

Members of the Mayor and City Council attended the annual report luncheon at the Museum of Fine Arts earlier in the day.

65TH REGULAR SESSION AND WORK SESSION – FEBRUARY 26, 2019

WORK SESSION – February 26, 2019

Mayor R. E. Bruchey, II called this portion of the Work Session of the Mayor and City Council to order at 3:06 p.m., Tuesday, February 26, 2019 in the Council Chamber at City Hall. Present with the Mayor were Councilmembers A. Heffernan, E. Keller, and S. McIntire, Interim City Administrator Michael Spiker, City Attorney Jennifer Keefer, and City Clerk D. K. Spickler. Councilmember K. B. Aleshire and Councilmember L. C. Metzner were not present.

Discussion with Meritus Medical Center Regarding Annexation

Mayor Bruchey announced this Work Session is an opportunity to have another discussion about the proposed annexations scheduled for approval later today and to hear from some people who may have some suggestions or concerns about the annexations. The vote will occur as scheduled. He stated this meeting has been scheduled to help allay any fears surrounding the annexation. It is important for people to understand the City is moving forward with what was envisioned seven years ago.

Jason Divelbiss, Divelbiss and Associates, and Steve Nelson, General Counsel with Meritus, represent the interests of Meritus Medical Group. Mr. Divelbiss thanked the Mayor and City Council for being willing to hold this Work Session. He does not think there is any disagreement that Meritus, CHIEF, the County and the City will benefit from mutual cooperation with development. Meritus' main concern is the way the annexation proposal was handled. It was not in the spirit of cooperation or partnership. No discussions were held with Meritus representatives prior to Mayor and City Council action to introduce the Annexation Resolution. Meritus officials are wondering what the City's plans are for the area since they were not notified of the pending annexation. Mr. Divelbiss also provided testimony during the Public Hearing on January 29, 2019. Meritus representatives are concerned about the proposed zoning and allowed uses, the status of prior agreements, etc.

Mr. Nelson has been with Meritus for 6 weeks and is aware of the concerns. He stated Mr. Divelbiss noted the key points. Meritus officials do not understand why their parcel is being annexed at this time.

Mr. Divelbiss recalled the Snook Annexation in 2005 caused apprehension among other residents of the Cedar Lawn area. The annexation was requested by a single property owner, however, the residents believed the annexation was an attempt by the City to annex their properties as well. At that time, he explained to the residents the archaic Maryland laws for annexation and that the City only annexes based on requests. Now it appears the City is annexing land without there being a request for annexation.

Mayor Bruchey explained this annexation is different in that the land to be annexed is undeveloped and there may be pre-annexation agreements in place.

Mr. Divelbiss stated there are no agreements and the annexation was not requested by the property owner.

Mayor Bruchey asked if the medical condos are individually owned. Mr. Divelbiss indicated they are and there has been no assurance from the City that they aren't attempting to annex the condo structures.

Mr. Divelbiss noted annexation regulations allow the City to initiate annexation if 20% of the property owners agree to start the proceedings. Mayor Bruchey asked if Mr. Divelbiss thought it was plausible to have 20% of the condo owners agree to be annexed. Mr. Divelbiss stated it may not be doable, but he hasn't heard any assurance from the City that the overall plan is not to get the condos.

Mr. Divelbiss indicated Meritus officials would like an assurance, not necessarily a guarantee, that the City does not intend to annex the medical condos. The value of the assurance could be discussed further.

Councilmember Keller and Councilmember McIntire stated annexing the condos has not been part of any conversation.

Councilmember Heffernan stated it is his understanding that what predicated the annexation is construction of the bridge and to extend water and sewer service. Annexation makes the most sense at this time. He did not realize Meritus would be concerned about the proposed annexation.

Mr. Divelbiss stated it is logical to extend the City boundary on the Indian Lane property. There are numerous pre-annexation agreements for properties in that area. The concern is how the annexation was initiated. It has never been the policy of the City to annex without permission of the owner or at the owner's request.

Mr. Bockmiller pointed out the City followed its legal authority and gained approval of 20% of the property owners to begin the annexation. There is a referendum provision within the law with specific filing requirements. He noted if the City considered annexing the condos, 20% of the property owners would have to agree to the annexation, which is unlikely in his opinion.

