

42ND REGULAR SESSION AND EXECUTIVE SESSION – MAY 22, 2018

EXECUTIVE SESSION- May 22, 2018

On a motion duly made by Councilmember S. McIntire and seconded by Councilmember A. Heffernan, the Mayor and City Council unanimously agreed by voice vote to meet in closed session 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)), and to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance valuation of appointees, employees, or officials over whom it has jurisdiction, #1, (Section 3-305(b)), on Tuesday, May 22, 2018 at 6:02 p.m. in the Mayor's office, 2nd floor, City Hall, Hagerstown, Maryland.

The following people were in attendance: Mayor R. E. Bruchey, II, Councilmember K. B. Aleshire, Councilmember A. Heffernan, Councilmember E. Keller, Councilmember L. C. Metzner, Councilmember S. McIntire, City Administrator Valerie Means, Michelle Hepburn, Director of Finance, Jill Thompson, Director of Community and Economic Development, Eric Deike, Director of Public Works, Danelle Hayer, Business Development Specialist, Jonathan Kerns, Community Development Manager, and Donna K. Spickler, City Clerk.

The meeting was held to discuss a business proposal for a City owned property, a proposal for a project, and various personnel issues. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 7:09 p.m.

42nd REGULAR SESSION – May 22, 2018

Mayor R. E. Bruchey, II called this 42nd Regular Session of the Mayor and City Council to order at 7:14 p.m. Tuesday, May 22, 2018, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, A. Heffernan, E. Keller, L. C. Metzner, and S. McIntire, City Administrator Valerie Means, City Attorney Jennifer Keefer, and City Clerk D. K. Spickler.

The invocation was offered by Councilmember Shelley McIntire. The Pledge of Allegiance was then recited, lead by Jackson Clutter, First Class Boy Scout with Troop 23 in Funkstown, Maryland.

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 3:00 p.m. on Tuesday, June 5, 2018, including a Joint Meeting with Washington County Commissioners, and at 4:00 p.m. on Tuesday, June 19, 2018, and the Regular Session on Tuesday, June 26, 2018

at 7:00 p.m. No meeting is scheduled for Tuesday, June 12, 2018 due to the MML Summer Conference.

Mayor Bruchey announced that the approval of ordinances for the FY 2018/19 Tax Rate and FY 2018/19 Budget are being removed from the agenda. Action on these items will be considered during a Special Session on Tuesday, May 29, 2018.

APPOINTMENTS

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to appoint J. Gregory Hannigan and Aaron House to the Board of Code Appeals. Both terms will expire on June 30, 2022.

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to appoint Michael Gehr, Daniel Matonak, and Steven Silas to the Historic District Commission. These terms will expire on June 30, 2021.

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to appoint James Stone to the Planning Commission, with a term to expire June 30, 2023.

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 appoint the following people to the Bicycle Advisory Committee: Jamie Boward, Sean Guy, Ed Joynes, Mike Mittel, and John Munns. These terms will expire on June 1, 2020.

GUESTS

“If I Were Mayor” Contest

Mayor Bruchey announced this year he has chosen two essays to receive the Mayor’s Choice Award for the Maryland Municipal League’s “If I Were Mayor” essay contest. He received copies of the essays that the students from Pangborn Elementary submitted to MML. The essays submitted by Matthew Cooper and Harley Owen stood out to him.

Harley Owen was present at the meeting. She read her essay, which was about respect for the United States flag.

Matthew Cooper was unable to attend. His essay was about reporting suspicious behavior and how gangs are bad for the community.

2018 Western Maryland Blues Festival Children’s Poster Contest Winner

Kitty Clark, Community Events Coordinator, and Mary Anne Burke, Executive Director of the Washington County Arts Council, were present to announce the winners

of the 2018 Western Maryland Blues Festival Children's Poster Contest. This year, for the first time ever, two winners were selected – one in the category of hand drawn art and one in the category of digital art. Jasmine Walker-Keegan is the winner in the hand drawn category. She is a 7th grader at Western Heights Middle School and was also last year's winner. Sonora Kershner is the winner in the digital category. She is a 7th grader at Boonsboro Middle School.

Their work, with the other entries, will be on display at the Washington Count Arts Council gallery from June 1 – June 26, alongside that of Blues Fest Visual Art winner, Susan Carney. In addition, their work is reproduced on a poster that will be given to each student who entered the contest.

