

17th REGULAR SESSION – May 23, 2017

Mayor R. E. Bruchey, II called this 17th Session of the Mayor and City Council to order at 7:04 p.m. Tuesday, May 23, 2017, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, P. D. Corderman, E. Keller, L. C. Metzner, and D. F. Munson, City Administrator Valerie Means, Jason Morton, City Attorney, and City Clerk D. K. Spickler.

The invocation was offered by Councilmember Donald F. Munson. The Pledge of Allegiance was then recited.

Mayor Bruchey announced the Rules of Procedure for this meeting will be followed as adopted December 20, 2016. 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, June 6, 2017, and Tuesday, June 13, 2017, and the Regular Session on Tuesday, June 20, 2017 at 7:00 p.m.

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 of all members present to appoint the following people to the Historic District Commission:

Monica Wertman, Term to Expire June 30, 2020
Christina Davis, Term to Expire July 23, 2020

GUESTS

“IF I Were Mayor” contest finalists Alexandra Garcia (Pangborn Elementary), Ella Hajel (Paramount Elementary), and Angelina Scott (Rockland Woods Elementary), were present to assist with the meeting.

CITIZEN COMMENTS

Marvin Lohr, 1135 Sunnyside Drive, Hagerstown, Maryland, has found the City’s Code Department to be responsive to his concerns about specific trash issues. This proves trash problems can be improved, block by block. He believes it should be required that all trash cans have an attached lid.

Mayor Bruchey mentioned the current trash collection contract will expire in December, 2017 and requests for bids will be published soon.

Mr. Lohr asked the Mayor and City Council to consider his idea of a sales tax exempt district downtown to encourage more business.

Mayor Bruchey stated a meeting could be scheduled with the Washington County Delegation to discuss this.

Kevin Spielman, Potomac Towers, Hagerstown, Maryland, is concerned about the amount of mud and muck in City Park lake. He doesn't think the dredging project was completed properly.

James Devine, P. O. Box 2217, Hagerstown, Maryland, stated many drivers have their radios turned up too loud. This is a public nuisance. He asked the City to re-establish existing speed cameras and add more. He mentioned several specific locations. He is concerned about the amount of back ups at areas where two lanes of traffic are required to merge into one lane. He would like to see development occur on the old hospital site.

Tim Thompson, West Lawn Lane, Hagerstown, Maryland, is extremely concerned about housing that is planned by the Hagerstown Housing Authority (HHA) in the Cedar Lawn area. This project is part of a rehabilitation project for Noland Village. The residents are concerned that this type of housing will change the neighborhood. The residents are also angry that the project has been planned for several years and they only found out about it 2 weeks ago. He wants to know why Cedar Lawn has to put up with this and why the residents weren't told about it.

David Knicely, Cedar Lawn neighborhood, Hagerstown, Maryland, stated he was told 11 years ago that the City owned a strip of land in this area that was to be used for an extension of Hopewell Road. Now, he was told there will be housing on the land. Even though he has heard the City of Hagerstown has no authority or input in this housing project, he doesn't believe it.

Councilmember Metzner clarified that the HHA informed the Mayor and Council at an open meeting some time ago of their plans. The zoning in the location permits this use and the City has no authority or decision options about the project at that time or now. The City has no say in the project. The meeting with the HHA was not to ask for support or permission, it was informational only. Public housing cannot be prohibited. The Mayor and City Council do not have the ability to stop the project nor did they do something secretly to hide it from the residents in Cedar Lawn.

Mr. Knicely stated it was implied during a recent meeting it is a City of Hagerstown project. Several Councilmembers indicated this is not accurate.

Councilmember Aleshire stated the HHA was considering developing property behind the current Noland Village development. That project was called McCleary-Hill. The project fell through because it didn't gain federal ranking for funding. Another property was identified for a similar development, which is the property at Cedar Lawn. A private developer purchased the property from a private entity. Noland Village will be

demolished and rebuilt, with 150 fewer units. Those units will be located at the Cedar Lawn property. He has questioned the volume of traffic traveling to the Center from this housing development. The Mayor and City Council had no opportunity to deny the project at the time it was presented to them or now. The project is part of a State and Federal grant process.

Mr. Knicely reiterated the Cedar Lawn residential community feels they have been uninformed.

Councilmember Aleshire stated the residents may want to consider sending letters to the State and Federal agencies funding the project.

Mr. Thompson questioned why the applicant approached the Mayor and City Council first if they have no authority over the project. He also questioned why traffic studies are being conducted.