Mr. Divelbiss stated if the City was considered the 20% of the property owners. This is different than what the statute stipulates. He believes the City being the owner and the consenting owner is against the law. He has provided a court case proving his point. The City Attorneys have reviewed the case and have a different opinion.

Mr. Spiker asked if Meritus expects to approach the City about annexing the hospital at some point. Mr. Divelbiss indicated this hasn't been discussed and the hospital is not currently contiguous to the City. He believes they would be open to discussing annexing the area as a whole if they do become contiguous. CHIEF and Meritus are willing to work with the City so they don't have to do it alone.

Mr. Divelbiss stated Meritus is concerned that the proposed zoning does not include 10 uses that are permitted in the IMU district unless they are part of a mixed-use property. Pharmacies, medical labs, and diagnostic labs are among the restricted uses. This is a concern and he hopes it can be addressed.

Mayor Bruchey pointed out zoning regulations can be amended. He understands there are different requirements for a stand-alone pharmacy and a pharmacy with retail. There have to be changes in that area to facilitate the type of growth that attracts higher paying jobs.

Mr. Bockmiller stated staff has met with Mr. Divelbiss regarding the zoning concerns. The majority of the items make sense and the Planning Commission would likely recommend amendments.

Mr. Divelbiss stated another concern is the construction of Professional Boulevard. He wonders if the County agreements will be honored by the City if the annexation occurs. There is concern about how the responsibility for construction will be defined.

Mayor Bruchey stated this is being worked out now. There are several examples where the City takes over the road, if it is constructed to City specifications.

Mr. Spiker and Rodney Tissue, City Engineer, have met with County staff and the road has been included in the discussion.

This portion of the Work Session concluded at 3:38 p.m.

Mayor R. E. Bruchey, II called this portion of the Work Session of the Mayor and City Council to order at 5:47 p.m., Tuesday, February 26, 2019 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, Interim City Administrator Michael Spiker, City Attorney Jennifer Keefer, and City Clerk D. K. Spickler.

Street Closure Requests – University System of Maryland – Hagerstown Spirit Run 5K

Kitty Clark, Community Events Coordinator, was present seeking approval for a Level Two street closure for the USMH Spirit Run 5k race on June 1, 2019.

USMH staff who are coordinating this event have met with the City's logistics committee to review event details, ensure compliance and safety, and create conditions for optimal event outcome.

HPD and Engineering have worked together to develop this new 5K route and to craft a traffic control plan.

The Mayor and City Council agreed to approve the request.

Request to Lease Space at 14 N. Potomac Street, Suite 200C

Jill Thompson, Director of Community and Economic Development, received a request to lease commercial space at 14 N. Potomac Street, Suite 200 C from Somerset

Fire and Alarm Security, LLC. The recommended rental rate for the space is \$ 150.00 per month. If approved, the lease would be from March 1, 2019 for one year, then month to month with a 3% rent annual increase.

It was the general consensus to formally approval the lease during the February 26, 2019 Regular Session.

Doleman Black Heritage Museum (DBHM) Verbal Update

Alesia Parson-McBean, Project Manager of DBHM, and Herman Davis, President of DBHM, were present representing the Doleman Black Heritage Museum. Other board members were also in attendance.

Ms. Parson-McBean addressed the concerns about the Board of Directors, the organization's standing with the Maryland Secretary of State's Office, with their Consultant, and within the community from a correspondence from Mr. Davis. DBHM's Board of Directors is unified in progressing with the goals of purchase, preconstruction, and construction on the proposed final location of the museum at 465 Pennsylvania Avenue. They are in compliance with the Maryland Secretary of State Office and there have been no filings or investigation open against the organization in its history. They have worked tirelessly to resolve issues brought about by their former Directors. This Board has full confidence in the leadership of Ms. Parson-McBean to ensure that their place within the community is on solid footing and will continue to work with her to further this project.

DBHM has applied for grants through the Community Development Block Grant program and the State Department of Housing and Community Development. Delegate Corderman supports the application to DHCD and will advocate for DBHM. Delegate Barns, Chair of the Black Caucus, is also willing to advocate for DBHM.

