

32nd REGULAR SESSION – January 30, 2018

Mayor R. E. Bruchey, II called this 32nd Regular Session of the Mayor and City Council to order at 7:01 p.m. Tuesday, January 30, 2018, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, A. Heffernan, E. Keller, L. C. Metzner, and S. McIntire, City Administrator Valerie Means, City Attorney Jason Morton, and City Clerk D. K. Spickler.

The invocation was offered by Councilmember Kristin B. Aleshire. 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, February 6, 2018, Tuesday, February 13, 2018, and Tuesday, February 20, 2018, and the Regular Session on Tuesday, February 27, 2018 at 7:00 p.m.

APPOINTMENT OF COUNCILMEMBER CHARLES AUSTIN HEFFERNAN, JR.

Councilmember E. Keller made a motion to appoint Charles Austin Heffernan, Jr. as Councilmember, effective January 30, 2018. Councilmember S. McIntire seconded the motion.

Motion carried 3-0, with Councilmember L. C. Metzner abstaining from the vote.

Councilmember Metzner explained that he abstained from voting on the appointment to protect his personal integrity since he has made it clear with both recent vacancies that he thought former Councilmember Penny Nigh would be the appropriate person to be appointed since she was sixth in the total votes in November, 2016. He stated he is confident Councilmember Heffernan is qualified to serve in this capacity and his abstension is not intended to convey any uncertainty about that.

Councilmember Heffernan is being appointed to fill the vacancy and complete the remaining term created by the resignation of Councilmember Paul D. Corderman. Councilmember Corderman's resignation was effective December 19, 2017 and the Mayor and City Council do hereby accept said resignation.

OATH OF OFFICE TO COUNCILMEMBER CHARLES AUSTIN HEFFERNAN, JR.

Mayor Robert E. Bruchey, II administered the oath of office to Councilmember Austin Heffernan, Jr. Councilmember Heffernan has been appointed by the Mayor and City Council to fill the remaining term of former Councilmember Paul D. Corderman who

resigned on December 19, 2017. Councilmember Heffernan will serve through November, 2020.

CITIZEN COMMENTS

Robin Ward, 136 Broadway, Hagerstown, Maryland, has lived at this address for many years and is concerned about the security at the building. The lock on the door doesn't work and people who don't live there gather in the hall. The property management company has not corrected the situation. There is excessive trash at the property and the electric service to a portion of the building was terminated for non-payment. She doesn't think this company should have a license.

Pamela Hagan, 136 Broadway, Hagerstown, Maryland, stated there are a lot of issues with squatters at this house. There are fights frequently. In addition to the electric service being terminated, the water was shut off because of a frozen line in another apartment. She did not have water for more than a week.

Councilmember Aleshire thanked Ms. Ward and Ms. Hagan for being brave enough to talk during Citizen Comments about issues that could affect their living arrangements. He hopes renters with similar issues realize the City is on their side to provide good living conditions. The regulations are in place so residents have a safe and good quality place to live. Issues such as those shared during this meeting will be addressed as fairly, completely, and quickly as possible.

Marvin Lohr, 122 Sunnyside Drive, Hagerstown, Maryland, thanked the fire department for assisting a 94 year old lady recently with a carbon monoxide detector problem. The fire department also helped him with checking out a fire alarm in one of his buildings. He thanked Chief Brito for putting him in touch with someone about his concerns about downtown. He thanked the City for saving money by mailing multiple bills together. He is concerned that money is being spent on artwork and the Cultural Trail while buildings continue to be vacant. The number of businesses downtown has decreased and remains low. The trash ordinance has to be enforced. Buildings are falling down and something has to be done. He wonders why the City is considering raising the parking rates when he estimates the metered spaces are vacant 30% to 40% of the time. The rates should be lower to bring people downtown. The value of vacant houses will increase if they are fixed up. The surrounding property values would increase also.

Brian Tam, Licensed Master Plumber, stated installation of water heaters should require a permit. It is not right or safe to eliminate the requirements. Permits for replacing a faucet or toilet could be eliminated as incorrect installation would not hurt anyone. Incorrectly installing a water heater poses a safety problem. He noted that owner's manuals for water heaters consistently say to use a licensed plumber for installation. Mr. Tam provided copies of owner's manuals for several different brands of water heaters.

Mayor Bruchey noted the requirement has not been eliminated yet. Councilmember Keller stated she sat on the review committee and understands staff is against eliminating the permit requirement. Several plumbers have also contacted her about their concerns. She thinks this recommendation should be reviewed further.

CITY ADMINISTRATOR COMMENTS

Valerie Means, City Administrator, congratulated Councilmember Heffernan on his appointment.

