

99th REGULAR SESSION AND EXECUTIVE SESSION – August 30, 2016

EXECUTIVE SESSION – August 30, 2016

On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote of all members present to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, #4, (Section 3-305(b)) on Tuesday, August 30, 2016 at 6:35 p.m. in Room 407, 4th floor, City Hall, Hagerstown, Maryland. Councilmember Metzner was not present for the vote but arrived later in the meeting.

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, Jill Frick, Director of Community and Economic Development, Michelle Hepburn, Director of Finance, Rodney Tissue, City Engineer, and Randy Gray, Business Development Specialist.

The meeting was held to discuss two proposals. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the Executive Session was adjourned at 6:55 p.m.

99th REGULAR SESSION – August 30, 2016

Mayor D. S. Gysberts called this 99th Session of the Mayor and City Council to order at 7:00 p.m., Tuesday, August 30, 2016, 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 City Attorney Jason Morton.

The invocation was offered by Councilmember M. 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 Session at 4:00 p.m. on Tuesday, September 13, 2016, and Tuesday, September 20, 2016, and the Regular Session at 7:00 p.m. on Tuesday, September 27, 2016. No meeting is scheduled for Tuesday, September 6, 2016.

APPOINTMENTS

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 appoint William Breichner to the City Ethics Commission, with a term to expire September 1, 2021.

On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to appoint Denise Sisler to the Hagerstown Housing Authority, with a term to expire July 1, 2017.

GUESTS

Highlight Hagerstown Awards

Mayor Gysberts, Pam Arnold, Beautification Advisory Committee, and Alex Rohrbaugh, Planner, presented Highlight Hagerstown Awards to the following:

Residential:

1. 617 Chestnut Street – Joseph Barnes (contractor), Jessica Marshall and Amanda Reinhehl
2. 119 West Side Avenue – Samuel Coldsmith
3. 121 West Side Avenue – Monica Robinson
4. 102 South Prospect Street – Diane and Ruhl DeLaet

Non-residential:

1. Bulls and Bears (Bowman 2000 LLC), 34-38 South Potomac Street

Proclamation: International Overdose Day

Mayor Gysberts read a proclamation naming August 31, 2016 as International Overdose Awareness Day. Mayor Gysberts is planning to present the proclamation at a rally in the square on August 31, 2016.

CITIZEN COMMENTS

Marvin Lohr, 1135 Sunnyside Drive, Hagerstown, Maryland, suggested the following items to improve the downtown: 1) separate contract for daily trash removal, 2) replacing signs on vacant buildings with artwork, 3) less concentration of non-governmental organizations in downtown, and 4) a sales tax exempt program for downtown (which he suggested last year).

Mayor Gysberts stated he, the Council, and staff have been discussing requiring heavier density buildings to provide their own trash collection and how to reduce the concentration of non-governmental organizations. The sales tax exempt idea is very

similar to the Community Revitalization Improvement Zone (CRIZ) legislation that has been presented during the past two General Assembly Sessions. Under the CRIZ legislation, any new state tax would remain within the municipality for a period of time.

Rosita South, 7 E. Washington Street, Apt. 801, Hagerstown, Maryland, lives at the Alexander House. The residents of the Alexander House have been told they are not permitted to sit in the square and smoke and gather. The administration of the Alexander House is telling the residents that the City of Hagerstown has prohibited this.

Mayor Gysberts stated he understands the building is being renovated and plans include a gathering area for the residents.

Councilmember Metzner stated the City of Hagerstown has not issued this directive.

Mayor Gysberts stated he thinks the management of the Alexander House may be responding to community feedback.

Shirley Hoffman, 7 E. Washington Street, Apt. 508, Hagerstown, Maryland, asked why the residents are being told the City of Hagerstown is sending letters to the Alexander House saying the residents gathering in the square are detrimental to Hagerstown. She stated the management wants the residents who smoke to go to an area near a dumpster at the back of the building. She wondered where the residents can go.

Mayor Gysberts stated he is not aware of any such communication from the City of Hagerstown. He noted he is aware that complaints have been received about the difficulty of passing by the sidewalk when the residents are gathered there.

