

WORK SESSION – September 24, 2019

Mayor R. E. Bruchey, II called with Work Session of the Mayor and City Council to order at 6:03 p.m., Tuesday, September 24, 2019, 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 Scott A. Nicewarner, City Attorney Jason Morton, and City Clerk D. K. Spickler.

Draft Memorandum of Understanding with Maryland Stadium Authority

Mayor Bruchey stated the Maryland Stadium Authority (MSA) has provided a draft Memorandum of Understanding (MOU) for the Mayor and City Council's review.

Mr. Nicewarner noted the draft MOU authorizes the MSA to engage in a Phase II study for the Baltimore Site. It is for engagement of services, only allowing the MSA to develop a Request for Proposals (RFP) to include studies of the site, such as an environmental study and a parking study. The precise scope of services will be determined during procurement. The cost will not exceed \$ 300,000. The funding is being provided by the State of Maryland. There is no outlay from the City of Hagerstown and this is not pass through funding.

In order to move forward as expediently as possible, the signed MOU would need to be placed before the MSA governing board at their October 8, 2019 meeting.

If the MOU is approved in time for the MSA monthly meeting, a draft RFP would be provided to the City for review on October 7, 2019. However, the Mayor and City Council can take as much time as needed to review and modify the RFP. Most respondents will be architectural engineers according to the MSA. An RFP advertisement would occur on October 19, 2019, pending approval by the City of Hagerstown. A site visit and RFP pre-conference would occur later in October. During the week of December 8, 2019, the group would review the proposals with oral presentations to the selection committee, with an anticipated decision by the end of December, 2019.

The selection committee is to include two representatives of the City of Hagerstown. It was the general consensus to have Mr. Nicewarner and Rodney Tissue, City Engineer, serve as the representatives.

It is anticipated that the analysis would be completed about this time next year. At that point, the Mayor and City Council would say yes or no to moving forward with the project.

Councilmember Heffernan clarified that the cost will not be more than \$ 300,000. This is correct.

Councilmember Aleshire asked how the MSA will be paid. Mr. Nicewarner stated he understands it will be direct draw from one state agency to another state agency. The money will not pass through the City of Hagerstown. Councilmember Aleshire noted the MOU language makes it seem like the City is paying the \$ 300,000. He asked that the language be amended to make it clear the City of Hagerstown is not providing this funding.

Councilmember Aleshire asked who issues the RFP and who selects the consultant. Mr. Nicewarner stated the MSA issues the RFP and a selection committee will choose the consultant. A proposal of more than \$ 300,000 will not be selected.

Councilmember Metzner does not care how much the proposal costs, as long as the City is not paying for it. The largest contributor when it comes to building the stadium should be the State of Maryland.

Councilmember Aleshire hopes this is completed as expeditiously as possible. Mr. Nicewarner indicated the MSA considers nine months expeditious. He hopes the prior study information is useful.

Councilmember Aleshire stated that, according to what has been communicated, it appears the State will concurrently be working on the deliverables they indicated such as legislation that the MSA would be able to assume debt responsibility for the projects and submitting for funding for design engineering.

It was the general consensus to appoint Scott Nicewarner, City Administrator, and Rodney Tissue, City Engineer, as the two City of Hagerstown representatives on the selection committee. A Special Session will be held on October 1, 2019 for consideration of the MOU with the MSA.

The Work Session was closed at 6:16 p.m.

83RD REGULAR SESSION – September 24, 2019

Mayor R. E. Bruchey, II called this 83rd Regular Session of the Mayor and City Council to order at 7:00 p.m., Tuesday, September 24, 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, City Administrator Scott Nicewarner, City Attorney Jennifer Keefer, and City Clerk D. K. Spickler.

The invocation was offered by Mayor R. E. Bruchey, II. The Pledge of Allegiance was recited and led by Mayor Bruchey.

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, October 1, 2019, Tuesday, October 8, 2019, Tuesday, October 15, 2019, and the Regular Session on Tuesday, October 22, 2019. There is no meeting scheduled for Tuesday, October 29, 2019.

