

109TH Regular Session – September 28, 2020

Mayor R. E. Bruchey, II called this 108th Regular Session of the Mayor and City Council to order at 7:00 p.m., Tuesday, September 29, 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, City Administrator Scott A. 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 R. E. Bruchey, II.

Mayor Bruchey announced the Rules of Procedure for this meeting will be followed as effective January 21, 2020. 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 6, 2020, Tuesday, October 13, 2020, and Tuesday, October 20, 2020, and the Regular Session on Tuesday, October 27, 2020 at 7:00 p.m.

APPOINTMENTS

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 Frank Linn to the Board of Traffic and Parking, with a term to expire on October 1, 2024.

GUESTS

Proclamation: Breast Cancer Awareness Month

Mayor Bruchey read a proclamation recognizing October, 2020 as Breast Cancer Awareness in Hagerstown, Maryland. Stacy Horst, Executive Director of Breast Cancer Awareness of Cumberland Valley (BCA-CV) and Jen Kolbfeish accepted the proclamation.

Highlight Hagerstown 2020 Awards

Mayor Bruchey, II, Kathleen Maher, Director of Planning and Code Administration, and Megan Flick, Planner, presented Highlight Hagerstown awards to the following:

Commercial:

1. Potomac Dental, 1301 Potomac Avenue
2. Cannon Coffee - 2 S. Potomac Street
3. 12-14 W. Washington Street

Residential:

1. 328 Bryan Place
2. 57-61 E. Antietam Street
3. 183-189 Berkson Avenue

Public Space:

1. Flower Pots on E. Franklin Street and at City Hall

CITIZEN COMMENTS

Citizen Comments were accepted by email at councilcomments@hagerstownmd.org prior to 5:00 p.m. on Tuesday, September 29, 2020. Citizen Comments were also accepted during the meeting.

Michael McNamee, 674 Marion Street, Hagerstown, Maryland, submitted an email for Citizen Comments. Donna Spickler, City Clerk, read a summary of the email.

Mr. McNamee thanked the Mayor and City Council for their efforts to improve Hagerstown. He asked them to consider planting Ornamental Cherry Tress at City Park to create a Hagerstown Cherry Tree Blossom path. He asked the Mayor and City Council to consider purchasing the trailer park near City park and do something with it. He asked if something can be done with the burned building on Snyder Avenue. A copy of the email is attached as part of the minutes.

No other comments were provided.

MINUTES

On a motion duly made by Councilmember K. Keller and seconded by Councilmember L. C. Metzner, the minutes from August 4, 2020, August 11, 2020, August 18, 2020, and August 25, 2020 were unanimously approved as presented.

CONSENT AGENDA

On a motion duly made by Councilmember A. Heffernan and seconded by Councilmember K. B. Aleshire, the Consent Agenda was approved as follows, with the exception of #5, purchase of a 2021 Chevrolet Silverado under the Department of Parks and Recreation (which is moved to the last item under New Business):

A. Fire Department:

1. Self Contained Breathing Apparatus – Municipal Emergency Services (Rockville, MD) \$ 672,765.04

B. Department of Parks and Engineering:

1. Improvements to Wall at Jamison Door and adjacent Alley 1-114 – Advantage Landscape & Construction, Inc. (Hagerstown, MD) \$ 297,688.00

2. Phase 1 Tree Planting – Advantage Landscape & Construction, Inc. (Hagerstown, MD) Not to Exceed \$ 190,000.00
 3. Lighting Improvements at BMX Track – ALC Weaver Electric (Hagerstown, MD) \$ 160,441.05
 4. Curb and Sidewalk Replacement Program – Concrete Central (Hagerstown, MD) \$ 225,000.00
 5. 2021 Chevrolet Silverado 2500 HD Pickup Truck – Criswell Chevrolet, Inc. (Gaithersburg, MD) \$ 40,847.69
- C. Department of Planning and Code Administration:
1. Demolition Contract for 216 S. Prospect Street – Allegany Wrecking and Salvage, LLC (Maugansville, MD) \$ 28,200.00
- D. Department of Public Works:
1. Traffic Cameras for Pavement Preservation Program – Econolite (Glen Burnie, MD) \$ 29,640.00
- E. Utilities:
1. Wastewater – SCADA Upgrades – Micro-Tech Designs, Inc. (Hampstead, MD) \$ 62,334.00
 2. Wastewater – Maintenance Agreement for Cummings ENR Generator Set – Cummings Power Systems, LLC (Glen Burnie, MD) \$ 20,043.80

