

46th REGULAR SESSION– JUNE 26, 2018

Mayor R. E. Bruchey, II, called this 46th Regular Session of the Mayor and City Council to order at 7:00 p.m. on Tuesday, June 26, 2018, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, A. Heffernan, L. C. Metzner, E. Keller, and S. McIntire, City Attorney Jason Morton, and City Administrator Valerie Means. City Clerk D. K. Spickler was not present.

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 10, 2018, Tuesday, July 17, 2018, and Tuesday, July 24, 2018, and the Regular Session on Tuesday, July 31, 2018 at 7:00 p.m.

APPOINTMENTS

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 Hannah Person to the Bicycle Advisory Committee, with a term to expire June 1, 2020.

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 Judy Wheeler to the Hagerstown Planning Commission, with a term to expire July 31, 2023.

CITIZEN COMMENTS

There were no Citizen Comments.

CITY ADMINISTRATOR COMMENTS

Valerie Means, City Administrator, reminded everyone that the annual fireworks show at Fairgrounds Park will be held on July 4, 2018. Activities begin at 6:00 p.m.

MAYOR AND COUNCIL COMMENTS

Councilmember S. McIntire receives almost daily complaints about the permits office and inspectors. She recommended looking into a temporary public advocate or

ombudsman position to oversee the Urban Improvement Project. This would send a message to the business community that the City is focused on bringing Hagerstown to the next level of prosperity. There are always two sides to a story and she thinks the permit department may be wrongly blamed. A public advocate could assist with complaints and inquiries.

Councilmember L. C. Metzner suggested honoring Ted Bodnar, who passed away earlier this year, for his efforts to start the fireworks event at Fairgrounds Park more than 15 years ago.

Councilmember E. Keller thanked the law enforcement agencies involved in the recent raid that netted a large amount of Fentanyl. On June 29, 2018 there will be an event called Up With Hope, Down With Dope at City Park. She encouraged people to attend. She congratulated Rick Blair, Western Enterprise Station, for being elected president of the State Fire and Rescue Association.

Councilmember A. Heffernan had no additional comments.

Councilmember K. B. Aleshire had no additional comments.

Mayor R. E. Bruchey, II reminded everyone that Thunder in the Square will be held on Friday, June 28, 2018 in downtown Hagerstown.

MINUTES

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 the minutes, as presented, for the Mayor and Council meetings held on April 17, 2018, May 1, 2018, May 8, 2018, May 15, 2018, May 22, 2018, and May 29, 2018.

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:

1. Triple Combination Attack Pumper – 4 Guys Stainless Tank & Equipment (Myersdale, PA) \$499,173.00

B. Parks Engineering:

1. Langdon Street Widening – Concrete Central, LLC (Hagerstown, MD) \$66,685.00
2. Reconstruction of Alleys – Concrete Central, LLC (Hagerstown, MD) not to exceed \$269,587.00

C. Police:

1. Compact Outdoor Cameras – Skyline (Glen Burnie, MD) \$36,261.00

D. Utilities:

1. Electric – Tree Trimming Services Contract – Pittman Tree & Landscape, Inc. (Front Royal, VA) \$188,000.00
2. Electric – Distribution Transformers – National Transformer Sales (Raleigh, NC) \$54,791.00
3. Wastewater – Fairbanks Morse Propeller Turbine Pump – AR&E, Inc. (Hagerstown, MD) \$65,950.00
4. Wastewater – Replacement/Installation of SCADA System for Collections – Avista Realtime Systems \$39,778.00
5. Water – Large Meters – Core & Main (Martinsburg, WV) \$212,286.40

UNFINISHED BUSINESS

A. Approval of an Ordinance: Increase in Building Permit Fee Rates for FY19

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 an ordinance to amend Chapter 64, Building Construction, and Chapter 98, Fire Prevention, of the City Code to modify the fee structure for building permits. The modification would increase the formula by \$1.00 per thousand for building permits valued over \$10,000 to \$105.00 plus \$6.00 per thousand for new residential and commercial permits and \$105.00 plus \$4.50 per thousand for miscellaneous residential permits, and would increase the percent of permit cost allocated to the Fire Marshal's office from 25% to 30%. The last increase to these fees was made in 2004. This proposed modification to the fee structure was included in the adopted FY2019 Budget.

Discussion: Ms. Means noted the effective date will be July 26, 2018.

NEW BUSINESS

A. Introduction of an Ordinance: Kensington Commercial Quit Claim

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 introduce an ordinance to convey 2,765 square feet of City property to Kensington Commercial Center, LLC. The property in question was acquired by the City during the widening of Eastern Boulevard, but has been determined to no longer be needed for a public purpose.

B. Approval of a Resolution: Approval of the FY2019 CDBG Annual Action Plan

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 Resolution approving the FY2019 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 & Urban Development in the amount of \$757,083 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 FY2019.