Historic Preservation Month Awards

Mayor Bruchey, Stephen Bockmiller, Zoning Administrator, and Michael Gehr, Historic District Commission, presented the following awards in recognition of Preservation Month:

1. Ravenswood House on Kenly Avenue – former owner Evelyn Dunn
2. Warehouse on Osborne Avenue – Lloyd Thoburn

CITIZEN COMMENTS

Jackson Clutter, Boy Scout Troop 23 in Funkstown, Maryland, is working on his Eagle's Badge. He is concerned about homeless people and hunger in Hagerstown. They may suffer from not eating properly or having a place to stay. There are not enough shelters for homeless people to spend the night. He is setting up donation areas for the "It's a Blessing to be a Blessing" organization. They provide food and other necessities to people in need. Items are distributed each Thursday and about 100 people receive items each week. During the winter, 300 people came for assistance. It is estimated that 700 children are homeless in Washington County. Everyone needs affordable housing.

Jim Devine, P. O. Box 2217, Hagerstown, Maryland, reminded people that free speech is protected. He supports the amendments to the rental licensing ordinance. He knows several landlords who don't follow the regulations. He mentioned someone storing oil based paint and another renting an apartment with a sewage leak. Tenants need to be protected. He stated you have to be able to hear the silent wishes of the children and the tenants in order to consider what they need and deserve. Tenants should be notified that an inspection will occur on a schedule.

Mayor Bruchey informed the group that the next public input session on the proposed amendments to the Rental Facilities ordinance will be held on June 19, 2018.

CITY ADMINISTRATOR COMMENTS

Valerie Means, City Administrator, thanked and commended Chief Victor Brito for his service. Chief Brito will be leaving the Chief's position, effective June 15, 2018. He will missed

MAYOR AND COUNCIL COMMENTS

Councilmember K. B. Aleshire thanked the owner of Ravenswood Manor for restoring that property.

Councilmember A. Heffernan also thanked Chief Brito. He is highly respected and will be missed in the community.

Councilmember E. Keller thanked Chief Brito. He has improved the relationship with the police department and the community. She appreciates what he has done in Hagerstown.

Councilmember L. C. Metzner also thanked Chief Brito for his service. He has been an excellent Chief for Hagerstown.

Councilmember S. McIntire also thanked Chief Brito. He was able to create a good relationship with communities in Hagerstown. She thanked Jackson Clutter for leading the group in the Pledge of Allegiance. She spoke with Mr. Clutter soon after she was appointed about his Eagle Badge. He and his family serve the community by providing meals to the homeless and hungry in Hagerstown. She suggested offering discounted admission to government employees at the golf course and the pool to boost attendance.

Mayor R. E. Bruchey, II announced the Memorial Day Wreath Laying ceremony will be held at the Court House on Sunday, May 27, 2018 at noon. Wreaths will also be placed at the Korean Veteran's Memorial and the Veteran's Memorial on Memorial Boulevard. He thanked Chief Brito for his service to the City as well.

Chief Brito thanked the citizens and officials of Hagerstown for embracing him from the beginning. He loves Hagerstown and leaving has been a very difficult decision.

Mayor Bruchey asked Harley Owen to conduct the rest of the meeting.

MINUTES

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember S. McIntire, 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 3, 2018, April 10, 2018, and April 24, 2018.

CONSENT AGENDA

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

- A. Community and Economic Development
 - 1. Street Closure Requests – Additional 2018 Events
 - Barbara Ingram School for the Arts Rededication – May 31, 2018
 - Maryland Theatre Groundbreaking Ceremony – June 2, 2018

USA Cycling Downtown Criterium – July 29, 2018
Hope on the Square – August 17, 2018
Battle of the Drum Lines – August 24, 2018

B. Human Resources:

1. City Sponsored Life Insurance – Aetna (Hartford, CT) \$ 38,256.00
2. Specific Stop Loss Insurance – Tokio Marine HCC (Wakefield, MA)
\$ 249,971.00
3. Employee Assistance Plan – CompPsych - \$ 10,200.00
4. Administration of Medical Coverage – United Healthcare \$ 276,672.00
5. Dental Coverage Administration – UCCI (Hunt Valley, MD) \$ 40,131.00

C. Parks and Engineering:

1. Contract: 2018 Pavement Preservation – C. William Hetzer, Inc. (Hagerstown, MD) \$ Not to Exceed \$ 1,300,000.00
2. Contract: Pavement Markings – Midlantic Marking, Inc. (Gaithersburg, MD)
Not to Exceed \$ 90,000.00
3. Contract: Pavement Condition Survey – RK&K (Baltimore, MD) Not to
Exceed \$ 56,000.00

