

24th REGULAR SESSION – September 26, 2017

Mayor R. E. Bruchey, II called this 24th Session of the Mayor and City Council to order at 7:00 p.m. Tuesday, September 26, 2017, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, P. D. Corderman, E. Keller, and L. C. Metzner, City Administrator Valerie Means, City Attorney Jason Morton, and City Clerk D. K. Spickler. Councilmember D. F. Munson was not present.

The invocation was offered by Councilmember Emily Keller. 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, October 3, 2017, Tuesday, October 10, 2017, and Tuesday, October 17, 2017, and the Regular Session on Tuesday, October 24, 2017 at 7:00 p.m. There is no meeting scheduled for Tuesday, October 31, 2017.

GUESTS

Mayor Bruchey welcomed Cub Scouts Bryce Reynolds and Porter Boss, who are members of Pack 65. They are working on their Citizenship Badge. Leaders Craig Boss and Jonathan Harris were also present.

Certificate of Special Recognition

Mayor Bruchey presented a Certificate of Special Recognition to Aaron Brooks. Mr. Brooks recently claimed the 76-kilogram world wrestling championship title at the Cadet World Championship for ages 16 and 17 held on September 4-10, 2017 in Athens, Greece.

Naiki Fierson, representing Senator Chris Van Hollen, presented a Certificate of Recognition to Mr. Brooks from the Senator.

CITIZEN COMMENTS

Charles Burkett, 23 N. Locust Street, Hagerstown, Maryland, owns Burkett's Deli (same address). He expressed his concern about the license fees for rental licensing. He stated it is difficult to get decent tenants. Notices of violations of the nuisance regulations should be sent to the tenants, not the landlords. He thinks the Mayor and Council and City staff are moving in the right direction but he feels businesses and landlords are being treated unfairly. People who are loitering and causing problems should be made to move. If they are constantly being told to move, they will not keep

loitering. Telling citizens, landlords, and business owners the problem can't be solved is not an answer.

James Devine, P. O. Box 2217, Hagerstown, Maryland, thinks there should be speed cameras on Downsville Pike at South Hagerstown High School. Loud motorcycles are also a problem. He thinks there should be a citizen committee people can go to in order to make a complaint about the Hagerstown Police Department. He expressed his concern and displeasure with President Trump and North Korea leaders. He is concerned elected officials are putting money ahead of human health.

Jason Physioc, 52 Randolph Street, Hagerstown, Maryland thanked the City for cleaning up the bike lanes. He suggested using the former hospital site as a dodge ball mall, combining activities and businesses.

Brett Bratiani, 122 N. Locust Street, Hagerstown, Maryland, expressed his concern about the gang and drug activity in his neighborhood. Police officers are in that area several times per day.

Mayor Bruchey asked Chief Victor Brito and Sergeant Tom Langston to discuss this concern with Mr. Bratiani.

CITY ADMINISTRATOR COMMENTS

Valerie Means, City Administrator, had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember L. C. Metzner expressed sympathy to Harry Myers' family. Mr. Myers, who passed away recently, was a retired Hagerstown police officer.

Councilmember Keller thanked people for speaking during Citizen Comments. Hagerstown has a drug problem that causes crime problems, homelessness and mental issues. The community has to come together to fight these problems. In the last three days, negative articles in the newspaper have been shared more than 460 times while positive articles were shared only 8 times. She challenged the community to accentuate the positive things in Hagerstown and support downtown and participate in events.

Councilmember P. D. Corderman appreciates people speaking during Citizen Comments. He thanked Mr. Burkett for his investment in the community. He hopes a plan can be developed to attack the issues mentioned. He noted he does not support speed cameras.

Councilmember K. B. Aleshire thanked Mr. Burkett for taking the time to talk with him about his concerns. He is concerned that service agencies and property management companies are housing individuals with issues in downtown properties. A balance of services has to be determined. The City is fighting odds it has no control over. The entities that aid in the degradation and decline of the City's core have to be held accountable.

Councilmember Aleshire left the meeting.

Mayor R. E. Bruchey, II reminded everyone that the Thunder in the Square Wind Down will be held on September 30, 2017.

MINUTES

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 of all members present to approve the minutes, as presented, for the Mayor and Council meetings held on August 8, 2017, August 15, 2017, August 22, 2017, and August 29, 2017.