MAYOR AND COUNCIL COMMENTS

Councilmember S. McIntire welcomed Councilmember Heffernan. She noted the common theme and common goal of the Mayor and Council and City employees is to improve the City. She visited the Hagerstown Fire Department station today. She met with a resident who moved to Hagerstown from Frederick, loves living in Hagerstown and walking to places. It is nice to hear a positive view of Hagerstown.

Councilmember L. C. Metzner welcomed Councilmember Heffernan and he looks forward to working with him.

Councilmember E. Keller congratulated Councilmember Heffernan on his appointment. February 2 through February 5, 2018 has been designated a No Pain Weekend – with no overdoses, no violence, and no fights. She encouraged the community to come together and pay attention to their neighbors. She stated the amount of Narcan to counteract drug overdoses is increasing. She expressed her concern that a recent report from the CDC showed area doctors are prescribing twice as much pain medication as the national average. The doctors should be questioned about this.

Councilmember A. Heffernan thanked everyone for their warm welcome and congratulations. He is looking forward to working with the Mayor and Council and the City Administrator for a better Hagerstown. He believes Hagerstown is on the cusp of great things. Decisions made in the near future will make or break Hagerstown. He supports downtown revitalization. He wants to figure out why businesses don't want to locate in Hagerstown and what is keeping developers from doing business here. He wants to make Hagerstown an attractive place for new visitors.

Councilmember K. B. Aleshire appreciates Councilmember Heffernan's existing business knowledge and his budget knowledge. There are facilities, for example hotels, that are renting on a long-term basis to homeless families. This has a negative impact on the City as a whole. The issues with the fire departments and volunteers is not a new problem. He discussed this with people when he served as a Commissioner. There has to be a candid discussion about the fire service so that it is operated in the most efficient manner.

Mayor R. E. Bruchey, II welcomed Councilmember Heffernan. Mayor Bruchey visited the 4th grade class at the Jonathan Hager Elementary School today to talk about the If I Were Mayor contest.

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 December 5, 2017, December 12, 2017, December 19, 2017, and December 21, 2017.

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. IT and Support Services:
 - 1. MUNIS Transparency Module Renewal – Tyler Technologies, Inc. (Dallas, TX) \$ 11,330.00

- B. Parks and Engineering:
 - 1. Prospect Avenue Crosswalk – Concrete Central, LLC (Hagerstown, MD) \$ 79,400.00
 - 2. New Handicap Ramps – SCC Corporation (Silver Spring, MD) Not to Exceed \$ 103,000.00
 - 3. 2018 Ford Escape to Replace Unit 702 – Hertrich Fleet Services, Inc. (Denton, MD) \$ 21,287.00
 - 4. Change Order to Pavement Marking Contract for Additional Work – Alpha Space Control Company, Inc. (Chambersburg, PA) \$ 23,000.00

- C. Police Department:
 - 1. Expansion of iRecord System – McEnroe Voice and Data (Hunt Valley, MD) \$ 10,961.00

- D. Public Works:
 - 1. Renovation of Maryland Department of Labor, Licensing, and Regulation (DLLR) tenant space at 14 N. Potomac Street – Carpet Consultants, Inc. (Baltimore, MD) \$ 59,002.50

- E. Utilities:
 - 1. Electric: Replace Digger Derrick Truck #120 – Altec Industries, Inc. (Plains, PA) \$ 207,500.00
 - 2. Electric: Clean-up and Disposal of PCB Oil Spill – Clean Harbors Environmental Services (Laurel, MD) \$25,274.17
 - 3. Wastewater – Installation of Roofing System at Digester Building at Wastewater Treatment Plant – Hite Associates, Inc. (Cumberland, MD) \$ 52,000.00
 - 4. Wastewater – Ford F-250 – Vehicle #500 – Keystone Ford (Chambersburg, PA) \$ 37,979.00

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

A. Approval of a Resolution: Granting Use of a Portion of an Easement to Atlantic Home Construction, LLC, Oak Ridge Drive

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 grant use of a portion of an easement to Atlantic Home Construction, LLC to enable construction, operation, and maintenance of a privately-owned force main. Use of the easement will not interfere with the City's use. Review and Herald Publishing Association has consented to Atlantic Home Construction, LLC's use of a portion of the City's easement.

B. Approval of a Resolution: License Agreement for Use of the Elevator in the A & E Parking Deck

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 authorizing a License Agreement between the City of Hagerstown and Bowman 2000 LLC for their access and use of the City's elevator in the A & E Parking Deck from the adjacent "Masonic Temple" building at 54 South Potomac Street.

C. Approval of a Resolution: Lease Agreement with Maryland Occupational Safety and Health (MOSH) at 14 N. Potomac Street

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 approve a resolution authorizing the execution of a Lease Agreement at the City of Hagerstown property located at 14 North Potomac Street in Hagerstown, Maryland. The lease will be between the City of Hagerstown and the State of Maryland, Department of Labor, Licensing and Regulation, Division of Occupational Safety and Health, and shall be in effect from January 1, 2018 to July 31, 2018.