APPOINTMENTS

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 the following appointments:

Hagerstown Youth Advisory Council
Casey Allison, Term to Expire August 31, 2021
Lauren Asbury, Term to Expire August 31, 2020
DaMarea Atkinson, Term to Expire August 31, 2021
Zachary Brooks, Term to Expire August 31, 2021
Kiandra Houser, Term to Expire August 31, 2020
Tashera Lloyd, Term to Expire August 31, 2020
Maya Murthy, Term to Expire August 31, 2021
Summer Seaward, Term to Expire August 31, 2020
Ethan VanMeter, Term to Expire August 31, 2021
Deanna Becton, Term to Expire August 31, 2021
Kevin Bokoum, Term to Expire August 31, 2021
Mariama Cham, Term to Expire August 31, 2020
Madison Yorkowski, Term to Expire August 31, 2021

Members of the Hagerstown Youth Advisory Council were given the Oath of Office immediately following their appointment.

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 the following appointments to the Board of Traffic and Parking:

David Haller, Term to Expire September 27, 2023
Kathleen O'Connell, Term to Expire September 27, 2023

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 Lynette Cunningham to the Hagerstown Housing Authority. Ms. Cunningham's term will expire on August 30, 2020.

Councilmember Metzner noted a vote to appoint Ms. Cunningham is not required as appointments to the Hagerstown Housing Authority are made by the Mayor.

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember A. Heffernan, the Mayor and City Council unanimously agreed to amend

the agenda for this meeting and move Citizen Comments, City Administrator Comments, and Mayor and City Council Comments to the end of the meeting.

MINUTES

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember S. McIntire, the minutes from August 6, 2019, August 13, 2019, August 20, 2019, and August 27, 2019 were unanimously approved as presented.

CONSENT AGENDA

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

Consent Agenda

- A. Department of Information Technology and Support Services:
 - 1. ESRI GIS Maintenance Agreement Renewal – ESRI (Redland, CA)
\$ 35,000.00

- B. Department of Parks and Engineering:
 - 1. Bridge Repairs, E. Memorial Boulevard – Concrete General, Inc.
(Hagerstown, MD) \$ 17,200.00
 - 2. Street Tree Contract – Botanica Enterprises, Inc. (Boonsboro, MD)
\$ 42,288.10
 - 3. City Park Weir Outfall Pipe Replacement – Greenridge Contractors, Inc.
(Williamsport, MD) \$ 56,700.00

- C. Police Department:
 - 1. Replacement of Heat Pump – Beaver Mechanical Contractors, Inc.
(Hagerstown, MD) \$ 17,200.00
 - 2. Storage of Body Worn Camera Footage – Axon Enterprises, Inc. (Phoenix,
AZ) \$ 16,236.00

- D. Utilities Department:
 - 1. Wastewater – Roof Replacement at Operations Building – Paneko
Construction, Inc. (Bowie, MD) \$ 210,000.00
 - 2. Water – RC Willson Water Treatment Plant Boiler Replacement – Beaver
Mechanical Contractors, Inc. (Hagerstown, MD) \$ 127,358.00
 - 3. Water – Change Order to Water Pumping Improvement Project – EMH
Environmental (Glenwood, MD) \$ 70,687.09

UNFINISHED BUSINESS

A. Approval of an Ordinance: Quit Claim Request for Alley #5-71

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 ordinance to quit claim the

unimproved portion of Alley 5-71 between 827 and 829 View Street, as it is no longer needed for a public purpose.

B. Approval of an Ordinance: Amend the Code of the City of Hagerstown by Repealing and Reenacting Sections of Chapter 64 Building Construction, Article I Thereof, Building Standards

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 to amend the Code of the City of Hagerstown, Chapter 64, Article I by deleting and repealing Chapter 64 Building Construction, Article 1, Building Standards, and replacing it with a new Article I, Building Standards, which provides for updated building requirements, licensing, and penalties. With this ordinance, the present code provisions will be enforced through December 1, 2019 and the new code provisions would become applicable January 1, 2020.

C. Approval of an Ordinance: Amend the Code of the City of Hagerstown by Repealing Sections of Chapter 64 Building Construction, Article II Thereof, Demolition of Structures

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 an ordinance to amend the Code of the City of Hagerstown, Chapter 64, Article II, Demolition of Structures, which provides requirements for building demolition that are covered under sections of Article I, Building Standards and Chapter 187 Nuisance and Abandoned Property Abatement. With this ordinance, the code provisions shall become effective immediately upon the effective date of this enacting ordinance.