CONSENT AGENDA

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

A. Fire Department:

1. Rescue Lifting Equipment for Aerial Ladder Truck – Fire & Rescue Products (Harrisburg, PA) \$ 23,737.00
2. Hydraulic Equipment for Aerial Ladder Truck – Municipal Emergency Services, Inc. (Lanham, MD) \$ 49,900.00

B. Police Department

1. Monthly Delinquent Citation Collections – July, 2017 to June, 2018 – Brekford (Hanover, MD) \$ 60,000.00
2. Five 2018 Ford Interceptor SUVs – Keystone Ford (Chambersburg, PA) \$ 216,290.10

C. Utilities:

1. Water – Monitor and Lids – HD Supply Waterworks (Martinsburg, WV) \$ 19,388.40
2. Water - Smithsburg Tank Rehab – Mid-Atlantic Storage Systems, Inc. (Washington Ct. Hs, OH) \$ 38,279.00
3. Wastewater - John Deere Ztrak Mower – Smith’s Implements, Inc. (Hagerstown, MD) \$ 8,511.58
4. Wastewater - UV Motor Actuator – Tri-State Technical Sales Corporation (Malvern, PA) \$ 21,146.25

UNFINISHED BUSINESS

A. Approval of an Ordinance: Land Management Code Amendments – Automobile Repair in I-MU Zoning District

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 of all members present to approve an ordinance to

amend Chapter 140 (Land Management Code) of the City Code. This amendment shall revise Article 4 (Zoning), Section Z (Land Use Chart) to permit automobile repair uses in the I-MU (Industrial – Mixed Use) District, under certain stated performance standards. Upon the effective date of this Ordinance, the newly updated Land Management Code that includes this amendment (and a parallel amendment to Article 5 proceeding at the same time as this amendment if that amendment is adopted) shall be identified as the Land Management Code, Version 3.2).

B. Approval of an Ordinance: Land Management Code Amendments – Abandonment of Simplified Plats Under Certain Circumstances

Action: On a motion duly made by Councilmember P. D. Corderman and seconded by Councilmember E. Keller, the Mayor and City Council unanimously agreed by voice vote of all members present to approve an ordinance to amend Chapter 140 (Land Management Code) of the City Code. This amendment shall revise Article 5 (Subdivision and Land Development Ordinance), Section A (General Provisions), Subsection 3 (Application and Interpretation), Item d (Adjustment to Recorded Plats). This amendment shall create a process by which a simplified plat created to place nonconforming and/or non-complying townhouse units on individual lots may be abandoned.

Upon the effective date of this Ordinance, the newly updated Land Management Code that includes this amendment (and, if it is adopted, a parallel amendment to Article 4 proceeding at the same time as this amendment) shall be identified as the Land Management Code, Version 3.2).

C. Approval of an Ordinance: Quit Claim an Alleyway Adjacent to 115 N. Prospect Street (Hagerstown Rescue Mission)

Action: On a motion duly made by Councilmember E. Keller and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote of all members present to approve an ordinance making a determination that certain property (an alleyway between #115 and #125 North Prospect Street at the Hagerstown Rescue Mission) is no longer needed by the City of Hagerstown for a public purpose, and authorizing the execution of a quit claim deed for the same.

NEW BUSINESS

A. Approval of a Resolution: Police Academy Assistance Agreement with the City of Frederick

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 of all members present to approve a resolution

authorizing the City to enter into an agreement with the City of Frederick outlining the assistance to be provided by the Hagerstown Police Department to the Frederick Police Academy from October 2, 2017 until approximately June 8, 2018.

B. Approval of a Resolution: Police Candidate Agreement with the City of Frederick

Action: On a motion duly made by Councilmember P. D. Corderman and seconded by Councilmember E. Keller, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a resolution authorizing the City to enter into an agreement with the City of Frederick to permit candidates for the Hagerstown Police Department to attend the Frederick Police Academy.

C. Approval of a Memorandum of Agreements with State Agencies for the Maryland Theatre Project and the Washington County BOE/BISFA Project Portions of the Urban Improvement Project

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 of all members present to approve entry into Memorandum of Agreements (MOAs) with the Maryland Historical Trust and the Maryland Department of Housing and Community Development. The MOAs are required for anticipated State grant funding to be utilized for the Maryland Theatre and Washington County BOE portions of the Urban Improvement Project. Each Draft MOA document was presented for review and delivery of final versions from the State of Maryland is pending.

