

23RD SPECIAL SESSION, WORK SESSION, AND EXECUTIVE SESSION SEPTEMBER 12, 2017

MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

A ribbon cutting was held at 3:00 p.m. at the National Road Park located at 806 W. Washington Street.

23RD SPECIAL SESSION, WORK SESSION, AND EXECUTIVE SESSION – September 12, 2017

EXECUTIVE SESSION – September 12, 2017

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 meet in closed session to consult with counsel to obtain legal advice; #7, (Section 3-305(b)), on Tuesday, September 12, 2017 at 3:34 p.m. in the Council Chamber, 2nd floor, City Hall, Hagerstown, Maryland.

The following people were in attendance: Mayor R. E. Bruchey, II, Councilmember K. B. Aleshire, Councilmember P. D. Corderman, Councilmember E. Keller, Councilmember L. C. Metzner, City Administrator Valerie Means, City Attorney Jason Morton, Kathleen Maher, Director of Planning and Code Administration, Rodney Tissue, City Engineer, Stephen Bockmiller, Zoning Administrator, and D. K. Spickler, City Clerk. Councilmember D. F. Munson was not present.

The meeting was held to obtain legal advice. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the Executive Session was adjourned at 4:25 p.m.

23RD SPECIAL SESSION AND WORK SESSION – September 12, 2017

Mayor R. E. Bruchey, II called this 23rd Special Session and Work Session of the Mayor and City Council to order at 4:35 p.m., Tuesday, September 12, 2017 in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, P. D. Corderman, E. Keller, and L. C. Metzner, City Administrator Valerie Means, and City Clerk D. K. Spickler. Councilmember D. F. Munson was not present.

23rd Special Session – September 12, 2017

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote of all members present to meet in Special Session at 4:35 p.m.

Approval of a Resolution: Amending the City Charter: Article VIII, Personnel, Section 801, City Attorney

Action: Councilmember K. B. Aleshire made a motion to approve a resolution amending the Charter of the City of Hagerstown, Article VIII, Section 801, City Attorney. The amendment removes the requirement that the City Attorney have a principal law office located in the City. The City intends to issue a request for proposals for legal services. This

amendment will allow for all interested otherwise-qualified attorneys and/or law firms to respond to the request for proposals. The City will not make a final selection for legal services until the effective date of this Charter Amendment. Councilmember E. Keller seconded the motion.

Motion carried 3-1 with Councilmember P. D. Corderman voting No.

The Special Session was closed at 4:37 p.m.

WORK SESSION – September 12, 2017

Review of Federal JAG Grant Application

Captain Paul Kifer was present to review a Federal JAG Application. The Hagerstown Police Department received a Federal JAG grant (2017H3350-MD-DJ) in the total amount of \$ 33,661.00. The City of Hagerstown will receive \$ 21,098.00 and the remaining \$ 12,563.00 will be available to the Washington County Sheriff's Office.

A requirement of that application was to notify the governing body. Staff fulfilled one requirement by posting the solicitation on the City website on or about September 6, 2017. Mayor and Council notification was not completed and is being completed with this agenda item.

This grant is a yearly non-match grant that HPD has received for numerous years and provides overtime funding to support strategies within designated "Safe Streets" areas and public housing. Currently the grant has been frozen - until the requirement to notify the Council is complete.

Strategies may include but are not limited to:

1. Law enforcement activities may include, but are not limited to, drug operations, traffic operations, prostitution operations, and any other activity that is law enforcement related and evidence-based in this area.
2. Since the City's budget is based on projections from previous incidents and does not reflect specialized activities which are based on future, specific problems, these funds are potentially vital to the department.

It was the general consensus of the Mayor and City Council to move forward with this grant.

Policy on Dogs in Parks

Due to time constraints, this agenda item was postponed to a future Work Session.

Urban Improvement Project: Pedestrian Bridge

Rodney Tissue, City Engineer, was present to discuss a planned pedestrian bridge which is part of the Urban Improvement Project (UIP). Rob Slocum, County Administrator, was also present.

On September 1, 2017, the City received a request from some of the other partners of this project for the City to participate in the construction and ownership of the elevated pedestrian bridge that will connect the new Barbara Ingram School for the Arts with the University System of Maryland building proposed at 55 West Washington Street, a distance of about 150 feet. The Board of Education (BOE) feels this bridge is necessary for the efficient and safe passage of their students between the buildings.

The stated reasons for this request are that all parties are assuming the City will own and maintain the future plaza and the bridge will span the northeast edge of the plaza. In addition, the bridge will be a dominant architectural feature of the plaza and the City should have input on the design.

While details are limited, the general parameters of this proposal are as follows:

1. City would own the bridge but the County and BOE would maintain it
2. City would construct the bridge as the first phase of the plaza but funding will be from sources other than the City.

In general, City staff support whatever is necessary within reason to assist in making this project happen, but limiting the City's exposure to future potential risks and liabilities. That said, staff would suggest that if the City approves this proposal in principle, then a subsequent agreement must address these important issues:

1. Funding: All funding for the design and construction of the bridge will be by other sources and not City funds. The Mayor and Council have supported \$ 1 million toward the plaza which will not be adequate to construct the plaza and underground all the utilities so other sources will be needed to assist in funding the Plaza construction too.
2. Schedule: The bridge design has barely commenced and concepts are anticipated to be received on September 18, 2017. All partners of the project will have to ensure that the designs are completed in a timely manner so that the bridge construction occurs in coordination with the overall UIP project. Staff will need time to issue a bid and follow the City's procurement process and ensure all funding source requirements are complied with.
3. Liability: Since there will be no general public access to the bridge, all liability should be conveyed to other parties that will routinely use the bridge and they need to hold the City harmless. If ownership of either of the two connecting buildings changes there must be language that also conveys the City's ownership of the bridge.
4. Maintenance: Staff understand the County will maintain the bridge exterior and BOE will maintain the interior. If either the County or the BOE divests

interest in the connecting building there must be continued agreement by these parties to maintain the bridge.

Councilmember Aleshire asked what happens with the bridge when it reaches the end of its use/life. Mr. Tissue stated addressing that occurrence would have to be included in the agreement.

Mr. Slocum reported the Board of County Commissioners met today and have agreed to the funding mechanisms that show it will be available. This component of the UIP is another example of the joint effort being undertaken.

Councilmember Metzner stated it is a pleasure to see all these government agencies working together and not fighting each other. Everyone should be proud of this good work.

Senator Serafini stated the project is being discussed with USMH as well. There is a possibility USMH will take ownership of the bridge. He indicated the State will work with the City on the plaza. He noted Secretary Holt is excited about what is happening in Hagerstown.

Councilmember Aleshire stated a third parking deck is a necessity. It should be constructed at the same time that the UIP is being constructed. The City has to be ready for the need for additional parking when the project is complete.

It was the general consensus to move forward with completing the formal agreements, documenting all the details.

Urban Improvement Project – Maryland Historical Trust Memorandum of Agreement for Property Demolitions

Jonathan Kerns, Community Development Manager, was present to discuss Memorandum of Agreements with the Maryland Historical Trust and the Maryland Department of Housing and Community Development. The Agreements are required due to the anticipated use of State grant funding for the Maryland Theatre expansion project and Washington County BOE/BISFA expansion project. Although the State grant funding in question is to be utilized by UIP partners, the City is the lead agency associated with the State grant funding and must be party to the agreements.

The City is seeking funding for the Urban Improvement Project (UIP) through the State of Maryland Community Legacy program and Strategic Demolition program. In anticipation of receiving State grant funding for the UIP, the individual projects utilizing State funds will be required to follow certain Maryland Historical Trust (MHT) procedures.

Since some aspects of the UIP involve demolition of structures within the Downtown Historic District, this typically results in an “adverse effect on historic properties” finding as determined by the MHG. As a result of the adverse effect on historic properties

finding, all parties involved must enter into a “Memorandum of Agreement” (MOA) to identify steps that will mitigate the loss of historic structures.

State of Maryland staff have worked with UIP project partners to create the required Memorandum of Agreements for the projects involving building demolition. One of the mitigation steps proposes the City of Hagerstown will take the lead in coordinating the installation of interpretive elements (e.g. plaques, signage, or panels) to detail the history of the buildings being demolished. City staff have discussed this possibility and agree this would allow for consistent design and installation of interpretive elements to be incorporated into the UIP. Anticipated overall cost for the installation of such elements would likely fall in the \$ 5,000 to \$ 10,000 range and each MOA requires the project developer to absorb most of these costs.

