

76TH REGULAR SESSION – June 18, 2019

Mayor R. E. Bruchey, II called this 76th Regular Session of the Mayor and City Council to order at 7:04 p.m., Tuesday, June 18, 2019, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers A. Heffernan, E. Keller, L. C. Metzner, and S. McIntire, City Administrator Scott Nicewarner, City Attorney Jennifer Keefer, and City Clerk D. K. Spickler. Councilmember K. B. Aleshire was not present.

The invocation was offered by Pastor Josh McClain, Lead Pastor at Hagerstown Church. The Pledge of Allegiance was led by Mayor Robert E. Bruchey, II.

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 2, 2019, Tuesday July 9, 2019, Tuesday, July 16, 2019, Tuesday, July 23, 2019, and the Regular Session on Tuesday, July 30, 2019.

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 of all members present to appoint the following Board and Commission Members:

Memorial Park: Circle of Achievement Advisory Committee

Linda Irvin-Craig, Term to Expire June 1, 2024

John C. Frye, Term to Expire June 1, 2024

Stephen Recker, Term to Expire June 1, 2024

Planning Commission

Colin Ploscaru, Term to Expire May 30, 2024

Hagerstown Loan Review Authority

Randy Catlett, Term to Expire August 1, 2022

Brian Selders, Term to Expire August 1, 2022

Leroy Burtner, Term to Expire August 1, 2022

Micheal Line, Term to Expire August 1, 2022

GUESTS

Certificate of Recognition – Joe Jefferson

Mayor Bruchey presented a Certificate of Recognition to Joe Jefferson for organizing the Antietam Velo Club Bicycle Tour of Washington County for the last nine years. He

also announces, encourages and organizes bike races all over the country. His efforts have put Hagerstown on the bike race map.

Mr. Jefferson thanked the Mayor and City Council for this recognition. He urged the Mayor and City Council to work with the County Commissioners to move toward inclusion.

Councilmember Metzner spoke on behalf of the Council. There is no coincidence this recognition occurred this evening. As a body, the Council is not happy with the way the Convention and Visitors Bureau has handled a contract with Mr. Jefferson. Attempts to intervene have been rejected. This Certificate of Recognition is long overdue.

CITIZEN COMMENTS

Marvin Lohr, 1135 Sunnyside Drive, Hagerstown, Maryland, handed out a photograph of a person who was attempting to break in to one of his tenants' homes. A police report was filed. He expressed his concern about the amount of crime in that area, such as break-ins, tire slashing, and hold ups. He has installed more lighting to deter these activities. This is happening within a ¼ block from City Hall.

He thinks it would be a good idea to combine the Doleman Black Heritage Museum with another museum. He thinks more people would see the artifacts. He would like to talk to a Councilmember about his business ideas. People who clean the traffic islands should be recognized like Mr. Jefferson was. More people may do the same thing if there is recognition.

CITY ADMINISTRATOR COMMENTS

Scott Nicewarner, City Administrator, reminded everyone June 21 and June 22, 2019 is the third weekend of Imagine Hagerstown. The USA Cycling event is also taking place this weekend. Miss Maryland Scholarship Pageant activities are happening all week. He announced Jim Snyder has been selected as the new Information Technology Manager. He begins on July 9, 2019.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember A. Heffernan stated Imagine Hagerstown is off to a good start.

Councilmember E. Keller had no additional comments.

Councilmember L. C. Metzner had no additional comments.

Councilmember S. McIntire is willing to talk with Mr. Lohr about his ideas.

Mayor R. E. Bruchey, II noted Imagine Hagerstown is drawing a lot of people downtown. The four consecutive weekend events provide the opportunity for lots of different things to do downtown.

MINUTES

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember A. Heffernan, the minutes from May 7, 2019, May 14, 2019, May 21, 2019, and May 28, 2019 were unanimously approved by all members present as presented.

CONSENT AGENDA

Councilmember Keller requested the annual payment to Washington County for the 911 Center be removed from the Consent Agenda in order to discuss it further.

