

79TH REGULAR SESSION – July 30, 2019

Mayor R. E. Bruchey, II called this 79th Regular Session of the Mayor and City Council to order at 7:00 p.m., Tuesday, July 30, 2019, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, A. Heffernan, L. C. Metzner, and S. McIntire, Director of Finance Michelle Hepburn, City Attorney Jason Morton, and City Clerk D. K. Spickler. Councilmember E. Keller and City Administrator Scott Nicewarner were not present.

The invocation was offered by Councilmember Kristin Aleshire. The Pledge of Allegiance was recited and led by Councilmember Aleshire.

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, August 6, 2019, Tuesday, August 13, 2019, Tuesday, August 20, 2019, and the Regular Session on Tuesday, August 27, 2019. A joint meeting with the Washington County Commissioners will also be held on Tuesday, August 27, 2019. September 10, 2019, Tuesday, September 17, 2019, and the Regular Session on Tuesday, September 24, 2019. There is no meeting scheduled for Tuesday, September 3, 2019.

GUESTS

Certificate of Recognition – Htown Elite 5th Grade Basketball Team

Mayor Bruchey presented Certificates of Recognition to the members of the HTown Elite 5th Grade Basketball Team. These players qualified to play in the Premier I National Basketball Tournament which was held at Spooky Nook Complex in Lancaster, Pennsylvania from June 28-30, 2019. HTown Elite claimed victory, becoming the 5th Grand East Coast National Champions in this tournament. The players and their coaches were recognized on this wonderful accomplishment.

Certificates were presented to Jase Alkire, Jahmeir Byrd, Xavier Colbert, Aaron Conrad, Joey Dorsey, Ty'qwell Fauntleroy, Donell Jeffries, Nashon Mann, Nazir Mitchell, Brandon Monroe, Jr., Xavier Oree, Ty'quan Streeter, Jacob Tyler, Micah Williams, Coach Roscoe Dorsey, and Coach Brandon Monroe.

NEW BUSINESS

Approval of a Resolution: Establishing a Hagerstown Youth Advisory Council Partner Group Ad-Hoc Committee

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 rescind the resolution establishing a Hagerstown Youth Advisory Council Partner Group ad-hoc committee adopted on July 16, 2019 and approve an updated resolution increasing the number of members to five.

The goal of the Partner Group is to assist with the review of applications and serve as mentors and advisors to the Hagerstown Youth Advisory Council throughout the program year.

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 of all members present to appoint the following people to the Hagerstown Youth Advisory Committee Partner Group (all terms to expire July 30, 2020):

Pieter Bickford
Linda Mercurio
Eric Rollins
Shana Ruff
Anthony Williams

Mayor Bruchey thanked the group for volunteering to serve in this capacity.

CITIZEN COMMENTS

Lisa Plaisance, Hilltop Christian Fellowship, 12624 Trinity Church Drive, Clear Spring, Maryland, was present to talk about the Hagerstown Outreach Team ministry at Hilltop. This group protests the murder of babies. The people at the clinic in Hagerstown are not considered their neighbors. Evil acts happen when good men do nothing. She asked the group to keep the unborn on their hearts.

CITY ADMINISTRATOR COMMENTS

Michelle Hepburn, Director of Finance, had no additional comments.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember S. McIntire had no additional comments.

Councilmember L. C. Metzner had no additional comments.

Councilmember A. Heffernan had no additional comments.

Councilmember K. B. Aleshire had no additional comments.

Mayor R. E. Bruchey, II had no additional comments.

MINUTES

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember A. Heffernan, the minutes from June 4, 2019, June 11, 2019, and June 18, 2019 were unanimously approved by all members present as presented.

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:

Consent Agenda

- A. Department of Community and Economic Development:
 - 1. Christkindl Open Container Exemption

- B. Department of Human Resources:
 - 1. Workers' Compensation Self-Insurance TPA Services – PMA Management Corporation (PMA) (Blue Bell, PA) \$ 32,040.00
 - 2. Workers' Compensation Security Deposit Bond – continuous bond – Safety National Casualty Corporation (St. Louis, MO) \$ 38,100.00
 - 3. Excess Workers' Compensation Liability Insurance – Safety National Casualty Corporation (St. Louis, MO) \$ 170,960.00
 - 4. Liability and Property Insurance – Local Government Insurance Trust (LGIT) (Hanover, MD) \$ 398,993.00

- C. Police Department:
 - 1. Monthly Delinquent Citation Collections – Rekor (Hanover, MD) \$ 60,000.00
 - 2. Monthly Speed Camera Charges – Rekor (Hanover, MD) \$ 446,400.00
 - 3. Western Maryland Regional Crime Lab Accreditation – ANSI National Accreditation Board (Milwaukee, WI) \$ 12,300.00
 - 4. 2019 Dodge Chargers – Hertrich Fleet Services, Inc. (Milford, DE) \$ 212,376.00
 - 5. Equipment and Installation for 2019 Dodge Chargers – Occasion of a Lifetime, LLC (Myersville, MD) \$ 118,869.44
 - 6. Fourier Transform Infrared Spectrometer – Thermo Electron North American (Madison, WI) \$ 27,593.00

- D. Public Works:
 - 1. Pay by Phone Consulting Service – DEC Parking Associates (Ivyland, PA) \$ 16,800.00

- E. Utilities Department:
 - 1. Wastewater – Repair of Pump No. 6 – Apparatus Repair and Engineering,

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

A. Introduction of an Ordinance: Execution of a Deed of Easement and Maintenance Agreement with the Housing Authority for Public Art Installation

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 of all members present to introduce an ordinance authorizing the execution of a Deed of Easement and Maintenance Agreement between the City of Hagerstown and the Housing Authority of the City of Hagerstown, Maryland for use of a portion of the Housing Authority property in connection with the installation and maintenance of a public art sculpture entitled “Moller’s Sacred Wind” by David Gibney.