D. Approval of DCED Down Payment Assistance Programs – Allocation of Economic Redevelopment Funding for State Grant Funding Match

Action: On a motion duly made by Councilmember E. Keller and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote of all members present to approve allocation of \$ 50,000 from the Economic Redevelopment Fund for the City's down payment assistance programs. This funding will serve as a required match to the \$ 50,000 Maryland Community Legacy Grant awarded for the City Center Down Payment Program and the City-Wide Down Payment Program. Economic Redevelopment funding is available in the FY18 Budget and sources from the sale of 278 S. Prospect Street.

E. Approval of Noise Ordinance Exemption- HighRock Krumpe's Donut Drop – December 31 2017

Action: On a motion duly made by Councilmember P. D. Corderman and seconded by Councilmember L. C. Metzner, the Mayor and City Council

unanimously agreed by voice vote of all members present to approve an exemption from the City of Hagerstown's Noise Ordinance under Section 155-5 of the Code of the City of Hagerstown for the HighRock Krumpe's Donut Drop on December 31, 2017.

F. Approval of Federal JAG Application (2017-H3350-MD-DJ)

Action: On a motion duly made by Councilmember P. D. Corderman and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote of all members present to approve of a Federal JAG Application. The Hagerstown Police Department received a Federal JAG grant (2017H3350-MD-DJ) in the total amount of \$ 33,661.00. The City of Hagerstown will receive \$ 21,098.00 and the remaining \$ 12,563.00 will be available to the Washington County Sheriff's Office.

G. Approval of a Contract: EWI Project –EMH Environmental (Glenwood, MD) \$ 1,558,540.00

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 of all members present to approve the contract with EMH Environmental, Inc. for the replacement of the low service pumps at the RC Willson Plant and the finished water pumps at Pump Station No. 4 and other improvements described in the Advertisement for Bids in the amount of \$ 1,558,540.00. Funding for this project is a combination of MDE Grant and Water Fund CIP Funds.

H. Approval of a Contract: Tank Mixing Project – Carl Belt, Inc. (Cumberland, MD) \$ 409,000.00

Action: On a motion duly made by Councilmember E. Keller and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote of all members present to approve the contract with Carl Belt, Inc. for the purchase and installation of four tank mixing systems at the West End, Orchard Hills, Mack, and Smithsburg Tanks and other improvements described in the Advertisement for Bids in the amount of \$ 409,000. Funding for this project is a combination of MDE Grant, MDE Loan, and Water CIP Funds.

I. Approval of the Contract for Trash and Recycling Collection Services – Waste Management of Pennsylvania

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 of all members present to approve of Contract No. 17-RR-12 with Waste Management of Pennsylvania for curbside collection of residential trash, recyclables, and yard waste. This three year

contract will commence January 1, 2018 and includes an option for future Mayor and Council consideration of a three year extension. Based on the included chart, the annual fee is \$ 1,885,080 for residential collection and \$ 431,892 for trash disposal and \$ 69,300 for yard waste processing. This contract continues the City's recycling program by providing:

1. once a week single stream recycling collection
2. once a week trash collection (twice per week in the City Center, Zone F), and
3. once a week yard waste collection

The RecycleBank incentive program will be discontinued.

In addition to the above residential services, I further move to approve as part of Contract No. 17-RR-12, the collection of commercial single-stream recycling and trash from small solid waste generators, primarily in the City Center. The annual fee is \$ 10,522.80.

I further move to approve "ADD Alternative #3" Annual Electronics Recycling event, in the amount of \$ 16,696.00 and the first event will be held Saturday, November 18, 2017 at Municipal Stadium.

Effective January 1, 2018, residential rates will increase \$8 per quarter to \$ 47.00 per quarter to cover the costs of the contract and the electronics event.

Discussion: Councilmember Corderman wants to continue looking into the possibility of alley pick up in Zone F. Ms. Means mentioned the discussion will continue and a tour of the area will be planned. Mr. Tissue stated the motion approving the contract does not prevent adding alley pickup at a future date. Waste Management would need two months lead time to implement a program.

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 8:03 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: October 24, 2017