

61ST REGULAR SESSION – DECEMBER 18, 2018

Mayor R. E. Bruchey, II called this 61st Regular Session of the Mayor and City Council to order at 7:00 p.m., Tuesday, December 18, 2018, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, A. Heffernan, E. Keller, and S. McIntire, City Administrator Valerie Means, and City Attorney Jason Morton. Councilmember L. C. Metzner and City Clerk D. K. Spickler were not present.

The invocation was offered by Mayor Robert E. Bruchey, II. 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, January 8, 2019, Tuesday, January 15, 2019, and Tuesday, January 22, 2019, and the Regular Session on Tuesday, January 29, 2019. No meeting will be held on Tuesday, January 1, 2019.

GUESTS

Honoring and Recognizing Donald F. Munson

Mayor Bruchey read a Special Recognition certificate honoring and recognizing Donald F. Munson's contribution to the citizens of Hagerstown. Don's passion for politics started in 1953, when he was appointed as a page for Congressman DeWitt S. Hyde in the United States House of Representatives. Don was elected as a Delegate in 1974 and served in that capacity until he was elected as Senator in 1991. In 2012, he was elected to the Hagerstown City Council and served in that capacity until 2017.

Don's commitment, integrity, and passion for Hagerstown have made a difference in Hagerstown and Washington County over the last 60 years. No one compares to Don in taking care of his City.

Mayor Bruchey presented Mr. Munson with a key to the City of Hagerstown in recognition for his years of dedication to the citizens of Hagerstown. Don stated he had the opportunity to work with many people who went above and beyond their job duties during his time as an elected official. He thanked Mayor Bruchey for this recognition.

Sue Munson, Don's wife, and Xanthy, Don's daughter, were also present at the meeting.

CITIZEN COMMENTS

There were no Citizen Comments.

CITY ADMINISTRATOR'S COMMENTS

Valerie Means, City Administrator, thanked the Department Heads and City Employees for their hard work and dedication throughout 2018.

MAYOR AND COUNCIL COMMENTS

Councilmember S. McIntire thanked Don Munson for his dedication. She hopes her public service is reflective of his. She thanked staff for making her first year in office much easier than she anticipated.

Councilmember E. Keller thanked Don Munson for his service.

Councilmember A. Heffernan thanked Don Munson for his service.

Councilmember K. B. Aleshire thanked staff for their work during 2018. He visited Senator Munson's office and received a Senatorial scholarship. He thanked him for his service.

Mayor R. E. Bruchey, II has worked with Don Munson for many years. When they worked together, they both made sure it was for the mutual benefit of the City.

Mayor Bruchey announced the trash pick up will be delayed by one day next week. The Christmas tree pick up schedule is online. Next week is the last week for yard waste pick up until February. He thanked staff for working with him throughout the year. 2019 is going to be a great year.

MINUTES

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 of all members present to approve the minutes, as presented, for the Mayor and Council meetings held on November 6, 2018, November 13, 2018, November 20, 2018, and November 27, 2018.

CONSENT AGENDA

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

- A. Information Technology & Support Services:
 - 1. MUNIS Transparency Module Renewal – Tyler Technologies (Dallas, TX)
\$ 11,669.90

B. Parks and Engineering:

1. 2019 Pool Management Services – Community Pool Services (Rockville, MD)
\$ 94,262.00
2. 2019 and 2020 Pavement Preservation List

C. Police:

1. Narcotics Task Force Reimbursement FY19 – Washington County Treasurer
(Hagerstown, MD) \$ 310,000.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: Entering into an Agreement for the Provision of Sanitary Sewer between City of Hagerstown and Town of Funkstown, Maryland

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 of all members present to approve an ordinance entering into the Agreement for the Provision of Sanitary Sewer between the City of Hagerstown and the Town of Funkstown, Maryland. The referenced parcel is within the corporate boundaries of the Town of Funkstown and identified as being all of Liber 1246 Folio 983 containing 44.11 acres.

