

Mayor R. E. Bruchey, II called this 88th Regular Session of the Mayor and City Council to order at 7:01 p.m., Tuesday, November 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, City Administrator Scott Nicewarner, City Attorney Jason Morton, and City Clerk D. K. Spickler.

The invocation was offered by Bishop Curtis Hayden, Second Christian Church. 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, December 3, 2019, Tuesday, December 10, 2019, and the Regular Session on Tuesday, December 17, 2019. No meetings are scheduled for Tuesday, December 24, 2019 or Tuesday, December 31, 2019.

APPOINTMENTS

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember S. McIntire, the Mayor and City unanimously agreed by voice vote to appoint Terry Wishard to the Board of Code Appeals, with a term to expire November 30, 2023. Councilmember E. Keller abstained from the vote.

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember A. Heffernan, the Mayor and City Council unanimously agreed by voice vote to appoint Christina Davis to the Planning Commission, with a term to expire October 31, 2024.

PROCLAMATIONS

Small Business Saturday

Mayor Bruchey read a proclamation naming Saturday, November 30, 2019 as Small Business Saturday in Hagerstown, Maryland. Small Business Saturday is a way to cultivate business for merchants of small businesses on the Saturday following Thanksgiving. Monika Wertman, Wertman Photography, Dieter Blosel, Schmankerl Stube, Jessica Peteranecz, Charlie and Sam's Bakeshop, and Kaitlin Bell, Economic Development Specialist, accepted the proclamation.

Mayor Bruchey read a proclamation naming Sunday, December 1, 2019 as World Aids Day in in Hagerstown, Maryland. World AIDS day highlights worldwide efforts to combat HIV and AIDS and to remember those who have died from the infection. Michael Jones, Rise Up Hagerstown, accepted the proclamation.

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.

James M. Devine, P. O. Box 2217, Hagerstown, Maryland, pointed out the red light cameras snap a picture if the vehicle is over the white stop line. He asked if any consideration has been given to incorporating solar power into the system in Hagerstown. He asked the Mayor and City Council to keep the stadium at its current location and keep baseball in Hagerstown.

MINUTES

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember E. Keller, the minutes from October 1, 2019, October 8, 2019, October 15, 2019, and October 22, 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. Parks and Engineering:

1. Playground and Parks Equipment – Playground Specialists, Inc. (Thurmont, MD) \$ 25,966.00
2. Potterfield Pool House and Hager House Roof Replacements – Advance Construction, LLC (Smithsburg, MD) \$ 57,450.00
3. Reconditioned 2015 John Deere 8800A Rough Mower – Finch Services, Inc. (Westminster, MD) \$ 26,995.00

B. Police Department:

1. Computer/Network Server – Dell EMC (Round Rock, TX) \$ 14,995.00
2. NTF Reimbursement for FY20 – Washington County Treasurer (Hagerstown, MD) \$ 310,000.00
3. Monthly Speed/Red Light Camera Charges – American Traffic Solutions, Inc. (Mesa, AZ) \$ 130,000.00

- C. Department of Public Works:
1. Landscape Bed and Ground Maintenance Citywide and in Parks – Advantage Landscape & Construction (Hagerstown, MD) \$ 30,171.69
 2. Bulk Diesel Fuel and Gasoline Purchase – Petroleum Traders Corporation (Fort Wayne, IN) \$ 423,328.00 (\$1.9176/gal. for Diesel and \$1.6738/gal. for Gasoline)
- D. Utilities Department:
1. Light – Switch Repair Parts, Wesel Substation – S&C Electric Company (Annapolis, MD) \$ 71,193.44
 2. Wastewater – Solids Processing - Temporary Thickening Services – Synagro (Baltimore, MD) \$ 69,909.81
 3. Wastewater – Solids Processing – Pelletizer Improvements – Synagro (Baltimore, MD) \$ 39,767.00
 4. Wastewater – Liquid Oxygen – Air Products and Chemicals, Inc. (Allentown, PA) \$ 32,000.00
 5. Water & Wastewater – Bulk Chemical Purchase – Wastewater Division \$ 501,118.00 (multiple vendors) and Water Division \$ 830,164.06 (multiple vendors)
 6. Water – Risk and Resiliency Assessment and Emergency Response Plan – Hazen and Sawyer (Baltimore, MD) \$ 221,227.00

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

A. Introduction of an Ordinance: Chapter 64 Building Construction, Article III

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 introduce an ordinance to amend the Code of the City of Hagerstown, Chapter 64, Article III, Property Maintenance, to update the Nuisance Ice and Snow requirements to provide more time to clear public sidewalks. This update will establish the same standards for the City. This amendment will provide a community/business friendly approach and be more consistent with neighboring communities.

