

36th REGULAR SESSION AND WORK SESSION – MARCH 27, 2018

WORK SESSION- March 27, 2018

Mayor R. E. Bruchey, II, called this Work Session of the Mayor and City Council to order at 3:01 p.m. Tuesday, March 27, 2018, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, A. Heffernan, L. C. Metzner, E. Keller, and S. McIntire, City Administrator Valerie Means, and City Clerk D. K. Spickler.

Proclamation – Distinguished Budget Award

Mayor Bruchey presented a Certificate of Appreciation to the employees of the City of Hagerstown Finance Department for receiving the Government Finance Officers Association's Distinguished Budget Presentation Award for its current budget. This award reflects the commitment of the governing body and staff to meet the highest principles of government budgeting. Michelle Hepburn, Director of Finance, accepted the certificate.

Day in Annapolis Debrief

Paul Frey, Chamber of Commerce, and Jim Kercheval, Greater Hagerstown, were present to provide an update of the Community Coalition's Day in Annapolis.

Mr. Frey thanked Erin Anderson, City of Hagerstown Communications Manager, and Eric Hastings, TV Production/Web Coordinator, for creating the Coalition priority booklet that was presented to the legislators.

This year's Day in Annapolis included large and small group meetings and the Washington County Legislative Reception. Attendance at this year's reception was the highest yet.

The following update was provided:

1. I-81 Widening – Status remains the same: General Assembly knowledgeable of the importance of this project. Engineering and planning money still in State's CTP for Phase 2.
2. I-70/MD 65 Interchange Upgrades – Used this year to start educating the General Assembly on this project in preparation for funding request in future years.
3. Capital Budget Requests – The Senate and House have passed their respective versions of the capital budget. As customary, bond bill money will be divided up among all the counties, but the amount of funds allotted to each county is usually much less than what is requested from each county. The General Assembly looks to feedback from local delegations and each community which projects are of priority.
 - a. Urban Improvement Project (UIP) – Money committed by Governor at the start of the session as part of his commitment for \$ 7.5 million over 5 years for the UIP project has not been cut and is supported by

both the Senate and House. Senator Serafini has asked for an additional \$ 200,000 Bond Bill for the Maryland Theatre and this looks promising for full funding in conference committee.

- b. Thomas Kennedy Memorial Park – Governor’s original \$ 100,000 commitment hasn’t been cut and has been widely supported. Because of the state-wide importance of Thomas Kennedy, the House has added an additional \$ 200,000 to the money provided by the Governor (for a total of \$ 300,000). This funding will not be counted against Washington County’s Bond Bill allotment.
- c. Boonsboro Road Museum – Delegate Wivell submitted a \$ 100,000 bond bill for this project. The local CVB has garnered multiple letters of support from various statewide tourism entities. The House funded this project at \$ 50,000, and that amount is expected to be accepted in conference committee.
- d. Williamsport NPS Project – The town continues to work with the County, NPS, MEDCO, CHIEF, local library officials, and various state agencies to iron out the details on this project and identify funding sources. There are a lot of moving parts at this time, which has hindered capital funding requests during this session.
- e. Mental Health funding for 24/7 Crisis Center and Mobile Crisis Teams – Early efforts to find new funding for these types of initiatives were put on hold by mental health entities when the initial state budget did not include an expected 3.5% increase in operational funding for the next fiscal year for the Behavioral Health Administration. A bill was submitted creating a process where local jurisdictions could apply for state funding to establish or expand local behavioral health crisis response programs.

The following items are on the Watch List – Positive outlooks for Highway User Revenue, USMH Funding, Shifts in liabilities from State to local governments, gaming revenue, Kirwan Commission, and Integration of local mental health authorities.

It was noted that a bond bill has been submitted to assist Blind Services Industry to renovate the former paper plant on Memorial Boulevard.

Preliminary Agenda Review

Consent Agenda

- A. Department of Community and Economic Development:
 1. Open Container Law Exemption Application/Permits
 - The Maryland Theatre – 2018 Wind Down Events
 - USMH – 2018 Graduation
 - The Maryland Theatre – 2018 Western Maryland Blues Fest
 - Hagerstown Hopes – 2018 Pride Event
 - Augustoberfest Charitable Foundation – 2018 Augustoberfest
 - Schmankerl Stube Bavarian Restaurant – 2018 Christkindl Markt
 2. Rehabilitation Contract – 261 South Prospect Street Home Ownership Project

Contingency \$388,178.80

3. Trick or Treat Date - October 31, 2018

B. Fire Department:

1. Gear Washers and Dryers – Valley Washers, Inc. (Harrisonburg, VA)
\$ 28,635.38

C. Parks and Engineering:

1. Belview Avenue Traffic Calming/Green Streets – Odd Job Contractors, Inc. (Keedysville, MD) \$ 92,940.00
2. Agreement for Providing and Operating Paddle Boats on City Park Lake – River and Trail Outfitters, Inc. – No cost to the City

