

18th REGULAR SESSION, EXECUTIVE SESSION, AND WORK SESSION – June 20, 2017

EXECUTIVE SESSION – June 20, 2017

Councilmember D. F. Munson made a motion to meet in closed session to consult with counsel to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; #1, (Section 3-305(b)), at 5:45 p.m. on Tuesday, June 20, 2017, in the Council Chamber at City Hall. Councilmember E. Keller seconded the motion.

Motion carried 4-1 with Councilmember K. B. Aleshire voting No.

The following people were in attendance: Mayor R. E. Bruchey, II, Councilmember K. B. Aleshire, Councilmember P. D. Corderman, Councilmember E. Keller, Councilmember L. C. Metzner, Councilmember D. F. Munson, City Administrator Valerie Means, and D. K. Spickler, City Clerk.

The meeting was held to discuss various personnel issues. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the Executive Session was adjourned at 5:54 p.m.

WORK SESSION – June 20, 2017

Mayor R. E. Bruchey, II called this Work Session of the Mayor and City Council to order at 6:00 p.m. on Tuesday, June 20, 2017, in the Council Chamber at City Hall. Present with the Mayor were Councilmember K. B. Aleshire, P. D. Corderman, E. Keller, L. C. Metzner, and D. F. Munson, City Administrator Valerie Means, and City Clerk D. K. Spickler.

Maryland Department of Housing and Community Development – Operating Assistance Grant

Delegate Brett Wilson was present to provide additional information regarding an Operating Assistance Grant through the Maryland Department of Housing and Community Development, Division of Neighborhood Revitalization. Delegate Wilson reported the Scope of Work associated with this grant has not been completed at this time by Secretary Holt. Secretary Holt has initiated this grant to help the City of Hagerstown with the Urban Improvement Project and other projects. Secretary Holt is attempting to have a local person in place to help the City to coordinate local projects with the State of Maryland.

Because Hagerstown is a Main Street community, the DHCD is interested in assisting in creating a stronger economic base.

Mayor Bruchey mentioned it would have been helpful to have a direct contact person with the State of Maryland for securing funding for renovations at the Hamilton Hotel.

Delegate Wilson stated Secretary Holt is hoping that having a consultant directly in contact with the City will help projects move along steadily. The consultant being considered for the grant position is Greg Murray (former County Administrator).

Councilmember Metzner stated without Mr. Murray's contributions to the Urban Improvement Project it would not have gotten off the ground.

Councilmember Corderman agreed.

Councilmember Aleshire stated he worked with Mr. Murray during his term as County Commissioner. He finds Mr. Murray to possess a high level of integrity and professionalism. He thanked Secretary Holt for the State's interest in projects in Hagerstown. He wondered if this grant requires a local pass through or if the State could fund the position directly.

Delegate Wilson stated the grant consultant would be a link with the local community and the fact that Hagerstown is a Main Street community would be highlighted. DHCD representatives would have to answer why the pass through is required.

Councilmember Aleshire wondered how the communication would occur between the City and the State with the consultant and if the consultant would report directly to the State or to the City.

Delegate Wilson indicated the position would be similar to an ombudsman. The consultant would be responsible to discuss issues that arise with the State.

Councilmember Aleshire inquired if the scope will be limited to downtown projects. Delegate Wilson indicated the scope is being prepared at this time. Communication from the consultant would be directly with the City, not to the State.

Mr. Murray stated the consultant position will be a tool to address technical assistance. It exists specifically for this purpose. Secretary Holt liked the projects in Hagerstown, for example the Hamilton Hotel, 43/53 W. Washington Street, and upper floor housing, and wants to ensure the projects and others like them continue. This is Secretary Holt's mechanism to have someone on the local front to monitor the projects and assist when necessary.

Mayor Bruchey stated the grant will be submitted. If it is awarded, it can be voted on.

Ms. Means stated the process is outside the parameters of the City's grant policy.

Mr. Murray indicated the copy of the grant that was distributed is a draft, and is not complete. This grant is not in the normal State cycle for grants.

AFSCME 1540 Labor Contract

Scott Nicewarner, Director of Technology and Support Services, and Carroll Braun, Labor Representative for AFSCME Local 1540, were present to discuss the AFSCME 1540 contract.

Mr. Nicewarner stated Mr. Braun, representing AFSCME 1540, had asked to meet with the Mayor and City Council.

Mr. Braun stated the membership is concerned about a recent letter indicating the City was considering terminating the labor contract. He stated they realize the Mayor and City Council are concerned about the parity clause. The negotiating team worked through the language and believed a compromise had been reached that would be accepted by both parties. He urged the Council to reconsider the tentative agreement, with the reduced language regarding the parity clause. He thinks the offer is a fair one.

Mr. Nicewarner stated the proposal originally provided did not include the parity clause and the negotiating team wouldn't be able to remove it without significant cost. With the original parity clause in 1540's contract, negotiating with other labor unions had been difficult. The revised language limits the items the parity clause can be used for. Negotiations can't move forward with the remaining two open contracts until this issue is resolved. He indicated 1540 representatives conceded considerably on limiting the parity clause. He believes the current draft is a reasonable contract. There is a reopener in year 4 and 5 for wages. In the proposed contract, only an across the board wage increase would be subject to the parity clause.

Councilmember Aleshire stated removal of the parity clause was discussed from the beginning of the negotiation process.

It was the general consensus of the Mayor and City Council to include approval of a labor contract with AFSCME 1540 on the June 20, 2017 Regular Session agenda.

There being no further business for the Work Session, on a motion duly made, seconded, and passed, the meeting was adjourned at 6:55 p.m.

18th REGULAR SESSION – June 20, 2017

Mayor R. E. Bruchey, II called this 18th Session of the Mayor and City Council to order at 7:00 p.m. Tuesday, June 20, 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, City Attorney Jennifer Keefer, and City Clerk D. K. Spickler.

The invocation was offered by Mayor Robert E. Bruchey, II. 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, July 11, 2017, and Tuesday, July 18, 2017, and the Regular Session on Tuesday, July 25, 2017 at 7:00 p.m. There is no meeting on Tuesday, July 4, 2017.

GUESTS

Hagerstown Gridiron Classic MVP Presentation

The Hagerstown Gridiron Challenge MVP Presentation was made. The game was held on November 4, 2016. This was the 60th year of the City rivalry. South Hagerstown won this year's game. Michael Stevens was named MVP from North Hagerstown High School. Michael McCook was named MVP from South Hagerstown High School. Mayor Bruchey presented the trophy to South High.

CITIZEN COMMENTS

There were no citizen comments.

CITY ADMINISTRATOR COMMENTS

Valerie Means, City Administrator, had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember K. B. Aleshire thanked everyone who has helped with the Cultural Trail. He hopes the grant from DHCD provides increased interest in Hagerstown.

Councilmember P. D. Corderman wished Alex Rohrbaugh, Planner, well in his new position with another jurisdiction.

Councilmember E. Keller thanked everyone who attended the Cultural Trail grand opening. Paddle boating on City Park Lake should be available all the time.

Councilmember L. C. Metzner agreed the Cultural Trail opening was a great event.

Councilmember D. F. Munson stated the Cultural Trail is impressive. The Hagerstown Municipal Band concert on Sunday, June 18, 2017 was outstanding.

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 May 2, 2017, May 9, 2017, May 16, 2017, and May 23, 2017.

CONSENT AGENDA

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

A. Finance:

1. Auditing Services – S B & Company, LLC (Hunt Valley, MD)
\$ 39,000.00

B. Information Technology and Support Services:

1. SAVIN Multifunctional-Copier Lease Renewal – Word Processing Services (Hagerstown, MD) \$ 294,600.00

C. Parks and Engineering:

1. Guardrail Repair and Installation – L. S. Lee, Inc. (York, PA)
\$ 43,370.00

D. Police Department:

1. Uniform Items – Northeastern Uniform and Equipment (Pittsburgh, PA)
\$ 31,514.81
2. Robert W. Johnson Center – After School Program 2016-17 –
\$ 17,940.00
3. Justice Administration Grant Reimbursement to Washington County –
\$ 12,167.00

E. Utilities:

1. Water: Meters – L/B Water Service, Inc. (Chambersburg, PA)
\$ 31,514.82
2. Water: Goulds Pump Bowl – Geiger Pump and Equipment (Baltimore, MD) \$ 16,970.00
3. Water: Change Order to Edgemont Reservoir Engineering Contract – Potomac Appropriation Evaluation/Permit – Hazen and Sawyer (Baltimore, MD) \$ 88,898.00
4. Wastewater: Atlas Copco Maintenance Agreement (South Carolina)
\$ 118,639.00

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Mayor Bruchey announced that approval of the AFSCME 1540 Labor Contract will be added to New Business as Item M.

A. Introduction of an Ordinance: To Amend the City Code by Adding Chapter 37: Police and Fire Department Binding Interest Arbitration

This item was removed from the agenda prior to the meeting.

B. Introduction of an Ordinance: Land Management Code Amendments – Floodplain Ordinance Update

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 introduce an ordinance to amend Chapter 140 (Land Management Code) of the City Code. These amendments repeal Articles 3 and 6 of the existing Chapter 140, and replace them in total with new Articles 3 and 6 which are appended to the ordinance that is attached to the motion. The newly updated Land Management Code that includes these new Articles 3 and 6 shall be identified as the Land Management Code, Version 3.1.

C. Approval of a Resolution: Publications Subscription and Access Agreement with the Commission on Accreditation for Law Enforcement Agencies, Inc.

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 authorizing the City to enter into a publications subscription and access agreement with the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA). These agreements are necessary to allow the Hagerstown Police Department to utilize CALEA's mandatory accreditation management software.

D. Approval of a Resolution: Community Development Block Grant (CDBG) FY18 Annual Action Plan

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 a resolution approving the FY 2018 Annual Action Plan 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 \$ 667,757 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 2018.

