

WORK SESSION – August 28, 2018

Mayor R. E. Bruchey, II called this Work Session of the Mayor and City Council to order at 6:19 p.m., Tuesday, August 28, 2018 in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, A. Heffernan, E. Keller, S. McIntire, and L. C. Metzner, City Administrator Valerie Means, and City Clerk D. K. Spickler.

Parking Rates – Mayor Recommendations and Proposed Changes

The Mayor and City Council approved a resolution on June 26, 2018 amending the parking rates in Hagerstown. Since that time, concerns and complaints have been expressed to Mayor Bruchey.

Mayor Bruchey stated he met with representatives of several downtown businesses about their concerns. At his request, the Councilmembers discussed the modification of parking deck rates for the students attending USMH (University System of Maryland in Hagerstown) and for the businesses currently receiving 10% and 25% bulk discounted parking. The current parking deck rate for student parking is \$ 64.00 per month. The proposed parking deck rate per conversations and emails is \$ 40.00 per month.

Eric Deike, Director of Public Works, provided an update of the current rates. Some businesses and government organization currently receive a 10% or 25% bulk discount for the University District Parking Deck and parking lots. This bulk rate was established in 1996 by a previous council and would be abolished effective July 1, 2019 as established by the current council.

Effective July 1, 2019, the parking deck permit rate for those entities receiving either the 10% bulk discount or the 25% bulk discount would be \$ 66.00 per deck permit per month and the parking lot permit rate would be \$ 52.00 per lot permit per month. The Mayor is proposing the following rate structure:

1. 10% discount holders: July 1, 2019 - \$ 59.00 and hold at that, keeping the discount in place
2. 25% discount holders: July 1, 2019 - \$ 52.00 and hold at that, keeping the discount in place
3. In July 2020, give a flat discount of 15% for all discounted parking passes July 1, 2020 - \$ 57.00

If the rates are changed to the proposed \$ 40.00 per month for USMH students, he estimated revenue over a four year period would decrease by \$ 972,000.

Councilmember Metzner asked how many of the estimated student passes are for night students. Mr. Deike indicated he does not have that information.

Mayor Bruchey met with representatives again today to discuss his proposed compromise. The meeting did not go as he planned. He noted that Mr. Deike has been diligently trying to find some semblance of a compromise between USMH and downtown businesses to add to the City's economy. He then invited comments.

B. J. Goetz, Middletown Valley Bank, Hagerstown, Maryland, thanked the Mayor and City Council for the opportunity to speak. He knows the Mayor and City staff have been discussing this issue for some time. The parking rates passed in June have had a significant impact on his business, increasing the square foot cost of the space by \$ 6.00 just for parking. The increase represents 45% of the cost for the bank to be downtown. A total of 48 spaces are used by employees and customers of the bank. Previously, their bill was \$ 1,980.00 per month. The Mayor's proposal makes the monthly cost \$ 2,400.00. Raising the parking rate makes the market rate for the facility close to rates outside the downtown. The bank will have to rethink their position to be downtown. If the demand for parking was increasing, he could understand the increase in the rate. However, he does not see an increase in demand. He asked the Mayor what his vision is for the City. If a vibrant downtown is the vision, then the inhibitors to that have to be reduced. He sees parking at today's rates as an inhibitor. He doesn't view the parking situation as being a direct revenue increase.

Don Bowman, Developer, thanked the Mayor and City Council for being willing to hear their concerns. He does not think there is a parking shortage downtown at this time. He does not think the City should be accumulating money for the future. The timing of a rate increase is terrible. He believes people will be more reluctant to come downtown with everything that is going on (construction and increased parking rates). Parking is part of the vision for downtown and part of a business owner's investment in the future.

Mark Halsey, Executive Director, University System of Maryland Hagerstown (USMH), 32 W. Washington Street, Hagerstown, Maryland, appreciates the opportunity to present USMH's point of view. There are 500 students at USMH and 147 parking permits were purchased during the spring semester. With the increase in the parking rates, many students will not be able to afford the 500% increase of a parking pass. He reported parking fees at other campuses range from free for six months to \$ 160.00 per semester. He doesn't feel that Hagerstown's rates are reasonable. Because the increase was effective July 1, 2018, students are realizing they have an unexpected parking situation to deal with. The split of day to night students is 50/50. He anticipates that day students will spend extra time looking for parking spaces because they did not purchase a parking permit for the University Deck. This will create additional traffic downtown. In order to achieve the renaissance that has been talked about, all parties will have to do things for and be supportive of the educational institution downtown.

Councilmember Metzner asked if the Central Parking Lot is free for students. Mr. Deike stated the Central Lot is free after 5:00 p.m. and before 9:00 a.m. Parking in the decks for the entire evening is \$ 2.00.

