

52nd REGULAR SESSION– SEPTEMBER 25, 2018

Mayor R. E. Bruchey, II, called this 52nd Regular Session of the Mayor and City Council to order at 7:00 p.m. Tuesday, September 25, 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 Administrator Valerie Means, City Attorney Jason Morton, and City Clerk D. K. Spickler.

The invocation was offered by Councilmember Lewis C. Metzner. 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 2, 2018, Tuesday, October 9, 2018, Tuesday, October 16, 2018, and the Regular Session on Tuesday, October 23, 2018. No meeting is scheduled for Tuesday, October 30, 2018.

GUESTS

2018 Highlight Hagerstown Awards

Mayor Bruchey, II, Kathleen Maher, Director of Planning and Code Administration, and Megan Flick, Planner, presented Highlight Hagerstown awards to the following:

Residential:

1. 1018 The Terrace – C. Monserrat Jurado
2. 130 Broadway – Rebecca and Richard Owens
3. 348 Central Avenue – Tony Freeman

Commercial:

1. The Mulberry Lofts – Action Holdings, LLC 22 n mulberry(address)
2. El Rancho – Address1715 Dual highway
3. The Senior Center at 535 E. Franklin Street – Washington County Board of County Commissioners

Public Space Enhancement:

1. Historic City Park – Neighborhoods First
2. Virginia and Summit Streets – Neighborhoods First

CITIZEN COMMENTS

Jim Devin, P. O. Box 2217, Hagerstown, Maryland, stated he thinks the election on November 6, 2018 will be a referendum on religion and free speech, among other things. People have to vote in this election and take control of Congress.

CITY ADMINISTRATOR'S COMMENTS

Valerie Means, City Administrator, had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember S. McIntire attended the Williamsport High School mega reunion, which was held at a variety of downtown restaurants. She stated this was a fun event and highlighted the great things Hagerstown has to offer. She congratulated Councilmember Keller and everyone involved with the Washington Goes Purple awareness campaign. The community rallied around this initiative.

Councilmember L. C. Metzner agreed that Washington Goes Purple was very successful, in part because of the efforts of Councilmember Keller and others. He believes the backbone of the community is neighborhoods. He thanked everyone who attended the Neighborhoods 1st picnic held recently.

Councilmember E. Keller thanked the community for their support of the Washington Goes Purple awareness initiative. There have already been 43 overdose deaths this year in Washington County. The Washington Goes Purple campaign provides education about the dangers of substance abuse. She spoke to a group of students today and they asked questions like how to deal with stress without using a substance. The conversation is starting to happen.

Councilmember A. Heffernan stated the City of Hagerstown is blessed to have the police department it does that works with the community without being heavy handed. He recently inspected the former YMCA building. Some of the newer amenities in the building may be usable, like the pool and basketball courts. However, it is disturbing how quickly the building is deteriorating. He is concerned about people entering the vacant building. He hopes someone comes forward with an idea of what can be done with the building.

Councilmember K. B. Aleshire has received messages regarding the continued efforts of construction projects and park maintenance. He noted that the weather has affected the ability to work on projects. Some construction firms have only had 5 continuous days of work throughout the summer. Projects and maintenance will be completed as weather permits.

Mayor R. E. Bruchey, II applauded Councilmember Keller and the efforts of Washington Goes Purple. The Opioid crisis is a horrific epidemic throughout the country. Any attempts to work toward a solution are worth praise. Addressing our youth is a huge step in the right direction.

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 July 10, 2018, July 17, 2019, July 24, 2018, July 31, 2018, August 7, 2018, August 14, 2018, August 21, 2018, and August 28, 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. Community and Economic Development:
 - 1. Street Closure Request – City Center Tree Lighting Event

- B. Police:
 - 1. Safariland Ballistic Vests – Atlantic Tactical (New Cumberland, PA) \$ 15,039.30
 - 2. Monthly Delinquent Citation Collections – Brekford (Hanover, MD) \$ 55,000.00

- C. Public Works:
 - 1. Signal Controller Components – Econolite (Glen Burnie, MD) \$ 20,507.00