J. Ramsay Farah, 217 East Antietam Street, Hagerstown, Maryland, thanked the Mayor and City Council for the proclamation that was read earlier. His practice has been treating patients with addictions for about a year. Drug addiction has been increasing steadily for the last several years. Drug overdose deaths are preventable. There is a critical need for awareness of drug addiction. Without the whole community coming together to help their neighbors, addictions will continue to increase.

Kevin Spielman, Potomac Towers, Hagerstown, Maryland, asked if the candidate forum scheduled for September 21, 2016 at the Washington County Library is open to the public, regardless of their party affiliation.

Kitty Brown, 7 E. Washington Street, Hagerstown, Maryland, is a resident at the Alexander House. She reiterated that the residents have been told the City of Hagerstown is prohibiting them from sitting in the square.

Ray Shriver, 7 E. Washington Street, Hagerstown, Maryland, is also a resident at the Alexander House. He is concerned that a hired driver would not see him waiting if he is not allowed to sit outside the Alexander House.

Mayor Gysberts and Councilmember Metzner suggested the residents present their concerns and ideas as a group to the management of the Alexander House. Mayor Gysberts noted that the new owners of the Alexander House have made improvements to the facility. He will inquire when the improvements will be completed.

CITY ADMINISTRATOR COMMENTS

Valerie Means, City Administrator, thanked everyone who helped to make this year's Augustoberfest a success. Mayor Gysberts agreed.

MAYOR AND COUNCIL COMMENTS

Councilmember P. M. Nigh had no additional comments.

Councilmember D. F. Munson had no additional comments.

Councilmember L. C. Metzner agreed that this year's Augustoberfest was a great event. Cases of drug overdoses are a national problem. He hopes awareness helps to reduce the numbers.

Councilmember M. E. Brubaker and the Mayor visited the Western Maryland Hospital today. This facility is an asset to the community. He hopes the Governor and State leaders can find a way to preserve and enhance this important facility. He agreed that Augustoberfest was a great event. He thanked all staff and volunteers involved.

Councilmember K. B. Aleshire stated the average person will attend the vigil and may attempt to assist someone who is detrimental to the community, but will pass by the elderly people and homeless people who really need help.

Mayor D. S. Gysberts thanked everyone involved with all the activities at the Augustoberfest. He attended a picnic at the USMH recently. This was a reminder that USMH is a driver of growth for downtown. He looks forward to working with USMH to enhance their status in the community. He thanked the nurses who lead the tour at Western Maryland Hospital today. The facility is clean, well-appointed, and very functional. As Councilmember Aleshire mentioned, people deserve the best level of care possible, no matter what their status, race, insurance coverage, etc. is.

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 July 19, 2016 and July 26, 2016.

CONSENT AGENDA

On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember L. C. Metzner, the Consent Agenda was approved as follows:

A. Community and Economic Development:

1. Approval of Street Closure: Fireball Run – September 27, 2016
2. Open Container Law Exemption – Application/Permit – Maryland Symphony Orchestra Classics and Crabs – September 17, 2016
3. Open Container Law Exemption – Application/Permit – Police Athletic League Country Music Festival – Fairgrounds Park – September 24, 2016

B. Finance:

1. Audit of FY16 Basic Financial Statements and Single Audit in FY17 – Contract Extension – S B & Company, LLC (Hunt Valley, MD) \$ 38,500.00

C. Information Technology:

1. Hosting and Software Support Agreement for Intellitime – Intellitime Systems Corporation (Santa Ana, CA) \$ 53,692.98
2. ESRI GIS Maintenance Agreement Renewal – ESRI (Redlands, CA) \$ 35,000.00

D. Police Department:

1. Annual Software Maintenance for Police Mobile and RMS – Keystone Public Safety, Inc. (Maple Shade, NJ) \$ 78,761.00
2. Second Chance Summit Vests – Atlantic Tactical (New Cumberland, PA) \$ 36,172.96

E. Public Works:

1. Landscape Bed and Ground Maintenance of Various Locations – The Groundskeeper, Inc. (Hagerstown, MD) \$ 25,100.00

F. Utilities:

1. Water: Traveling Screen Repair – Underwater Services Corp. (Wyoming, PA) \$ 31,864.52
2. Wastewater: CCTV Purchase and Repair (Vehicle #563) – Rausch USA (Chambersburg, PA) \$ 18,596.00
3. Wastewater: Grinder Pump – Fluid Solutions, Inc. (Westminster, MD) \$ 57,200.00

Discussion: Councilmember Nigh is concerned that the Intellitime program is not fully implemented.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

A. Introduction of an Ordinance: Quit Claim for Alley 1-006 Adjacent 400 Key Circle

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 quit claim the unimproved portion of Alley 1-006 as outlined in the August 23, 2016 memo.