D. Approval of an Ordinance: Amend the Code of the City of Hagerstown by Repealing and Reenacting Sections of Chapter 64 Building Construction, Article IV Thereof, Electrical Standards

Action: On a motion duly made by Councilmember A. Heffernan and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance to amend the Code of the City of Hagerstown, Chapter 64, Building Construction, Article IV, Electrical Standards, by deleting and repealing Chapter 64 Building Construction, Article IV, Electrical Standards, and replacing it with a new Article IV, Electrical Standards, which provides for updated building requirements, licensing, and penalties. With this ordinance, the present code provisions will be enforced through December 31, 2019 and the new code provisions would become applicable January 1, 2020.

E. Approval of an Ordinance: Amend the Code of the City of Hagerstown by Repealing and Reenacting Sections of Chapter 64 Building Construction, Article III Thereof, Property Maintenance Standards

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 an ordinance to amend the Code of the City of Hagerstown, Chapter 64, Article III by adding sections to Chapter 64 Building Construction, Article III, Property Maintenance Standards, which provide requirements for rooftop egress routes. With this ordinance, the code provisions shall become effective immediately upon the effective date of this enacting ordinance.

F. Approval of an Ordinance: Amend the Code of the City of Hagerstown by Repealing and Reenacting sections of Chapter 64 Building Construction, Article V Thereof, Plumbing Standards

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 to amend the Code of the City of Hagerstown, Chapter 64, Building Construction, Article V, Plumbing Standards, by deleting and repealing Chapter 64 Building Construction, Article V, Plumbing Standards, and replacing it with a new Article V, Plumbing Standards, which provides for updated building requirements, licensing, and penalties. With this ordinance, the present code provisions will be enforced through December 31, 2019 and the new code provisions would become applicable January 1, 2020.

G. Approval of an Ordinance: Amend the Code of the City of Hagerstown by Repealing and Reenacting Sections of Chapter 64 Building Construction, Article VI Thereof, Mechanical Standards

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 to amend the Code of the City of Hagerstown, Chapter 64, Building Construction, Article VI, Mechanical Standards, by deleting and repealing Chapter 64 Building Construction, Article VI, Mechanical Standards, and replacing it with a new Article VI, Mechanical Standards, which provides for updated building requirements, licensing, and penalties. With this ordinance, the present code provisions will be enforced through December 31, 2019 and the new code provisions would become applicable January 1, 2020.

NEW BUSINESS

A. Approval of After School Program – BTJ Dance Group

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

The Hagerstown Housing Authority provides a variety of constructive after school programs to area youth. This program runs for the 2019-2020 school year at a cost of \$ 3,500.00.

B. Approval of After School Program at the Parkside Community Center

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 after school program at Parkside Community Center.

The Hagerstown Housing Authority provides a variety of constructive after school programs to area youth. This program runs for the 2019-2020 school year at a cost of \$ 18,881.00.

C. Approval of the Barbara Ingram School for the Arts (BISFA) Foundation Holiday Lamp Post Decorating Project

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 the Barbara Ingram School for the Arts (BISFA) Foundation Street Lamp Holiday Project. For the ninth year, the BISFA Foundation has requested to partner with the City of Hagerstown to decorate the street lamp posts in City Center by selling sponsorships for personalized holiday banners. BISFA is seeking approval to use the lamp posts for their program and will take care of the labor to install the banners. BISFA volunteers and/or a contractor will follow City guidelines for their installation and volunteers will sign hold harmless agreements and/or the contractor doing the installation will provide the City with a certificate of insurance.

D. Approval to Add 36-40 N. Potomac Street to the City's Competitive Negotiated Sale (CNS) Process

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 36-40 N. Potomac Street to the City's Competitive Negotiated Sale (CNS) Process, with the goal of transferring the property to the private sector and returning the property to the tax rolls. The property will be added to the CNS with a list price of

\$ 460,000 based on a recently conducted appraisal. Purchase proposals will be evaluated based on both offer price and how the future use of the property will contribute to the vitality of downtown.

Ms. Keefer clarified that the Mayor and City Council wish to amend the agenda for this meeting and also wish to consider revisions to the Rules of Procedure.

This is correct. Consideration of amending the Rules of Procedure will be discussed during the Work Session on October 1, 2019.

CITIZEN COMMENTS

Harold King, 14 Holder Court, Boonsboro, Maryland, stated he wished to speak about the atrocity that has been occurring in Hagerstown for many years at 160 W. Washington Street.

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously adjourned the meeting.

Discussion: Councilmember Metzner stated he does not want to listen to this conversation.

Councilmember Heffernan stated this is not the appropriate way to change a law. The Mayor and City Council have no jurisdiction over this activity.

The meeting ended at 7:27 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: October 22, 2019