

EXECUTIVE SESSION – November 7, 2017

Councilmember E. Keller made a motion to meet in closed session to consult with counsel to obtain legal advice; #7, (Section 3-305(b)), on Tuesday, November 7, 2017 at 3:32 p.m. in the Council Chamber, 2<sup>nd</sup> floor, City Hall, Hagerstown, Maryland. Councilmember L. C. Metzner seconded the motion.

Motion carried 2-1 with Councilmember P. D. Corderman voting No.

The following people were in attendance: Mayor R. E. Bruchey, II, Councilmember P. D. Corderman, Councilmember E. Keller, Councilmember L. C. Metzner, City Administrator Valerie Means, City Attorney Jennifer Keefer, Rodney Tissue, City Engineer, and D. K. Spickler, City Clerk. Councilmember K. B. Aleshire and Councilmember D. F. Munson were 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 4:06 p.m.

27<sup>TH</sup> SPECIAL SESSION AND WORK SESSION – November 7, 2017

Mayor R. E. Bruchey, II called this 27<sup>th</sup> Special Session, Work Session, and Executive Session of the Mayor and City Council to order at 4:09 p.m., Tuesday, November 7, 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.

27<sup>TH</sup> SPECIAL SESSION – November 7, 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 Special Session at 4:09 p.m.

**Approval of Purchase of Four Vehicles for Police Use – Keystone Ford  
(Chambersburg, PA) \$ 82,095.00**

**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 of all members present to approve the purchase of four vehicles for police use. These vehicles will be purchased from Keystone Ford, Chambersburg, PA for a total of \$ 82,095.00

Funding will be from HPD's Vehicle CIP Account #C0129.

**Approval of Retainer Agreement for City Legal 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 of all members present to approve the Retainer Agreement with Salvatore & Morton, LLC to serve as general legal counsel for the City of Hagerstown for two calendar years, beginning January 1, 2018 through December 31, 2019. Per the contract, the terms may be re-negotiated for the 2020 calendar year.

**Approval of a Contract: 2018, 2019, 2020 Fireworks Vendor**

**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 of all members present to approve the bid of Zambelli Fireworks to provide fireworks and technical assistance for the 2018, 2019, and 2020 Fireworks at Fairgrounds event at a total contract price of \$ 61,000.00.

The Special Session was closed at 4:12 p.m.

WORK SESSION – November 7, 2017

Washington County Strategic Highway Safety Plan

Hagerstown Police Chief Victor Brito and Washington County Sheriff Douglas Mullendore were present to discuss the recently completed Strategic Highway Safety Plan for Washington County.

Washington County has three major Interstate Highways that go through the County - Interstate 70, Interstate 81, and Interstate 68. Washington County has also experienced an increase in vehicular, pedestrian and bicycle traffic over the last decade as the population increased and additional businesses moved into the area. As a result, the number of serious and fatal crashes also increased over time. Serious injury is defined as any injury, other than a fatal injury, which prevents the injured person from walking, driving or normally continuing activities he/she was capable of performing before the injury occurred.

Law enforcement resources have been limited as the request for other services have increased and so the amount of time spent on traffic enforcement has decreased. Washington County implemented the Data Driven Approach to Crime and Traffic Safety in 2012. The result was that crime decreased, but traffic fatalities increased. The Strategic Highway Safety Plan will address the shortcomings addressed above so that the goals and objectives of the Plan can be accomplished through partnerships in the community.

Over the past three years (2013-2015), Washington County has accounted for approximately 5% of all traffic fatalities in Maryland. That portion has fluctuated from 4.5% to 5.7% to 3.3% over that time, while the County has maintained approximately 2.5% of the State's population and 3.5% of the State's vehicle miles traveled. This means that Washington County is slightly overrepresented in fatalities. However, the proportion of serious injuries has only fluctuated from 2.7% to 2.4% to 1.7%. This means the County is underrepresented with regards to serious injuries as it related to vehicle miles traveled.

The Washington County 2017-2022 Strategic Highway Safety Plan focuses on the specific emphasis areas of Distracted Driving, Pedestrians and Bicyclists, Aggressive Driving, Impaired Driving, Occupant Protection and Highway Infrastructure, which have been the major factors in causing serious injury and fatalities involving crashes in Washington County. A Strategic Highway Safety Plan Committee, which is a sub-committee of the Traffic Advisory Council, convened to review, strategize and formulate this Plan. All partner agencies of the Traffic Advisory Council have adopted this Plan and are a part of its implementation.