C. Approval of a Resolution: Re-Allocation/Reprogramming of Series 2015B General Obligation Bonds

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 approve a resolution amending and supplementing Resolution No. R-15-02, adopted and effective on 03/17/2015, as amended and supplemented by Resolution No. R-17-02, adopted and effective on 01/24/2017 (which Resolution No. R-15-02, together with a companion ordinance, served as authority for the issuance and sale of the \$8,020,000 City of Hagerstown Public Facilities Bonds, Series 2015A (Tax-Exempt) (the "Tax-Exempt Bonds") and the \$1,850,000 City of Hagerstown Public Facilities Bonds, Series 2015B (Taxable) (the "Taxable Bonds") 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 Taxable 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 resolutions.

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 Taxable Bonds and such new project, it is appropriate to reprogram a portion of the Taxable Bonds proceeds for such purpose. The subject

resolution does not provide for reprogramming of any Tax Exempt Bonds proceeds.

D. Approval of a Resolution: Revising Parking Facilities Rates and Fees

Action: Councilmember A. Heffernan made a motion to approve a resolution approving the revised schedule of parking facilities rates and fees, effective July 1, 2018 or as herein noted per the schedule. Councilmember L. C. Metzner seconded the motion.

Discussion: Councilmember Keller does not think this is the appropriate time to increase rates because travel downtown will be difficult during the construction of the UIP project.

It was noted that the increased meter rates won't go into affect until after a different method for paying for parking is implemented. The timing of this is unknown. New equipment for this type of program would be brought before the Mayor and City Council for approval of the purchase.

Motion carried, 3-2 with Councilmember E. Keller and Councilmember S. McIntire voting No.

E. Approval of a Resolution: Lease Agreement with the Valley Art Association

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 approve a resolution approving a Lease Agreement with the Valley Art Association with an initial term of July 1, 2018 through June 30, 2020 for the operation of the Mansion House Art Center in City Park.

Discussion: Councilmember Heffernan noted there is damage from wood boring bees in a portion of the porch that should be addressed.

F. Approval of a Resolution: Development and Rental Guarantee Agreement for 140 West Antietam Street Student Housing – Catalyst Project #3

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 to enter into a Development and Rental Guarantee Agreement with Randall S. Simpson Living Trust (DBA WLR Investment Group) for a student housing project at 140 West Antietam Street. This is the second model student housing project under Catalyst Project #3 – USMH Expansion Support.

Discussion: Councilmember Heffernan asked if the rent guarantee has an ending time. Jason Morton, City Attorney, noted the provision is for June 1, 2019 through May 31, 2022.

G. Approval of a Resolution: Authorizing a Financial Incentive Agreement between the City of Hagerstown, Maryland, and the Randall S. Simpson Living Trust

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 financial incentive agreement with Randall S. Simpson Living Trust in connection with its student housing project at 140 West Antietam Street to be paid for from the General Fund Economic Incentives line item.

H. Approval of a Resolution: Approval to pply for a Technical Assistance Grant from Maryland's Department of Housing & Community Development

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 resolution authorizing the City to submit a FY2019 application for a Technical Assistance Grant through Maryland's Department of Housing and Community Development in the amount of \$5,000. The funding will be used to provide a business enhancement speaker series to educate Main Street business owners on best practices such as marketing and merchandising and use of social media to increase customer base.

I. Approval of a Resolution: Approval to Apply for Main Street Improvement Program Grant from Maryland's Department of Housing and Community Development

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 the City of Hagerstown to apply for a Main Street Improvement Program grant through Maryland's Department of Housing and Community Development in the amount of \$15,000. The funding will be used to print new street pole banners.

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

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 authorizing a second

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 June 30, 2018 to September 30, 2018 and will extend the settlement deadline from June 30, 2018 to September 30, 2018.

K. Approval of a Resolution: Approval of a Grant with the Electric Vehicle Institute to Install Level 3 Vehicle Charging Stations

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 of Hagerstown to accept a grant from the Electric Vehicle Institute (EVI) to install four (4) each Level 3 charging stations in the Elizabeth Hager Parking Lot. The cost to the City will be zero (\$0) dollars.

L. Approval of City Funding Support for the Maryland Theatre Expansion: General Fundraising Support

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 \$200,000 in City funding to support the continuation of The Maryland Theatre Expansion. The Maryland Theatre has presented a funding gap for its expansion project and has requested general fundraising support. This one-time payment of \$200,000 in funding would be utilized from reallocating unspent Investment Hagerstown 1st Third Grant dollars previously committed by Mayor and Council. The source of the City's funding will be from the General Fund Assigned Fund Balance Reserve with the intention of replenishing this in the future when a Class A office building project moves forward.