D. Police:

1. Replacement of Ballistic Vests – Atlantic Tactical (New Cumberland, PA) \$ 41,827.31
2. Approval of Brekford Speed Camera Contract for February 2018 through June 2019 – Brekford (Hanover, MD) - \$632,400.00

E. Public Works:

- 1.. Two Street Sweepers – Maryland Industrial Trucks, Inc. (Linthicum, MD)
\$ 613,610.00

F. Utilities:

1. Electric -- Pulling Equipment- TSE International, Inc. (Shrewport, LA)
\$ 69,166.00
2. Water – SCADA Software Renewal – ABB Inc. (Wickliffe, OH)
\$ 119,880.00
3. Water – Lagoon Cleaning and Maintenance – Synagro Central, LLC (Baltimore, MD) \$ 160,000.00
4. Wastewater – Vehicle 519 Replacement – JESCO (Baltimore, MD)
\$ 81,570.53

There were no questions about items on the Consent Agenda or other Preliminary Agenda items. This completed the review. All items are scheduled for approval during the March 27, 2018 Regular Session.

Mural Proposal by Bester Community of Hope – Marsh Run Wall

Rodney Tissue, City Engineer, and Keith Fanjoy, Bester Community of Hope (BCOH), were present to discuss a proposal and concept drawing to paint a mural on the center section (under the railroad bridge) of the south-facing concrete wall of the Marsh Run aqueduct that faces West Memorial Boulevard.

Mr. Fanjoy stated many improvements have been made in the south end of Hagerstown during the last 3 ½ years, with the replacement of Bester Elementary School at the center of it all. A mural has been proposed and the BCOH worked with

Neighborhood 1st groups and others in the community to determine the content of the mural.

The mural would be approximately 70' long and 10' high. The mural's designer is Charlotte Whalley. The BCOH request that the City fund the concrete repairs to the wall area where the mural will be placed and pressure wash the surface. There is approximately \$ 6,100.00 of fund balance in CIP #853 (Marsh Run wall repairs) that can be used for this work, if that is acceptable to the City Council.

The mural will be painted by volunteers from the "Hagerstown Artists" group. The work would occur on weekends in May. Staff suggests, that for maximum safety of the artist, West Memorial Boulevard be closed to thru traffic at the "flood gates" on both Saturdays and Sundays, weather permitting. The BCOH would provide insurance coverage.

Staff recommends that if the Mayor and City Council wish to support this effort, staff prepare a simple agreement between the City and BCOH outlining the responsibilities, ownership of the mural, long-term maintenance, and request that the Council approve the agreement in April.

It was the general consensus of the Mayor and City Council to accept the proposal and move forward with completing an agreement.

Transportation Priorities

Rodney Tissue, City Engineer, discussed the Maryland Secretary of Transportation and Department of Transportation (MDOT) request for priorities from the local jurisdictions to facilitate their preparation of the Consolidated Transportation Plan (CTP).

Staff will send MDOT the priorities from the City elected officials. Staff offers the following items as our suggested priorities:

1. Highway User Revenues: Continue funding or increase. Prior to 2010, the City received nearly \$ 2,000,000 in HUR. In recent years, the average has been \$ 265,000.00.

Even though there is an expected increase as a result of the 2018 Legislative Session, staff suggests keeping restoration of the funds on the priority list.

2. Eastern Boulevard Corridor Improvements – Staff support this Washington County led, multi-phase project that consists of a multi-modal transportation system connecting US Route 40, Maryland Route 64, and Maryland Route 60. Future phases include construction of new streets to disperse traffic and reducing traffic volumes on State routes. Once such route is the construction of Professional Court extended, which is under design.

3. I-81 Widening – Widening from the Potomac River bridge to approximately Route 11 is underway. Staff advocate for the widening of the Pennsylvania line over the next ten years.
4. Dual Highway Pedestrian Improvements - Based on the 2015 study completed by the MPO, staff recommend implementation as outlined in a March 7, 2016 letter to the State Highway Administration.
5. Tourist Signs – In April of 2016, the Mayor and Council approved a State Highway plan to install new “Tourist” signs. These signs would replace the faded and outdated brown signs around the community and would direct motorists to downtown, City Park, Fairgrounds Park, Municipal Stadium, etc. Unfortunately staff was recently informed that the signs may not be installed until FY21. Staff request that this timetable be expedited for at least the City’s destinations.
6. Continue to fund Retrofit Sidewalk Installation, Bikeway Gants (to implement the City’s 2016 Master Plan), Transportation Alternatives Program (for the Marsh Run Trail), and Safe Routes to School Program (for sidewalks and traffic signals) all of which the City has successfully used in the past.

