

Mayor R. E. Bruchey, II called this 86th Regular Session of the Mayor and City Council to order at 7:01 p.m., Tuesday, October 22, 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 Jason Morton, and City Clerk D. K. Spickler. Councilmember L. C. Metzner was not present.

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

Mayor Bruchey announced the Rules of Procedure for this meeting will be followed as effective October 22, 2019. 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, November 5, 2019, Tuesday, November 12, 2019, Tuesday, November 19, 2019, and the Regular Session on Tuesday, November 26, 2019. The Pre-Legislative Forum with the Washington County Delegation will be held on Wednesday, November 6, 2019.

PROCLAMATIONS

Economic Development Week

Mayor Bruchey read a proclamation naming October 20-26, 2019 as Economic Development Week in Hagerstown, Maryland. Economic Development Week reaffirms the importance of business development locally and statewide. Jill Thompson, Director of Community and Economic Development, Kaitlin Bell, Economic Development Specialist, and Doug Reaser, Business Development Specialist, accepted the proclamation.

Great American Smoke Out 2019

Mayor Bruchey presented a proclamation to Marie Hawse, recognizing Thursday, November 21, 2019 as The Great American Smokeout Day in Hagerstown, Maryland. The Great American Smokeout Day urges citizens to take this opportunity to begin healthier lifestyles that will set positive examples for youth.

GUESTS

Gridiron Classic MVP Presentation

The 2019 football season kicked off with the 18th Hagerstown Gridiron Championship Classic on Saturday, September 7, 2019. The final score was South Hagerstown 44 – North Hagerstown 12. This was South's 7th consecutive victory equaling their longest

winning streak in the series from 1960-1966. North holds the longest streak of 8 from 2003-2010.

This was the 6rd year of the City rivalry. South holds the all-time lead at 32-30-1. The tie was in 1957, the inaugural year.

South Hagerstown High School MVP Oshane Thorpe received a scholarship check from Paul Crampton Contractors. North Hagerstown High School MVP Jaynaz Melendez received a scholarship check from the City of Hagerstown.

AGENDA ITEM CITIZEN COMMENTS

Mayor Bruchey announced the meeting order for this and future Regular Session meetings was approved on October 15, 2019. The first time for Citizen Comments are for topics related to items being discussed on this agenda, or items recently discussed. General comments will be heard later in the meeting.

Harold King, 160 Daniel Road, Shenandoah Junction, West Virginia, attends Bible Baptist Church. He recently received a copy of the updated Rules of Procedure and disagrees with Section 6.1 General Citizen Comments. This section states comments are limited to items that are within the subject matter of the jurisdiction. He assumes this is in response to recent citizen comments about a business operating a service. The business performs abortions. He strongly disagrees that the Mayor and City Council have no control over this action.

Mayor Bruchey noted this topic appears to fall within the General Comments agenda item.

MINUTES

On a motion duly made by Councilmember E. Keller and seconded by Councilmember A. Heffernan, the minutes from September 10, 2019, September 17, 2019, and September 24, 2019 were unanimously approved as presented.

CONSENT AGENDA

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

Consent Agenda

- A. Department of Community and Economic Development:
 - 1. Community Development Block Grant Consultant Services of Consolidated Plan 2020-2024 – Urban Design Ventures, LLC (Homestead, PA) \$ 46,000.00

- B. Fire Department:
 - 1. 2020 Police Inceptor Utility Vehicle – Keystone Ford (Chambersburg, PA) \$ 52,729.91

- C. Department of Information Technology and Support Services:
 - 1. Building Blocks Software Purchase, Installation, and Migration – Opportunity Space, Inc. (d.b.a. Tolemi) (Boston, MA) \$ 12,000.00
 - 2. MUNIS Transparency Module Annual Maintenance Agreement Renewal – Tyler Technologies, Inc. (Dallas, TX) \$ 11,669.90

- D. Department of Planning and Code Administration:
 - 1. Snow and Ice Abatement Contract – Botanica, Inc. (Boonsboro, MD) Variable

- E. Police Department:
 - 1. Cyanoacrylate Fuming Chamber – Foster and Freeman (Sterling, VA) \$ 17,055.91

- F. Department of Public Works:
 - 1. Bulk Road Salt – Morton Salt (Chicago, IL) \$ 61.80/ton

- G. Utilities Department:
 - 1. Light – Substation Class Vacuum Reclosers – Eaton Power Systems Division (Waukesha, WI) \$ 52,815.00
 - 2. Light – Replacement of Bucket Truck # 132 with Ford F-550 Chassis – National Auto Fleet Group (Watsonville, CA) \$ 112,481.81
 - 3. Wastewater – Collection System Rehabilitation Phase 1A Additional Work – Mr. Rehab, LLC (Mechanicsburg, PA) \$ 136,886.36
 - 4. Water – Change Order Request – Hazen and Sawyer (Baltimore, MD) \$ 55,158.00
 - 5. Water – Annual Software Support and Service Agreement at Willson Plant for SCADA – ABB Inc. (Wickliffe, OH) \$ 67,100.00

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

A. Approval of a Resolution: Authorizing Naming Intersections of Wesel Boulevard

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 a resolution authorizing naming two intersections on Wesel Boulevard as “Rhine Way” and “Sister City Drive”. The first intersects with Wesel Boulevard to the northeast of Lowe’s, and the second intersects with Wesel Boulevard to the south of Lowes’s.