Councilmember Metzner stated the HHA was not required to inform the City of Hagerstown of their plans. The traffic study is probably required for any development.

Mr. Thompson stated he heard the former Mayor submitted a letter of support for the project. Councilmember Aleshire stated he then sent a correspondence clarifying the first letter was not the position of the Council.

Mr. Thompson asked who they can contact about this.

Pauly Ward, Buckey Avenue, Hagerstown, Maryland, stated he realizes most of the properties in Cedar Lawn are outside the City limits. This project has taken them by surprise. He wondered who they could contact for a better understanding of the entire project and its impact on their neighborhood.

CITY ADMINISTRATOR COMMENTS

Valerie Means, City Administrator, had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember D. F. Munson attended a reunion last week of two Army Reserve units. The event was well attended. The Master of Ceremonies was Jerry Spessard, who publishes the Hagerstown Town and Country Almanac, which is in its 221st year of publication.

Councilmember L. C. Metzner attended the John Frey Preservation Award luncheon earlier today. This event is always positive. He congratulated Judge Kenneth Long on his retirement. He commended staff for their planning of the Circle of Achievement ceremony on May 20, 2017.

Councilmember E. Keller noted the meeting when the HHA discussed their plans with the Mayor and City Council was on January 23, 2016. The meeting can be viewed on the City's YouTube connection.

Councilmember P. D. Corderman thanked the police and fire department employees for their service to the City. There was a neighborhood gathering for Police Week recently at Engine 2. He thanked Kathleen Maher, Director of Planning and Code Administration, for meeting with Mr. Lohr. He urged the residents at Cedar Lawn to watch the Mayor and Council meeting from January 23, 2016. He stated he is vehemently opposed to this development.

Councilmember K. B. Aleshire stated it appears the south end of City Park lake is not 3 to 4 feet deep. He stated when the HHA discussed their plans for the development at Noland Village, he and former Councilmember Penny Nigh voiced their opposition and concern. He has expressed his opposition since that time as well. It appears the proposal has changed and includes an increased number of single residents.

Mayor R. E. Bruchey, II had no additional comments.

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 April 4, 2017, April 7, 2017, April 11, 2017, April 18, 2017, and April 25, 2017.

CONSENT AGENDA

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

- A. Department of Community and Economic Development:
 - 1. Application Permit – Hagerstown Hopes
 - 2. Water Meter Vault, Water and Sewer Service Lines at 51-53 W. Washington Street – Huntzberry Brothers, Inc. (Smithsburg, MD) \$ 69,000.00

- B. Human Resources:
 - 1. Specific Stop Loss Insurance – HCC (Wakefield, MA) \$ 212,894.00
 - 2. Administration of Medical Claims – United Health Care \$ 298,935.00
 - 3. Dental Insurance Administration – UCCI (Hunt Valley, MD) \$ 28,076.00
 - 4. Employee Assistance Plan – ComPsych \$ 10,200.00

- C. Planning and Code Administration:
 - 1. High Density Mobile File System – Mid-Atlantic Filing Distributors (Kensington, MD) 31,032.00

D. Police Department:

1. Purchase of Cameras for Downtown
 - a. Cameras – Skyline Technology Solutions (Glen Burnie, MD) \$ 20,417.58
 - b. Industrial Managed Gigabit Ethernet – HGCI Hartford, Inc. (Columbia, MD) \$ 15,030.00

E. Utilities:

1. Water and Wastewater: Mowing Contract for Various Properties – Payne Contracting (Hagerstown, MD) \$ 23,008.00
2. Water: Pump Assembly – Geiger Pump and Equipment (Baltimore, MD) \$ 35,560.00
3. Water: Magna Flocc Polymer George S. Coyne Chemical Co, Inc. (Croydon, PA) \$ 22,968.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: Rezoning – Olde Towne Development LLC, 613 West Washington Street (ZM-2017-01)

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember E. Keller, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance for zoning reclassification and zoning map amendment from Residential-Medium Density (RMED) to Commercial Local (CL) for property located at 613 West Washington Street. The draft Findings of Fact and Statement of Reasons for this rezoning are attached to the ordinance.