D. Approval of a Resolution: Revised Contract with MHA Audio for the 2018 and 2019 Western Maryland Blues Fest Audio and Staging Services

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 to approve a resolution approving the revised pricing and authorizing the execution of a contact with MHA Audio for audio and

staging services for the 2018 and 2019 Western Maryland Blues Fest. The revised pricing is \$ 24,160.00 per year, due to modifications to the event.

Discussion: Councilmember Aleshire thanked staff and the community for working through the issues for the future Blues Fest events.

E. Approval of a Resolution: Community Development Block Grant (CDBG) Homeownership Guidelines Updates

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 a resolution to adopt updates to the CDBG Homeownership Program Guidelines. The adopted updates will replace obsolete guideline language and create additional opportunities to sell existing CDBG Homeownership Properties. The updated guidelines were attached to the resolution.

F. Approval of a Resolution: Lease Agreement or 60 W. Washington Street – Michael Chilcutt

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 approve a resolution authorizing the execution of a license agreement for a portion of the City of Hagerstown property known as 60 West Washington Street in Hagerstown, Maryland. The License Agreement will be between the City of Hagerstown and Michael Chilcutt and shall be in effect from March 1, 2018 to April 30, 2018.

G. Approval of a Deed to Convey Land to Salem Point Investments, LLC

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 to authorize staff to execute a deed conveying 0.23 acres of property the City recently received from the Maryland State Highway Administration to Salem Point Investments, LLC to allow the expansion of their parking and business operations. This is the culmination of a land transfer that was authorized by Ordinance #O-15-18, approved by Mayor and Council in 2015.

H. Approval of Hagerstown Suns Fireworks Schedule for 2018

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 to approve five fireworks shows after Hagerstown Suns baseball games during the 2018 season and that the Mayor and Council's approval will exempt these five shows from the City of Hagerstown's Noise Ordinance under Section 155-5 of the Code of the City of Hagerstown.

I. Approval of a Lease to Supply Golf Carts for Greens at Hamilton Run

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 award a lease with Golf Car Specialties of Pottstown, PA for a six year golf cart agreement, to include lease and full maintenance of 20 new 2018 gas-powered golf carts with tops. The lease payment shall be \$ 1,156.62 per month, for a total of \$ 13,879.44 per year. This is a “piggyback” on Washington County’s December 2017 competitive bid and award.

J. Approval of a Memorandum of Understanding (MOU) with the Maryland Department of Natural Resources for Prevention of Emerald Ash Borer Damage

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 to enter into an agreement with the Maryland Department of Natural Resources to receive a grant in the amount of \$ 3,500 for continuing insecticide injection of ash trees in City Park to prevent emerald ash borer damage to the trees.

K. Approval of a Contract for Phase I of a Stormwater Utility Fee Study – Amec Foster Wheeler (Chantilly, VA) Not to Exceed \$ 84,500.00

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 to approve a contract with Amec Foster Wheeler of Chantilly, Virginia to complete Phase I of a Stormwater Utility Fee Study in the amount not-to-exceed \$ 84,550.00. Phase II and III will be awarded at a future date. Funding for the study will be by the general fund anticipating that in the future the new stormwater utility will reimburse the general fund for the cost of the study.

Discussion: Councilmember Aleshire pointed out this has been discussed for at least 5 years. The State is pressing forward with requiring all jurisdictions to comply with stormwater regulations. The regulations apply to all jurisdictions within the Chesapeake Bay watershed.

L. Approval of Mutual Aid Agreement with The Washington County Sheriff’s Department and the City of Frederick

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 mutual aid agreement with the Washington County Sheriff’s Office and the City of Frederick to provide, in cases of emergencies, assistance consistent with resources, specialized units, equipment and/or law enforcement personnel.

The only potential cost to the City of Hagerstown would be personnel costs during the deployment incident.

M. Approval of Inductees to the Hagerstown Circle of Achievement at Memorial Park for 2018 and Approval of the Date for the Annual Induction Ceremony

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 to induct the following persons into the Hagerstown Circle of Achievement at Memorial Park for the “Class of 2018” (listed alphabetically):

Mayor Winslow Forthman Burhans
Mrs. Clara Holmes Jenness Hamilton

In accordance with the policy adopted by the Mayor and City Council of Hagerstown, which determined that the annual induction ceremony for the Circle of Achievement shall occur during the weekend before Memorial Day weekend each May, unless altered by the Mayor and Council, it was moved that the ceremony for 2018 shall occur on the morning of Saturday, May 19, 2018 at Memorial 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 7:54 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: February 27, 2018