Councilmember Aleshire stated parking rates need to be the same for everyone. The reason the rates were increased now is that the City is looking at and preparing for the

costs of a third parking deck and other future parking needs. Former Frederick Mayor Ron Young discussed parking with a previous Mayor and City Council and noted that all users need to pay for parking in order to be solvent. There are many ways to provide incentives. Now Frederick is blessed with a thriving downtown and multiple decks. Without funding, the vacant buildings in Hagerstown will remain vacant.

Councilmember Metzner noted that people will say increased parking rates negatively affected businesses, or in May, they will say a tax increase to cover parking needs negatively impacted businesses. He asked what the surplus is currently in the Parking Fund. Mr. Deike indicated there is \$ 1.3 million, which makes the parking fund self sufficient for operating and maintenance costs, but doesn't cover any infrastructure (upgrades or new construction) costs.

Councilmember Metzner stated he doesn't agree that another parking deck is needed. He noted the parking study completed in 2012 doesn't indicate the need either.

Councilmember Aleshire pointed out the Chamber of Commerce study in 2010 clearly highlighted the need for another parking deck.

Councilmember Metzner would hope the deck would be part of the private investment in downtown. He supports rolling back the parking rates to what they were and having longer discussions about the rates. He also wants to review the ratio of day to night students since night students can park for free in certain areas.

Councilmember Aleshire reminded everyone that people said the City was crazy to build the A & E Deck. The City built what it could afford at the time. There were guarantees from people that they would use the spaces. Now the deck is over permitted and used extensively. Now people are asking why it wasn't built with more spaces. He firmly believes that a third deck is needed and that the City is 18 months behind in planning for it. If the third parking deck is not well underway (with planning and funding) when several large buildings are sold (the Roslyn and the Massey building), the City will be behind again.

Councilmember Heffernan noted the parking fund is not operating at a profit but retained earnings cover the cost of operation and maintenance. He doesn't know what the appropriate profit margin is. A reserve is needed so that bonds are not needed when there are major repairs required. He was encouraged with the compromise in rates provided by Mayor Bruchey. He doesn't want the costs of parking maintenance and repair issues paid by the taxpayers. On the other hand, parking can't be operated on a break even basis.

Councilmember Keller stated it doesn't seem fair that different students pay different rates. If the rates are discussed further, all schools have to be at the same rate level.

Mr. Deike hoped the compromise presented by Mayor Bruchey would have been accepted. The parking fund information and proposal was discussed in January. The two new Councilmembers received the information directly from Mr. Deike so that they

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would be aware of the information. It was discussed again in May during budget review and again in June, prior to the approval of the resolution adjusting the rates. He noted during these discussions he suggested leveling all the discounted rates. The parking decks and lots serve citizens, customers, and City staff, as well as students. He noted the rates have not been changed since 1996. If Award Beauty school had not purchased as many passes as they did, the A & E Deck would not have survived.

Councilmember Aleshire stated when the A & E Deck was built, taxpayers said they didn't want this to be another general fund subsidized project.

Councilmember Metzner noted that funding will be needed, either from the parking fund or the general fund.

Mr. Deike stated the parking fund is supported by the users.

Councilmember Metzner agreed that parking is an enterprise fund. He also believes it is an economic development fund. Expecting the parking fund alone will achieve an economic development goal takes away the concept of economic development and economic retention, especially after the rules have been changed to get them here. USMH has to understand there has to be an increase. He believes the information presented is reasonable but it is debatable if this is the appropriate increase. He thinks the Council needs to reconsider the rate increase. He understands the need to have a reserve fund and fully understands if the funding is not secured by rates, the Council will be discussing parking funding in May with the tax rate.

Councilmember McIntire stated she still thinks this isn't the appropriate time to increase the rates for parking. She is willing to continue to discuss the rates and the needs of the businesses.

Mayor Bruchey pointed out over the last several years, \$ 500,000 has been added to the parking fund. He understands Councilmember Aleshire's feelings about a third parking deck and supports that. When the UIP is finished, there will be a need for parking, not only for that project but for others that will happen.

Ms. Means asked if the Council intends to pass legislation regarding the rates today. Councilmember Metzner stated he anticipates further discussion (while rates remain as approved on June 26, 2018) and a rescinding action in September.

Mayor Bruchey asked Mr. Deike to provide revenue information prior to the rate increase. Mr. Deike will provide the information from the January discussion.

Councilmember Metzner stated he doesn't think the people who spoke during the meeting are saying no increase is the only acceptable answer.

There being no further items for the Work Session, the meeting was adjourned at 7:00 p.m.