B. Approval of an Ordinance: Tax Rates Beginning July 1, 2017

Action: Councilmember L. C. Metzner made a motion to approve an ordinance to establish the City's tax rates for the fiscal year July 1, 2017 through June 30, 2018 on the basis of \$0.941 per \$100 of assessed value of all real property and \$2.353 per \$100 of assessed value of all business personal property within the City of Hagerstown. These rates reflect an increase of \$0.028 per \$100 for real property and \$0.070 per \$100 for business personal property over the current year. Councilmember E. Keller seconded the motion.

Motion carried 4-1 with Councilmember P. D. Corderman voting No.

C. Approval of an Ordinance: Budget FY 2017/18

Action: Councilmember K. B. Aleshire made a motion to approve an ordinance to adopt the City's budget for fiscal year July 1, 2017 through June 30, 2018 in the total amount of \$ 129,822,959. Councilmember D. F. Munson seconded the motion.

Motion carried 4-1 with Councilmember P. D. Corderman voting No.

NEW BUSINESS

A. Approval of Resolutions: Residential Lease Agreements: Property at 12727 Ritchie Road, Property at 23510 Warner Hollow Road, Property at 12140 Crystal Falls Road, Property at 280 Mill Street, Property at 570 Jefferson Street, Property at 728 Frederick Street, Property at 124 Charles Street, and Property at 120 Key Street

Action: On a motion duly made by Councilmember P. D. Corderman and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote to approve resolutions authorizing the execution of lease agreements between the City of Hagerstown and: Dwayne Miller, for the residence located at 12727 Ritchie Road, Smithsburg, Maryland; John and Michele Rinehart for the residence located at 23510 Warner Hollow Road, Smithsburg, Maryland; and Charles and Laurie Henson for the residence located at 12140 Crystal Falls Road, Smithsburg, Maryland.

On a motion duly made by Councilmember E. Keller and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to approve resolutions authorizing the execution of lease agreements between the City of Hagerstown and: Eric Hastings for the residence at 280 Mill Street; Gerald Bernhisel for the residence at 570 Jefferson Street; Lewie Thomas for the residence at 728 Frederick Street; Tina Shafer for the residence at 124 Charles Street; and Emily Conrad for the residence at 120 Key Street.

B. Approval of a Resolution: FY 2018 Community Legacy Application

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember E. Keller, the Mayor and City Council unanimously agreed by voice vote to approve a resolution indicating approval of the City's FY 2018 Community Legacy application to the Maryland Department of Housing and Community Development. The application requests funding for two capital projects: (1) \$ 300,000 to support expansion of the Maryland Theatre; and (2) \$ 300,000 to support expansion of the Board of Education.

C. Approval of a Resolution: FY 2018 Strategic Demolition Fund Application

Action: On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember E. Keller, the Mayor and City Council unanimously agreed by voice vote to approve a resolution indicating approval of the City's FY 2018 Strategic Demolition Fund application to the Maryland

Department of Housing and Community Development. The application requests funding for three capital projects: (1) \$ 500,000 for demolition to support the Maryland Theatre expansion; (2) \$ 500,000 for demolition to support the expansion of the Board of Education; and (3) \$ 500,000 for relocation of underground utilities to support the creation of a plaza that will link the Urban Improvement Project (UIP) projects.

D. Approval of a Grant Agreement with the Maryland Department of Transportation – Maryland Bikeways Grant

Action: On a motion duly made by Councilmember E. Keller and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed to authorize the City to enter into a Grant Agreement for a “Maryland Bikeways Grant” with the Maryland Department of Transportation. The grant is \$ 108,000 and has a \$ 2,000 match and will continue bicycling-related improvements in the City. The grant will be used for the items outlined in a memo included as part of the meeting packet material.

Discussion: Councilmember Metzner commended staff and the Bicycle Advisory Committee for their efforts in obtaining grants for the City.

E. Approval of a Contract for the 2017 Pavement Preservation Program – C. William Hetzer, Inc. (Hagerstown, MD) \$ 1,192,000

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 a contract with C. William Hetzer, Inc. of Hagerstown, Maryland in the amount of \$ 1,192,000 for the 2017 Pavement Preservation Program. Funding for the project is Highway User Revenue in the amount of \$ 1,066,000, and various other accounts.

Discussion: Councilmember Munson noted there are 43 total pavement preservation projects and 22 patch locations included in this contract. The City is grateful to the State of Maryland for the Highway User Revenue provided to assist in funding these repairs.