They requested an extension for the repayment of the \$ 12,000 loan deposit agreement and to request provisional funding for the outstanding balance of \$ 108,000 on the building. The DBHM Purchase Contract Agreement with the owner is set to expire on March 31, 2019. They do not want to lose the chance to create an economic development project within the Jonathan Street community with the purchase of this building. The purchase will occur with grant funds. They also are relying on City and staff support for the submission of FY 20 SDF or Community Legacy applications through the Maryland Department of Housing and Community Development (DHCD).

Councilmember McIntire asked when they anticipated being able to repay the loans. Ms. Parson-McBean stated they would be able to make payments when they are awarded the grant.

Councilmember Aleshire stated they have received information that is confusing. As individuals, they don't have direct knowledge of the operation and they don't have the ability to be involved in situations like this. The DBHM has been discussed for a long time and there are many artifacts in the collection. He does not think they will receive funding until they have a brick and mortar location to call home. He supports the request

for \$ 108,000, if there is a provision that indicates ownership goes to the City if it doesn't work out. The property could possibly be used to enhance the adjacent park. He also supports extending the time frame for the \$ 12,000 promissory note.

Ms. Parson-McBean stated the Board would have to review that condition.

Mayor Bruchey stated the City could utilize Community Development Block Grant funds for the acquisition. Councilmember Aleshire does not want another Alms House property.

Ms. Parson-McBean stated the City could do something positive in the neighborhood with the building, which would be better than a vacant building sitting idle for 30 more years.

Councilmember Aleshire asked if the presentation and information included is supported by the entire board. Ms. Parson-McBean indicated it is. There is a full board and an advisory board.

Mr. Spiker noted any formal action would be completed with two separate motions.

Councilmember Keller wants DBHM to have the building, not the City. She asked if the members think they can be successful in establishing the museum. Ms. Parson-McBean indicated they do and there are plans for revitalizing the neighborhood using the museum as the anchor.

William Wantz, Attorney representing DBHM, doesn't anticipate any issues with providing the surety for the purchase price.

Mr. Spiker clarified that two requests have been made as follows:

1. Defer payment of the \$ 12,000 loan for six months
2. Loan for \$ 108,000 to purchase the building by March 31, 2019, with a surety as suggested by Councilmember Aleshire

Ms. Parson-McBean will submit the information to the Board of Directors for consideration.

Professional Boulevard

Michael Spiker, Interim City Administrator, and Rodney Tissue, City Engineer, were present to provide an update on the discussions with County staff on Professional Boulevard.

Mr. Spiker and Mr. Tissue have discussed the Professional Boulevard Extension and Bridge Projects as it pertains to future ownership and responsibilities of the City and County with County Staff Rob Slocum, Scott Hobbs, and Andrew Eshleman. Collectively, they formulated a plan that all feel is in the best operational interest of the City/County and the optimum use of future City funding. They understand that the

MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

decision rests with the elected body. The points of view and options that County staff had discussed before the meeting mirrored the prepared points of discussion. Each of the respective legislative bodies will be presented with the packet memo, which contains the combined City/County Staff level proposal related to the process of ownership and cost sharing aspects. The combined staff will draft a Memorandum of Understanding for a future discussion and requested approval. The six points listed below contain the starting conversations on items that will form the basis of the MOU:

1. Stormwater Pond: City will assume the agreement with the County/CHIEF on the full maintenance of the pond. The City will take over the County's role in that agreement and the City will begin maintenance of the pond in 2027. The County will furnish and install the required reforestation in the pond and will warranty the plantings. The County will provide the City the hydrologic/hydraulic design report and as-built drawings of the facility. The City may discuss an extension of the CHIEF Agreement utilizing a designated percentage of the Mt. Aetna Farms buildout as a property assumption agreement.
2. Streets: Upon construction and acceptance of the streets (within the annexed City limits) by the City staff, a resolution will be prepared for the Mayor and Council to consider to accept the streets for full City maintenance, including pavement markings, pavement, curb/sidewalk, lighting, and stormwater management structures. The City will include the street mileage in its annual report to the State Highway Administration to obtain additional highway user revenue to cover the paving maintenance. Currently the revenue is \$ 9,000 per mile which will accumulate to approximately \$ 180,000, which is projected to sufficiently cover any repaving effort required. For snow plowing, a logical sharing of their responsibilities will be worked out with the County Roads staff to avoid "dead end" areas to plow.
3. The County will provide the City with copies of all agreements made regarding driveway location design and access control.
4. The County will continue to maintain the forest easements within the City in perpetuity.
5. The County staff will complete the design, bidding and construction of the street system including the widening of Professional Court. The City will provide a field inspector to assist the County field staff for the widening of existing Professional Court. The City will fund the widening of existing Professional Court which is estimated at \$ 2,500,000. The County will assist with providing ARC grant opportunities and other grants if available.
6. All major capital bridge maintenance in the future will be funded by the following ratio:
 - a. 80% Federal Aid (as administered by the County)
 - b. 10% Washington County
 - c. 10% City of Hagerstown

The City will assume all routine bridge maintenance on the structure such as surface repairs, scupper maintenance, etc.

7. The City will make every effort to assure the annexation includes the road and bridge properties before construction occurs.

Councilmember Aleshire asked what the total project cost estimate is. Mr. Tissue stated approximately \$ 6 to \$ 7 million. The County will be funding the entire amount for the bridge.

The pond is a quality control pond. It is being planted full of trees to address the quality issue of the pond.

Councilmember Aleshire asked if there is a definition between major maintenance and routine bridge maintenance. Mr. Tissue indicated a definition of what the State will cover may be helpful.

Councilmember Aleshire asked for more detail about item #7. Mr. Spiker stated, in his opinion, this is the assurance that the City would continue the process with the current proposed annexation so it wouldn't stall somewhere along the process.

Staff will develop an MOU for the Mayor and City Council and County Commissioners to review.

This portion of the Work Session was completed at 6:22 p.m.

65TH REGULAR SESSION- February 26, 2019

Mayor R. E. Bruchey, II called this 65th Regular Session of the Mayor and City Council to order at 7:00 p.m., Tuesday, February 26, 2019, 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, Interim City Administrator Michael Spiker, City Attorney Jennifer Keefer, and City Clerk D. K. Spickler.

The invocation was offered by Councilmember Austin Heffernan. The Pledge of Allegiance was then recited and led by members of the Boonsboro Scout Troop 20, who were in attendance as part of their Citizenship in the Community Merit Badge.

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, March 5, 2019, Tuesday, March 12, 2019, and Tuesday, March 19, 2019, and the Regular Session on Tuesday, March 26, 2019. The State of the City will be held on Tuesday, March 5, 2019 at 7:00 a.m. at Hager Hall.

GUESTS

Mayor Bruchey presented a proclamation to Samuel Key, President of the Washington County Branch of the NAACP. The proclamation names February, 2019 as Black History Month in Hagerstown, Maryland.

CITIZEN COMMENTS

Marvin Lohr, 1135 Sunnyside Drive, Hagerstown, Maryland, complimented the Public Works Department on the snow removal this past winter. He is concerned about the Fire Department and the Police Department being shorthanded. He wondered if provisions of the entire trash regulations remains valid if one portion is left out.

Councilmember Metzner's opinion is that the current code is unenforceable. Mr. Lohr asked if the code can be changed. A Councilmember told him a few years ago that the problem would be taken care of but that hasn't happened.

Mr. Lohr mentioned a sales tax exemption for Hagerstown, which he has brought up several times. The State provides a sales tax exemption several times throughout the year for specific products and he thinks a similar program for Hagerstown businesses would helpful. A sales tax may encourage investors to renovate their properties.

Mayor Bruchey will discuss Mr. Lohr's suggestion with Delegate Paul Corderman

James Devine, P. O. Box 2217, Hagerstown, Maryland, stated the City always has to annex in order to expand its tax base and services. He suggested requiring all new homes to install solar panels. The traffic signal at South Hagerstown High School should be fully operational, rather than blinking. He asked if the air raid siren in the south end is still in use. If it is not, Ellicott City is looking for one. He thinks the current minimum wage is an insult to workers.