B. Approval of a Resolution: Authorizing, Approving, and Directing the Entry into a Negotiation Class in Pending Litigation against Contributors of Opioid Addiction Crisis

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 to authorize the Law Firms to enter into the Negotiation Class and to represent the City in the negotiations of a classwide settlement against contributors of the Opioid addiction crisis.

After careful consideration, the Mayor and City Council have decided that it is in the best interest of the City to enter into the Negotiation Class certified by the judge presiding over the MDL by an Order dated September 11, 2019.

C. Approval of a Resolution: Entering into an Art Donation Agreement with the Thomas Kennedy Center and Antonio Tobias Mendez

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 to authorize an agreement with The Kennedy Center and Antonio Tobias Mendez, for the ownership rights and maintenance of artwork located at Thomas Kennedy Park.

D. Approval of City Center Holiday Parking Program

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 the City Center Holiday Parking Program that allows for free parking each weekend commencing at 5:00 p.m. Friday evenings and all day Saturday and Sunday in the University District Parking Deck and Arts & Entertainment District Parking Deck beginning Friday, December 6, 2019 through Friday, December 27, 2019. Additionally, free parking will be extended through Monday, December 30, 2019, Tuesday, December 31, 2019, and January 1, 2020. Normal parking operations will resume on Thursday, January 2, 2020.

Parking at the street meters and parking lot meters will continue to be free after 5:00 p.m. weekdays and all day Saturday and Sunday as it is normally throughout the year.

E. Approval of New Full-Time Employee: Water Distribution Foreman

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 of a full-time staff position to support the growing needs of the Water Distribution System. This position would be funded temporarily by overfilling a full-time supervisory position. As soon as the next position becomes vacant, it will become unfunded.

F. Approval of Funding for a Community Coalition Lobbyist

Action: Councilmember E. Keller made a motion to authorize the expenditure of \$ 5,000.00 from the General Fund in order to contribute toward hiring Johan Favazza with the firm of Mannis, Canning & Associates, as the Community Coalition Lobbyist. Other committed partners include the Washington County Commissioners, Hagerstown Community College, Washington County Library System, Town of Williamsport, Visit Hagerstown, Washington County Chamber of Commerce, CHIEF (Washington County Industrial Foundation), and Greater Hagerstown Committee. Councilmember A. Heffernan seconded the motion.

Motion carried 3-1 with Councilmember K. B. Aleshire voting No.

GENERAL CITIZEN COMMENTS

Harold King, 160 Daniel Road, Shenandoah Junction, West Virginia, has researched what other cities have done to shut down legal businesses that they felt weren't good for the city. He believes the City of Hagerstown can prohibit a legal business from operating. The lesser authority has the obligation to use their means to overturn a higher authority ruling. He wants to provide information to the Mayor and City Council, along with the support of the community, with ways the City can stop a legal business.

Vicki Bodnar, 10932 Sasson Drive, Hagerstown, Maryland, spoke about the Fairgrounds Entrance Building. In 2000, a group of citizens put on a festival to try to raise awareness of the significance of this building in the community and the history of the fairground's buildings. She thanked Mayor Bruchey and Councilmember Metzner for participating in the festival. Following the festival, the City of Hagerstown obtained easements from the Maryland Historical Trust to preserve the economic impact of culture and heritage. Tourism is the 10th largest private sector employer in Maryland. This shows how important history and culture are to citizens. Travelers participate in cultural and heritage activities. There are several entrance buildings around the country that have been restored. One is used as an event center. The main thing they have in common is a Heritage Foundation Board or a Board of Directors in place. She hopes a private partnership can be created to save this building. There are many grants available for restoration and reuse of historic buildings. There are many historical sites near Hagerstown. She suggested the multiple sites be promoted to tourists. The Great Hagerstown Fair had national prominence.

Wanda King, 53 E. Franklin Street, Hagerstown, Maryland, has lived in Washington County for more than 50 years. She thanked the officers of the Hagerstown Police Department for making her feel safe. She thanked Councilmember Keller and health care providers for helping her friend survive an overdose. She appreciates many things in Hagerstown. She tries to help the people going to the abortion center and is grateful to be able to do so.

Sean Plaisance, 12624 Trinity Church Drive, Clear Spring, Maryland, is a veterinarian and has owned a business in Maryland for 19 years. He is speaking today for the unborn, who have no voice. He read in the newspaper that the Council wants to stop abortion discussions. This atrocity is happening and it needs to be discussed. He doesn't agree that the City of Hagerstown can't do anything to stop it. He asked the Mayor and City Council to stand up for the unborn and do what they can to stop this.

Mary Haines, 27 Laurel Street, Hagerstown, Maryland, depends on the officers of the Hagerstown Police Department to respond when she calls for help in the community. They respond quickly and professionally. She is concerned that other police departments are offering signing bonuses that may entice officers to leave. She urged the Mayor and City Council to do what is necessary to hire more police officers and keep them at the Hagerstown Police Department.