B. Approval of a Resolution: Policy on Removal of Snow from Sidewalks

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 update the resolution on the policy for the removal of snow from sidewalks. The update reflects the changes to the City

department structure, changes to the nuisance snow and ice code, and provides direction on vacant and/or abandoned properties with snow and ice conditions.

C. Introduction of an Annexation Resolution – I-81/CSX/Halfway Blvd. Right-of-Way, Case No. A-2019-01

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 introduce an annexation resolution for an annexation known as the I-81/CSX/Halfway Blvd Right-of-Way, for the transportation corridor right-of-ways. The portion of property to be annexed is approximately 95.64 acres in size and is intended to be added to and made part of the adjacent municipal lands.

D. Approval of Annexation Plan – I-81/CSX/Halfway Blvd. Right-of-Way, Case No. A-2019-01

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 annexation plan for an annexation known as the I-81/CSX/Halfway Blvd Right-of-Way, for the transportation corridor right-of-ways. The portion of property to be annexed is approximately 95.64 acres in size and is intended to be added to and made part of the adjacent municipal lands.

E. Approval of a Resolution: Third Amendment to Agreement with American Traffic Solutions, Inc.

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 a resolution to approve a third amendment to the agreement with American Traffic Solutions, Inc. dba Verra Mobility. This amendment is to secure their assistance with installation, approval of locations, training, technical and other support relating to the red light camera system in the City. Approval of the amendment extends the contract until December 31, 2020.

F. Approval of a Resolution: Easement Agreement between the City and the Board of Commissioners of Washington County for Showalter Road Water Main

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 a resolution and easement agreement between the City of Hagerstown and the Board of County Commissioners of Washington County Maryland for a perpetual easement on Showalter Road as described in the Deed of Easement and Maintenance Agreement.

G. Approval of a Resolution: Automatic and Mutual Aid Firefighting, Rescue, and EMS Agreement

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 a resolution accepting the Automatic and Mutual Aid Firefighting, Rescue and EMS Agreement between the Mayor and Council of the City of Hagerstown and the Board of County Commissioners of Washington County, Maryland.

This agreement articulates equitable levels of in-kind services while delivering high quality and efficient services to the residents of Hagerstown and Washington County.

Discussion: Councilmember Aleshire stated he believes this agreement is a bad deal for the City. He is concerned about the use of the word jurisdictions rather than parties and who will be making the determination of the units needed. He stated the reference to the tax differential was added by an entity that has no standing in this agreement, which are the independent companies. The tax differential is the largest inequity to the City taxpayers. He will give the benefit of the doubt to two men he respects, Chief Steven Lohr and Director David Hays and approve the agreement. If anyone can bring the emergency services into this century, it will be these two men. However, he doubts there will be political fortitude to move forward.

Mayor Bruchey stated Councilmember Aleshire has extensive working knowledge of this issue and he trusts his judgement and assessment on this.

H. Approval of Power Services Agreement Amendment No. 7 with First Energy Solutions

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 Power Services Agreement Amendment number seven with First Energy Solutions to immediately reduce the full requirements contract rate and to provide a mechanism to recalculate the rate following any changes in the energy market related to renewable energy credits.

I. Approval of Retainer Agreement for City Legal Services.

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 Retainer Agreement with Salvatore & Morton, LLC to serve as general legal counsel for the City of Hagerstown for three calendar years, beginning January 2, 2020 through December 31, 2022. Per the contract, the terms may be re-negotiated for the 2023 calendar year.

J. Approval of Request for Exemption from Chapter 155, Noise

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember A. Heffernan, 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 Sundays, from December 1, 2019 through December 31, 2020. The services will be held 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.

K. Approval of Municipal Stadium Improvements for the 2020 Season

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 of \$ 35,000 for improvements at Municipal Stadium as follows:

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| 1. Allowance for additional hood vent and fan for additional concession area | \$ 10,000 |
| 2. Replace rubber dugout flooring | \$ 250 |
| 3. Repair picnic tables | \$ 500 |
| 4. Supply paint for masonry exterior wall | \$ 2,250 |
| 5. Power wash and treat beer garden | \$ 4,000 |
| 6. Finish repairs to third base bleachers | \$ 13,000 |
| 7. Replace door groundskeeper building | \$ 1,000 |
| 8. Outfield masonry wall repairs | \$ 4,000 |

These improvements are consistent with the terms of the lease and amendments. The Mayor and City Council further authorized staff to complete the work (in-house or by contract) prior to the start of the 2020 Hagerstown Suns baseball season. Funding for the project is from rent paid by the Suns.