CITY ADMINISTRATOR'S COMMENTS

Michael Spiker, Interim City Administrator, announced there will be an artist's reception at the Engine Room (14 N. Potomac Street) on Saturday, March 2, 2019. He appreciates the City's efforts to bring more art to Hagerstown. He thanked Wendy Nussbaum, Director of Human Resources, for her service to the City. She is resigning as of March 6, 2019. The State of the City will be held on Tuesday, March 5, 2019 at Hager Hall. He thanked the Mayor and City Council and Wes Decker, Communications Manager, and Eric Hastings, TV Production/Web Coordinator, for working on the video presentation.

MAYOR AND COUNCIL COMMENTS

Councilmember K. B. Aleshire had no additional comments.

Councilmember A. Heffernan thanked the Museum of Fine Arts for the annual report earlier today. The community is fortunate to have this museum in Hagerstown.

Councilmember E. Keller attended many meetings during February. She is feeling motivated about the City. She thanked everyone who is helping push the City forward.

Councilmember L. C. Metzner had no additional comments.

Councilmember S. McIntire stated she is the Councilmember who contacted Mr. Lohr. She noted it takes a long time to make changes. She introduced the concept of the Bridge to Change program that helps the homeless and the jurisdiction. This program includes cleaning up trash. She fully supports cleaning up the City and in coming up with creative ways to assist people. She and Councilmember Keller will be members of a 2 + 2 committee with two County Commissioners. This will be the first meeting since 2005. Commissioner Meinelschmidt and Commissioner Wagner will also be members.

Mayor R. E. Bruchey, II reminded the community that a job fair for Proctor and Gamble will be held at the Washington County Library on February 27, 2019 from 5:00 p.m. to 7:00 p.m.

Councilmember Metzner announced yard waste collection begins again next week.

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 January 8, 2019, January 15, 2019, January 16, 2019, January 22, 2019, and January 29, 2019.

CONSENT AGENDA

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

- A. Department of Parks and Engineering:
 - 1. 2013 Jon Deere 2500E Gas Triplex Mower – Finch Services, Inc. (Westminster, MD) \$ 15,995.00
- B. Utilities Department:
 - 1. Electric – Voltage Regulators – Eaton Power Systems (Waukesha, WI) \$ 53,599.00
 - 2. Wastewater – 2020 Kenworth T370 Diesel Dump Truck with Godwin Body – Truck Enterprises (Hagerstown, MD) \$ 120,750.08
 - 3. Water – Vault and Swing Check Valve Installation – Carl Belt, Inc. (Cumberland, MD) \$ 46,250.00
 - 4. Water – 24” Insertion Valves – Carl Belt, Inc. (Cumberland, MD) \$ 522,350.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: Police and Fire Retirement Plan Amendments

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 an ordinance for the following changes to the Police and Fire Retirement Plan effective March 28, 2019:

1. Add to the definition of “Covered Employee”, the job classifications Police Officer Trainee and Police Cadet.
2. Job classifications of Police Officer Trainee and Police Cadet will not be eligible for the line of duty disability until they become a sworn officer.

B. Approval of Annexation Resolution: Foggy Bottom Land

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 adopt an Annexation Resolution for an annexation known as the “Foggy Bottom Farm and Other Lands”, for three properties located between Antietam Creek and Yale Drive. The portion of property to be annexed is approximately 101.03 acres in size and is intended to be added to and made part of the adjacent municipal lands.

C. Approval of Annexation Resolution: Antietam Creek Creek Bed

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 an Annexation Resolution known as the Antietam Creek Creek Bed Annexation. The portion of property to be annexed is approximately 1.47 acres in size and is intended to be added to and made part of the adjacent municipal lands for the purpose of creating logical and regular municipal boundaries in conjunction with the annexation of adjacent lands incorporated into the City through Case No. A-2018-01.

Discussion: Councilmember Aleshire pointed out the discussions during the Work Session show that the City and the County are able to work together to develop agreements for infrastructure. He also noted that these annexations are not in any way a hostile takeover. It is simply a change in

jurisdictional boundary. This action will provide greater strength and stability to the core of Hagerstown.