Washington County Engineering staff indicated they have not finalized their list but it will be substantially similar to their 2017 letter.

The Mayor and City Council agreed to submit the transportation priority list as discussed during this Work Session.

Operating Agreement with Hagerstown Ice Amateur Athletic Association, Inc. (HIAAA)

Rodney Tissue, City Engineer, and Paul Sweeney, Chairman of HIAAA, were present to discuss a new Operating Agreement with the HIAAA. This new agreement will hopefully allow them to secure financing for the Zamboni purchase. Rink finances continue to grow stronger as of the last financial report for the end of February.

The highlights of the new agreement include the following:

1. Extends the operating term until June 30, 2020
2. Caps the annual utility subsidy at \$ 85,000 while holding rent at \$ 36,000 annually. The City continues to be responsible for 75% of certain capital expenses as well.
3. Regarding the Zamboni purchase:
 - a. HIAAA will provide the City staff written proof of private financing from a local bank. So far, two banks have offered to lend the money especially since the City is basically securing the loan.
 - b. City will provide a Purchase Order for the unit to avoid down payment (approximately \$ 125,000)
 - c. HIAAA will secure loan and pay for Zamboni in full (with saved funds and their bank loan proceeds) when it arrives in five to nine months.
 - d. HIAAA will make payments on loan to the bank (5-year term).

It is important to note that while this arrangement is preferable to the City financing the Zamboni, this does not eliminate the risk of default by HIAAA. In the remote case

that happens, the City would have to take over the rink management, the Zamboni, and rink contents and the City would be responsible for the remaining Zamboni loan payments (or establish another group to manage the rink.).

It was the general consensus to include approval of the agreement on the March 27, 2018 Regular Session agenda.

The order of the agenda was changed to allow more time for presenters to arrive.

Action Report: Update on Implementation of the Community's City Center Plan – Catalyst Projects 5-8

Jill Thompson, Director of Community and Economic Development, and Kathleen Maher, Director of Planning and Code Administration, were present to review the 2017 Year End Report for the Community's City Center Plan.

The Community's City Center Plan is a 10-year roadmap for eight catalyst projects that will spur development in Hagerstown's City Center. The plan includes detailed annual steps for making these concepts a reality. It creates at least 875 new, permanent jobs, bringing \$ 125 million in new investment downtown.

This is a public-private partnership, where private developers invest 75% of the cost while funding from all levels of government will cover the rest. The City's consultants, Urban Partners, conclude that all of these projects are feasible based on their economic analysis.

The roadmap is the result of broad community input, with the consultants spending over 130 hours collecting feedback from the community.

At the March 13, 2018 Work Session , staff reviewed Catalyst Projects 1-4. Projects 5 -8 were reviewed during this Work Session.

Catalyst Project #5 – Linking City Park/The Washington County Museum of Fine Arts and A&E District with Trail and New Housing:

Goals: Construct multi-use trail linking City Park/WCMFA with the Arts & Entertainment District, and add 31 new townhomes along trail and rehab buildings to create 85 loft apartments (in 10 years).

1. Trail Construction – Phase 1 Construction began in April 2016 and was substantially complete by November 2017. The project was completed within budget. The Grand Opening was June 17, 2017. Trail amenities include trash cans, three benches, artistic tree shade structures, dog mitt stations, granite insets, and extensive landscaping. Entrance signs and wayfinding signs, funded through a grant from the Maryland Heritage Area Authority, were installed. Planning for Phase 2 to connect with the UIP Plaza is underway.
2. Attractions – Art along the trail include The Mural of Unusual Size, Rise, The Fantastical Garden, Railroad Switch, POD, Faces of Hagerstown, water feature, butterfly garden, and Hands on the Trail.

Catalyst Project #6 – Expanded Downtown Arts/Events Programming:

Goals: Leverage resources to produce more frequent events and build upon atmosphere created by popular downtown events.

1. Events – There are more than 35 events of different types held each year. More are being added as well.
2. Main Street Projects – Nearly 50 volunteers are supporting Main Street Hagerstown through five Work Groups on projects and initiatives intended to attract and retain businesses, investors, and property owners. The Work Groups are Organization, Design, Clean, Safe & Green, Promotions, and Business Relations
3. Façade Grant Program – The City was awarded \$ 25,000 in Community Legacy grant funding to replenish the Façade Grant Program for commercial and mixed use buildings in the Main Street area.
4. Engine Room Art Space – Open Thursday through Sunday with fresh exhibits opening regularly.