UNFINISHED BUSINESS

A. Approval of an Ordinance: Amending Sections of Chapter 238, Water, of the City Code

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 approve an ordinance to increase the charges for certain water application fees and service charges, to establish certain sewer application fees and connection charges, to effect various changes with respect to Rendering and Payment of Bills; to establish the Reasonable Fee for Meter Tests; to revise Penalties for Violations and Penalties of Section 238; to establish certain Plan review and Inspection Fees; and to establish certain Miscellaneous Fees. These charge increases are necessary to meet the revenue requirements of the Water Fund in order to keep the fund self-supporting.

The detailed application fees and connection charge changes and other changes are indicated in the body of the ordinance. The increased rates and newly-established rates shall be effective for all charges incurred on or after November 1, 2020.

B. Approval of an Ordinance: Amending Sections of Chapter 240, Water Pollution Control, of the City Code

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 approve an ordinance to increase the charges for certain sewer application fees and connection charges and to establish certain sewer application fees and connection charges. These charge increases are necessary to meet the revenue requirements of the Sewer fund in order to keep the fund self-supporting. The cross-reference to Section 238-15 is to make provisions relating to sewer bills easier to locate.

The detailed application fees and connection charge changes are indicated in the body of the ordinance. The increased rates and newly-established rates shall be effective for all charges incurred on or after November 1, 2020.

C. Approval of an Annexation Resolution: Annexation Case No. A-2020-03: Cole Road Properties

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 approve an annexation resolution for Annexation Case No. A-2020-03 known as “Pre-Annexation Agreement Case No. WS-2004-03 Cole Road Properties: Kohl’s; Bob’s Discount Furniture; Christmas Tree Shop; DSW; Ross; and remaining storefronts”. The portion of property to be annexed is approximately 34.31 acres in size and is intended to be added to and made part of the adjacent municipal lands.

NEW BUSINESS

A. Introduction of an Ordinance: Landmark Overlay at Saylor House (ZM-2020-02)

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 ordinance for a Landmark Overlay on the Saylor House located at 371 Dynasty Drive in Kiwanis Park.

B. Introduction of an Ordinance: NP Hagerstown Industrial, LLC – Sewer Lateral

Action: On a motion duly made by Councilmember E. Keller and seconded by Councilmember A. Heffernan, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance to grant an easement to NP

Hagerstown Industrial, LLC for the installation of a private sanitary sewer lateral through the right-of-way of Wesel Boulevard.

C. Introduction of an Ordinance: Acceptance of Donation of Real Property – Stormwater Pond on Professional Boulevard

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 introduce an ordinance accepting the donation of approximately 10.7787 acres of land from the Washington County Commissioners of Washington County, Maryland to the City of Hagerstown. Consistent with the “Agreement as to Professional Boulevard” approved by the Mayor and City Council on April 28, 2020, the City will assume ownership and maintenance responsibilities of the regional stormwater facility on or about July 1, 2027.

D. Approval of a Resolution: Fuel Cost Reimbursement Agreement with Community Rescue Service (CRS)

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 approve a resolution to authorize the execution and delivery of an agreement between the City of Hagerstown and the Community Rescue Service for the reimbursement of diesel fuel and gasoline obtained from the City facility located at 51 W. Memorial Boulevard.

E. Approval of a Resolution: Snow Services Contract with Hart’s Landscaping and Snow Removal, LLC

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 to authorize the execution and delivery of an agreement between the City of Hagerstown and Hart’s Landscaping and Snow Removal, LLC, for snow services as needed.

F. Approval of a Resolution: Financial Incentive Agreement with Hagerstown Commerce Center, Inc.

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 City to enter into a financial incentive agreement with Hagerstown Commerce Center, Inc. in connection with its development of property and capital investment. The City’s financial incentive provides grant back after taxes paid for real property tax paid which will be budgeted and paid from the Economic Redevelopment Fund.

G. Approval of a Resolution: Authorizing Reimbursement Agreement with Convention and Visitors Bureau, