

**67<sup>TH</sup> REGULAR SESSION AND WORK SESSION – MARCH 26, 2019**

**WORK SESSION – March 26, 2019**

Mayor R. E. Bruchey, II called this Work Session of the Mayor and City Council to order at 6:02 p.m., Tuesday, March 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, and City Clerk D. K. Spickler.

**Hagerstown Ice and Sports Complex Facility Expansion Proposal**

Rodney Tissue, City Engineer, introduced members of the Hagerstown Ice Amateur Athletic Association (HIAAA) who were present to discuss a proposal to expand the Hagerstown Ice and Sports Complex Facility. The members present were Paul Sweeney, Board Chair, Dan LaValliere, General Manager, and Pete Low, Board Member.

In October, the HIAAA provided their annual review and discussed future plans for their group. The HIAAA is successful because of the dedication of the three representatives. Mr. Tissue believes a second sheet of ice will eventually be needed at the Ice Rink.

Mr. Sweeney reported the facility is near capacity. They don't want to turn people away but that will soon happen. The HIAAA submitted a response to the Request for Proposals for an indoor sports facility. They are willing to move forward with that proposal but the immediate need is a second sheet of ice. Their estimated cost for an indoor facility is \$ 14 million to \$ 16 million. It makes sense for them to put an indoor facility at the existing location. To add a second sheet of ice would be \$ 4 million to \$ 6 million. A fundraising campaign started last week. They are confident they will be able to raise a significant amount for the project. They are asking the Mayor and City Council for direction to move forward with the second sheet of ice.

Chad Ziegler, Hockey Director, develops youth programs that teach kids how to play hockey. Programs include youth recreation programs and Learn to Play with the Capitals. There are more than 125 participants. More sessions are needed to accommodate additional participants.

Mr. Low reported it used to be difficult to get kids interested in hockey. Now there are 100 new kids each hockey season. The National Hockey League realizes if they don't start growing hockey at the ground roots level the talent pool will dry up. This interest was not present just three years ago. The program at the Ice Rink has become a peer program for the travel program.

Mr. Zeigler reported there are seven teams in the youth hockey program. He anticipates there will be two more for boys and one more for girls. The families that participate in the program spend money while they are here. Some stay overnight in local hotels.

Two sheets of ice would provide the opportunity for tournament activities, which will help local hotels.

The Kodiaks currently practice at 6:30 a.m. A West Virginia biker group started a program with 3 or 4 kids and now has 42 participants. They are interested in ice time at the Hagerstown Ice Rink. The closest ice they have to use is in Morgantown, West Virginia.

Councilmember Heffernan stated it appears that the group knows what their core competency is, which is the ice. He doesn't know if the second sheet of ice should continue to be delayed.

Councilmember Metzner agrees. He thinks the Ice Rink is a stand-alone facility. He believes it will be easier to raise money for a single purpose – the second sheet of ice. The Ice Rink was established almost 20 years ago. The success of the facility is due to Mr. Sweeney, Mr. LaValliere, and Mr. Low, assuring the Council they could make it successful. The faster they can raise a substantial amount of money, the faster they can get the Council's support. Financing options can be discussed at that time.

Mr. Low asked for specific targets of what is needed to get the go ahead from the Council.

Councilmember Aleshire stated every \$ 5 million in cost is equal to \$ 100,000/year on a bond issue. Whatever amount they raise will make a difference in the bond funding needed.

Councilmember Aleshire stated there will be a number of different projects included in the FY20 budget which will likely be bond funded. This project is one of the projects that is limited in funding.

Councilmember Keller stated creating a business plan would be a good place to start.

Councilmember Metzner stated involvement from the Washington Capitals would also be helpful.

Mr. Tissue thinks the business plan should include construction and operation of the facility. There are other entities the group could also approach, such as the Department of Housing (for CDBG funding), the State of Maryland, etc.

Councilmember Aleshire stated bond funding for the second sheet of ice would be committing the City's taxpayers and citizens to 20 year of debt. It is important to not commit the taxpayers to something they can't afford.

Councilmember Metzner noted the City has not been successful in receiving hotel/motel tax revenue.

Mayor Bruchey pointed out hotel/motel tax revenue is collected by the County and 48% of the revenue is provided to the Convention and Visitors Bureau. The remainder goes to the County for disbursement. He does not know if the full amount is distributed. He suggested the group put their financial information together, including a fundraising

plan, and review it with the Mayor and City Council. He believes the design construction estimate is low in the information provided.