Catalyst Project #7 – Expanded Operations of the City Farmers’ Market:

Goals: Expand operations from 7 to 35 hours per week. Implement private management approach. Make necessary capital improvements. Re-brand. Recruit additional tenants.

1. Partnerships – Recruited Valley Co-op to the Farmer’s Market – providing access to over 35 local suppliers.
2. Private Management Approach- Reposting the RFP for private management of the Farmers’ Market with modifications from the initial RFP remains an area of opportunity. Accept proposals on a rolling basis.

Catalyst Project #8 – Expanded and Targeted Home-Ownership Support:

Goals – Market homeownership incentives and support Neighborhood 1st programs. Establish annual rental licensing inspections, and continue excessive nuisance enforcement programs.

1. Rental Registration Program – annual exterior inspections to provide additional support to protect neighborhoods. In 2017, there were 9,345 units registered in 3,624 properties.
2. Vacant Structures Program – In 2017 there were 452 vacant properties in the program. Inspections of licensed structures are ongoing to ensure protection of the neighborhoods and first responders from exterior blight and unsafe interior conditions.
3. Home-Ownership Program - \$ 150,000 Community Legacy award in FY 2016 to assist with acquisition/rehabilitation for homeownership. Acquisition opportunities with this funding are currently being pursued.
4. City Center Residency Initiative – Seven homes were purchased with down-payment assistance and 18 residents renting with rental payment assistance since December 2013. Program funding expended. The City was awarded \$ 50,000 in Community Legacy grant funding to be matched with \$ 50,000 City Funds to replenish the Down Payment Assistance portion of this popular program.

\$ 100,000 Program available in the Fall of 2017.

Councilmember Aleshire Kristin stated something associated with Hagerstown's industrial and manufacturing history needs to be included on the Cultural Trail. He also would like a splash pad feature to be included. He believes this feature will draw families to the trail.

Councilmember Aleshire has said before that the City's Farmers' Market is dying a slow death because of community apathy. There are market type sales in many locations. The Co-op is a good idea. He would like an update of their experiences so far. He thinks the interest in the market may have ended and he would like to discuss this further.

Councilmember Aleshire appreciates staff's efforts to expand home ownership in Hagerstown. He stated blighted and unsafe buildings need to be removed. Cumberland and Frederick are tearing down buildings and he would like to hear more about their efforts.

Councilmember Keller reminded people that the Hagerstown HomeStore is available for assistance to potential homeowners.

Mayor Bruchey asked how much it would cost to acquire properties and demolish the buildings. Ms. Maher stated staff is working on estimates for this.

Councilmember Aleshire stated it is imperative that County officials be included in a plan for acquisition/removal of derelict properties.

A land bank program has been reviewed to acquire these properties. In this program, the City would not be holding the property. Councilmember Keller stated Cumberland has a similar program that she intends to discuss with Cumberland's mayor.

Catalyst Project # - Recommendation on Developer/Partner for USMH Student Housing Project

Jonathan Kerns, Community Development Manager, Danelle Hayer, Business Development Specialist, Mark Halsey, USMH Executive Director, and Erin Harman, USMH Director of Advancement and Outreach, were present to provide an update and recommend a developer/private sector partner for the Student Housing Project. This is a joint recommendation from staff and USMH.

The goal of Catalyst Project #3 – USMH Expansion Support is to support the growth of USMH from 500 to 750 students, and to support the addition of facilities for new educational programs including physician assistant, culinary arts, tourism and hospitality. Over a 10 year period, it is envisioned that student housing opportunities will be captured downtown through 3 renovation projects creating a total of 12 units to house 24 students. This second model project is seeking to create 10 units to house up to 18 students.

The City intends to facilitate the development of a second model student housing project in partnership with a developer/private-sector partner. The following provides a summary of the proposed student housing project opportunity:

1. Partnership between the City of Hagerstown, USMH, and a developer/partner.
2. Second model student housing project following successful first model project, Patterson Apartments.
3. USMH will market the units to students and provide names of students interested in renting to the developer/partner.
4. City will provide an incentive package for the project using:
 - a. State Community Legacy Grant – City awarded \$ 200,000 for this project.
 - b. Developer may apply for the Partners in Economic Progress Program – which offers additional incentives including real estate grant-back applicable to Year 1 through 5.
5. City will provide a Rent Guarantee Agreement with USMH for up to 24 months (terms to be negotiated).
6. After the expiration of the Rent Guarantee Agreement, the student housing arrangement with USMH may be extended without the guarantee provided USMH and developer/private-sector partner remain satisfied.

The project must be located with a designated area of Downtown. The Request for Proposal (RFP) was advertised in the Fall of 2017. Three proposals were submitted. All proposals were reviewed by the staff/partner team.