Discussion: Councilmember Aleshire noted that Southern Boulevard is now open. He thanked the County Commissioners for that progress.

B. Approval of an Ordinance: Authorizing Acceptance of Deed in lieu of Foreclosure for 117 S. Locust Street

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 an ordinance authorizing the acceptance of a deed in lieu of foreclosure for the property located at 117 S. Locust Street. This property was acquire and sold by the City through the CDBG Homeownership Program and the City remains the primary mortgage holder after providing homebuyer financing to the current owner. The current owner has vacated the property with a remaining balance on the mortgage note and has asked the City to accept the property in lieu of foreclosure. All deed in lieu of foreclosure documents for the property are part of the meeting material.

C. Approval of an Ordinance: Authorizing the Sale of 441 N. Jonathan Street

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 of all members present to approve an ordinance authorizing the sale of City-owned property located at 441 N. Jonathan Street to the Hagerstown Revitalization Corporation (HRC) for the sum of

§ 1. The HRC, a subsidiary of the Housing Authority of the City of Hagerstown, will carry out additional renovation activities to revitalize the property with the eventual goal of homeownership occupancy. The sale will be in accordance with all terms and conditions outlined in the Purchase Agreement.

D. Approval of an Ordinance: Authorizing the Sale of 443 N. Jonathan Street

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember A. Heffernan, the Mayor and City Council unanimously agreed by voice vote of all members present to approve an ordinance authorizing the sale of City-owned property located at 443 N. Jonathan Street to the Hagerstown Revitalization Corporation (HRC) for the sum of \$ 1. The HRC, a subsidiary of the Housing Authority of the City of Hagerstown, will carry out additional renovation activities to revitalize the property with the eventual goal of homeownership occupancy. The sale will be in accordance with all terms and conditions outlined in the Purchase Agreement.

E. Approval of an Ordinance: Authorizing the Sale of 212-214 N. Jonathan 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 of all members present to approve an ordinance authorizing the sale of City-owned property located at 212-214 N. Jonathan Street to the Hagerstown Revitalization Corporation (HRC) for the sum of \$ 1. The HRC, a subsidiary of the Housing Authority of the City of Hagerstown, will carry out additional renovation activities to revitalize the property with the eventual goal of homeownership occupancy. The sale will be in accordance with all terms and conditions outlined in the Purchase Agreement.

Discussion: Councilmember Aleshire thanked the Hagerstown Housing Authority for being willing to work with the State to revitalize these properties. This is an experiment that he hopes works out well. He hopes to discuss the vacant properties with the newly elected County Commissioners and a program to make them ready and available for funding resources.

F. Approval of an Ordinance: Quit Claim for Alley #5-35 – Eklund Family, LLC

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 of all members present to approve an ordinance to convey a portion of Alley # 5-35 to Eklund Family, LLC, as it is no longer needed for a public purpose. The City shall retain an easement across this

land for the purpose of maintaining existing lines and facilities of the Hagerstown Light Department.

G. Approval of an Ordinance: Quit Claim for Alley #5-35 – Michael J. Hill

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 of all members present to approve an ordinance to convey a portion of Alley #5-35 to Michael J. Hill, as it is no longer needed for a public purpose. The City shall retain an easement across this land for the purpose of maintaining existing lines and facilities of the Hagerstown Light Department.

NEW BUSINESS

A. Approval of a Resolution: Amendment to the Lease Agreement for 11850 Indian Lane

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 of all members present to approve a resolution authorizing the amendment of a Lease Agreement at the City of Hagerstown property located at 11850 Indian Lane in Hagerstown, Maryland. The amendment will increase the maximum number of individuals permitted to reside at the premises for the remainder of the lease term.

B. Approval of a Resolution: Establishing a Hagerstown Youth Advisory Council

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember A. Heffernan, the Mayor and City Council unanimously agreed by voice vote of all members present to establish a Hagerstown Youth Advisory Council ad-hoc committee. The goal of the Council is to facilitate communication and participation by City youth regarding City government's decision-making and planning.