F. Approval of Contract for Installation of Pavement Markings – Alpha Space Control Company, Inc. (Chambersburg, PA) Not to Exceed \$ 115,000.00

Action: On a motion duly made by L. C. Metzner and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to approve of additional work to the open-end contract with Alpha Spec Control Co., Inc. of Chambersburg, PA in the Not-to-Exceed amount of \$ 115,000.000 for the installation of pavement markings. Marking of streets paved in the upcoming “Pavement

Preservation” project is \$ 90,000 while the balance of \$ 25,000 is for replacing existing faded pavement makings. Funding of the project is Highway User Revenue.

G. Approval of Amendment to the City’s Water and Wastewater Policy - GWUDI

Action: Councilmember P. D. Corderman made a motion to approve an amendment to the City of Hagerstown Water and Wastewater Policy. This amendment adds a ninth exception for connection of City water to a proposed new lot of record or existing lot of record for a new single-family home or two-family home when well testing failed to gain approval of the Health Department due to GWUDI issues. Under this exception, the Utilities Director may only approve up to three requests per year on a first come, first served basis under certain parameters. For requests outside the County designated Urban Growth Area, approval must be received first from the administrative authority of the County Water and Sewer Plan.

H. Approval of After School Program – Parkside Community Center

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember E. Keller, the Mayor and City Council unanimously agreed by voice vote to approve of funding of the after school program at Parkside Community Center. The HHA provides a variety of constructive after school programs to area youth. This program runs for the 2017-2018 school year at a cost of \$ 18,881.00.

I. Approval of After School Program – BTJ Dance Group

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote to approve funding of the BTJ Dance Group after school program that is held at the Suman Avenue Community Building. The HHA provides a variety of constructive after school programs to area youth. This program runs for the 2017-2018 school year at a cost of \$ 3,500.00.

**J. Approval of Switchgear Replacement – Ellsworth Electric (Hagerstown, MD)
\$ 367,200.00**

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 the award of the WWTP Switchgear Replacement Project in the amount of \$ 367,200.00 to Ellsworth Electric.

K. Approval of Design Services from Hazen and Sawyer for E-WIP Grant (Baltimore, MD) \$ 155,369.00

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 Hazen and Sawyer Engineering Proposal in the amount of \$ 155,369.00. This proposal will meet the engineering requirements for the MDE E-WIP Grant for the Water Pumping Improvements at Pump Station 4 and the Low Service Pumps at the R. C. Willson Plant.

L. Approval of Utility Bill Processing – Arista Information Systems (Duluth, GA) \$ 36,865.40

Action: On a motion duly made by Councilmember P. D. Corderman and seconded Councilmember E. Keller, the Mayor and City Council unanimously agreed by voice vote to approve the recommendation from the Utilities Department to enter into a contract with Arista Information Systems to provide utility billing services with an estimated annual expenditure of \$ 38,865.40 of Water, Wastewater, and Electric Division operating funds. Actual cost will be determined by the actual quantity of utility bills processed. This contract shall be in effect for three years, with two, one-year renewal options.

M. Approval to Add Benches and Updated Lighting on Public Square

Action: Councilmember K. B. Aleshire made a motion to approve the addition of four, six-foot benches to be located on two of the four quadrants on Public Square and that eight cobra head lights, two in each direction of the square, are updated from the current 250-watt high pressure sodium lights, to white LED lights. The project will be paid for from the Capital Improvement Fund line item for downtown beautification line item of the FY 17 Budget. Councilmember L. C. Metzner seconded the motion.

Discussion: It was noted that placement of the benches will be coordinated with the downtown restaurants.

Motion carried 4-1 with Councilmember D. F. Munson.

N. Approval of an Amendment to FY 17 CDBG Annual Action Plan – Allocation of Local Fund Repayment to CDBG Program

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 an amendment to the FY17 Community Development Block Grant Annual Action Plan in order to

allocate the previously approved \$ 46,250 repayment of local funds to the CDBG program. \$ 35,000 from the repayment will be utilized for Hagerstown Police Cameras and \$ 11,250 from the repayment will be utilized for Single Family Homeowner Rehabilitation Loans. Details of the amendment are included with the packet material.

O. Approval of Maryland Theatre Grant Application to Rural Maryland Prosperity Investment Fund (RMPIF) Program

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember E. Keller, the Mayor and City Council unanimously agreed by voice vote to approve the Maryland Theatre identifying the City of Hagerstown as the local government pass-through entity for their intended grant application to the Rural Maryland Prosperity Investment Fund program of the Rural Maryland Council (Maryland Department of Agriculture).

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 8:31 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: June 20, 2017