Staff and USMH representatives recommend the proposal submitted by WLR, Investment Group for the property located at 140 West Antietam Street.

The proposal is recommended for a number of factors including the ability of the developer to meet the goal delivery date of July 15, 2018; the ability of the developer to provide a variety of one-bedroom and two-bedroom units; availability of onsite, off-street parking; the impact the project will have on the downtown in renovating a vacant structure to Partners in Economic Progress (PEP) standards and repurposing to a higher and better use.

A number of business points in the recommended proposal will be finalized in the formalization of a Development/Rental Guarantee Agreement.

The Mayor and City Council authorized staff to finalize negotiations with the recommended developer/private sector partner. A three-party Development/Rental Agreement Guarantee Agreement is anticipated to be completed in April for the Mayor and Council's review and approval. The draft agreement is modeled after the previous Development Agreement for the Patterson Apartments Student Housing project.

City Comprehensive Plan (*visionHagerstown 2035*)

Kathleen Maher, Director of Planning and Code Administration, and Megan Flick, Planner, were present to receive direction on whether the Mayor and City Council are ready to adopt the City's Comprehensive Plan update, *visionHagerstown 2035*, during

their mandatory 90 day review, or if there are issues they would like the Planning Commission to consider before adoption.

Staff received input on the draft Comprehensive Plan update, *visionHagerstown 2035*, from the 60 Day State Clearinghouse Review from the Maryland Department of Planning, State Highway Administration, Maryland Historical Trust, and Maryland Department of the Environment. Upon notification of the Planning Commission's public review meeting, staff also received additional input from the City Engineer. At the public hearing, a request was received for modification to the MRGA from a property owner.

Staff assessed the input and reviewed with the Planning Commission over several meetings last fall. The Planning Commission concluded their review of proposed modifications on December 6, 2017. The following is a brief explanation of changes made to the draft since the Commission's public review meeting on August 30, 2017:

1. The most significant change was to create additional modifications to the Medium Range Growth Boundary as a result of input in the public review process. The Commission considered the request to expand the boundary at Huyetts Crossroad (across from Sheetz on US40) and found in favor but with the addition of a balancing retraction of land in the southeast corner of the I-70/US 40 interchange.
2. At the City Engineer's suggestion, the Commission removed reference to Rails by Trails in railroad rights-of-way since this idea is not favored by the railroad companies.
3. A large number of mostly non-substantive changes were made to the text in response to input from State agencies requesting clarification or further elaboration language on material in the draft and pointing out mathematical or statistical errors. One change that removed some bulk from the Introduction section of the plan was the shifting of synopses of the 1966-1997 Comp Plans to Appendix.

Jim Castillo expressed concern that the zoning on the Doub Farm redevelopment site may not be conducive to certain redevelopment plans at the February 27, 2018 Public Hearing. Staff later met with Mr. Castillo and will assist the situation as necessary once the Doub redevelopment plans are finalized.

The mandatory review period began officially on February 13, 2018 and the Mayor and City Council held a public hearing for the Comprehensive Plan on February 27, 2018. In accordance with State Law, once the Planning Commission's recommendation is presented to the Mayor and Council, the Mayor and Council have 90 days (with one optional 60 day extension) to hold a Public Hearing and take one of three actions: approve, deny, or remand to the Planning Commission for changes. If changes are made, the Planning Commission must review and hold its own Public Hearing before returning the Plan to the Mayor and Council for approval or denial. If the Mayor and Council fail to take any action within 90 days, the Comprehensive plan is deemed approved under State Law.

Councilmember Aleshire asked if staff had looked at adding a road to Eastern Boulevard from the Board of Education property. Ms. Maher indicated they had reviewed his suggestion. Several commercial properties would have to relocate if a road

was constructed in that location. Councilmember Aleshire stated a road in this location would provide more efficient school bus routes and reduce the number of signaled intersections on the routes.

It was the general consensus of the Mayor and City Council to move forward with approving the updated Comprehensive Plan.

Doleman Black Heritage Museum (DBHM) Project

Alesia Parson-McBean, Projects Director for DBHM, Herman “Skip” Davis, Vice President, and Janice Kelsh, were present to request the Mayor and City Council’s assistance in acquiring a property for the Museum.

Since coming before the Mayor and City Council in February, DBHM has made progress in securing 465 Pennsylvania Avenue as the future home for the museum. In 2008, the owner’s asking price for this property was in excess of \$ 170,000. Now in 2018, he has reduced his asking price to \$ 145,000. Last month, Ms. Parson-McBean and the Mayor talked with the owner and his sons to discuss and negotiate his asking price and set a counteroffer for the property of \$ 120,000. The owner, Mr. Kauffman, agreed to the offer with the requirement of a 10% deposit to take the building off the market.