Discussion: Councilmember Brubaker mentioned this action could create problems for some residents if their rights are not preserved. A condition for approval of the Quit Claim is that all easements will be completed before the action occurs.

Councilmember Nigh is also concerned that access rights may be limited.

B. Approval of a Resolution: Authorization to Close McPherson Street (between Franklin and Washington Streets)

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 a resolution to implement the Hagerstown Police Department Security Project and authorizing the closure of one block of McPherson Street. The southernmost block of McPherson Street will be closed to public vehicular and pedestrian traffic. The Mayor and City Council further moved to authorize the Hagerstown Police Department to take necessary steps to implement the closure.

Discussion: Councilmember Munson noted this action is for the protection of the public and also for the protection of the City police officers.

C. Approval of a Resolution: User Agreement with Cumberland Valley Model Yacht Club – City Park

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve a resolution approving a User Agreement with Cumberland Valley Model Yacht Club effective

September 1, 2016 through August 31, 2018 to allow for their model sail boat activities on the City Park lake.

D. Approval of a Resolution: Memorandum of Understanding with the Maryland Department of Transportation (MDOT) for Marsh Run Trail Final Design

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 authorizing the City to enter into a Memorandum of Understanding with the Maryland Department of Transportation to receive a grant in the amount of \$ 200,000.00 for the final design of the Marsh Run Trail. This approval is conditioned on the approval of the agreement by the City Attorney.

E. Approval of the Hagerstown Suns Fireworks Show on September 9., 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 of one additional fireworks show for Friday, September 9, 2016 following the South Atlantic League playoff game. The Mayor and City Council's approval will exempt the event from the City of Hagerstown's Noise Ordinance under Section 155-3 of the City Code.

Discussion: Mayor Gysberts congratulated the Hagerstown Suns for making it into the playoffs. Last week he attended a game in recognition of Play Ball Month (August). This is an initiative of the U. S. Conference of Mayors.

F. Approval of Contract: Renewal of Support for Tyler/MUNIS – Tyler Technologies, Inc. (Dallas, TX) \$ 191,600.31

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to renew the maintenance contract for support of the MUNIS Municipal Financial System software with Tyler Technologies, Inc. The cost of the renewal is \$ 191,600.31, including \$ 30,000.00 for database administrative support, and \$ 161,600.31 for support and update licensing for 27 program modules in use by City staff.

G. Approval of Transfer of Closed Circuit TV Pipe Inspection Vehicle to Washington County Department of Water Quality

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 Hagerstown Utilities Department transfer of the 2006 Closed Circuit TV Pipe Inspection Vehicle to the Washington County Department of Water Quality for the lump sum price of \$ 50,000.00. The Department of Utilities, Wastewater Division responded to Invitation to Bid, BID NO. PUR-1321, issued on behalf of the Washington County Board of County Commissioners and submitted the accepted lump sum price of \$ 50,000.00. This vehicle was no longer required in the Collections Department and was sold to help pay for the replacement of Vehicle 508.

Discussion: Councilmember Munson congratulated the Wastewater Division for this initiative.

H. Approval of Contract: Lagoon Cleaning and Maintenance – Synagro Central, LLC (Baltimore, MD) \$ 160,000.00

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 the one year extension of the contract with Synagro Central, LLC to provide residual removal services for \$0.04 per gallon with an estimated annual expenditure of \$ 160,000.00 of Water Division operating funds. Actual cost will be determined by the volume of required residual removal to ascertain compliance with the Clean Water Act NPDES Permit requirements. This contract shall be in effect for one year and is the final renewal identified in the existing contract.