D. Utilities:

1. Water – Change Order to the Edgemont Reservoir Engineering Contract and
the R. C. Willson Phase IV Contract – Hazen and Sawyer Environmental
Engineers and Scientists (Baltimore, MD) \$ 2,749,034.00
2. Water and Wastewater – Rate Study Update – Municipal & Financial Services
Group (Annapolis, MD) \$ 27,420.00
3. Wastewater – Liquid Oxygen – Air Products and Chemicals, Inc. (Allentown,
PA) \$ 24,000.00
4. Wastewater – Collection System Rehabilitation Phase 1A – Mr. Rehab, Inc.
(Mechanicsburg, PA) \$ 482,070.15
5. Wastewater – OAB Mixer Motor Replacements – Apparatus Repair and
Engineering (Hagerstown, MD) \$ 81,454.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: FY 2018/19 Tax Rate

B. Approval of an Ordinance: FY 2018/19 Budget

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to postpone the approval of ordinances for the FY 2018/19 Tax Rate and FY 2018/19 Budget to a Special Session on May 29, 2018.

C. Approval of an Ordinance: Amending and Supplementing Existing City of Hagerstown General Obligation Borrowing Authority in Order to Reprogram Series 2015B Bonds Proceeds

Action: On a motion duly made by K. B. Aleshire and seconded by Councilmember E. Keller, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance amending and supplementing Ordinance No. O-15-01, passed on 02/10/2015, approved on 02/10/2015 and effective on 03/13/2015 (which, together with a companion resolution, served as authority for the issuance and sale of the \$ 8,020,000 City of Hagerstown Public Facilities Bonds, Series 2015A (Tax-Exempt) (the “2015A Bonds”)), and the \$ 1,850,000 City of Hagerstown Public Facilities Bonds, Series 2015B (Taxable) (the “2015B Bonds”)), as amended and supplemented by Ordinance No. O-16-25, passed on 12/20/2016, approved on 12/20/2016 and effective on 01/20/2017, in order to (1) reallocate to a new project identified as General Fund – Urban Improvement Project (Plaza) the aggregate amount of \$ 655,268.65 consisting of (A) certain unspent proceeds of the 2015B Bonds previously allocated first to a project identified as General Fund – MELP and then to a project identified as Wastewater Fund – Sludge Storage Phase I Improvements, (B) allocable premium realized upon sale, and (C) allocable investment earnings relating to the project identified as General Fund – MELP from October 31, 2016 through March 31, 2018, (2) allocate to such new project identified as General Fund – Urban Improvement Project (Plaza) any investment earnings earned after March 31, 2018 on such reallocated amount, and (3) expand the definition of the word “costs” used in the prior ordinances. Before applying any such amounts to the new project identified as General Fund – Urban Improvement Project (Plaza), the Mayor and Council will need to pass a companion resolution providing for such reprogramming.

It has been determined that funds are needed for the project identified as General Fund – Urban Improvement Project (Plaza) sooner than for the projects identified as General Fund- MELP and Wastewater Fund – Sludge Storage Phase I Improvements, and due to the taxable nature of the 2015B Bonds and such new project, it is appropriate to reprogram a portion of the proceeds thereof for such purpose. The subject ordinance does not provide for reprogramming of any 2015A Bonds proceeds.

Staff is hereby directed to work with the City’s Bond Counsel to develop the necessary companion resolution and any other documents necessary for the reprogramming of 2015B Bonds proceeds.

D. Approval of an Ordinance: Changes in the City’s Police and Fire Employees’ Retirement Plan – Amendment 12

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 to approve an ordinance for the following changes to the Police and Fire Retirement Plan effective July 1, 2018:

1. Change the mortality table.
2. Reduce the early retirement age from 55 with 20 years of service to age 50 with 20 years of service.
3. Over a three year period, change the formula for calculating an employee's average compensation by moving from a three-year average to a five-year average.
4. Increase the percentage of an employee's payroll contribution from 7% to 8%.
5. For all employees hired after June 30, 2018, decrease the multiplier for calculating an employee's normal retirement benefit from 2.0% to 1.8%.

NEW BUSINESS

A. Approval of a Resolution: Execution of a Lease Agreement for 11850 Indian Lane

Action: On a motion duly made by Councilmember A. Heffernan and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve a resolution authorizing the execution of a Lease Agreement at the City of Hagerstown property located at 11850 Indian Lane in Hagerstown, Maryland. The lease will be between the City of Hagerstown and Jocelyn and Jarris Crooks and shall be in effect from June 1, 2018 to May 31, 2019.