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously approved the Consent Agenda, with the exception of Annual Payment for Wages to 911 Center, as follows:

- A. Information Technology & Support Services:
 - 1. MUNIS Software Maintenance Renewal for FY20 – Tyler Technologies, Inc. (Dallas, TX) \$ 223,272.61
 - 2. Intellitime Software Maintenance Renewal for FY20 – Intellitime Systems Corporation (Santa Ana, CA) \$ 58,852.98

- B. Department of Parks and Engineering:
 - 1. Carr and First Street Sidewalks – Concrete Central, LLC (Hagerstown, MD) \$ 238,035.00

- ~~C. Police Department:
 - 1. Annual Payment for Wages to 911 Center – Washington County Treasurer (Hagerstown, MD) \$ 405,630.00~~

This item was removed from the Consent Agenda and moved to New Business

- D. Public Works Department:
 - 1. Three Vehicles – Keystone Ford (Chambersburg, PA) \$ 109,285.00
 - 2. Traffic Camera Control – Econolite (Glen Burnie, MD) \$ 18,931.32

- E. Utilities Department:
 - 1. Water – Fluoride Feed System – Carl Belt, Inc. (Cumberland, MD) \$ 80,334.00
 - 2. Water – Basin Handrails – Carl Belt, Inc. (Cumberland, MD) \$ 11,900.00
 - 3. Water – Magnafloc – George S. Coyne Chemical Co., Inc. (Croydon, PA) \$ 26,685.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: Authorizing the Sale of Unimproved Real Property consisting of one, two-acre parcel of land located in Hagerstown, Maryland on Wesel Boulevard and identified in a Deed to Seller dated April 24, 1989, and recorded at Liber 926, Folio 038

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 of all members present to approve an ordinance authorizing the sale of unimproved real property consisting of one two-acre parcel of land located in Hagerstown, Maryland on Wesel Boulevard and identified in a Deed to Seller dated April 24, 1989, and recorded at Liber 926, Folio 038. The property will be conveyed to North Point Development, LLC for a sale price of \$ 1.00. The sale will be in accordance with all terms and conditions listed in the purchase agreement.

NEW BUSINESS

A. Approval of a Resolution: Memorandum of Understanding with the University System of Maryland at Hagerstown for Operations of University Plaza

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 of all members present to approve a resolution for the execution and delivery of a Memorandum of Understanding (MOU) between the City of Hagerstown and the University System of Maryland at Hagerstown for Operations of University Plaza. This MOU sets forth the responsibilities of both parties regarding the operation and use of the Plaza from July 1, 2019 through June 30, 2022.

B. Approval of a Resolution: Memorandum of Understanding with the University System of Maryland at Hagerstown for Police Services of University Plaza

Action: On a motion duly made by Councilmember E. Keller and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a resolution for the execution and delivery of a Memorandum of Understanding (MOU) between the City of Hagerstown and the University System of Maryland at Hagerstown for Police Services of University Plaza from July 1, 2019 through June 30, 2022.

C. Approval of a Resolution: Memorandum of Understanding with University System of Maryland at Hagerstown for Groundskeeping Services at University Plaza

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 of all members present to approve a resolution authorizing the execution and delivery of a Memorandum of Understanding (MOU) between the City of Hagerstown and the University System of Maryland at Hagerstown for Groundskeeping Services for University Plaza from July 1, 2019 through June 30, 2022. The MOU sets forth the responsibilities of both parties to maintain the Plaza.

D. Approval of a Resolution: Termination of a Project Site Lease Agreement with Customized Energy Solutions, LTD

Action: Councilmember A. Heffernan made a motion to approve a resolution to terminate the project site lease agreement with ESS Snook Project LLC dated December 16, 2015 and assigned to Customized Energy Solutions LTD. On November 9, 2016 to lease property owned by the City for the construction, maintenance, and operation of an energy storage system. Councilmember E. Keller seconded the motion.

Motion carried 3-1 with Councilmember S. McIntire abstaining from the vote due to a potential conflict of interest.