50th REGULAR SESSION– AUGUST 28, 2018

Mayor R. E. Bruchey, II, called this 50th Regular Session of the Mayor and City Council to order at 7:09 p.m. Tuesday, August 28, 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, 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, September 11, 2018, Tuesday, September 18, 2018, and the Regular Session on Tuesday, September 25, 2018 at 7:00 p.m. A Goal Setting Session is scheduled for Thursday, September 13, 2018 at 10:00 a.m. at the Washington County Library.

APPOINTMENTS

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 appoint Charles T. (Tom) Brown, Sr. to the City Ethics Commission, with a term to expire on September 1, 2023.

CITIZEN COMMENTS

Elizabeth Paul, Clinton Avenue, Hagerstown, Maryland, is a candidate for Washington County Commissioner and attended the meeting to introduce herself. She would be happy to meet with anyone to discuss concerns.

Marvin Lohr, 1135 Sunnyside Drive, Hagerstown, Maryland, received a notice about excessive use of City services. He would like details about this since he does not know the people involved at his property. There are many vacant stores and he suggested talking with a robotics club to put displays in the windows to attract attention. He asked why the trash code is not enforced. Ms. Means indicated it is enforced. Mr. Lohr stated the requirement for cans with lids is not being enforced. Councilmember Metzner pointed out many City residents can't afford to purchase the cans that have been

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mandated. Manpower is also an issue. Mr. Lohr stated there needs to be pride in Hagerstown. He thinks highlighting and recognizing people who make an extra effort would be good.

CITY ADMINISTRATOR'S COMMENTS

Valerie Means, City Administrator, had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember K. B. Aleshire had no additional comments.

Councilmember A. Heffernan had no additional comments.

Councilmember E. Keller invited everyone to the kick off event for Washington Goes Purple at 6:30 p.m. on Friday, August 31, 2018 at City Park. Washington Goes Purple is a substance abuse campaign to educate kids and adults about the dangers of prescription pain medication. A Recovery Walk will be held on Saturday, September 1, 2018. Throughout the month of September, purple will be everywhere, showing this campaign is a community unity effort. The best thing about the campaign is educating kids to make better choices so in 15 years, the Baltimore magazine won't be able to say Hagerstown is struggling.

Councilmember L. C. Metzner expressed condolences to the family of Senator John McCain.

Councilmember S. McIntire reported the Community Coalition will begin the brainstorming process to pare down the legislative agenda. Highlights include I81/I70 and the UIP. HCC will be more active in the coalition. She suggested adding the City's coalition ideas to the goal setting session scheduled for September 13, 2018.

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

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 June 5, 2018, June 19, 2018, and June 26, 2018.

CONSENT AGENDA

On a motion duly made by Councilmember E. Keller and seconded by Councilmember K. B. Aleshire, the Consent Agenda was approved as follows:

A. Parks and Engineering:

1. Signal Project – Milton Stamper Builders (Hagerstown, MD) \$ 292,146.00
 - a. Reconstruction of Traffic Signal at South Mulberry Street and East Antietam Street.
 - b. Installation of Pedestrian Crosswalk Across Salem Ave. at Linganore Ave

B. Police:

1. Eight 2019 Ford Interceptor SUVs – Keystone Ford (Chambersburg, PA) \$ 366,488.30
2. ELSAG License Plate Reader – Leonardo (Greensboro, NC) \$ 33,480.00
3. Radios – Harris Assured Communications (Washington County Govt., MD)

UNFINISHED BUSINESS

A. Approval of an Ordinance: Convey Land at 50 E. Baltimore Street

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 for staff to execute a deed conveying 0.053 acres of property known as 50 East Baltimore Street to Jack L. Holden, II and Kristin G. Holden, adjoining property owners at 52 East Baltimore Street. The land is no longer needed for a public purpose.

NEW BUSINESS

A. Introduction of an Ordinance: Amend Chapter 197, Rental Facilities

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 ordinance to amend the Code of the City of Hagerstown, Chapter 197, Rental Facilities, by repealing and re-enacting Chapter 197 in its entirety. With this ordinance, the present code provisions will be effective through June 30, 2019 and the present code provisions plus the following amendments would become effective on July 1, 2019:

- i. Add dormitory to the definition of rental unit.
- ii. Establish a definition for a safety inspection.
- iii. Establish license fees for dormitory of \$ 100 plus \$ 10 per room.
- iv. Establish inspection schedule for dormitory as interior inspection every 48 months.
- v. Revise inspection schedule to include rental units that have never been inspected and a tenant turnover has occurred at the property. The inspection shall be a safety inspection if occupied and an interior inspection if vacant.

