

EXECUTIVE SESSION – January 23, 2018

Councilmember L. C. Metzner made a motion to meet in closed session 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)), and to consult with counsel to obtain legal advice; #7, (Section 3-305(b)), on Tuesday, January 23, 2018 at 3:01 p.m. p.m. in Room 407, 4<sup>th</sup> floor, City Hall, Hagerstown, Maryland. Councilmember S. McIntire seconded the motion.

Motion carried 2-1 with Councilmember K. B. Aleshire voting No.

The following people were in attendance: Mayor R. E. Bruchey, II, Councilmember K. B. Aleshire, Councilmember S. McIntire, Councilmember L. C. Metzner, City Administrator Valerie Means, Jennifer Keefer, City Attorney, Kathleen Maher, Director of Planning and Code Administration, Fire Chief Steven Lohr, Captain Tom Langston, Doug DeHaven, Fire Marshall, Paul Fulk, Neighborhood Services Manager, and D. K. Spickler, City Clerk. Councilmember E. Keller was not present.

The meeting was held to review the applications submitted for the vacant Council seat and to consult with the City Attorney. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 3:45 p.m.

WORK SESSION – January 23, 2018

Mayor R. E. Bruchey, II called this Work Session and Executive Session of the Mayor and City Council to order at 4:01 p.m., Tuesday, January 23, 2018 in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, S. McIntire, and L. C. Metzner, City Administrator Valerie Means, and City Clerk D. K. Spickler. Councilmember E. Keller was not present.

Request to Use Retail Space at 60 W. Washington Street

Amanda Whitmore, Downtown Coordinator, and Michael Chilcutt, Smithsburg High School Principal, were present to provide information about a request to use the retail space at 60 W. Washington Street.

Mr. Chilcutt has requested permission to use the front, retail space at 60 W. Washington Street on a temporary basis for display of his dissertation, an art-informed self-study of his leadership practice. A License Agreement for Temporary Use of the space was provided for review.

Mr. Chilcutt is pursuing his degree through USMH-Frostburg. The time of the display would be March through April, 2018. Rent would be \$ 50.00 per month to cover utilities. The space would be vacated within 15 days' notice if the City secured a paying tenant

overlapping the stated time. The space would be open to the public on selected dates and times for viewing of the work. The tenant is responsible for cleaning and maintaining the display space and restroom.

It was the general consensus to include approval of a lease agreement for the space on the January 30, 2018 Regular Session agenda.

Preliminary Agenda Review

**Consent Agenda**

- A. IT and Support Services:
  - 1. MUNIS Transparency Module Renewal – Tyler Technologies, Inc. (Dallas, TX) \$ 11,300.00
  
- B. Parks and Engineering:
  - 1. Prospect Avenue Crosswalk – Concrete Central, LLC (Hagerstown, MD) \$ 79,400.00
  - 2. New Handicap Ramps – SCC Corporation (Silver Spring, MD) Not to Exceed \$ 103,000.00
  - 3. 2018 Ford Escape to Replace Unit 702 – Hertrich Fleet Services, Inc. (Denton, MD) \$ 21,287.00
  - 4. Change Order to Pavement Marking Contract for Additional Work – Alpha Space Control Company, Inc. (Chambersburg, PA) \$ 23,000.00
  
- C. Police Department:
  - 1. Expansion of iRecord System – McEnroe Voice and Data (Hunt Valley, MD) \$ 10,9610.00
  
- D. Public Works:
  - 1. Renovation of Maryland Department of Labor, Licensing, and Regulation (DLLR) tenant space at 14 N. Potomac Street – Carpet Consultants, Inc. (Baltimore, MD) \$ 59,002.50  
Actual approved amount, including contingency, is up to \$ 70,000.00
  
- E. Utilities:
  - 1. Electric: Replace Digger Derrick Truck #120 – Altec Industries, Inc. (Plains, PA) \$ 207,500.00
  - 2. Electric: Clean-up and Disposal of PCB Oil Spill – Clean Harbors Environmental Services (Laurel, MD) \$ 25,274.17
  - 3. Wastewater: Installation of Roofing System at Digester Building at Wastewater Treatment Plant – Hite Associates, Inc. (Cumberland, MD) \$ 52,000.00
  - 4. Wastewater – Ford F-250 – Vehicle #500 – Keystone Ford (Chambersburg, PA) \$ 37,979.00