E. Approval of a Resolution: Termination of a Project Site Lease Agreement with ESS Fairgrounds Project LLC

Action: Councilmember L. C. Metzner made a motion to approve a resolution to terminate the project site lease agreement with ESS Fairgrounds Project LLC dated November 24, 2015 to lease property owned by the City for the construction, maintenance, and operation of an energy storage system. Councilmember E. Keller seconded the motion.

Motion carried 3-1 with Councilmember S. McIntire abstaining from the vote due to a potential conflict of interest.

F. Approval of a Resolution: Termination of a Project Site Lease Agreement with ESS Wesel Project LLC

Action: Councilmember L. C. Metzner made a motion to approve a resolution to terminate the project site lease agreement with ESS Wesel Project LLC dated November 24, 2015 to lease property owned by the City for the construction, maintenance, and operation of an energy storage system. Councilmember A. Heffernan seconded the motion.

Motion carried 3-1 with Councilmember S. McIntire abstaining from the vote due to a potential conflict of interest.

G. Approval of a Resolution: Project Site Lease Agreement with Innolith Snook LLC

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 of all members present to approve a resolution for a project site lease agreement with Innolith Snook LLC to lease property

owned by the City for the maintenance and operation of an energy storage system for an initial term of ten years.

H. Approval of a Resolution: Project Site Lease Agreement with Innolith Fairgrounds LLC

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 of all members present to approve a resolution for a project site lease agreement with Innolith Fairgrounds LLC to lease property owned by the City for the construction, maintenance, and operation of an energy storage system for an initial term of ten years.

I Approval of a Resolution: Project Site Lease Agreement with Innolith Memorial LLC

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 of all members present to approve a resolution for a project site lease agreement with Innolith Memorial LLC to lease property owned by the City for the construction, maintenance, and operation of an energy storage system for an initial term of ten years.

J. Approval of a Resolution: Tax Exemption for Innolith Snook LLC

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 of all members present to approve a resolution to provide a City personal property tax exemption to Innolith Snook LLC for a limited period of five years.

K. Approval of a Resolution: Tax Exemption for Innolith Fairgrounds LLC

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 of all members present to approve a resolution to provide a City personal property tax exemption to Innolith Fairgrounds LLC for a limited period of five years.

L. Approval of a Resolution: Tax Exemption for Innolith Memorial LLC

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 of all members present to approve a resolution to provide a City personal property tax exemption to Innolith Memorial LLC for a limited period of five years.

M. Approval of an Agreement with the Maryland Department of Health

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember A. Heffernan, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a Small Procurement Contract with the State of Maryland Department of Health for \$ 12,000 in funding to create a Bike Safe Play Court adjacent Mill Street contingent upon Health Department acquiring permission from the property owner.

Discussion: Councilmember Metzner congratulated staff and the Bicycle Advisory Committee for their efforts to have this amenity.

N. Approval of Amendments of the City's Water and Wastewater Policy

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 of all members present to amend the City of Hagerstown Water and Wastewater Policy. This amendment modifies the policy as follows:

1. Edits the opening statement for clarity
2. Amendment to Exception 6 to make a distinction between "vital economic development projects" and "projects located in the targeted economic development area at the airport, as delineated in the County's 2002 Comprehensive Plan"
3. Edits to the closing statement to require pre-annexation agreements for all but Exception 5 and 7
4. Addition of a final closing statement that provides an 18 month deadline to gain site plan approval, pay water and/or wastewater fees, and file a building permit, or the requested water service approval is voided. Mayor and Council approval of an extension to that deadline is a possibility if filed within 60 days of the deadline.

O. Approval of Amendments to the City's Annexation Policy

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 of all members present to approve an amended City of Hagerstown Annexation Policy. This amendment updates references to the City Comprehensive Plan and Water and Wastewater Policy and updates data on the benefits of annexing into the City.