- D. Utilities:
 - 1. Light – Linework Services – Everhart & Hoover Power Line Construction (Hustontown, PA) \$ 150,000.00
 - 2. Light – Distribution Transformer Repair and Refurbishment – Emerald Transformer (Twinsburg, OH) %\$ 50,000.00
 - 3. Water – Fluoride Feed System and Scaleton Scale – Environmental Service & Equipment Company (Marcus Hook, PA) \$ 36,534.00
 - 4. Water & Wastewater – Stone and Asphalt – Various Vendors. Water – \$ 48,265.00 and Wastewater - \$ 99,436.00
 - 5. Wastewater – Boiler Replacement for Control Building – Beaver Mechanical Contractors (Hagerstown, MD) \$ 85,900.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: Amend Chapter 197, Rental Facilities, by Repealing and Re-enacting Chapter 197 in its Entirety

Action: 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 approve an ordinance to amend the Code of the City of Hagerstown, Chapter 197, Rental Facilities, by repealing and re-enacting Chapter 197 in its entirety. With this ordinance, the present code provisions will be effective through June 30, 2019 and the present code

provisions plus the following amendments would become effective on July 1, 2019:

- i. Add dormitory to the definition of rental unit.
- ii. Establish a definition for a safety inspection.
- iii. Establish license fees for dormitory of \$ 100 plus \$ 10 per room.
- iv. Establish inspection schedule for dormitory as interior inspection every 48 months.
- v. Revise inspection schedule to include rental units that have never been inspected and a tenant turnover has occurred at the property. The inspection shall be a safety inspection if occupied and an interior inspection if vacant.
- vi. Add exemption for existing units renovated to Partners in Economic Program standards for 48 months following issuance of U&O permit.
- vii. Establish a transfer of a license notification requirement and a fee for failure to make the Department aware of transfers.
- viii. Revise the revocation language to be consistently applied to all rental properties using a point system calculating the standing of a rental facility.
- ix. Require any rental facility licensed revoked shall be vacated within 60 days of the license revocation.
- x. Authorize the ability to collect unpaid license fees by adding license fees to the tax bill through the tax lien process.

These amendments are consistent with the City's Vision and Commitment for Housing and Neighborhoods and the Community's City Center Plan.

Discussion: Councilmember Aleshire thanked everyone for their patience in working through this issue.

NEW BUSINESS

A. Introduction of an Ordinance: Authorizing the Sale of Property Located at 28-48 E. Baltimore Street

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 introduce an ordinance authorizing the sale of City-owned property located at 28-48 E. Baltimore Street to Antietam, LLC for the sum of \$ 30,000. The sale will provide the opportunity for approximately \$ 300,000-\$500,000 of private investment to create retail space for Hub City Vinyl and Gameroom Garage II. The sale will be in accordance with all terms and conditions outlined in the Purchase Agreement.

B. Introduction of an Ordinance: Smoking in Public Places

Action: On a motion duly made by Councilmember E. Keller and seconded by Councilmember A. Heffernan, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance prohibiting all tobacco products, vaping, electronic cigarettes, and/or the ingestion of vaporized or inhaled aerosol products in all parks of the City of Hagerstown except for designated areas of Municipal Stadium and the Greens at Hamilton Run.

C. Introduction of an Ordinance: Prohibiting Sale of Goods and Services

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 introduce an ordinance to amend the City of Hagerstown Code Chapter 173 to prohibit the sale of goods and services in the parks of the City unless part of an approved concession lease or City-approved special event.

D. Introduction of an Ordinance: Prohibiting Soliciting in the Parks

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 introduce an ordinance to amend the Code of the City of Hagerstown Chapter 173-26 to prohibit solicitation in the parks of the City.

E. Approval of a Resolution: Change to Posted Park Hours

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember A. Heffernan, the Mayor and City Council unanimously agreed by voice vote to approve a resolution to change all park hours from the current 6:00 a.m. to 10:00 p.m. to “sunrise to ½ hour after sunset” and authorize staff to update the posted hours. The current Code Section 173-29 specifically authorizes the City to allow certain events outside of the posted hours of operation, such as special events in City Park or organized recreation activities in Fairgrounds Park.

Discussion: Councilmember Metzner suggested implementing the change in park hours as soon as possible, rather than waiting until January 1, 2019.