The Plan Committee reviewed historical crash data for the last five years and devised this plan to address the causation of serious and fatal crashes as well as targeting specific roadways where a high number of these crashes have historically occurred.

The Strategic Highway Safety Plan is established in support of the State of Maryland's Highway Safety Office goal of zero deaths in crashes in Maryland. Per the Fatal Crash Trend Chart, Washington County has begun to trend lower in the last two years in large part due to the increased enforcement efforts of law enforcement. This plan will incorporate a number of initiatives other than just enforcement and should have a more significant impact toward zero deaths.

Each law enforcement agency in Washington County has adopted this Washington County Strategic Highway Safety Plan and will conduct increased traffic enforcement and implement public awareness strategies according to the specific focus areas identified in this Plan.

Focus areas include the Dual Highway, traffic patterns on Eastern Boulevard at the YMCA, lack of wearing seatbelts, and aggressive driving particularly on the Interstates. During the month of October, awareness campaigns focused on the Move Over Law. December's campaign will be reducing distracted driving.

The Mayor and City Council endorsed this strategic plan and the plan for public awareness to reduce the number of fatal and serious accidents in the City of Hagerstown and Washington County.

#### Main Street Hagerstown's Christkindle Markt

Amanda Whitmore, Downtown Coordinator, Monika Wertman, Chair of Main Street organization Work Group, and Dieter Blosel, Owner of Schmankerl Stube, were present

to provide an update on Main Street Hagerstown's inaugural Christkindle Markt event scheduled for December 2, 2017.

Christkindle Markt is a German Christmas shopping tradition that originated in the streets of Germany. Main Street Hagerstown will be replicating several aspects of a traditional Christkindle Markt in downtown Hagerstown to help usher in the holidays.

The event will be held on Saturday, December 2, 2017 from 12:00 p.m. to 6:00 p.m. in the Public Square and downtown Hagerstown. Artisan vendors, traditional German foods, musicians, Santa Claus, and kid's activities are planned. The group is also seeking permission to sell beer and wine at the event.

Main Street Hagerstown is pleased that several downtown restaurants will be participating in the event by offering specials in their establishments. Augustoberfest is also sponsoring the kid's activities for the day.

#### Stormwater Utility Fee Study

Rodney Tissue, City Engineer, and Jim Bender, Assistant City Engineer, were present to discuss a draft Request for Proposals (RFP) for a Stormwater Utility Fee study, per the direction from the Mayor and Council at the July 11, 2017 Work Session.

With Council concurrence, the RFP would be issued immediately. Staff would bring the proposals back to the Mayor and City Council in January, 2018 for authorization to proceed and to award a contract for the Phase I scope of work. Generally, staff learned these studies cost between \$ 40,000 and \$ 100,000 depending on the scope and the level of interest from consultants. This study is not budgeted and staff envision that the fee that results from the study would cover the cost of the study. The research shows that several studies took up to five (5) years to implement with the public input process being the most time consuming, but ESSENTIAL part of the effort. The City's RFP suggests a time frame of less than three years with implementation in 2020.

This will be a multi-department effort and will require extensive involvement from Finance, Public Works, Customer Billing, and Engineering.

Also included in the meeting packet material was a copy of the July 6, 2017 staff memo and the APWA Reporter article entitled "Is a storm water utility right for your community?"

A citizen advisory committee is recommended to help with gathering input. This would likely take most of 2018. The Customer Service aspect could be set up later in 2019 or early 2020.

Councilmember Metzner is concerned that the study is not budgeted. He assumes the funding will come from the reserve fund. He also anticipates the need for funding to cover the \$ 200,000 budgeted for the stormwater fees that will not be implemented during this budget. He would not have voted for a budget that was balanced with reserve funds.

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He is very concerned that the funds will not be paid back to the reserve fund. The Council needs to step up and do what needs to be done for additional revenue and that is to increase the tax rate. He will support the study, if the funding model includes paying back the reserve fund in the next fiscal year.

Councilmember Aleshire stated the City will have to implement a stormwater program or be faced with millions of dollars in fines. Stormwater systems are going to be treated like a utility all across Maryland.

Mr. Tissue pointed out many jurisdictions east of Hagerstown have been dealing with stormwater management and the associated costs for several years.

Councilmember Aleshire is concerned about the next budget cycle and how the stormwater regulations will impact the tax rate. The stormwater regulations and anticipated costs are a small fraction of the budget compared to the obligations made for employee related expenses.