B. Approval of a Resolution: Agreement for Public Art

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 authorizing an agreement for public art between the City of Hagerstown, The Washington County Arts Council, and David Gibney for a sculpture to be located north of the Sculpture Garden on the Cultural Trail. Funding for the project is \$ 14,000, of which, \$ 7,000 represents donations secured from the Artist, \$ 5,000 from the Maryland State Art Gant to the Washington County Arts Council, and \$ 2,000 from the City of Hagerstown.

C. Approval of a Resolution: Termination of a Lease Agreement with Somerset Fire Alarm & Security LLC for the Property Located at 14 N. Potomac Street, Suite 200C

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 resolution authorizing a lease termination agreement with Somerset Fire Alarm & Security for the property located at 14 N. Potomac Street, Suite 200 C in Hagerstown, Maryland.

D. Approval of a Resolution: Memorandum of Understanding (MOU) between the City and REACH – Bridge of Change Program

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 a resolution authorizing a Memorandum of Understanding between the City of Hagerstown and the Religious Effort to Assist and Care for the Homeless, doing business as REACH of Washington County, whereas REACH operates a Bridge to Change Program whose purpose is to develop human potential through purposeful work experiences for the homeless. A copy of the MOU is attached to the motion.

Discussion: Councilmember McIntire had the privilege to attend the debriefing for this group earlier today. They have collected 1,500 pounds of trash. She is very proud the City of Hagerstown is participating in this program to help the homeless. She thanked Eric Deike, Director of Public Works, for his assistance with this program.

Mayor Bruchey thanked Councilmember McIntire for spearheading this program for Hagerstown.

E. Approval of a Resolution: Addendum to Purchase Agreement for Sale of 64 East Franklin Street

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 authorizing an addendum to the purchase agreement for sale of property located at 64 East Franklin Street. This CDBG Homeownership property is currently under contract to be sold to Tameeka Mitchell and the addendum will extend the settlement deadline from August 1, 2019 to October 31, 2019.

F. Approval of a Resolution: Extension of Settlement Date of 319 Summit Avenue

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 of all members present to approve a resolution to amend the agreement with Marcinda L. Lynn to purchase 319 Summit Avenue by extending the closing date until November 30, 2019. Extension is due to delays in Maryland Program Open Space funding approval.

G. Approval of a Resolution: Authorizing the Designation of Alley #5-15 as “Monarch Way”

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 a resolution authorizing the designation of Alley #5-15 as “Monarch Way”. This alley is between May Street and Country Club Road. The alley is so named to raise awareness about the demise of the monarch butterflies and the adjacent monarch waystation serves as a memorial garden to those who have suffered the loss of a baby through miscarriage, stillbirth, and sudden infant death.

H. Approval of a User Agreement for Cumberland Valley Model Yacht Club

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 User Agreement with Cumberland Valley Model Yacht Club effective September 1, 2019 through August 31, 2022 to allow for their model sail boat activities on the City Park lake.

I. Approval of an Agreement: Management of In-Line Rink at Fairgrounds Park

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 accept a User Agreement with Hagerstown Ice Amateur Athletic Association regarding operation and use of the In-Line Rink at Fairgrounds Park effective July 1, 2019 through June 30, 2024.

J. Approval of Amendment to Power Service Agreement between City and First Energy Solutions Corporation

This item was removed from the agenda at the start of the meeting.

K. Approval of Revised Application and Guidelines for the Historic City Farmers Market

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 the revised Application and Guidelines for the Historic City Farmers Market, dated 07/30/19. Staff may make administrative edits from time to time with the approval of the City Administrator.

L. Approval of Noise Ordinance Exemption – Krumpe’s Donut Drop

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 of all members present to approve an exemption from the City of Hagerstown's Noise Ordinance under Section 155-5 of the Code of the City of Hagerstown for the Maryland Theatre/Krumpe's Donut Drop on December 31, 2019.

M. Approval of Acceptance of Vehicle Donation from the Washington County Special Response Team

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 accept the donation of a vehicle from the Washington County Special Response Team. The vehicle is a 2006 Chevrolet C4500 and will be used by the Western Maryland Regional Crime Lab to respond to and process crime scenes.

N. Approval of Policy for Chapter 64 Building Construction Standards Permit Exemptions

Action: Councilmember McIntire made a motion to approve the attached Chapter 64, Building Construction Standards, Permit Exemptions Policy. This policy will guide staff as they inspect properties and provide permit services for customers. This policy shall take effect on August 1, 2019 and shall remain in effect until the enforcement date of the pending ordinance updates for Chapter 64 of January 1, 2020. Councilmember A. Heffernan seconded the motion.

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 table the motion for further discussion.

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 7:32 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: August 27, 2019