**Approval of a Resolution: Easement Agreement with Review and Herald Publishing and Atlantic Home Construction, Oak Ridge Drive**

This new Easement Agreement allows Atlantic Home Construction to use a portion of the easement granted to the City of Hagerstown by the Record and Herald Publishing Association in 1984. The agreement is valid as long as the easement does not interfere with the City's use. The Record and Herald has provided their consent and the City's Water and Sewer Department has reviewed and approved the easement as well.

**Approval of a Resolution: Lease Agreement with Maryland Occupational Safety and Health (MOSH) at 14 N. Potomac Street**

This agreement is for the property at 14 N. Potomac Street, Suite B-3 and the Storage Area. The rental is for January 1, 2018 through July 31, 2018. The lease provides the option to extend for an additional 6 months. The monthly rent is \$ 2,524.48.

**Approval of a Resolution: Revised Contract with MHA Audio for the 2018 and 2019 Western Maryland Blues Fest Audio and Staging Services**

At the January 17, 2017 Special Session, the Mayor and Council approved a 3-year contract with MHA Audio for the 2017, 2018, and 2019 events at a cost of \$ 50,135.00 per year. MHA has provided revised pricing based on the modified event at a cost of \$ 24,160.00 per year for the remainder of the contract and for the 2018 and 2019 events.

This represents a cost savings of \$ 25,975.00 per year. The price proposal is within budget of the 2018 Modified Blues Fest budget reviewed by the Mayor and City Council at the October 10, 2017 meeting.

The contract for 2018 and 2019 includes the following statement which provides additional flexibility for the planning of the 2019 event: "With respect to the 2019 Western Maryland Blues Festival, if there is a change in scope or dates of the event, the City will request a revised price proposal consistent with the change. In addition, the City will have no financial obligation to MHA Audio, Inc. if the 2019 Festival is canceled, and the City provides a minimum of six (6) months' written notice to MHA Audio."

Mayor Bruchey noted an update of the plans for the 2018 Western Maryland Blues Fest will be provided soon.

**Approval of a Resolution: Community Development Block Grant (CDBG) Homeownership Guidelines Updates**

The proposed updates will align with Federal CDBG regulations and provide additional flexibility when selling CDBG Homeownership properties.

**Approval of a Deed to Convey Land to Salem Point Investments, LLC**

Approval of this deed is the culmination of a land transfer that was authorized by Ordinance No. O-15-18, approved by the Mayor and City Council in 2015.

**Approval of Hagerstown Suns Fireworks Schedule for 2018**

The Hagerstown Suns baseball team is requesting approval of five fireworks shows after games during the 2018 season.

**Approval of a Memorandum of Understanding (MOU) with the Maryland Department of Natural Resources for Prevention of Emerald Ash Borer Damage**

The City is eligible to receive a grant in the amount of \$ 3,500.00 from the Maryland Department of Natural Resources for continuing insecticide injection of ash trees in City Park to prevent emerald ash borer damage to the trees.

**Approval of Mutual Aid Agreement with the City of Frederick**

The Hagerstown Police Department is seeking approval to enter into a Mutual Aid Agreement with the City of Frederick and The Washington County Sheriff's Office to provide, in case of emergencies, assistance consistent with resources, specialized units, equipment and/or law enforcement personnel.

The only potential cost to the City of Hagerstown would be personnel costs during the deployment incident.

Chief Brito stated a similar agreement is in place with Cumberland, Maryland. He will pursue this type of agreement with Frederick County, Maryland as well.

There were no other questions about items on the Consent Agenda or other Preliminary Agenda items. This completed the review. All items are scheduled for approval on January 30, 2018, unless otherwise noted.

**Memorial Park Circle of Achievement Recommendations – Class of 2018**

Stephen Bockmiller, Development Review Planner/Zoning Administrator, was present to discuss the persons to be honored with induction in the Circle of Achievement for 2018.