Councilmember Metzner is concerned that the use of reserve funds is occurring more often. There was \$ 200,000 in revenue from stormwater utility fees in the FY18 budget. Since the fees have not been implemented, he anticipates the need to increase the tax rate in the next budget for additional revenue. He stated members of the Council refused to acknowledge the tax rate had to be raised or lay off employees to balance the budget.

Mayor Bruchey pointed out the tax rate was increased. Councilmember Metzner clarified that the increase did not create additional revenue, it met the Constant Yield Tax Rate.

Councilmember Keller asked what action the County Commissioners are taking for this. Mr. Tissue indicated staff has said they are not ready to move forward.

It is anticipated the Maryland Department of the Environment will be issuing the permit to the City in March, 2018.

Councilmember Metzner mentioned partnering with the County to implement the fees at the same time would be better than the City implementing the fees prior to the County. Developers would have another reason to look elsewhere if the City has the fees and the County doesn't.

Councilmember Aleshire stated if the fee is in place, the State could fine the higher jurisdictions for not adhering to the regulations.

Councilmember Corderman asked how the fees (considered a utility) will benefit the General Fund. Ms. Means indicated equipment that matches the criteria for stormwater management, such as street sweepers and some vehicles, could be funded by the fees.

Mr. Tissue stated the street sweeping program is eligible to be financed by the stormwater fees as is replacement and maintenance of storm drains.

Councilmember Aleshire pointed out the fee will apply to all properties and will not exempt non-profit uses.

It was the general consensus to authorize staff to send out the RFP.

#### Community Coalition Meeting Update

The Mayor and City Council discussed the Community Coalition's anticipated agenda for the next session.

Jill Thompson, Director of Community and Economic Development, provided the following summary of the Coalition's October 25, 2017 meeting:

1. Brett Wilson is recommending that the CRIZ legislation be removed from the 2018 agenda as he will not be in a position to champion this legislation. He advised the group could continue to work on how to revisit this for 2019 or later. There is a suggestion to look at the RISE Zone incentives. It is important to understand how the benefits of a RISE Zone differ from the existing Enterprise Zone. All of downtown/CC-MU zoning district is an Enterprise Zone which provides 10 years of property tax credits on new, qualified investment and income tax credits or the creation of new jobs.
2. The Funding Request of \$ 5,000 from the City for the Coalition is scheduled during the November 21, 2017 Work Session.
3. Planning will begin for the reception in Annapolis. The group is seeking ideas for the reception including if attendance by a Washington County personality/celebrity could be a draw. The group is seeking ideas of who such personalities/celebrities might be.

The 2018 Washington County Community Lobbying Coalition Draft Agenda is as follows:

1. Urban Improvement Project
2. City Revitalization Improvement Zone
3. I-81 Widening Improvements
4. I-70/Rt. 65 Interchange Improvements
5. NPS Headquarters/Visitors Center in Williamsport
6. Funding for a Mobile Crisis Team and 24/7 Walk-In Mental Health Clinic
7. Towpath Rehabilitation
8. Boonsboro Visitor Center and National Road Museum
9. Promotion/Educational Outreach

Councilmember Aleshire wondered if the County Commissioners are participating in the Coalition this session. It was noted the Coalition had not made a request for funding to the Commissioners yet.

Ms. Means indicated work won't stop on the CRIZ legislation. There may be some case studies as examples for a future year.

Councilmember Aleshire noted Boonsboro has an item on the draft agenda and should also contribute to the Coalition. He does not think improvements at the I-70/Rt. 65 interchange should be considered a City project. He is not in favor of a mobile crisis team. A mobile crisis unit may take some of the burden from Meritus and if that is the case, Meritus should contribute to the partnership.

Councilmember Keller stated the community does need a mobile crisis unit and there is no walk-in mental health clinic available.

Councilmember Metzner would like more information about where the immediate care is taking place. He doesn't read that this will relieve Meritus of patients. There is a difference between a mental health crisis person riding with the police and intervening and assisting and taking the person to the hospital if that's where they need to go. He thinks this would be an intermediary that can assist with them at the hospital versus them walking in alone.

Councilmember Keller stated any fire department in Allegheny County will assist walk-ins. They assess the person's vital signs and see what help is needed.

Councilmember Metzner stated the mental health clinic mentioned is for rural mental health challenges. He would not want to find out the treatment facility is located in the middle of Hagerstown. He won't support the agenda item if that is the case.

