

Mayor R. E. Bruchey, II called this 89th Regular Session of the Mayor and City Council to order at 7:03 p.m., Tuesday, December 17, 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 Rabbi Ari Plost. 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, January 7, 2020, Tuesday, January 14, 2020, Tuesday, January 21, 2020, and the Regular Session on Tuesday, January 28, 2020.

Mayor Bruchey announced the following changes to the published agenda:

1. The Public Hearing scheduled to consider amendments to the Future Land Use Map and Designation in the Hagerstown 2018 Comprehensive Plan, visionHagerstown 2035 is being postponed to January 14, 2020 at 6:00 p.m.
2. The Board of Zoning Appeals appointment is being postponed.

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.

Walter Rowland, 13 Winter Street, Hagerstown, Maryland, was opposed to the traffic changes that are proposed for Dale Street. However, he talked with City staff prior to the start of the meeting and his concerns are being addressed.

James Devine, P. O. Box 2217, Hagerstown, Maryland, asked the Mayor and City Council to consider including solar energy requirements in the City's Building Code.

MINUTES

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember A. Heffernan, the minutes from November 5, 2019, November 6, 2019,

November 12, 2019, November 19, 2019, and November 26, 2019 were unanimously approved as presented.

CONSENT AGENDA

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

Consent Agenda

A. Parks and Engineering:

1. 2020 and 2021 Pavement Preservation Program
2. Stormwater Utility Phase III Implementation Contract – Wood, Inc. (Chantilly, VA) \$ 41,596.00

B. Utilities Department:

1. Light – Substation Class Vacuum Circuit Breakers – Siemens Industry, Inc. (Wendell, NC) \$ 62,741.00
2. Wastewater – Miscellaneous Facility Repairs – Synagro – WWT, Inc. (Baltimore, MD) \$ 62,741.00
3. Water – Hydrofluorosilicic Acid – George S. Coyne Chemical Co., Inc. (Croydon, PA) \$ 51,763.50

UNFINISHED BUSINESS

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

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, 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 of the City. This amendment will provide a community/business friendly approach and be more consistent with neighboring communities.

NEW BUSINESS

A. 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 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 fourteen parking spaces in the University District Parking Deck for use by the Department of Juvenile Services.

The term of the lease is three years and commences on July 1, 2020. The annual rent to be paid to the City is \$ 11,760.00.

B. Approval of a Resolution: Amendment to a Commercial Lease Agreement with Fresh Academicz, LLC/Peter Arizmendi for the Property located at 60 W. Washington Street

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 execution of an amendment for the existing lease with Fresh Academicz, LLC/Peter Arizmendi for the property located at 60 W. Washington Street in Hagerstown, Maryland. The lease amendment will extend the lease term and update the rent amount for the existing lease agreement between the City of Hagerstown and Fresh Academicz, LLC/Peter Arizmendi. All other terms of the existing lease will remain in full force and effect.

C. Approval of a Resolution: Alter Traffic Patterns in the Dale Street Neighborhood

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 a resolution of the Hagerstown Police Department's security project and authorizing the closure of Alleys 1-66 and 1-67 and reversing the traffic flow of Dale Street and unit block of Alexander Street. Staff was further authorized to implement the plan.

Discussion – Rodney Tissue, City Engineer, reported the road block in Alley 1-67 will be moved closer to Dale Street which will make access to the garages behind residences possible. This is in response to Mr. Rowland's concern.

Chief Paul J. Kifer reported the overwhelming feeling in this community for this change is positive.

D. Approval of Renewal of City-Wide Mowing Contract: 03/15/2020 to 12/15/2020

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 authorize and approve the renewal of the City-Wide Mowing contract for the contract term of March 15, 2020 through December 15, 2020. This is year two of two optional one-year renewals. The total contract amount is \$ 120,399.16.

Mayor Bruchey announced that the last two agenda items are being removed from the agenda at this time. Those items are resolutions approving user agreements with the

Hagerstown Area Youth Soccer League (HAYSL) and the YMCA of Hagerstown.

GENERAL CITIZEN COMMENTS

Chris Brown, Shindle's Drug Store, Hagerstown, Maryland, thanked the Mayor and City Council for all they do for the residents of Hagerstown. Shindle's closed on December 11, 2019 after 127 years in business. He worked there since he was 16 and is ready to retire. He presented a model of Little Heiskell to the Mayor as a memento from Shindle's. He also presented a metal mortar and pestle to Councilmember Metzner, who has been a friend of his since high school.

Mayor Bruchey thanked Mr. Brown for his dedicated service to the community and the citizens.

James Devine, P. O. Box 2217, Hagerstown, Maryland, stated the action by the Council to limit free speech during Citizen Comments is unconstitutional and illegal. Free Speech cannot be restricted. Words that incite violence should not be allowed. If political opinions are restrained there is no freedom. Freedom of thoughts must be allowed. He pointed out everything that happens nationally could ultimately affect the City of Hagerstown.

Martin Palmer, 21 Summit Avenue, Hagerstown, Maryland stated he is present to voice support for the people who have participated in the 40 Days of Life event to bring attention to unborn children. He presented a newspaper article to the Mayor and City Council titled Rubber-stamped abortion law. He asked the Mayor and City Council to have the City Attorney look into requiring those performing abortions at the clinic to have admitting rights at the hospital.

Councilmember Metzner stated he has many good memories of his long-time friendship with Mr. Brown. He thanked Mr. Brown for his dedication and friendship.

CITY ADMINISTRATOR COMMENTS

Scott Nicewarner, City Administrator, stated the Mayor and City Council and City staff should be proud of all that has been accomplished during 2019. He showed a video featuring some of those accomplishments.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember S. McIntire wished everyone happy holidays. She thanked City staff for their efforts. She is excited to see what 2020 brings.

Councilmember L. C. Metzner stated the City Park light display is wonderful and the tree downtown is beautiful. He wished everyone happy holidays and a successful 2020.

Councilmember E. Keller noted Mr. Brown has been as asset to Hagerstown. She wished everyone happy holidays. She is looking forward to 2020.

89TH REGULAR SESSION
2019

DECEMBER 17,

MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

Councilmember A. Heffernan wished everyone happy holidays. He thanked staff for all they do. He thinks the police and fire departments are the envy of other municipalities.

Councilmember K. B. Aleshire wished everyone happy holidays. He asked if the address block on the Citizen Comments sheet is to be the individual's home address or their mailing address. He requested that individuals sign in with their residence address.

Mayor R. E. Bruchey, II took his grandson to see the lights at City Park and he enjoyed it very much. He thanked the police department for acting quickly to the incident at PNC bank yesterday. Beginning in January, the Hagerstown Religious Council will be taking over the schedule for invocations during the Regular Sessions. He wished everyone a Merry Christmas and Happy New Year. 2020 will be a good year.

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 7:43 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: January 28, 2020