ 1,000,000 and Parking Funds in the amount of \$ 60,000.

Discussion: Councilmember Brubaker thanked the State of Maryland for continuing the Highway User Revenue program. A group is attempting to develop a dependable formula for this funding. Rodney Tissue, City Engineer, and Eric Deike, Director of Public Works, are reviewing a different parking lot location for this contract.

H. Approval of a Contract Extension for the Installation of Pavement Markings – Alpha Space Control Company, Inc. (Chambersburg, PA) Not to Exceed \$ 100,000

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 approve of additional work to the open-end contract with Alpha Space Control Co., Inc. of Chambersburg, Pennsylvania in the not-to-exceed amount of \$ 100,000 for the installation of pavement markings. Marking of streets paved in the upcoming Pavement Preservation project is \$ 50,000 while the balance of \$ 50,000 is for replacing existing faded pavement markings. Funding for the project is Highway User Revenue.

I. Approval of Safe Routes to Schools Memorandum of Understanding for Acceptance of a Grant of \$ 375,000

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote to approve a Memorandum of Understanding (MOU) for the acceptance of a grant in the amount of \$ 375,000 for the reconstruction of traffic signal at Frederick Street and Mill Street and the reconstruction of traffic signal at Salem Avenue at Nottingham Road.

Project will provide for fully accessible crosswalks and pedestrian signals for school students and the public in general. Funding is from the State of Maryland's Safe Routes to School Program, Grant Year G.

J. Approval of a Contract: Roof Replacement at Hagerstown Light Department – Hite Roofing (Cumberland, MD) \$ 389,000

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to approve the expenditure of \$ 389,000 of Fiscal Year 2015 Bond Funds in CIP 542. Hite Roofing of Cumberland, Maryland submitted the low bid and will perform a complete roof replacement with a 30 year full system warranty at the HLD facility at 425 East Baltimore Street. The debt service is to be paid from the Light Fund.

Discussion: The statement regarding the source of debt service has been added to the motion at the request of Councilmember M. E. Brubaker.

K. Approval of a Resolution: Amendment to the Release and Settlement Agreement with Partners Marketing, LLP – Extension to September 30, 2015

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote to approve a resolution approving the Amendment to the Release and Settlement Agreement between the City of Hagerstown and Partners Marketing, LLP dated October 21, 2014. The resolution amends the aforementioned agreement to permit the extension of the closing date to no later than the 30th day of September, 2015.

Discussion: Councilmember Munson mentioned that, at the initiation of this Mayor and Council, the MELP plant is coming down. There are a lot of people working hard to make this happen.

There being no further business to come before the Mayor and City Council, on a motion duly made, seconded and passed, the meeting was adjourned at 9:04 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler, City Clerk

Approved: July 28, 2015