Understanding that DBHM will submit a grant request for the full \$ 120,000 asking price, they are requesting that the City of Hagerstown make the initial deposit of \$ 12,000 on behalf of the museum to Mr. Kauffman that will be reimbursed to the City when the grant is awarded.

Councilmember Aleshire stated he fully supports this request. He believes benefactors will come forward when there is an established, permanent location for the museum.

It was the general consensus to approve the request.

The Work Session was adjourned at 6:50 p.m.

36th REGULAR SESSION – March 27, 2018

Mayor R. E. Bruchey, II called this 36th Regular Session of the Mayor and City Council to order at 7:02 p.m. Tuesday, March 27, 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 Austin Heffernan. 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, April 3, 2018, Tuesday, April 10, 2018, Tuesday, April 17, 2018, and the Regular Session on Tuesday, April 24, 2018 at 7:00 p.m.

CITIZEN COMMENTS

There were no Citizen Comments.

CITY ADMINISTRATOR COMMENTS

Valerie Means, City Administrator, thanked Public Works and other departments for their snow removal efforts last week.

MAYOR AND COUNCIL COMMENTS

Councilmember S. McIntire thanked the Hagerstown Police Department for taking her on a ride along last week. She stated it was eye-opening.

Councilmember L. C. Metzner welcomed former Senator and Councilmember Donald Munson and former House Majority Leader Bruce Poole to the meeting.

Councilmember E. Keller pointed out many events were held in March. Volunteer recruitment will be promoted in May.

Councilmember A. Heffernan thanked Councilmember Keller for holding a press conference today to discuss the anticipated approval of litigation against the manufacturers of opioids. Many cities are facing the same issues with the Opioid crisis.

Councilmember K. B. Aleshire thanked the Hagerstown Fire Department for their quick response to a fire on Potomac Street. A young girl was saved by their efforts. The property owner of that house should be charged with negligence. He stated the State of the City video delivered a positive message and was well done. The questions following the video were negative and more than half were not relevant to the City operations. He believes the City should stage this event itself. He requested that a recent letter from the Mayor to the Maryland Stadium Authority (MSA) be discussed at a Work Session as soon as possible. The Council has not deliberated on the content of the letter, even though it was submitted by the Mayor. The letter sent earlier did not mention funding of a study; however the most recent letter does. He feels the mention of a cost commits the City to funding the study, rather than the Maryland Stadium Authority.

Mayor Bruchey stated he has said repeatedly that the MSA meets in April and they will discuss the request and who would be paying for the study if one is completed. If the MSA approves a study, the Mayor and Council would have to decide if they wished to proceed. The MSA had requested a letter including an amount but it does not commit the City to any funding.

Councilmember Aleshire stated the second letter should not have been sent to the MSA because the Council did not discuss the requirement of an amount.

Councilmember Aleshire noted the idea of an indoor sports complex has received attention from several groups recently. He wonders if the County Commissioners had this idea for a specific property for some time. He stated the City should take the lead on this project.

Councilmember Keller stated the City and the County should meet to discuss a stadium and an indoor sports complex to end the comments and speculation. She would like this administration to put an end to the baseball stadium discussion and decide whether to build a new stadium or not.

Mayor R. E. Bruchey, II stated the deadline for discounted pricing for tickets to the 2018 Blues Fest is March 31, 2018. He urged people to take advantage of the discount.

MINUTES

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 the minutes, as presented, for the Mayor and Council meetings held on February 6, 2018, February 13, 2018, February 20, 2018, and February 27, 2018.

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. Department of Community and Economic Development:
 - 1. Open Container Law Exemption Application/Permits
 - The Maryland Theatre – 2018 Wind Down Events
 - USMH – 2018 Graduation
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 - Hagerstown Hopes – 2018 Pride Event
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4. Wastewater – Vehicle 519 Replacement – JESCO (Baltimore, MD) \$ 81,570.53

UNFINISHED BUSINESS

A. Approval of an Ordinance: Land Management Code Amendments – Adoption of a Local Conversion District Overlay to the Zoning Map of the City of Hagerstown

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 to approve an ordinance to amend Chapter 140 (Land Management Code) of the City Code. This amendment shall amend the zoning map for the purpose of applying a Local Conversion District Overlay to the property located on the northwest corner of the intersection of Potomac Avenue and Magnolia Avenue, pursuant to rezoning case ZM-2017-02 (Ecklund Family, LLC) and in accordance with the attached ordinance and the attached findings of fact be amended to reflect this change.