Councilmember Keller stated people keep telling her the kids in Hagerstown need something to do. Many people don't know there is an ice rink in Hagerstown. She thinks a community outreach program would help people know the ice rink exists.

On a motion duly made, seconded, and passed, the Work Session was adjourned at 6:41 p.m.

### **67<sup>TH</sup> REGULAR SESSION – March 26, 2019**

**Mayor R. E. Bruchey, II called this 67<sup>th</sup> Regular Session of the Mayor and City Council to order at 7:04 p.m., Tuesday, March 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 Jason Morton, and City Clerk D. K. Spickler.**

The invocation was offered by Councilmember Emily Keller. 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 2, 2019, Tuesday, April 9, 2019, and Tuesday, April 16, 2019, and the Regular Session on Tuesday, April 23, 2019. There is no meeting scheduled for Tuesday, April 30, 2019.

### **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 David Haller to the Board of Traffic and Parking (Term to expire September 27, 2019), Matthew Chilton to the Historic District Commission (term to expire June 30, 2022), and Brian Kurtyka to the Board of Zoning Appeals (term to expire April 30, 2022).

Mayor Bruchey announced the last item under New Business – Consideration of CHIEF and Ganesh III, LLC Request for Water under the City's Water and Wastewater Policy – is being removed from the agenda.

### **CITIZEN COMMENTS**

Karen Surano, thanked the Mayor and City Council for keeping the City Farmer's Market open. She suggested limiting the number of vendors with the same merchandise.

The current vendors should be supported so they stay. She stated Kitty Clark, Community Events Coordinator, is good to work with.

Nikeua Lebron, 17604 Washington Street, Hagerstown, Maryland, is a current vendor at the City Farmer's Market. Her business is Cinna-Mommy. She is looking at available spaces downtown in order to expand. She understands there is a plan to extend the hours at the market. Many vendors are excited about the possibility. She stated it would help vendors if the market hours were at least extended on Saturdays. Improvements to make the market more modern would be helpful.

Chris Reese, 4231 Harper's Ferry Road, Sharpsburg, Maryland, is a vendor at the City Farmer's Market. He thanked the Mayor and City Council for the business incentives that are available in Hagerstown. He will be opening a coffee shop downtown in August. The incentive programs help alleviate some of the stressors in opening a business.

### **PUBLIC HEARING**

A Public Hearing was held to hear testimony on a proposed Five Year Rate Plan that would be in effect from Fiscal Year 20 through the end of Fiscal Year 24 for increases in water and sewer user rates.

Under the proposed increase, water service user rates will increase 3% for all City customers (Inside and Outside) in each of the five years. Sewer rates for users of the City of Hagerstown sewer system will increase by 2% for all City customers in each of the five years, including both joint service area and full service sewer customers. The proposed increases would take effect on all bills rendered after July 1 of each of the five Fiscal Years.

There was no testimony presented, either in favor of or against the proposed user rate increases.

The record will be held open for 10 days for written comments.

The Public Hearing was then closed.

### **CITY ADMINISTRATOR COMMENTS**

Michael Spiker, Interim City Administrator, congratulated Mark Renner on his promotion to Lieutenant. He reported construction at the Barbara Ingram School for the Arts will require some street closings next week for façade work. He encouraged people to stop at the area restaurants and view the work that is being done.

### **MAYOR AND CITY COUNCIL COMMENTS**

*Councilmember K. B. Aleshire* had no additional comments.

*Councilmember A. Heffernan* had no additional comments.

*Councilmember E. Keller* thanked Ms. Surano and Ms. LeBron for their ideas for the City Farmer's Market. She thanked Mr. Reese for his courage to expand his business

from the Farmer's Market. She would like to have a discussion about the market and ideas to make it better.

*Councilmember L. C. Metzner* had no additional comments.

*Councilmember S. McIntire* thanked everyone who spoke in support of the Farmer's Market. A year ago she wasn't sure the Farmer's Market would survive. Now there are suggestions for limiting merchandise and longer hours. She thinks a discussion about the future of the market should be held.

*Mayor R. E. Bruchey, II* likes to go to the market bright and early. It is a good problem to have too many vendors. He has been going to the market for more than 25 years. The International Film Festival will be held this weekend. Governor Hogan is scheduled to attend the festival.