Councilmember Aleshire stated there were rumors several years ago that these types of treatments would take place at the Western Maryland Hospital Center.

Councilmember Metzner wondered if the State of Maryland has funded anything like this. He agrees that a clinic is needed.

Paul Frey, CEO/President, Washington County Chamber of Commerce, stated the funding details are not known at this time. Grants are being sought for the mobile crisis team unit.

Councilmember Metzner asked if the County has been approached for funding for a mobile crisis team.

Mr. Frey stated he would discuss these questions with Jim Kercheval and provide information to the Mayor and Council by the November 21, 2017 Work Session.

Councilmember Keller stated business owners have come to the Mayor and Council and indicated this is a huge problem. She wondered how members of the elected body can continue to say they don't support a treatment facility.

Councilmember Metzner stated if a facility is located in close proximity to existing health/treatment facilities, such as Meritus Hospital or Brooklane, he would support it. He noted he has had experience with people who have overcome Opioid addictions. They know the way to get out of jail is through voluntary inpatient treatment. He stated this facility appears to be a mental health treatment facility rather than an Opioid treatment facility.

Councilmember Keller stated there is a significant mental health problem in the community. A four to six month wait for treatment does not help the situation.

Councilmember Aleshire wondered how well the State would manage and monitor this type of facility.

Mr. Frey indicated the Coalition will be asking the County for the annual support in December.

Councilmember Metzner stated the Urban Improvement Project should be the main focus of the Coalition during the upcoming session.

#### **CITY ADMINISTRATOR'S COMMENTS**

*Valerie Means, City Administrator*, had no additional comments.

#### **MAYOR AND COUNCIL COMMENTS**

*Councilmember E. Keller* congratulated South High for winning the annual Gridiron Classic football game. She thanked students at Bester Elementary for their ideas about the trash program. She asked that an update be provided for a two-tier tax rate. Ms. Means indicated this is scheduled to be on the agenda on November 21, 2017.

Councilmember Keller wants to look into the possibility of requiring hotels to not accept cash payments for lodging and to keep a log of vehicles on their property. There needs to be a social media policy for any vendor/contractor that does business with the City. This policy should include contracted employees as well.

*Councilmember K. B. Aleshire* stated Mayor and Council need to be aware of the safety concerns the people at the Potomac Center have expressed. He would like to know what kind of interaction there is with the Hagerstown Police Department. He noted the Hagerstown Housing Authority (HHA) has sold the land next to the current Noland Village development. This action solidifies they are moving forward with the McCleary Hill development. The HHA, compared to the private market, has greater ability to enforce contractual agreements. He expressed his concern that so many people involved in crimes seem to be relocating to Hagerstown. He wondered where the disconnect is for these activities.

*Councilmember P. D. Corderman* stated the Gridiron Classic game was good. He reflected on where the Mayor and Council were a year ago. The current hot button topics

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are Opioid addiction and mental health issues, robberies, shootings, and people passed out in the streets. He likes the idea of prohibiting cash payments for hotel rooms. There is a drug problem in Hagerstown and something has to be done to help the people who want help. He pointed out many people don't want help. He doesn't feel the City is better than it was a year ago when this administration took office.

*Councilmember L. C. Metzner* stated it is frustrating that a number of the criminals are repeat offenders. The problem with overdoses on Spice is troubling. The Alsatia Mummery Parade was a great event. He has been attending Veteran's Day ceremonies for many years and is disappointed that more young people don't participate. He encouraged everyone to attend a ceremony this year.

Councilmember Keller pointed out that all four Councilmembers acknowledged there is a crime and drug problem in Hagerstown. There is a misconception that the Mayor and Council are ignoring this. She stated all agencies involved are working diligently to solve the problems.

*Mayor R. E. Bruchey, II* agreed with Councilmember Metzner and encouraged people to honor veterans on Veteran's Day by attending one of the many ceremonies scheduled. He was honored to have Burgermeister Westkamp (Mayoress of Wesel, Germany) ride in the Alsatia parade with him. He congratulated Worx Graphics on their new business location. The Hagerstown Police Department is using every resource available to increase the quality of life for Hagerstown residents. He has sent a letter to the State of Maryland Department of Health and Mental Hygiene urging them to review the Good Samaritan Law because it is not helping the situation. First responders are being called to assist the same people repeatedly throughout the day and night.

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 5:39 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: December 19, 2017