The City dedicated Memorial park in 2015. One component of this park is the Circle of Achievement – an outdoor hall of accomplishment of Hagerstown residents. High standards were adopted by the Mayor and Council and an initial database of 45 potential honorees was compiled by the Memorial Park Circle of Achievement Inductee Review Committee. In 2015, in order to create an initial critical mass of honorees, the Mayor and Council adopted an initial class of 12 inductees. The park dedications and first induction

ceremony was held on May 16, 2015. Descendants of 10 of the 12 honorees were present and they came from all over the country to participate. Two new honorees were inducted in 2016 and two in 2017. There are now 16 honorees in place, and all space on the east side of the four granite slabs has been filled. Starting with the Class of 2018, staff will begin affixing plaques to the west face of the slabs.

The database of potential honorees can be updated at any time by the Committee when persons meeting the established criteria are identified. Suggestions from all parties are welcome. Nine potential nominees were identified over the last 12 months and the Memorial Park Circle of Achievement Inductee Review Committee confirmed their eligibility by adding them to the database when it met on January 16, 2018. The database consists of 42 potential honorees (in addition to the 16 already inducted).

The City Engineer advises that there is money in the budget for two plaques. After reviewing the potential candidates available on the current database of persons qualified for consideration, the Committee recommends that the Mayor and Council consider selecting from the following persons for inclusion in the class of 2018:

1. George Leonard Fisher (1846-1927) – Fisher compiled an extraordinary military record of service across more than five decades and four major war periods. He is one of only a very small handful of known military personnel that served in a uniformed capacity in both the Civil War and World War I.
2. Clara Jenness Hamilton (1837-1919) – Hamilton was the developer of a tract of land which has since become the Oak Hill Historic District. Hamilton was a rare example of a female land developer during the period around the turn of the 20<sup>th</sup> Century and her work has forever impacted the character of the northern quarter of the city.
3. Elias Marken Recher (1828-1887) – Recher was the dean of the photography industry in Washington County in the early years of that technology. He established the first long-operating photography studio in Hagerstown around 1860. In the 1870s and 1880s, he expanded the industry in this region by creating stereo views of Antietam Battlefield, Pen Mar Park, the Western Maryland Railway and other regional landmarks.
4. James Dixon Roman (1809-1867) – Roman represented Western Maryland in the U.S. House of Representatives during the same period that Abraham Lincoln served in that body. Roman developed and arranged implementation of the successful strategy that met Confederate ransom demands and saved Hagerstown from destruction in 1864.

In order to maintain the exclusivity of the honor and not exhaust the pool of candidates too quickly, the Committee recommended in 2016 that the Mayor and Council adopt two new honorees each year. The elected officials concurred with that recommendation at that time.

2019-2020 will be the centennial of the introduction and ratification of the 19<sup>th</sup> Amendment and the first national election in which women could vote nationwide. Therefore, the Committee expects that its recommendations for honorees in the next two years will reflect and emphasize this anniversary.

The Committee's recommendations are non-binding on the Mayor and Council. The elected body can select any person meeting the adopted criteria, as confirmed by the Committee and included in the database.

The Mayor and Council adopted the Saturday of the weekend preceding Memorial Day weekend as the date for the ceremony. In 2018, that date is May 19.

Councilmember Aleshire suggested selecting Mayor Winslow Burhans this year.

It was the general consensus to honor Winslow Burhans and Clara Jenness Hamilton in 2018.

### Stormwater Utility Fee Study

Rodney Tissue, City Engineer, stated, as a follow-up to the discussion with the Mayor and Council in November, staff issued a Request for Proposals (RFP) and four written proposals were received.

A Stormwater Utility Fee has been discussed several times with the Mayor and City Council.

The RFP was issued seeking consulting services to develop a self-sustaining stormwater utility fee structure. The desired outcome of the project is to define and develop a comprehensive program of stormwater services and to recommend and implement a funding strategy that will diversify the City's infrastructure revenue and provide sufficient resources to address increasing regulatory pressures to improve the quality of stormwater runoff. It will also position the City to effectively construct, maintain and rehabilitate drainage facilities throughout the community.

The general fund currently supports stormwater-related staff (engineering, street-sweeping, construction) salaries and benefits, construction of new SWM and stream restoration projects, development of watershed and SWM studies, and maintenance of existing public SWM facilities. This new utility fee will fund those existing operations in the future.