- vi. Add exemption for existing units renovated to Partners in Economic Progress Program standards for 48 months following issuance of U&O permit.
- vii. Establish a transfer of a license notification requirement and a fee for failure to make the Department aware of transfers.
- viii. Revise the revocation language to be consistently applied to all rental properties using a point system calculating the standing of a rental facility.
- ix. Require any rental facility licensed revoked shall be vacated within 60 days of the license revocation.
- x. Authorize the ability to collect unpaid license fees by adding license fees to the tax bill through the tax lien process.

These amendments are consistent with the City's Vision and Commitment for Housing and Neighborhoods and the Community's City Center Plan.

Discussion: Councilmember Keller asked if the word habitability was removed. Paul Fulk, Neighborhood Services Manager, stated it was and is now described as "non-livable conditions"

B. Introduction of an Ordinance: Authorizing the Sale of Property Located at 17-25 E. Franklin 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 introduce an ordinance authorizing the sale of City-owned property located at 17-25 E. Franklin Street to WLR Holding Company, Inc. for the sum of \$ 250,000. The sale will provide the opportunity for approximately \$ 850,00 of private investment to create professional office space and residential units. The sale will be in accordance with all terms and conditions outlined in the Purchase Agreement.

C. Introduction of an Ordinance: Amendments to Chapter 33, City Ethics Code

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 to amend Chapter 33, Code of Ethics, of the City Code by repealing and re-enacting portions of Chapter 33, to add or amend certain provisions required by State Law. The sections being repealed and re-enacted are: Section 33-3 Prohibited Acts; Section 33-3.1 Financial Disclosure – elected officials; and Section 33-4 Financial Disclosure employees and appointed officials.

D. Approval of a Resolution: Adopt 2017 Washington County Hazard Mitigation Plan as the City Plan

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 to adopt the 2017 Washington County Hazard Mitigation Plan as the City of Hagerstown's plan. City staff participated in development of the plan to ensure City data was updated and hazards evaluated and prioritized. It is understood that the next update to the County Hazard Mitigation Plan should include the Mayor and Council's prioritization regarding the Opioid crisis. Inclusion of the City in the 2017 County Hazard Mitigation Plan makes the City eligible for grant funding to assist with pre-hazard mitigation projects and hazard-event response and recovery.

E. Approval of a Resolution: Neighborhood Business Works Program Loan Request for Schmankerl Stube Project

Action: On a motion duly made by L. C. Metzner and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve a resolution indicating support for the Maryland Department of Housing and Community Development's Neighborhood Business Works program to finance a loan in the amount of \$ 500,000 to U.C.M.S. INC – 58 South Potomac Street, LLC. This loan will allow U.C.M.S. INC – 58 South Potomac Street, LLC to finance a portion of the Schmankerl Stube expansion project.

F. Approval of a Resolution: Amendment to Residential Lease Agreement for 38 North Potomac Street Unit 2

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 authorizing the amendment to a residential lease agreement with Amanda Fairchild for a portion of the City of Hagerstown property located at 38 North Potomac Street in Hagerstown, MD, known as The Studios on NoPo. The amended lease will be between the City of Hagerstown and Amanda Fairchild and will remove Alice Laxton as a tenant.

G. Approval of Renewal of MOU – US Marshals Service Violent Offender Task Force

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 renewal of a Memorandum of Understanding with the U.S. Marshals Service Violent Offender Task Force. This program carries no cost to the City and overtime and other expenses will be reimbursed by the federal government of the United States.

H. Approval of Proposal for After School Program at the Parkside Community Center

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 funding of the after school program at Parkside Community Center.

The HHA provides a variety of constructive after school programs to area youth. This program runs for the 2018-2019 school year at a cost of \$ 18,881.00.

I. Approval of Proposal for After School Program – BTJ Dance Group

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 funding of the BTJ Dance Group after school program that is held at the Suman Avenue Community Building.

The HHA provides a variety of constructive after school programs to area youth. This program runs for the 2018-2019 school year at a cost of \$ 3,500.00.

J. Approval of Change Order for Pavement Preservation Program

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 of additional work Change Orders for the 2018 Pavement Preservation Program as follows:

1. \$ 108,488 to paving contract 18-PP-09 (C. Wm. Hetzer, Inc.) for paving various streets where gas mains were recently installed, funded in full by Columbia Gas
2. \$ 12,214 to the pavement marking contract 18-PM-02 (Midlantic Marking, Inc.) for marking those same streets, funded in full by Columbia Gas
3. \$ 30,000 for paving parking lot at Fire Training Center, funded by CIP 241 (Fire Department Training Center)

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 7:38 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

50TH REGULAR SESSION AND WORK SESSION
AUGUST 28, 2018
MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

Approved: September 25, 2018