NEW BUSINESS

A. Introduction of an Ordinance: City of Hagerstown 2018 General Obligation Bonds

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 introduce an enabling ordinance authorizing City of Hagerstown to issue and sell from time to time, upon

its full faith and credit, general obligation bonds in one or more series in an aggregate original principal amount not to exceed \$ 1,545,000. Proceeds of the bonds will be used to pay costs of the projects identified in Section 3(b) of the ordinance. Proceeds (par amount) are allocated by fund as follows:

General Fund	\$ 1,265,000
Parking Fund	<u>280,000</u>
Total	\$ 1,545,000

That portion of principal, interest and any allocated issuance costs associated with the Parking Fund will be payable in the first instance from revenues accounted for in such fund, but the bonds will be backed by a pledge of the City's full faith and credit and unlimited taxing power.

Staff is hereby directed to work with the City's Financial Advisor and Bond Counsel to determine whether a direct purchase transaction for the bonds as contemplated by the ordinance remains the best financing option for the City, and to develop the necessary detailed resolution and other documents required to prepare for the sale of the bonds as contemplated by the ordinance, including any request for proposals to determine the purchaser. As specified in the ordinance, details and authorizations regarding the amount, timing, final method of sale or sales, and other sale details will be outlined in a detailed resolution to be presented to this body for approval at a future date prior to the issuance of the bonds.

The ordinance also authorizes the issuance and sale from time to time, upon the City's full faith and credit, of (i) general obligation bond anticipation notes in one or more series in an aggregate original principal amount not to exceed \$ 1,545,000 to fund project costs on an interim basis, and (ii) general obligation refunding bonds in an aggregate original principal amount not to exceed 130% of the aggregate principal amount of the bonds being refunded, in order to reduce debt service costs or achieve debt service restructuring. Details of any such general obligation bond and anticipation notes or general obligation refunding bonds are authorized to be determined or provided for by resolution.

Any series of such general obligation bonds, bond anticipation notes or refunding bonds may be issued as a single bond.

B. Introduction of an Ordinance: Amending and Supplementing Existing City of Hagerstown General Obligation Borrowing Authority for Water System Purposes

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 introduce an ordinance amending and supplementing Ordinance No. O-16-15, passed by the Council on July 26,

2016, approved by the Mayor on July 26, 2016 and effective on August 26, 2016 (“Ordinance No. O-16-15”), in order to increase the maximum aggregate principal amount of each of the (i) general obligation bonds and (ii) general obligation bond anticipation notes authorized to be issued pursuant to Ordinance No. O-16-15 (and referred to therein respectively as the “Bonds” and the “BANs”) in order to finance, reimburse or refinance costs of the two projects identified in the fiscal year 2017 budget as (1) RC Willson – Traveling Screen Replacement and (2) Pump Station Improvements (collectively identified in Ordinance No. O-16-15, together with related costs, as the “Project”) from \$ 1,000,000 to \$ 1,100,000. The Project was delayed, Project costs have increased, and the Maryland Water Quality Administration (the “Administration”) recently indicated that it can lend the City \$ 1,021,280 for Project purposes. The 2018 ordinance authorizes up to \$ 1,100,000 to be borrowed for both interim financing and permanent financing purposes in case the Administration determines it can lend the City more than \$ 1,021,280. The 2018 ordinance also expands the rules of construction set forth in Section 1 of Ordinance No. O-16-15.

Debt service payable on any Bonds, BANs or Refunding Bonds authorized by Ordinance No. O-16-15, as amended and supplemented by the 2018 ordinance, will remain payable in the first instance from water supply system revenues and, to the extent required by the applicable purchaser, wastewater system revenues, all to the extent any such revenues are available for such purpose, but any such obligations will be backed by a pledge of the City’s full faith and credit and unlimited taxing power.

It is anticipated that no BANs will be necessary and that the only loan funding for Project purposes will be provide by the Administration (which will be evidenced by one or more series of Bonds issued by the City to the Administration). Staff is hereby directed to work with the City’s Bond Counsel to develop the necessary detailed resolution and other documents required to prepare for the sale to the Administration of the Bonds contemplated by Ordinance No. O-16-15, as amended and supplemented. As specified in Ordinance No. O-16-15, details and authorization regarding the final borrowed amount, timing, amortization and other details will be outlined in a detailed resolution to be presented to this body for approval at a future date prior to the issuance of any Bonds.

C. Approval of a Resolution: Authorizing, Approving and Directing the Employment of Certain Law Firms to Represent the City in Potential Litigation Against the Contributors of Opioid Addiction Crisis

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 to approve a resolution authorizing the City to enter into a Legal Services Agreement to represent the City in potential litigation against contributors of the Opioid addiction crisis. This agreement retains the law firm Levin, Papantonia, Thomas, Mitchell,

Rafferty & Proctor, PA on a contingent fee basis, to pursue all civil remedies against those in the chain of distribution of prescription opiates responsible for the Opioid epidemic which is plaguing Hagerstown.