B. Approval of a Resolution: Release Mortgage on 25-29 S. Potomac Street

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve a resolution and Release of Mortgage document that will release the mortgage held by the City of Hagerstown and the Washington County Industrial Foundation on the Maryland Theatre's building at 25-29 S. Potomac Street. Execution of the release will permit the Maryland Theatre Association, Inc. to obtain a demolition permit to remove the building to make way for the planned four-story addition to the front of the theatre auditorium. This expansion is part of the Urban Improvement Project downtown.

C. Approval of a Resolution: Memorandum of Understanding with Maryland Department of Transportation

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve a resolution authorizing the City to enter into a Memorandum of Understanding (MOU) with the Maryland Department of Transportation. The MOU provides Safe Routes to School funds that will be used for the reconstruction of the traffic signal at South

Potomac Street and Howard Street. The grant amount is \$ 264,000 and will be matched with \$ 66,000 by the General Fund or State Aid funds.

D. Approval of a Resolution: Grant Agreement with the Maryland Energy Administration

Action: On a motion duly made by Councilmember A. Heffernan and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve a resolution authorizing the City to enter into a grant agreement with the Maryland Energy Administration. The grant will be used for energy efficiency improvements by replacing 90 pole top light fixtures with LED fixtures in three city parks. The grant amount is \$ 38,000 and will be matched with \$ 9,500 by the General Fund or City Light Fund.

E. Approval of a Resolution: Dugout Installation and Loan Agreements with the Hagerstown Softball Association, Inc.

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 to approve a resolution authorizing the City to enter into a Dugout Installation Agreement with the Hagerstown Softball Association, Inc. (HFSA). The Mayor and City Council further authorize the making an interest-free loan in the amount of \$ 16,000 to the HFSA, the funds being taken from the “CIP Contingency” fund. The Agreement and loan allow the HFSA to construct a total of four dugout/shelters on fields #1 and #2 at Fairgrounds Park.

F. Approval of a Resolution: Addendum to Purchase Agreement for Sale of 23 West Franklin Street/Pioneer Hook & Ladder Property

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve a resolution authorizing an addendum to the purchase agreement for sale of property located at 23 West Franklin Street. The City-owned property is currently under contract to be sold to M. Scott Bowen. The addendum will extend the buyer’s feasibility study deadline from May 28, 2018 to June 30, 2018 and will extend the settlement deadline from May 31, 2018 to June 30, 2018.

G. Approval of a Resolution: Parking Lease for University District Parking Deck with State of Maryland

Action: On a motion duly made by Councilmember A. Heffernan and seconded by Councilmember E. Keller, the Mayor and City Council unanimously agreed by voice vote to approve a resolution to approve a parking lease agreement between the City of Hagerstown and the State of Maryland for

the rental of fourteen (14) parking spaces in the University District Parking Deck for use by the Department of Juvenile Services.

The term of the lease is two years and commences on July 1, 2018. The annual rent to be paid to the City is \$ 10,416.00.

H. Approval of License Agreement with Washington County Commissioners for Potterfield Pool Bus Shelter

Action: On a motion duly made by Councilmember E. Keller and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to execute a license agreement between the City of Hagerstown and the Washington County Commissioners for the installation of a Washington County Transit bus shelter at the Potterfield Pool located at 728 Frederick Street. The shelter will be located on both City property and the right-of-way of Frederick Street.

I. Approval of License Agreement with San Mar Children's Home for Community Message Boards

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember E. Keller, the Mayor and City Council unanimously agreed by voice vote to approve a license agreement between the City of Hagerstown and the San Mar Children's Home (doing business as Bester Community of Hope) for the installation of community message boards at three locations. The boards will be purchased and installed by San Mar Children's Home, and will be programmed and maintained by the Neighborhoods 1st groups near each message board.

Discussion: Councilmember Aleshire is concerned that this is an antiquated way to transfer information to the populous. He is concerned there may be a lot of information posted on the boards without oversight from the City. He is concerned that one of the boards will be in direct view of Kennedy Park. He pointed out the City has the ability to remove the boards if necessary.

Rodney Tissue, City Engineer, stated the message boards will be enclosed in glass and locked. Only the maintenance person will have a key and be able to place items on the board.

J. Approval of Renewal of the Memorandum of Understanding with the Board of Education

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 renewal of the Memorandum of Understanding with the Washington County Board of Education for School Resources Officers (SRO's) for the purpose of

updating the duties, responsibilities, and reimbursement. The term of this MOU shall be four years, beginning on July 1, 2018 and ending on June 30, 2022.

The Council thanked Ms. Owen for doing a good job leading the meeting.

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 8:15 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: June 26, 2018