This fee study will examine the projected income sources and costs of these services and develop a methodology for charging a quarterly fee to all property owners within the City limits to cover these existing services; more importantly the consultant will estimate costs for additional stormwater-related services the City will be REQUIRED to provide when it receives the new NPDES permit from the Maryland Department of the Environment later this year.

This is a lengthy and involved process. Staff envision the project having three phases as follows:

1. Phase I: Preliminary Funding Recommendations (March-November 2018)  
Phase I will define the future comprehensive program of services and involves a number of key activities. Public understanding is critically important in making

changes to current local government programs and policies as well as creating support for funding initiatives. It is important to garner support both internally (with City leaders and City staff) as well as with the general public. This phase will also address both internal and external education activities.

2. Future Phase II: Finalize Stormwater Funding Recommendations (December 2018-October 2019)

The required future program elements will be the driver in the analysis of funding options. Creating a rational relationship between the services provided and the manner in which they should be funded is foundational to creating a stable, defensible, equitable and adequate funding strategy.

3. Future Phase III: Implementation (November 2019- June 2020)

This phase implements the actual steps necessary to launch the program plan. Tasks include enacting the enabling Ordinance, public education, master account file development and integration to set up the billing process, and staff training and development of a Customer Service Manual.

The Selection Committee, comprised of Jim Bender, Michelle Hepburn, Scott Nicewarner, and Rodney Tissue, evaluated the proposals of four nationally-recognized firms that responded to the RFP. After reviewing the proposals (using the criteria of best combination of technical approach, strong public engagement references, staff qualifications and cost effectiveness) staff recommends Amec Foster Wheeler (Amec) of Chantilly, Virginia to complete the study. Their cost proposal is \$ 84,500.00 for Phase I; Phase II work will be in the \$ 60,000.00 to \$ 80,000.00 range and Phase III will be in the \$ 25,000.00 to \$ 35,000.00 range. Therefore, the entire process will cost between \$ 169,550.00 and \$ 199,550.00 to complete. This is very consistent with costs that other communities have paid for similar work. The eventual utility fee can be used to reimburse the general fund to pay the cost of the rate study.

At this point, staff are only recommending completing Phase I and the Council can decide to continue the process this fall once preliminary data is compiled and public feedback is received.

Councilmember Aleshire stated there should be a list of the projects the City is planning to do for credit toward the regulations. He doesn't think planting trees will provide enough credit. He noted the parameters of the regulations will be enforced on County and State owned facilities as well as on all impervious areas in the community.

It was the general consensus to approve the contract with Amec Foster Wheeler for the first phase of the rate study.

### City Volunteer Fire Briefing

Chief Steven Lohr and Captain Jim Sprecher, Jr. were present to discuss options posed in October to fully explore the benefits of future consolidation for the paid and volunteer fire staff. There has been no plan created from the July 30, 2017 volunteer meeting in which he asked for input on how to move the system forward. Little or no progress from

monthly meetings has been made in the last 2.5 years. The current model of career/volunteer firefighters and stations is unacceptable.

The questions to be addressed include the following:

1. Where does public safety fit in with the current economic and political environment?
2. What is the best estimate for annexation, population and boundary expansion in the next five years?
3. Is some form of consolidation achievable?
4. Would leadership consider fewer properly staffed companies properly located?
5. Would there be support for enforcing training standards and standby requirements for active volunteers?
6. How do the volunteer companies share the funding?
7. Can current volunteer companies be consolidated to provide operational cost avoidance opportunities?
8. Opportunities to house first jointly staffed (City-County) station if other consolidation initiatives would fail
9. Search to eliminate redundant services
10. Staffing and deployment model that assures compliance with industry best practices while maximizing all available resources (career, volunteer, county & intern) plus select city border companies

Chief Lohr has attempted to improve organizational communications. A plan has been submitted to close the current budget gap. The budget has been reviewed to identify current and future savings and revenue opportunities.

Knowing this would be a difficult budget year for the City, Chief Lohr recently offered a recommendation for a 4 over 5 model fire department. He realizes this recommendation is an emotional issue. This is not a snap decision.