M. Approval of City Funding Support for the Washington County Museum of Fine Arts: HVAC Project

Action: On a motion duly made by Councilmember A. Heffernan and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve \$30,000 in City funding to support the Washington County Museum of Fine Arts' HVAC project. The Washington County Museum of Fine Arts was present during the Mayor and Council Work Session on October 17, 2017 and requested funding for its HVAC project in addition to its annual agency contribution. This \$30,000 for the HVAC project would be paid in addition to any approved normal agency contribution over a three year period as follows:

- **FY19** - \$10,000 from General Fund Agency Contribution in July 2018
- **FY20** - \$10,000 from General Fund Agency Contribution in July 2019
- **FY21** - \$10,000 from General Fund Agency Contribution in July 2020

N. Approval of City Funding Support for Brooke's House: One-Time General Fund Agency Contribution

Action: Councilmember E. Keller made a motion to approve \$28,100 in City General Fund Agency Contribution funding to support Brooke's House. This one-time agency contribution to Brooke's House will help cover the cost for initial water connection and water allocation. Kevin Simmers was present during the Mayor and Council Work Session on May 8, 2018 and requested funding support or fee waivers. This \$28,100 will be funded in the FY19 budget for Unspecified Agency Contributions and will be distributed as a one-time check payable in July 2018. Councilmember L. C. Metzner seconded the motion.

Motion carried 4-0 with Councilmember S. McIntire abstaining from the vote.

O. Approval of City Funding to The Professional Arts Building LLC for 5 Public Square

Action: Councilmember E. Keller made a motion to approve \$250,000 in City funding to The Professional Arts Building LLC to support the renovations of The Professional Building located at 5 Public Square, Hagerstown, Maryland. This is a Mayor and City Council directed incentive. The source of the City's funding will be from new economic development incentive funding in the General Fund for Fiscal Year 2019 effective 7/1/18. Councilmember S. McIntire seconded the motion.

Discussion: Councilmember Aleshire reiterated that he feels there should be some form of program in place prior to the distribution of these funds. Mr. Fitzgerald appears to have met all the parameters for a program that no longer exists. Because all those parameters have been met, and the funding source has been identified, he is open to setting aside \$ 200,000 each for five large projects. He wants to be assured that some of this money is reinvested into the homeownership program.

Councilmember Heffernan recognized that the Mayor and City Council are putting staff in a difficult position with this action. A developed

program, including goals, should be put in place before funding is dispersed.

Councilmember Metzner recalled that both former Councilmember Corderman and Councilmember Munson made a commitment to Mike Fitzgerald (owner of the Professional Arts Building). Staff made clear there was no money while elected officials made clear there would be funding.

Mayor Bruchey stated there were five Councilmembers in favor of providing this incentive during an Executive Session early last year.

Councilmember Aleshire stated that is not a true statement. Councilmember Keller stated this would be a good time to schedule a goal setting session with the current administration.

Mayor Bruchey stated left over monies from projects should be implanted into this fund to reverse the degradation of the community.

Councilmember Aleshire stated the conversation makes it appear that there is an additional \$ 500,000 available for an incentive program. This is not true.

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

P. Approval of Workers' Compensation Insurance & Fees for FY2019

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 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:

- Excess Workers' Compensation Liability Insurance - \$161,534
- Workers' Compensation Self-Insurance TPA Services - \$32,040
- Workers' Compensation Continuous Security Bond - \$38,100

Q. Approvals of Phase I of the Urban Improvement Project Plaza

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 and authorize the following actions:

- for the approval of a contract with Ellsworth Electric of Hagerstown, Maryland, in the amount of \$460,335 for the installation of conduit ductbank in the future plaza; and,
- to authorize staff to execute agreements with various utilities covering their direct costs of relocating their respective aerial wires to the new ductbank; and,
- to authorize the Hagerstown Light Department staff to follow the City's procurement policy to purchase materials and to provide labor for the relocation of their electrical wires with reimbursement from the funding for this plaza project; and,
- to approve the funding and expenditures plan outlined in part 3E of the attached 6/19/18 memo. Funding for the project is from a MD DHCD grant and re-programmed 2015B City Bond proceeds; and,
- to facilitate a timely completion of the entire Urban Improvement Project, including all the components and partners, approve a blanket exemption of the Noise Ordinance in Section 155-5 of the Code of the City of Hagerstown.

R. Approval of Sale of Vehicle: 2004 Chevrolet Tahoe

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 approve the sale of a 2004 Chevrolet Tahoe, also known as Battalion Command vehicle 04-6876 to the Antietam Fire Company for the sum of \$1.00. The vehicle will serve to facilitate the transport of volunteers to out of town training and to provide a personal emergency response vehicle for volunteer command staff.

S. Approval to Apply for Various Grants

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 authorize the City of Hagerstown Police Department to apply for the following grants:

- BVP: Federal Body Armor Vest Grant. Funds 50% of vests purchased under it. Funding allotted varies each year.

- DVUP: Domestic Violence Unit Program. Funds clerical position that enters protective orders into our Local and State information systems. Funding requested is \$20,000.
- NCS-X: National Crime Statistics Exchange. This grant provides funding to transition our process of collecting crime statistics from the Uniform Crime Reporting (UCR) system to the National Incident Based Reporting System (NIBRS). The Federal government is transitioning to NIBRS only on January 1, 2021. This grant will fund the transition.

With 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 7:44 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk
(from the video)

Approved: August 28, 2018