

WORK SESSION AND EXECUTIVE SESSION – September 1, 2020

EXECUTIVE SESSION – September 1, 2020

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 at the time of the vote to meet in closed session to consult with counsel to obtain legal advice, #7 (Section 3-305(b)), and to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; #4 (Section 3-305(b)), on Tuesday, September 1, 2020 at 3:00 p.m. in the Council Chamber, 2nd floor, City Hall, Hagerstown, Maryland. Councilmember Aleshire was not present at the time of the vote.

The following people were in attendance: Mayor R. E. Bruchey, II, Councilmember K. B. Aleshire, Councilmember A. Heffernan, Councilmember E. Keller, Councilmember L. C. Metzner, Councilmember S. McIntire, City Administrator Scott Nicewarner, Jason Morton, City Attorney, Michelle Hepburn, Director of Finance, Bruce Poole, The Poole Law Group, Kathy Poole, The Poole Law Group, Jill Thompson, Director of Community and Economic Development, Kathleen Maher, Director of Planning and Code Administration, and Doug Reaser, Business Development Specialist. Donna K. Spickler, City Clerk, was not present.

The meeting was held to receive an update of pending litigation and to discuss three business proposals. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 3:50 p.m.

WORK SESSION – September 1, 2020

Mayor R. E. Bruchey, II called this Work Session of the Mayor and City Council to order at 4:00 p.m., Tuesday, September 1, 2020 in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, A. Heffernan, E. Keller, L. C. Metzner, and S. McIntire, and City Administrator Scott A. Nicewarner. City Clerk D. K. Spickler was not present.

Proclamation

Mayor Bruchey read a proclamation naming September, 2020 as Big Brothers Big Sisters Month in Hagerstown. Tom Kline, Chief Executive Officer and Big Brother, Kathy Curtin, Secretary and Big Sister, and Zane Schreiber, Big Brother, were present and accepted the proclamation.

Central Chemical – Passive Surface Water Sampling on City Properties

Rodney Tissue, City Engineer, and Jim Bender, Assistant City Engineer, stated as part of the ongoing remediation program at the former Central Chemical site on Mitchell Avenue, the Environmental Protection Agency (EPA) continues to monitor groundwater

and surface water patterns in and near the site. In 2014, the EPA requested permission to collect surface water samples from various City properties (City Park Lake, the Hager House, and Staley Park); the City granted permission for the sampling, and it was performed over 2014-2015. The City has received a request from Newfields, the environmental consultant for the Central Chemical project, to conduct another round of sampling on city properties.

The purpose of this round of sampling is to follow-up on the original sampling, and to gather additional information on how contaminants from the Central Chemical site (mainly pesticides) may be transported into surface waters. As stated in the request, Newfields and their consultant would like to install passive sampling devices at the City Park and Hager House springs. Samples would be collected monthly over two time periods: September-November 2020 and March-September 2021.

The Right-of-Entry authorization would grant Newfields staff (or their contractors) access to these sites to install the samplers; and during the monitoring period, they will periodically visit the monitoring locations to retrieve samples and record data. Depending upon the exact locations where the samplers are installed, access to the sites may need to be coordinated with City staff.

The City Attorney has reviewed the Right-of-Entry authorization and feels that it is appropriate for the stated purpose.

As part of the City's ongoing support to the remediation efforts at the Central Chemical site, staff recommends approval of the Right-of-Entry authorization to Newfields.

Don Gunster, representing Central Chemical, was also present (remotely).

Councilmember Heffernan asked about the results of the 2014-15 samples. Mr. Gunster stated he could provide that information to the Mayor and City Council. He noted very low concentrations were found. These sampling devices are passive measuring devices.

It was the general consensus of the Mayor and City Council to include approval of the agreement on the September 29, 2020 agenda.

Hagerstown Ice and Sports Complex: Dehumidification System and Roof Insulation Upgrades and Rent Relief Due to COVID-19

Rodney Tissue, City Engineer, and Paul Sweeney, Executive Director of Hagerstown Ice Amateur Athletic Association, Inc., were present to discuss upgrades to the Hagerstown Ice and Sports Complex. The Hagerstown Ice Amateur Athletic Association, Inc. (HIAAA) has an Operating Agreement with the City to manage the ice rink through June 30, 2024. The HIAAA reports to the Mayor and Council each October and Mr. Tissue attends most monthly board meetings. The City subsidizes all of the

utility costs and the HIAAA pays \$ 3,000 per month in rent. In the Operating Agreement, the City is financially responsible for 75% of the capital improvements to the building and dehumidifying system and the HIAAA covers the 25% balance.

Over the past summer, there has been a growing issue with condensation in the rink. The 25-year old dehumidifiers can longer lower the humidity to a reasonable rate (below 65%). On hot days, the steel structure, including the roof beams, warms up. When the humid interior rink air hits the warm beams, condensation forms, saturating the thin ceiling insulation (exasperating the problem) and then drops at random places off the beams onto the rink surface. This condensation then freezes in the shape of cones on the ice surface creating a constant maintenance issue for staff and a concern for skaters.

The solution is replacing the dehumidifiers and installing additional roof insulation in the form of a low-emissivity ceiling. The experts staff consulted indicate the rink needs both a new dehumidification system and roof insulation upgrades. Most feel dehumidification should be done first but the cost is upwards of \$ 135,000 depending on the scope of work. The roof is \$ 50,950 (price from a vendor the ice rink would like to use).

The City has \$ 37,500 in CIP 843 which almost covers the 75% of the insulation improvements. HIAAA would have the work completed and the City would reimburse HIAAA 75% of the cost per the Operating Agreement. This should help the situation next summer. Staff then need to try to fund the City's share of the humidifiers in FY22. A Program Open Space grant could be applied for to install the humidifiers, but there are several other initiatives the City is doing that additional funding applications will compete against.