Discussion: Jonathan Kerns, Community Development Manager, reported the motion reflects the amounts in the final grant allocation notice received last week.

E. Approval of a Resolution: Lease Agreement with State of Maryland, Department of Labor, Licensing and Regulation (DLLR) for a Portion of the Property Known as 2-6 North Potomac Street (Hager Center)

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 execution of a Commercial Lease Agreement with State of Maryland, Department of Labor, Licensing and Regulation (DLLR) for a portion of the property known as 2-6 North Potomac Street, Hagerstown, Maryland. The lease will be between the City of Hagerstown and DLLR and shall be in effect from August 1, 2017 to July 31, 2022.

F. Approval of Hager 5, LLC Development Plan for Sale of Property Located at 43-53 West Washington Street

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 Hager 5, LLC Development Plan for the redevelopment of 43-53 West Washington Street. Approval of the Development Plan is required by the Purchase Agreement for sale of the City-owned property located at 43-53 West Washington Street to Hager 5, LLC for the sum of \$ 150,000.

Discussion: Councilmember Aleshire stated there are two good reasons selling this property to Hager 5, LLC. One is that it will be back on the tax roll and there will be a good use, with significant investment, for downtown. The property will also be an enhancement to the Cultural Trail.

G. Approval of an Exemption from City Code Chapter 155, Noise – City Chapel

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 exemption from the City Code, Chapter 155, Noise. This exemption is being granted in accordance with Section 155-5, M. to the City Chapel and Pastor Zachary Camp for events to be held each Saturday from July 1, 2017 through November 11, 2017 at 227 E. Washington Street (corner of E. Washington Street and Cannon Avenue).

H. Approval of R. C. Willson Traveling Screen Replacement – Carl Belt, Inc. (Cumberland, MD) \$ 1,294,000

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 the contract with Carl Belt,

Inc. for the purchase and installation of the Traveling Screens and other improvements described in the Advertisement for Bids in the amount of \$ 1,294,000. Funding for this project is a combination of MDE Grant, MDE Loan and Water Fund CIP Funds.

I. Approval of Utility Right of Way Clearing and Tree Trimming Contract for Fiscal Year 18 with All Reliable Services, Inc. (St. Augustine, FL) \$ 188,000.00

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 the extension of the Blanket Tree Trimming Contract with All Reliable Services, Inc. for right-of-way clearing and arborist services in an estimated annual amount of \$ 125,000 of the Electric Division funds, \$ 38,000 of Parks Department funds, and \$ 25,000 of Public Works funds for FY18. This contract amount could be higher or lower based on actual quantity of work performed at the unit cost. The contract was competitively bid in FY16 and mutually agreed for extension in FY17.

J. Approval of Workers' Compensation Liability Insurance and Fees for Fiscal 2018

Action: 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 the following purchases as required by the Maryland Workers' Compensation Commission to administer the City's Self-Insured Workers Compensation program. The three purchases include the following:

1. Excess Workers' Compensation Liability Insurance - \$ 156,655
2. Workers' Compensation Self-Insurance TPA Services - \$ 32,040
3. Workers' Compensation Continuous Security Bond - \$ 38,100

K. Approval of Memorandum of Understanding – Washington County Mental Health Authority for Hagerstown Police Department for Crisis Intervention Training

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 Memorandum of Understanding (MOU) with the Washington County Mental Health Authority for the purpose of reimbursing a law enforcement agency for overtime costs to allow officers to attend approved Crisis Intervention Training.

L. Approval of Non-Union Salary Adjustment for July 1, 2017

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 of all members present to approve of a one step adjustment from the step currently maintained as of June 30, 2017 for all regular full time, non-union employees who are eligible for a step increase. Eligible criteria will include the following:

1. Full-time status met and maintained from January 3, 2017 through July 3, 2017
2. Must be full-time on any non-union Munis pay scale

This base wage salary step adjustment has a total cost of approximately \$ 254K which includes base pay and employer payroll related costs across all funds, and is fully funded in the proposed FY18 budget.

M. AFSCME 1540 Labor Contract Approval

Action: Councilmember L. C. Metzner made a motion to approve of a collective bargaining agreement with amended parity clause between the City of Hagerstown and the American Federation of State, County and Municipal Employees Local No. 1540. This agreement shall run for a period of five years, commencing on July 1, 2017 through June 20, 2022. Councilmember E. Keller seconded the motion.

Discussion: Councilmember Aleshire clarified this motion references the amended language as noted in a May 30, 2017 memo to the Mayor and City Council, in that approval of the contract shall not prevent the City from providing step increases to other union employees. Councilmember Metzner stated the motion also accepts the verbal statement made earlier today at the Work Session.

Motion carried, 3-2 with Councilmember K. B. Aleshire and Councilmember P. D. Corderman voting No.

There being no further business to come before the Mayor and City Council, on a motion duly made, seconded and passed, the meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: July 25, 2017