Discussion: Councilmember Keller hosted a press conference earlier today. She addressed online comments following the report of the press conference. People are upset that the City is hiring an attorney to fight the Opioid crisis. She reiterated the City will pay nothing if there is no settlement. This is an opportunity to secure much needed funding to help fight this addiction.

Councilmember Aleshire supports the motion but is opposed to the use of one of the law firms listed in the document.

D. Approval of a Resolution: Amendment to Memorandum of Understanding (MOU) with the Washington County Historical Trust (WCHT) for the Saylor House

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 to approve a resolution approving an amendment to the MOU with the Washington County Historical Trust for the use and restoration of the stone dwelling known as the Saylor House located in Kiwanis Park. The Amendment extends the timeframe for the WCHT to complete renovations.

E. Approval of Resolutions:

- 1. 2018 Summer Play Camp – Robert W. Johnson Community Center, Inc.**
- 2. 2018 Summer Play Camp – Hagerstown YMCA**
- 3. 2018 Summer Play Camp – Girls, Inc.**

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 resolutions authorizing the execution of contracts with the Robert W. Johnson Community Center, Inc., Hagerstown YMCA, and Girls, Inc. of Washington County to operate summer play camps for the 2018 season from June 18 through August 11. Each camp will serve approximately 60-80 youths per day. Funding is from the Parks and Recreation operating budget.

F. Approval of Operating Agreement with Hagerstown Ice Amateur Athletic Association, Inc. (HIAAA)

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 resolution approving an agreement with the Hagerstown Ice Amateur Athletic Association, Inc. for the operation and management of the Hagerstown Ice & Sports Complex. This Operating Agreement extends the terms of operation from April 1, 2018

through June 30, 2024. The new Operating Agreement also provides terms and conditions for the purchase of a new ice resurfacers by HIAAA.

G. Approval of a Contract: Financial and Market Feasibility Study for the Indoor Sports Complex

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 contract with Victus Advisors, to conduct the first phase of the “Financial and Market Feasibility Study” in the amount not-to-exceed \$ 30,000. Funding is per the FY18 Capital Budget. This study will quantify demand and growth potential of indoor sports by engaging the community stakeholders.

H. Approval of Appalachian Regional Commission (ARC) FY19 Project Funding Requests

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 authorize the submission of the following projects to the County Commissioners for funding from the Fiscal Year 2019 Appalachian Regional Commission (ARC) grant: 1) Professional Court Widening – requesting \$ 500,000 in ARC funds, 2) Life Safety Code Upgrades Fund- requesting \$ 250,000 in ARC funds.

I. Approval of Mutual Aid Agreement between Hagerstown Police Department and Frederick County Sheriff’s Office

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 to approve a Mutual Aid Agreement with the Washington County Sheriff’s Office and the Frederick County Sheriff’s Office City 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.

J. Approval of Promissory Note for Repayment of Funds from Hagerstown Mezzanine Project, 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 approve a Promissory Note with Hagerstown Mezzanine Project, LLC, to provide terms for the repayment of City funds used to demolish the structure located at 149 West Washington Street. The property is owned by Hagerstown Mezzanine Project, LLC.

K. Approval of an Exemption from Chapter 155, Noise: City Chapel on Saturdays from March 31, 2018 through November 3, 2018

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 approve an exemption from the City Code, Chapter 155, Noise. This exemption is being granted in accordance with Section 155-5, M. to the City Chapel and Pastor Zachary Camp for events on Saturday, March 31, 2018 from 2:00 p.m. to 9:00 p.m., and events on Saturdays from April 7, 2018 to November 3, 2018 from 5:00 p.m. to 9:00 p.m. at 227 E. Washington Street (corner of E. Washington Street and Cannon Avenue).

L. Approval of an Amendment to FY18 Community Development Block Grant (CDBG) Annual Action Plan – Creation of New Activity for Roslyn Building Rehabilitation

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 amend the FY18 Community Development Block Grant Annual Action Plan in order to create a new activity= Roslyn Building Rehabilitation. \$ 200,000 of CDBG funding will be allocated for this activity to replace the Roslyn Building roof and windows. Details of the amendment are attached to the motion.

M. Approval of a Memorandum of Understanding between Hagerstown Police Department and Department of Alcohol, Tobacco, and Firearms (ATF)

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 to approve a Memorandum of Understanding (MOU) with the Department of Alcohol, Tobacco, and Firearms (ATF).

There is no cost to the City of Hagerstown to enter into the MOU. Overtime pay and other expenses may be reimbursed by the Federal Government of the United States.

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: April 24, 2018