NEW BUSINESS

A. Introduction of an Ordinance: Repeal of Chapter 189, Public Utility License

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 to repeal Chapter 189, Public Utility Licenses, for the City Code.

Future license fee collections shall cease upon the effective date of this ordinance.

B. Introduction of an Ordinance: Increase of Sewer Rates

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 increase the unit cost of water rates by 3% per year for Inside City customers and 3% per year for customers outside of the City over the next five fiscal years. These rate increases are necessary to meet the revenue requirements of the Water Fund in order to keep the fund self-supporting as determined by the recently completed cost of service study prepared for the City by the Municipal Financial Services Group.

The detailed individual rate changes in the volume charges and fixed charges by meter size are indicated, by fiscal year, in the body of the ordinance. The increased rates shall be effective for all bills rendered on or after July 1, 2019 and for all bills rendered on or after July 1st of each of the subsequent four fiscal years.

C. Introduction of an Ordinance: Increase of Water Rates

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 increase the unit cost of wastewater rates by 2% per year for Inside City customers and 2% per year for customers outside of the City over the next five fiscal years. These rate increases are necessary to meet the revenue requirements of the Wastewater Fund in order to keep the fund self-supporting as determined by the recently completed cost of service study prepared for the City by the Municipal Financial Services Group.

The detailed individual rate changes in the volume charges and fixed charges by meter size are indicated, by fiscal year, in the body of the ordinance. The increased rates shall be effective for all bills rendered on or after July 1, 2019 and for all bills rendered on or after July 1st of each of the subsequent four fiscal years.

Mr. Spiker noted the language for each of the previous motions is correct, however the titles of each are transposed.

D. Approval of a Resolution: Parking Lease for the University District Parking Deck with the State of Maryland

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 to approve a resolution to approve a parking lease agreement between the City of Hagerstown and the State of Maryland for the rental of nine parking spaces in the University District Parking Deck for use by the Department of Juvenile Services and the Department of Education, Division of Rehabilitation Services.

The term of the lease is two years and commences on March 1, 2019. The annual rent to be paid to the city is \$ 6,912.00.

E. Approval of a Resolution: lease for Parking System Office at Roslyn Building

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 approve a resolution to enter into a lease agreement with WLR Residential Properties, Inc. for office space at 25 East Franklin Street. The lease period shall begin on or about March 1, 2019. A copy of the lease agreement is attached to the resolution for reference.

F. Approval of a Resolution: Addendum to the Lease Agreement for 11850 Indian Lane

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 to approve a resolution authorizing the addendum of a Lease Agreement at the City of Hagerstown property located at 11850 Indian Lane in Hagerstown, Maryland. The addendum extends the lease for an additional six months and includes minor additional changes to the lease terms.

G. Approval of a Resolution: Termination of a Lease Agreement with The Mulch Man for a Portion of Property Located at 931 Eldridge Drive

Action: On a motion duly made by Councilmember A. Heffernan and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve a resolution authorizing the Termination of a Lease Agreement with a business known as The Mulch Man for a portion of City of Hagerstown property located at 931 Eldridge Drive in Hagerstown, Maryland. The Lease will be terminated between the City of Hagerstown and The Mulch Man, LLC effective immediately upon approval.

H. Approval of T-Mobile Lease at Hagerstown Police Department Tower

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 ground lease agreement with T-Mobile USA Inc. to lease ground space on the monopole tower at Hagerstown Police HQ on N. Burhans Boulevard. The ground space lease is for an initial five-year period at the rate of \$ 2,700 per month with four additional five-year renewal periods. The renewal rents will be at a rate to be adjusted 3% per year on the anniversary of the commencement date over the previous year's rent.

I. Approval of Exemption to the Water and Wastewater Policy in Order to Supply Water Service to 9238 Sharpsburg Pike

Action: Councilmember S. McIntire made a motion to approve an exemption to the Water and Wastewater Policy under "Exemption 10 – Facility for Essential Public Service" to supply water service to 9238 Sharpsburg Pike (Map 0062; Parcel 0059 Plat M683). Property consists of 49.29 acres and will be used for the construction of a Public Safety Training Facility. Councilmember L. C. Metzner seconded the motion.