The HIAAA requests a total of \$ 9,000 in rent relief for the three months (April, May, and June 2020) that the rink was required to be closed due to the Governor's orders related to the pandemic. The City realized about \$ 3,300 total savings in utility costs compared to last year during the same period.

There is nothing in the Operating Agreement requiring the City to grant rent relief.

Councilmember Heffernan asked if the HIAAA has received any relief grants. Mr. Sweeney indicated they received PPP and Together We Rise grant funds. Employees continued to work during the shutdown and completed the annual task of replacing the ice.

Councilmember Metzner supports providing rent relief equal to the cost savings and considering additional rent relief during agency contribution discussions.

It was the general consensus to move forward with repair of the ceiling as discussed and to provide the rent relief as Councilmember Metzner suggested.

Concession Services RFP-18-M-01, Pandemic Rent Relief

Rodney Tissue, City Engineer, was present to discuss rent relief options for concessions at City Park and the Potterfield Pool.

In February 2018, the Department of Parks and Engineering solicited proposals from interested firms to provide exclusive Concession Services located at City Park and the Potterfield Pool. This is an annual contract that staff can administratively extend for three additional one-year periods (through 2021 season) if agreed to by both parties. This is the third year of a possible four year contract.

Nena's Curbside Café & Catering (Nena Allevato) was awarded the contract for City Park concession stand and the contracted rent was \$ 13,000 annually. In 2018, staff administratively lowered the annual rent to \$ 10,000 due to various issues as requested by Nena.

Nena has requested additional rent relief of \$ 8,500 for this year due to low park attendance due to the pandemic and that she wasn't able to open until May 21, 2020. In other words, she requests to only pay \$ 1,500 for the 2020 season. For the 2021 season, she is asking that the rent be lowered to \$ 3,000 for the season. The City spends on average \$ 3,000 and \$ 4,000 annually on concession stand and food equipment maintenance.

Ms. Allevato reported she has experienced losses during all three seasons. This is in part due to events being moved to other locations and work being done in the park.

Councilmember Aleshire has discussed the situation with Ms. Allevato previously. As a longtime patron of the City Park and concession stand, he didn't recognize it as a business as much as an amenity in the park. As a Councilmember, he cares more about the amenity being open for the public. He asked for the detail of the costs noted. Mr. Tissue stated the City spends approximately \$ 2,500 in utilities, pest control, inspections, etc. The remainder of the expenses are for equipment repairs or building work. Councilmember Aleshire believes the concession stand should be a considered an amenity and there should be a proprietor, which would be selected by bid.

Ms. Allevato still wants to be part of the park concession but doesn't want to lose money in the process.

Councilmember McIntire asked if she had applied for the Together We Rise grant program. Ms. Allevato stated she has not applied for any grant assistance. She indicated there is very little foot traffic in the park now and many times there is only one person working.

Councilmember Keller stated the service Ms. Allevato provides at the concession stand is important to the park and the City needs to do its part to help her stay open.

Councilmember Aleshire noted Washington County operates their concession stands with seasonal staff. This is a service and amenity that the City needs to continue to provide in its parks. He would like to find a balance for operations that cover the costs, whether that be operating it in-house or with a contractor.

Mayor Bruchey asked what savings were realized during the shut-down. Mr. Tissue stated it may be a few hundred dollars.

Councilmember Metzner agreed that a cost neutral basis for operations would be ideal. He supports providing rent relief as requested for this year.

Taste of Reggae (Owen Chang) is contracted to operate the Potterfield Pool concession stand. He has not requested any specific relief but staff suggests waiving \$ 1,500 of the annual rent of \$ 2,000 since the pool was closed during the traditionally busiest weeks of the season in May and June and since the pool is now limited to around ½ capacity of patrons due to COVID restrictions.

There is nothing in either contract requiring the City to grant any of the requested relief.

The Mayor and Council is asked to consider the above requests or rent relief and approve an amendment to the Lease and Concession Agreement with both vendors for both City Park and the Pool at the September 29, 2020 Regular Session.

Mr. Tissue clarified that the consensus is to provide reduce the rent to \$ 1,500 Nena's and to \$ 500.00 for Taste of Reggae. This is correct and the Mayor and City Council wish to review operating the concession stands on a cost neutral basis with the contractors.

CITY ADMINISTRATOR'S COMMENTS

Scott A. Nicewarner, City Administrator, announced Governor Hogan has moved to the first part of Phase 3 of the reopening. This will allow theatres and venues to open at 50% capacity. He knows the Maryland Theatre will welcome the opportunity to reopen. The next street closure for outdoor dining will be on Saturday, September 5, 2020, followed by Sunday, September 13, 2020. He thanked City staff and everyone who helped make the Imagine Hagerstown event on August 28, 2020 a success. City offices will be closed on Monday, September 7, 2020 in observance of Labor Day.

MAYOR AND COUNCIL COMMENTS

Councilmember K. B. Aleshire had no additional comments.

Councilmember A. Heffernan had no additional comments.

Councilmember E. Keller thanked the Parks Department Staff for their assistance with the Washington Goes Purple kick off event. The guest speaker, Chris Narron, said City Park is the most beautiful park he has seen. Councilmember McIntire has mentioned closing S. Potomac Street both days of the week. She agrees with this idea. Maybe this can happen in the Spring.

Councilmember L. C. Metzner had no additional comments.

Councilmember S. McIntire wished Scott Nicewarner a Happy Birthday.

Mayor R. E. Bruchey congratulated Paul Corderman, who was sworn in as Senator today. He is glad members of the Council are finally willing to consider closing the first block of S. Potomac Street.

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 5:00 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler (from video)
City Clerk

Approved: October 27, 2020