L. Approval of Haven Road Sidewalk Project: Reprogramming Local Match Source of Funds

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 staff to reprogram the source of the local funds for this project from State Aid funds to General Fund Balance. The project budget is \$ 565,000 of which 80% is funded by the Safe Routes to Schools programs and the 20% balance requires a local match. State Highway will not approve the City's State Aid allocation as a source of local funds for its match.

Discussion: Mayor Bruchey stated it is discouraging when a State agency says you can use State Aid funds for two years, and then reverses that decision.

M. Approval of Application for FY 2021 program Open Space Projects

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 application to Washington County requesting FY 2021 Program Open Space (POS) development funding for improvements to the City's recreational facilities (POS share listed) as follows:

1. Fairgrounds Park – MBX Track Improvements - \$ 50,000
2. City Park – new restrooms for use by softball and Train Hub - \$ 135,000
3. Various parks – safety mats, play equipment - \$ 105,300
4. Antietam Creek Waterway Trail – Mt. Aetna Road site – \$ 45,000

N. Approval of Authorizing the Utilization of Eventbrite to Sell Tickets and/or Merchandise at Events

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 authorize the utilization of Eventbrite to sell tickets and/or merchandise at events organized by the Department of Community and Economic Development.

Discussion: Councilmember Keller asked if local vendors are considered for this activity. Washington Goes Purple uses a local company to manage payments for their events.

Jill Thompson, Director of Community and Economic Development stated local vendors have been used for smaller events. After the Christkindl Markt event, staff will be creating a request for proposals for this service.

GENERAL CITIZEN COMMENTS

James Devin, P. O. Box 2217, Hagerstown, Maryland, discussed the national political climate. He stated the two major parties are being run by extremists and he has not seen an environment like this.

Anthony Cangemi, Bridle Court, Hagerstown, Maryland, stated, according to Federal law, growing cannabis is illegal in all states. There is a facility that operates within the City limits of Hagerstown. He agrees with and applauds the Mayor and City Council's decision to go against the Federal law regarding cannabis. This Mayor and City Council is denying federal law at this moment. He encouraged them to shut down the Hagerstown Reproductive Clinic and make Hagerstown a sanctuary for the unborn.

Marvin Lohr, Sunnyside Drive, Hagerstown, Maryland, suggested having mechanical displays in the empty windows and storefronts. These displays are popular in other cities. He suggested discussing this with the robotics clubs at local schools. He asked if anything can be done to help the homeless lady who stays on Prospect Street.

CITY ADMINISTRATOR COMMENTS

Scott Nicewarner, City Administrator, reminded everyone that November 30, 2019 is Small Business Saturday. There are many activities in Hagerstown this weekend including the Christkindl Markt, Holly Fest, and Downtown Tree Lighting. He thanked the members of the Hagerstown Youth Advisory Council for selecting one of the nicest trees for the square this year. He thanked all City staff who assisted in decorating the tree and planning the events. He also thanked all staff who are working this holiday.

A video was shown celebrating the Hagerstown community and what people in the community are thankful for. Mr. Nicewarner stated this is a great community, with great heritage and great possibilities. No matter what negative things happen, the people in the community should remember all the positive things in Hagerstown.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember K. B. Aleshire noted he voted against the processing of cannabis within the City limits. He feels approving it was a violation of his Oath of Office to uphold Federal law. He is comfortable with his position on this issue.

Councilmember A. Heffernan pointed out there are many activities taking place in Hagerstown this weekend.

Councilmember E. Keller thanked Mr. Nicewarner for showing the video and everyone who participated. She thanked everyone who participated in the community meeting last week at Elgin Station. She is looking forward to meetings about downtown on December 3, 2019.

Councilmember L. C. Metzner recalled talking to new elected officials and letting them know City staff are amazing. He thanked all employees for their work.

Councilmember S. McIntire thanked everyone for the video. She is also thankful for her fellow elected officials. She is proud to be part of this Mayor and City Council. She encouraged people to attend the community discussion next week.

Mayor R. E. Bruchey, II stated his Oath of Office requires him to bear allegiance to Federal and State law. He supports the State law that took the first step and legalized cannabis. His grandson told him recently he is thankful for veterans. He wished everyone a Happy Thanksgiving.

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 7:57 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: December 17, 2019