Captain Sprecher stated he is representing Antietam Fire Company during this discussion. He has discussed this issue with the Chief on many occasions.

Chief Lohr stated a consultant completed a report of all the fire stations in the County last year and found many of the City facilities were in varying stages of disrepair. He meets monthly with all the companies. He is not the career firefighter's Chief or the volunteer firefighter's Chief, he is the citizens' Chief first and when difficult decisions are necessary, he bases them on the question of how it will affect the citizens he is sworn to protect.

He noted three of the six volunteer companies have made significant monetary contributions to the purchase of the ladder trucks and a pumper truck.

Chief Lohr stated the volunteers are valuable to the fire service in Washington County. He has asked the volunteer group for an accounting of where the funding assistance from Washington County is going but has not received an answer.

With diminishing numbers of volunteers, the future of firefighting in Washington County needs to be reviewed. The EAS report is an attempt to do this. However, even though Chief Lohr and Councilmember Aleshire serve on the committee, they have been unable to obtain a copy of the final report. Chief Lohr stated the City of Hagerstown is not supported by the County appropriately for the emergency services provided. City companies are deemed ineligible for funding in five categories and they receive half of what other companies in the County do for the ones they are eligible for. He believes the public monies distributed through those companies should be controlled by the Mayor and Council and the Fire Chief.

Chief Lohr has asked the volunteer fire stations in the City limits for their top three priorities. He has not received adequate responses to the question.

Chief Lohr's initiatives, established three years ago, are as follows:

1. Improve organizational communications.
2. Submit a plan to close the current budget gap. Review budget in fine detail to identify current and future savings and revenue opportunities.
3. Identify a realistic staffing model (people) that meets minimum national standards and will survive an outside FF LODD or injury review and analysis
4. Conduct a demand and distribution analysis (stuff) to efficiently serve the City based upon population density that accounts for legacy and growth; utilizing GIS – The City is not a real stakeholder in these conversations when it goes outside the City limits. The City's boundary extends beyond the 1914 boundary. The City can appropriately cover the City with 4 engines and if 5 engines are not affordable any longer, then consolidation has to be considered. There would be cost savings but they would not be immediate. He has asked the companies if they would consider consolidation of facilities or partners. Three companies responded and they are not interested in relocating.
5. Provide enhanced training, command and administrative certification programs and opportunities to accelerate succession planning for all personnel including volunteers.
6. Determine the current and future roles of EMS, Special Ops, and other non-traditional all-hazard duties moving forward.

Captain Sprecher stated he is representing Antietam Fire Company and is not here to advocate different funding models or combining stations. Change is inevitable. There are two options, either sitting at the table expressing concerns and being part of the discussion or sitting at home wondering what will be decided. He would rather be part of the discussion.

Councilmember Metzner stated he volunteered 20 years ago with Community Rescue Service and they talked about the need for change then. He hopes the volunteer groups would be part of the discussion rather than deciding to not participate. The discussions will be difficult. He is supportive of raising taxes to fund emergency services. At some point, sensible decisions have to be made. He noted the annual banquet (which has not been held recently) was a positive event and he would like to see it held again.

Councilmember Aleshire pointed out that Antietam has 28 volunteer members, which is commendable. While he was a County Commissioner, he saw how deficient the fire companies are based on equipment, the facility, and the volunteer staff. There are 27 companies in Washington County and the amount of funding they receive from public sources is not enough, given the cost of equipment and building maintenance. Approximately 80% of the City's tax revenue goes toward public safety, which includes the costs of a paid fire system. There are several options he believes should be considered:

1. The City should be recognized by the County for this funding. A tax set off would be appropriate. The County indicated this is not included in the set off because the City is providing services above and beyond the requirement because they have career firefighters. He pointed out the City of Annapolis also has a paid fire system and receives a set off from Anne Arundel County.
2. If the volunteer stations wish to continue operating, no paid portion of the City's fire service should respond beyond the City limits.
3. Turn the system over to the County. The City can't continue to be 23% of the County's taxable population and taking 40% of the City's dollars to cover what the County won't. There are five paid fire systems in Maryland and they funded differently than Hagerstown is. As long as the City continues to provide the necessary, large equipment, there will be no inclination from the County to make any changes. He believes the unions will state a minimum for the engines.