Discussion: Councilmember Aleshire stated the training facility is needed; however the City established a policy for extending water and sewer services based on the ability to serve an area. If the boundary is extended to one area, it should be reduced in another area.

Motion carried 4-1 with Councilmember K. B. Aleshire voting No.

J. Approval of Creation of 3rd Deputy Fire Marshal Position – Hagerstown Fire Department

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 the addition of one full-time Deputy Fire Marshal position.

This position is necessary to relieve the exempt Fire Marshal from regular on-call duties and return the position to program management.

The requested position has the support of the HFD, HR, Finance, and City Administrator. This would eventually lead to the hiring of another person but not until the selected candidate successfully completed the police academy. It is estimated that this position addition would only impact seven months of FY20. It is anticipated that the cost related to this position will be included in the General Fund FY20 Proposed Budget.

This action is consistent with the City's vision and commitment to public safety, prompt customer service, and 100% determination of origin and cause for structure fires. It will also permit enhanced opportunities to help Planning and Code Compliance with remediation of buildings that are a safety threat to the public.

K. Approval of Inductees to the Hagerstown Circle of Achievement at Memorial Park for 2019 and Approval of the Date for the Annual Induction Ceremony

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 induct the following persons into the Hagerstown Circle of Achievement at Memorial Park for the Class of 2019 (listed alphabetically)

Mrs. Florence Wall MacMichael Myers McCoy and Mrs. Ann Carroll Fitzhugh Smith.

The Mayor and City Council also approved the date for the ceremony for 2019 to be on Saturday, May 18, 2019 at Memorial Park.

L. Approval of Two-Year Contract of Annual Financial and Single Audits

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 authorize and approve a two year agreement for the City's annual financial audit with SB & Company, LLC. The City is going to piggyback for two years on the County's awarded audit contract for audit services from SB & Company, LLC. This two year contract would be for the completion of the FY19 and FY20 financial audit which includes the single audit. The cost to perform the FY19 and FY20 audit would remain the same at \$ 42,225 for each year.

M. Approval of an Increase in Agency Contribution to Hagerstown Neighborhood Development Partnership

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 an increase in the Agency Contribution for the Hagerstown Neighborhood Development Partnership (HNDP) n the amount of \$500 per month beginning March 1, 2019 for 12 months; and will be funded in FY19 from unspecified Agency Contributions. This amount would increase the agency contribution by \$ 2,000 in FY19 and \$

4,000 for FY20. It is anticipated that additional General Fund Agency Contribution funding will be included in the FY20 Proposed Budget. The City's additional contribution is contingent upon HNBP leasing space at 21-23 E. Franklin Street.

N. Approval of Memorandum of Understanding – Washington County Adult Drug Court

Action: On a motion duly made by Councilmember E. Keller and seconded by Councilmember A. Heffernan, the Mayor and City Council unanimously agreed by voice vote to approve a Memorandum of Understanding (MOU) in support of the Washington County Adult Drug Court.

This MOU establishes the Hagerstown Police Department's agreement to work in cooperation with the other parties within the Drug Treatment Court to follow 10 key components as adopted from Defining Drug Courts: The Key Components.

There is no funding component associated with this MOU.

O. Approval of Street Closures: University System of Maryland – Hagerstown Spirit Run 5K

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 of street closures for the USMH Spirit Run 5K on Saturday, June 1, 2019, from 8:00 a.m. to 12:00 p.m.

P. Approval of a Resolution: Lease with Somerset Fire Alarm and Security, LLC for Office Space located at 14 N. Potomac Street, Suite 200C

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 to approve a resolution authorizing the Mayor and City Attorney to finalize and execute a lease agreement with the City of Hagerstown and Somerset Fire Alarm and Security LLC for office space located at 14 North Potomac Street, Suite 200C. A copy of the lease is attached to the resolution.

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

65TH REGULAR SESSION AND WORK SESSION
2019
MAYOR AND CITY COUNCIL

FEBRUARY 26,
HAGERSTOWN, MARYLAND

Approved: March 26, 2019