I. Approval of Purchase: Backhoe and Hydraulic Hammer – JESCO (Frederick, MD) \$ 123,787.27

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 the purchase of a John Deere 310SL Backhoe and Allied Hydraulic Hammer in the amount of \$ 123,787.27 from JESCO, Inc. utilizing account # 5285001-5892-C0117.

J. Approval of Contract for R. C. Willson Water Treatment Plant Phase IV Improvements – Close-out (Hazen and Sawyer Environmental Engineers and Scientists (Baltimore, MD) \$ 217,274.00

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote to approve the requested change Order #4 for additional Engineer of Record Support Services for the R. C. Willson Phase 4 Project in the amount of \$ 217,274.00. This Project will address the Traveling Screens at the Water Treatment Plant and Tank Mixing Systems.

K. Approval of Contract for Planning, Evaluation and Design Services for Repairs to the Edgemont Reservoir – Hazen and Sawyer Environmental Engineers and Scientists (Baltimore, MD) \$ 469,226.00

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 approve the Planning, Evaluation and Design Services for Repairs to the Edgemont Reservoir by Hazen and Sawyer in the amount of \$ 469,226.00 utilizing account # 52-85001-5814-C0168.

Discussion: Councilmember Brubaker inquired if the contract committed the full \$ 469,226.00 or if it is to be completed in stages. He thinks the long range plan should include a process for incorporating this into the daily water supply and how to use it as a backup.

Nancy Hausrath, Water Operations Manager, stated the design phase will be completed and reviewed with the Mayor and City Council prior to moving forward with additional phases.

Councilmember Munson thinks an alternative source of water for Hagerstown customers is a good strategy.

Councilmember Aleshire reminded everyone that many occurrences, natural or system failures, affect the water supply for many people in Washington County. An example is a failure of the Town of Smithsburg's system over the past weekend.

Councilmember Munson thanked City water staff for their assistance to Smithsburg.

L. Approval of an Agreement between Hagerstown Police Department and the U. S. Drug Enforcement Administration for Funding Task Force Officers

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 authorize the renewal of a Cooperative State and Local Agreement with the U. S. Drug Enforcement Agency. This agreement states that the City of Hagerstown will detail three experienced officers to the Hagerstown Resident Office for a period of not less than two years. It also states that the City of Hagerstown will be responsible for the salary, overtime, and benefits of the three HPD officers. The DEA will provide reimbursement costs associated with drug investigations up to \$ 17,753.00 per officer to the City of Hagerstown.

The period of this agreement is October 1, 2016 through September 30, 2016.

**M. Acceptance of Maryland Safe Streets Grant (Hagerstown Police Department)
\$ 161,024.00**

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 approve of the Maryland Safe Streets Grant to the Hagerstown Police Department in the amount of \$ 161,024.00.

This grant provides salary support for a Crime Analyst, Safe Streets Coordinator, two Police Officers, Safe Streets Prosecutor, and overtime funding for the Washington County Sheriff's Office (for Collaborative Enforcement efforts).

N. Acceptance of Maryland Department of Transportation Highway Safety Office Grant (Hagerstown Police Department) \$ 12,500.00

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 accept the Maryland Department of Transportation Highway Safety Office Grant in the amount of \$ 12,500.00

For the past several years, the Maryland Department of Transportation has awarded similar grants to HPD for various traffic safety initiatives. Earlier this year, MDOT's Highway Safety Office notified HPD that it was eligible for \$ 12,500.00 in grant funding for the grant year starting October 1, 2016. HPD applied for the funding which MDOT's Highway Safety Office has approved.

This funding allows officers to focus on enforcing violations of aggressive driving, distracted driving, impaired driving, and occupant restraint laws.

O. Approval of Contract for Reconstruction of Alleys – Concrete Central, LLC (Hagerstown, MD) \$ 348,735.00

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 a contract with Concrete Central, LLC of Hagerstown, Maryland in the amount of \$ 348,735.00 for the reconstruction of all, or portions of, nine public alleys.

Discussion: Councilmember Brubaker mentioned there are many alleys that could be addressed but this is a good start.

Councilmember Munson stated this is a result of the study completed last year.

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 8:20 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk
(From the video recording)

Approved: September 27, 2016