It was the general consensus of the Mayor and City Council to include approval of the MOAs on the September 26, 2017 Regular Session agenda.

Verbal Update on Permitting, Inspections, Code Compliance Review (PICCR) Committee

Kathleen Maher, Director of Planning and Code Administration, and Wes Churchey, Chairman of the Permitting, Inspections, Code Compliance Review Committee (PICCR) were present.

Mr. Churchey stated he is a developer and has worked in the City for more than 16 years. It would have been easy to sell his property in 2007 but he stayed and supported the City. He stated the PICCR was created to review City processes for contractors and developers because there has been frustration between the private sector and the City’s Code Compliance department.

The group has met 8 times. During the meeting last week, several specific regulations were discussed. With the Mayor and City Council’s permission, the group want to discuss whether certain regulations can be amended for the City of Hagerstown with the City Attorney. An update would then be provided to the Mayor and Council after the PICCR’s October meeting. Mr. Churchey anticipates there will be some issues in the report that will be contentious. He anticipates the report will include proposals for recommended changes for improvements to the process.

Mayor Bruchey stated the group has discussed changes to the permitting process. One change that has been implemented is the way documents required for building permits may be submitted. Another change is in the billing cycle for projects.

The PICCR members discussed ways to encourage additional investment in Hagerstown with the Urban Improvement Project being planned. Hagerstown needs small shops to complement the other development that is anticipated.

Mr. Churchey reported members of the PICCR have asked if they can review the rental licensing program. Councilmember Metzner stated there was a specific purpose

for this group and it would be better to wait until the original purpose is complete before considering other matters.

Councilmember Aleshire is interested in hearing concerns from various architects and engineers about the City's permitting process. This administration instructed staff to make the process more efficient and timely to resolve the complaints they were hearing during the election. They did not hear complaints about rental registration, the crime free ordinance, or the excessive use ordinance. They continually heard complaints about hurdles within the permitting process. He feels the ad hoc group was moving away from the intended issue.

Councilmember Keller agreed the PICCR was initially created to address the complaints. She thinks everyone's objective is to make it easier to do business with the City. It is difficult to only talk about one topic when so many things are intertwined. She felt the committee was not making progress so the objective was reviewed. They determined they needed legal advice. While waiting on this, she suggested discussing other ways to improve interactions with the City.

Mayor Bruchey stated he knows everyone at the table wants the message to be that the City is a good place to do business. He supports any process that gets this message out in the community.

Councilmember Corderman thanked Mr. Churchey and the other members of the PICCR for their commitment. Being part of the group, Councilmember Corderman felt rental licensing was an appropriate next topic.

Ms. Maher has also suggested reviewing the inspection checklist since there are members of the PICCR that are directly affected by it.

CITY ADMINISTRATOR'S COMMENTS

Valerie Means, City Administrator, had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember L. C. Metzner had no additional comments.

Councilmember P. D. Corderman thanked Councilmember Keller for organizing an overdose awareness vigil several weeks ago. He proposed sending a letter opposing the McCleary-Hill project to the Hagerstown Housing Authority. He congratulated Aaron Brooks on winning the World Wrestling Championship. Mr. Brooks' accomplishment will be recognized formally at a future Mayor and Council meeting.

Councilmember K. B. Aleshire attended a meeting regarding McCleary-Hill recently with residents of Cedar Lawn. He did not defend Noland Village or the Hagerstown Housing Authority during the meeting. He considers whether a project is economically the highest and best use. He does not feel this project is the best use of the property.

This is a project that will cost the City money. The property was annexed into the City with a completely different intended use. Elected officials are the voice that protects the public. As he has stated previously, the time to oppose this project was in January when there was a public comment period. He was the only elected official who submitted a letter opposing the project. Now, other elected officials are saying they want to back the community.

Councilmember E. Keller stated people are asking what the Mayor and Council are going to do about the violence in the community (yesterday a person was shot at a local hotel). She thinks men in the community should step up and mentor the young adults who are carrying guns and are involved in questionable activities.

Mayor R. E. Bruchey, II reminded everyone the annual Remembrance in the Park is being held today at 6:00 p.m. at City Park.

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 5:31 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: October 24, 2017