C. Approval of a Resolution: Revising Parking Facilities Rates and Fees

Action: Councilmember A. Heffernan made a motion to approve a resolution approving specific revisions to the schedule of parking facilities rates and fees, effective January 1, 2019, or as herein noted per the schedule. Any rate not specifically addressed in the attached resolution will be as approved in Resolution R-18-27, passed on June 26, 2018. No second was made.

Councilmember K. B. Aleshire then made a motion to table the motion. Councilmember S. McIntire seconded the motion to table. The motion was tabled by unanimous vote of all members present.

Discussion: Councilmember Aleshire stated he tabled this motion for the purposes of further discussion. He has offered a number of ideas that he would like to vet among the Council in order to reach a decision based on fiscal evaluation rather than political expediency. He anticipates additional discussion and decisions will benefit all parties and will resolve the concerns that have been raised.

Councilmember McIntire doesn't want to settle for the sake of settling. She believes proposals and discussions have taken place that the Council has not been made aware of. Tabling is the appropriate action for further consideration.

Councilmember Keller agrees and thinks this issue has not been handled well. Everyone needs to be treated equally and this has been a political mess. This needs to be resolved.

D. Approval of a Resolution: Addendum to Purchase Agreement for Sale of 17-25 E. Franklin Street

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 of all members present to approve a resolution authorizing an addendum to the purchase agreement for sale of property located at 17-25 East Franklin Street. The City-owned property is currently under contract to be sold to WLR Holding Company, Inc. The addendum will extend the settlement deadline date from January 15, 2019 to March 1, 2019.

E. Approval of Application for FY 2020 Program Open Space Projects

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 an application to Washington County requesting FY 2020 Program Open Space development funding for improvements to the City's recreational facilities (POS share listed) as follows:

1. City Park – Lighting Improvements and Beautification – \$ 63,000
2. Potterfield Pool – Replace Pool Whitecoat Phase II – \$ 81,000
3. City Park – Hedge replacement with fence - \$ 117,000

It is further moved to request \$ 50,000 in land acquisition funds for purchase of real property as part of the Cultural Trail.

F. Approval of Joint Use Agreement with Washington County and Maryland Department of Natural Resources

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 of all members present to approve an agreement between the City of Hagerstown, Washington County, and the Maryland Department of Natural Resources. This agreement allows the City to obtain \$ 300,000 in Program Open Space funds for the Urban Improvement Project.

G. Approval of Agreement with Potomac Valley Audubon Society and Alyssa Imes

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 of all members present to approve an agreement with the Potomac Valley Audubon Society and Alyssa Imes to accept a carbon fiber sculpture of a monarch butterfly. The sculpture will be installed in Kiwanis Park in the Spring of 2019.

Discussion: Councilmember Aleshire thanked staff and the Society for recognizing Hagerstown as an appropriate place to increase its art footprint.

H. Approval of an Amendment to Residential Lease Agreement at 570 Jefferson Street

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 of all members present to approve a resolution authorizing the amendment to the residential lease agreement at 570 Jefferson Street. Gerald Bernhisel is the current tenant and desires to add other individual tenants to the lease.

I. Approval of Partners in Economic Progress (PEP) Program Benefits to Tailor Made Cuts

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 of all members present to approve direction of the administration of the Partners in Economic Progress Rent Relief benefits to Tailor Made Cuts at 22 N. Mulberry Street to begin 1/1/19 and contingent upon a lease commitment by the business from 1/1/19 to 12/31/22.

J. Approval of an Amendment to Promissory Note for Repayment of Funds

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 an amendment to a promissory note with Hagerstown Mezzanine Project, LLC, to provide an amendment to payment schedule set forth in the Promissory Note entered into on March 27, 2018, which provides the 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.

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 7:35 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk (from the video)

Approved: January 29, 2019