Robert Hershey, 13430 Cherry Tree Circle, Hagerstown, Maryland, served on Hagerstown's Historic District Commission for 16 years and on the Maryland Historical Association Board of Directors for many years. He has a long preservation background. He is specifically here to speak about the Fairgrounds Entrance Building. One of the many reasons to save historic structures is they are visual representations of a city's past and culture. Older buildings are often better in style and materials, some of which are no longer available. The years 1880 to 1940 were significant in Hagerstown. The entrance building is a representation of that time. If renovated, the building could house either an agricultural heritage or mechanical heritage museum. Preservation of historical buildings is crucial.

Doug Reed, 9604 Anderson Road, Mercersburg, Pennsylvania, is a historian who has worked in this area and Maryland and in Europe. As a child, he visited the Great Hagerstown Fair and walked through the gates at the entrance building. He stated the Johca building in Cumberland was severely deteriorated. The Maryland Historical Trust also had an easement on that property. It has been restored and is now a gold mine. He stated the Mayor and City Council are sitting on something big with the potential for the entrance building. He wondered if the Mayor and City Council would consider leasing the building to a private developer who could apply for tax credits to rehabilitate the building a little at a time. The entrance building is not going to fall down. The same type of renovation as the Footer Dye Works building could happen at the entrance building. This building is the only one of its kind east of the Mississippi River. He attended the site visit earlier this month and thought Councilmember McIntire's idea of using the area as an amphitheater was good. He urged the Mayor and City Council to not abandon the building.

Mayor Bruchey doesn't think they have discussed abandoning the building. The Mayor and City Council have asked to discuss what can be done with it with the Maryland Historical Trust. One idea is to possibly keep the façade and add another use.

Mr. Reed stated he is willing to help with the process.

Penny Nigh, 634 N. Mulberry Avenue, Hagerstown, Maryland, presented a document noting the history of the fair and the entrance building to the Mayor and City Council. In 1999, the City was thinking about demolishing the building. Citizens presented a petition to stop the demolition and it was saved. A group of citizens painted the building at one time. During her time as a Councilmember, the building was painted again. She realizes grants are available. She asked the City to consider hiring a grant writer to apply for specific grants. This historical site can't be taken away. The City should invest money for the entrance building. The structural issues can be repaired. The space could be used for events. It might be possible to locate a police substation there as well. She asked that the Mayor and City Council do everything they can to keep the building.

CITY ADMINISTRATOR COMMENTS

Scott Nicewarner, City Administrator, had no additional comments.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember K. B. Aleshire stated he probably lives in the oldest house of all the Mayor and City Council. He turned it back into a single-family home when he purchased it. He also voluntarily annexed the property into the City. He is very willing to turn over a property like the entrance building to someone serious who wants to refurbish it. Too often, the City is expected to provide significant funding to the project, such as the Alms House and 170 W. Washington Street. The Mayor and City Council also have to consider the seriousness of the budget during these discussions.

Councilmember A. Heffernan is pleased that this is one of the first meetings that citizens provided ideas and solutions for issues they were discussing. The Great American Smokeout is being held on November 21, 2019. He applauded the efforts of the American Cancer Society to end youth smoking. He will be waiting to hear Mr. King's ideas for supporting his view. This is the first time he has heard a good idea of what can be done with the entrance building. He welcomes Mr. Reed's offer to assist.

Councilmember E. Keller also appreciates everyone who came forward to discuss the entrance building. She stated everyone agrees with Ms. Haines. They are all concerned about retaining police officers. Her plan is to focus on keeping officers here. Their safety and citizen safety are important to her. She understands the opinions regarding abortion that have been stated during comments. However, if there aren't clinics, the procedure will be done unprofessionally and women will die. People need to talk to their kids about sex education. She does not have any interest in taking away a women's right to choose. What happens in her body is her business and no one else's. She

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MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

congratulated Rob Zimmerman, of the Awakenings Recovery Center, for being recognized by Governor Hogan.

Councilmember S. McIntire sees potential at the entrance at the building. There isn't a Councilmember who doesn't want to work to figure out how to save it. She hopes there are employees who can write the grants. She is willing to help. The annual Alsatia Mummer's Parade will be held on October 26, 2019. She thanked employees for their work in getting the streets ready for the parade.

Mayor R. E. Bruchey, II stated he warned the Council about the City obtaining the Alms House. Nothing has been done with the building. None of the Mayor and City Council members want to just tear the entrance building down. They want to see it be useful. There are many other properties like this one. The wage study will be completed soon and he anticipates it will confirm that police officers are not paid enough. They will be looking hard at how the City can recruit and retain top notch officers, to reach the maximum sworn amount of 112. His inbox and email have been inundated by people who think he doesn't believe in the First Amendment. This is not true. During his time as Mayor, he has not prevented someone from speaking at the podium during a meeting. He can guarantee no member of the Mayor and City Council is in favor of murdering children. He is not a proponent of abortion.

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 8:13 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: November 26, 2019