Chief Lohr would not recommend prohibiting transfers of any equipment. The system should work as it does and assist those needing help. The funding model needs to be revised. He is asking that the groups come to the table and seriously discuss the concerns of all.

Mayor Bruchey clarified that the fire department is not reimbursed from insurance companies when they respond to medical emergencies. Chief Lohr indicated that is correct. He also stated that the volunteer services should be reimbursed for that use.

Chief Lohr indicated there is no succession plan for when volunteers are no longer available.

Councilmember Aleshire stated the EASP Phase 1 presentation stated that companies outside the City limits receive \$ 25,000. When they run out of the funding, they aren't eligible for the manpower assistance because the City will staff it. He noted a lot of the City's paid firefighters volunteer with other companies.

Councilmember Metzner stated the groups that could solve the problem are the County Commissioners and the volunteer group. He wondered if a fire services summit, with the appropriate people discussing the issue together, would be helpful.

If the City is expected to continue to provide this level of funding for fire service, they need answers from the County Commissioners about a tax set off or other assistance. Then a way to operate more efficiently is needed. Currently, the only alternative is to continue to raise taxes. The funding from the City should be used to cover costs for City operations only. He does not think increasing taxes is the answer.

Chief Lohr noted the risk is different in Hagerstown than in other locations, specifically because of tall buildings and buildings with open stairwells.

Councilmember Metzner noted that several members of the volunteer groups are present at this meeting. He pointed out many of these volunteers have served the City for many years.

Dave Stevens, First Hagerstown Hose, suggested a meeting with the volunteer organizations and the Mayor and Council to discuss concerns. They are looking forward to moving forward but they need to discuss the budget constraints they have. Training for firefighters is more complex than it used to be and many volunteers are not able to devote the time needed for training.

Pam Stevens, First Hagerstown Hose, noted that every time Chief Lohr has discussed issues with them, they have responded as asked. They have requested run information to compare the number of calls they respond to with other companies. The downtown population is denser than other areas. They would be responsible for responding to calls at the Barbara Ingram School for the Arts, the University of Maryland at Hagerstown, Potomac Towers, and other locations. The station needs to be located where it is to be able to respond quickly.

Blaine Snyder has been a volunteer for 65 years. The Mayor and Council have assisted them. It would be nice to have all the volunteers that are needed; but many factors have affected the volunteer system. An in-depth analysis and study is needed. They have been able to use the funding from Washington County to keep the equipment up to date.

Ray Lushbaugh, First Hagerstown Hose, stated the presentation has been informative. He suggested going back to basics and review the location of stations in relation to where the most people are.

Chaplain Rich Bower, Chaplain for Engine 4, appreciates Chief Lohr's passion for the Fire Department. Funding models have to be reviewed. Engine 4 has provided money for a new ladder truck and is currently housing a new ladder truck at the station. They are always looking at ways to assist the City's department. He asked the Mayor and Council to consider the costs to move a fire station. He thanked the Mayor and Council for working for the good of the citizens.

Chief Lohr recommended inviting the WCVFRA to meet to discuss governance and funding for city companies that are not-participating operationally or in non-compliance.

Other recommendations recognize that the city willingly and voluntarily complies with WCVFRA standards and practices with reduced benefits, and to declare that the city government will determine fire-rescue resources within the corporate limits with or without the cooperation of the individual volunteer companies.

Mayor Bruchey stated the next step will be to hold a community meeting for fire personnel and volunteers. He stated he appreciates the work all the groups do.

**CITY ADMINISTRATOR'S COMMENTS**

*Valerie Means, City Administrator*, had no additional comments.

**MAYOR AND COUNCIL COMMENTS**

*Councilmember S. McIntire* had no additional comments.

*Councilmember L. C. Metzner* had no additional comments.

*Councilmember K. B. Aleshire* expressed his concern that a presentation was reportedly made at a Rotary Club meeting today from the City's Parks and Recreation Department and a stadium was discussed.

*Mayor R. E. Bruchey, II* announced that a decision has been made for the appointment of a Councilmember to fill the vacant seat. A press release will be issued after all the candidates are contacted.

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 5:50 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: February 27, 2018