F. Approval of Amendment to FY19 CDBG Annual Action Plan – Creation of New Activity for Potterfield Pool Rehabilitation

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 amend the FY19 Community Development Block Grant Annual Action Plan in order to create a new activity- Potterfield

Pool Rehabilitation. \$ 174,500 of CDBG funding will be allocated to this activity for needed repairs and upgrades at the Potterfield Pool facility. Details of the amendment were attached to the packet material.

G. Approval of Resolution: Authorize Entering into Grant Agreement with Maryland DHCD for the Board of Education Expansion 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 to approve a resolution to authorize entering into a grant agreement with the Maryland Department of Housing and Community Development for a FY 18 Strategic Demolition Fund award of \$ 300,000 for the Washington County Board of Education expansion project downtown.

H. Approval of a Resolution: Authorize Entering into a Sub-Recipient Agreement with the Board of Education to Pass through a State Grant for Board of Education Expansion Project

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 to authorize entering into a sub-recipient agreement with the Washington County Board of Education to pass through the Department of Housing and Community Development's FY18 Strategic Demolition Fund award of \$300,000 for the Board of Education expansion project downtown.

I. Approval of a Resolution: Execution of a Commercial Lease Agreement with Peter Arizmendi for 60 W. Washington Street

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 authorizing the execution of a Commercial Lease Agreement with Peter Arizmendi for the property located at 60 W. Washington Street in Hagerstown, Maryland. The lease will be between the City of Hagerstown and Peter Arizmendi and shall be in effect from October 1, 2018 to September 30, 2019.

J. Approval of the Barbara Ingram School for the Arts (BISFA) Foundation Holiday Lamp Post Decorating Project

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 the Barbara Ingram School for the Arts (BISFA) Foundation Street Lamp Holiday Project. For the eighth year, the BISFA Foundation has requested to partner with the City of Hagerstown to decorate the street lamp posts in City Center by selling sponsorships for personalized holiday banners. BISFA is seeking

approval to use the lamp posts for their program and will take care of the labor to install the banners. BISFA volunteers and/or a contractor will follow City guidelines for their installation and volunteers will sign hold harmless agreements and/or the contractor doing the installation will provide the City with a certificate of insurance.

K. Approval of FY18 Justice Assistance Grant (JAG)

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 Federal JAG Application. The Hagerstown Police Department received a Federal JAG grant in the total amount of \$ 20,381.00.

L. Approval of After School Program at Robert W. Johnson Community Center

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember A. Heffernan, the Mayor and City Council unanimously agreed by voice vote to approve funding of the after school program at the Robert W. Johnson Community Center (RWJCC). The RWJCC provides a variety of constructive after school programs to area youth. This program runs for the 2018-2019 school year at a cost of \$ 17,940.00.

M. Approval of Potomac Edison Priority Tree Easement

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 the Priority Tree Easement with Potomac Edison granting them additional right of way on their existing transmission circuit located on Water Division Watershed Property.

N. Approval of Policy for Chapter 197 Prioritization of Never Inspected Units

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember A. Heffernan, the Mayor and City Council unanimously agreed by voice vote to approve Chapter 197 Prioritization of Never Inspected Policy. This policy will guide staff as they prioritize rental units that have never been previously inspected in the Rental Facilities program. This policy shall take effect on July 1, 2019 to coincide with the effective date of amendments to Chapter 197 Rental Facilities related to inspections.

Discussion: Councilmember Aleshire thanked Councilmember Metzner for pressing for priority of this program.

O. Approval of Policy for Chapter 197 Safety Inspection Standards

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 Chapter 197 Safety Inspection Standards Policy. This policy will guide staff as they inspect rental units that have never been previously inspected or new rental units in the Rental Facilities program. This policy shall take effect on July 1, 2019 to coincide with the effective date of amendments to Chapter 197 Rental Facilities related to inspections.

Discussion: Councilmember Aleshire thanked staff for their efforts to address a problem property on Summit Avenue.

Councilmember Keller thanked Chief Kifer and Captain Alexander and others who helped get help for the people who had been living under the railroad bridge on Antietam Street.

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 7:43 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: October 23, 2018