On March 29, 2019, a ribbon cutting will be held at the Vietnam War Veterans Memorial at 182 Walnut Street. The group raised a lot of money to create this monument.

### **MINUTES**

On a motion duly made by Councilmember S. McIntire and seconded by Councilmember L. C. Metzner, the minutes from February 5, 2019, February 12, 2019, February 19, 2019, and February 26, 2019 were unanimously approved as presented.

### **CONSENT AGENDA**

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

- A. Fire Department:
  - 1. Fire Marshal Vehicle – Keystone Ford (Chambersburg, PA) \$ 52,363.16
- B. Department of Parks and Engineering:
  - 1. Furnish ADA-Compliant Bleachers for Parks in City – Kay Park Recreation Corp. (Janesville, IA) \$ 36,076.72
  - 2. Repairs to Wall of Marsh Run – GRC (Zullinger, PA) \$ 78,756.00
  - 3. Hager's Crossing Drive: Lowering Speed Limit to 25 MPH (between Bartow Drive and Atlanta Court)
- C. Department of Planning and Code Administration:
  - 1. Approval of Procurement Ratification – Demolition of 523 Summit Avenue – Allegany Wrecking and Salvage (Hagerstown, MD) \$ 25,000.00
- D. Utilities Department:
  - 1. Light – Substation Testing and Inspection Services – Electric Power Systems (Cockeysville, MD) \$ 49,485.00
  - 2. Wastewater – Submersible Grinder Pump – Fluid Solutions, Inc. (Westminster, MD) \$ 21,260.00
  - 3. Water – Ford F-250 – Keystone Ford (Denton, MD) \$ 27,877.00

**UNFINISHED BUSINESS**

**A. Approval of an Ordinance: Repealing Chapter 189, Public Utility Licenses, of the City Code**

**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 an ordinance to repeal Chapter 189, Public Utility Licenses, of the City Code.

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

**NEW BUSINESS**

**A. Introduction of an Ordinance: Acquisition of 319 Summit Avenue**

**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 introduce an ordinance for the purchase of property known as 319 Summit Avenue. Funding for the acquisition, removal of the structure, and creation of additional green space is from Maryland Program Open Space and City funds as outlined in the March 19, 2019 memo.

Discussion: Mayor Bruchey has some concerns about demolishing the building and what might be done with the property. He thinks other discussions should be held to determine what the building may be used for.

**B. Introduction of an Ordinance: Authorizing General Obligation Debt to be Issued for the Purpose of “Financing, Reimbursing, or Refinancing Costs of Certain Capital 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 to introduce an ordinance authorizing the City of Hagerstown to sell and issue from time to time, upon its full faith and credit, general obligation bonds in one or more series in an original aggregate principal amount not to exceed \$ 3,105,000. Proceeds of the bonds will be used to finance, reimburse or refinance costs of the projects identified in Section 3(b) of the ordinance. All projects/debt service are allocated to the General Fund.

The ordinance also authorizes the sale and issuance 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 original aggregate principal amount not to exceed \$ 3,105,000 to fund project costs on an interim

basis, and (ii) general obligation refunding bonds in an original aggregate principal amount not to exceed 130% of the aggregate principal amount of any bonds being refunded, in order to reduce debt service costs or achieve debt service restructuring. Details of any such general obligation bond 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.

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 and issuance 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.

Discussion: Councilmember Aleshire noted the current bond counsel used by the City of Hagerstown is the same one used by the municipality he works for.

Councilmember Metzner pointed out police radios will also be purchased with this bond.

**C. Approval of a Resolution: Declaration of Official Intent to Use Proceeds of a Future Borrowing to Reimburse Costs of the Hagerstown Cultural Trail and Pangborn Lake Reconstruction Projects**

**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 the resolution evidencing the City's reasonable expectation to reimburse from proceeds of general obligation bonds (or any interim financing incurred in anticipation of such bonds) all or a portion of the expenditures paid prior to issuance with respect to the two projects identified in the fiscal year 2019-2023 capital improvement program as Hagerstown Cultural Trail and Pangborn Lake Reconstruction.

This resolution preserves the ability of the City under the federal tax code to use proceeds of any such borrowing for such reimbursement purposes. This resolution does not authorize the issuance of such obligations. Such issuance authorization will be undertaken by separate legislation in accordance with applicable law.