P. Approval of CHIEF and Ganesh III, LLC Request for Water Under the City's Water and Wastewater Policy

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 of all members present to approve the request from CHIEF and Ganesh III, LLC for water services for a portion of the Airport Business Park located in the area of Citi Corp Drive and Breeze Hill Drive located beyond the Hagerstown Medium-Range Growth Area for a proposed new 100-room hotel. The property is approximately 3 acres and is identified on an attached map. Approval is granted for this property outside the City's Medium Range Growth Area under Exception #6 of the City's Water and Wastewater Policy. The approval requires a pre-annexation agreement with the City of Hagerstown. The approval requires the property owner to extend the existing 8-inch water main to Mason Dixon Road, and provide a twenty foot easement for all water infrastructure.

Discussion: Councilmember Heffernan hopes to see significant progress in the near future on the delineation of the MRGA for future sustainability.

Q. Approval of a Memorandum of Understanding between the City and the Washington County Mental Health Authority

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 of all members present to renew a Memorandum of Understanding with the Washington County Mental Health Authority for the purpose of reimbursing Hagerstown Police Department for overtime costs to allow officers to attend approved Crisis Intervention Training.

R. Approval of the Utilities Department Street Patching Contract for FY 2020 with Huntzberry Brothers, Inc.

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 of all members present to approve the Fiscal Year 2020 Street Patching Contract in the amount of \$ 297,500 with Huntzberry Brothers, Inc. This contract amount is an estimate, with the actual cost based upon the actual work performed for street patching and repairs associated with the operations of the Water Division, Light Division, and Wastewater Division. This contract has two, one-year renewal options under mutually agreeable terms. Approval of this contract authorizes Utility Department staff to exercise the renewal options. Adequate budgetary funds are in place for the work identified under this contract.

S. Approval of HVAC Service and Maintenance Agreement Contract: 07/01/19-06/30/20

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 of all members present to authorize and approve the renewal of the HVAC Service and Maintenance Agreement for the contract term of July 1, 2019 – June 30, 2020. This is year one of three optional one-year renewals. M. S. Johnston Company Inc.’s FY20 annual amount is \$ 33,782.00 with a departmental breakdown shown below:

Light Department	\$ 1,880.00
Parks Department	\$ 6,582.00
Public Works	\$ 13,092.00
Wastewater Department	\$ 8,000.00
Water Department	\$ 4,228.00

T. Approval of City Funding for Doleman Black Heritage Museum: Building Acquisition

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 of all members present to approve an additional \$ 108,000 in City funding to support property acquisition located at 465 Pennsylvania Avenue with details as outlined in the Resolution R-19-28 agreement and Commercial Mortgage Note. The funding details were discussed at the June 11, 2019 Work Session and are reflected below:

FY19 - \$ 18,000 from GF Economic Development Incentives
FY20 - \$ 20,000 from GF Communications Operating Budget Items
FY20 - \$ 70,000 from overall GF Contingency Operating Budget

U. Approval of the Invest Hagerstown Grant Programs

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 of all members present to approve the Invest Hagerstown Grant Programs. The purpose of this program is to inspire and enable significant redevelopment within the City, reusing and repurposing existing vacant and under-utilized properties. The program includes five categories: 1) the City Center Redevelopment Grant Program; 2) the City-Wide Redevelopment Grant Program; 3) the Homeownership Grant Program; 4) the Rental Property Rehabilitation Grant Program; and 5) the Façade Grant Program. Applicants shall be awarded the grant based on eligibility criteria and qualifications. Funding of this program will come from the Economic Incentives Invest Hagerstown Grant Programs line item in the Fiscal Year 2020 budget.

V. Police Department: Annual Payment for Wages to 911 Center – Washington County Treasurer \$ 405,630.00

Action: On a motion duly made by Councilmember E. Keller and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote of all members present to table approval of the annual payment for Wages to the 911 Center.

Discussion: Councilmember Keller wants time to discuss this with the County. Hagerstown is the only municipality that pays toward the 911 Center. City residents should be treated fairly.

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 7:41 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: July 30, 2019