Staff is hereby directed to work with the City's financial advisor and bond counsel to determine the best financing options for the City and to develop the necessary authorizing ordinance and detailed resolution and other documents required to prepare for the sale of the bonds.

**D. Approval of a Resolution: Acceptance of Offer of Dedication of a Portion of Professional Court**

**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 to approve a resolution to accept the offer of dedication of 0.625 acres of land from nationwide Health Properties, LLC at the end of the Professional Court cul-de-sac. This acquisition will enable Washington County to construct the bridge over Antietam Creek and extend the street from the existing cul-de-sac to the new bridge. The Mayor and City Council further authorized staff to issue a "General Street Construction" permit to Washington County to permit the connection to existing Professional Court.

**E. Approval of a Resolution: Acceptance of Offer of Dedication of a Portion of Nittany Lion Circle**

**Action:** On a motion a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember E. Keller, the Mayor and City Council unanimously agreed by voice vote to approve a resolution to accept the offer of dedication from Beazer Homes Corp. for a portion of Nittany Lion Circle in the Collegiate Acres development. The City will commence full maintenance responsibilities of the segment of the street effective immediately.

**F. Approval of Resolutions: 2019 Summer Play Camp Operations**

**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 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 2019 season from June 17, 2019 through August 16, 2019. Each camp will serve approximately 60-80 youths per day. Funding is from the Parks and Recreation operating budget.

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

**Action:** On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve a resolution to approve a parking lease agreement between the City of Hagerstown and the State of

Maryland for the rental of five parking spaces in the University District Parking Deck for use by the District Court of Maryland.

The term of the lease is two years and commences on April 1, 2019. The annual rent to be paid to the City is \$ 3,840.00.

**H. Approval of a Resolution: Authorizing a Keep America Beautiful Affiliation Application**

**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 City of Hagerstown to apply for a Keep America Beautiful affiliation with the Keep America Beautiful organization. This affiliation is a new State requirement of Main Street communities in order to maintain the Main Street designation.

**I. Approval of a Resolution: Addendum to the Lease Agreement for 25 W. Church Street**

**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 resolution authorizing the addendum to a commercial lease agreement with Valley Co-Op for a portion of the property at 25 W. Church Street, Hagerstown, Maryland. The addendum will extend the lease agreement until June 30, 2021.

**J. Approval of Appalachian Regional Commission (ARC) FY20 Project Funding Requests**

**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 authorize the submission of the following projects to the County Commissioners for funding from the Fiscal Year 2020 Appalachian Regional Commission (ARC) grant:

1. Professional Court widening – requesting \$ 750,000 in ARC funds
2. Life Safety Code Upgrades Fund – requesting \$ 250,000 in ARC funds
3. Third Parking Deck – requesting \$ 1,000,000 in ARC funds
4. Wastewater Collection System Rehabilitation – requesting \$ 400,000 in ARC funds

**K. Approval of Reallocation Fiscal Year 2019 Balance of Invest Hagerstown Grant Programs**

**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 allowing the Review Committee of the Invest Hagerstown Grant Program to reallocate the balance of funding in the program for the remainder of Fiscal Year 2019.

The Review Committee may award the balance within any of the following three components: the City Wide Redevelopment Grant Program; the Homeownership Grant Program; and the Rental Property Rehabilitation Grant Program.

**L. Approval of Open Container Exemptions for USMH, Maryland Theatre, Hagerstown Hopes Pride, and Augustoberfest**

**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 exemptions from the City of Hagerstown's Open Containers regulation under section 173-6 of the Code of the City of Hagerstown for USMH at University Plaza on May 21, 2019, Maryland Theatre at University Plaza on May 24, 2019, Hagerstown Hopes in the Central Lot on July 13, 2019, and Augustoberfest in the Central Lot on August 17 and 18, 2019.

**M. Approval of an Exemption from City Code Chapter 155, Noise**

**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 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, April 13, 2019 from 10:00 a.m. to 6:00 p.m. and events on Sundays from April 21, 2019 to November 3, 2019 from 9:00 a.m. to 2:00 p.m. at 227 E. Washington Street (corner of E. Washington Street and Cannon Avenue).

In addition to the exemption, permits for an assembly and erecting a tent are required.

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

Approved: April 23, 2019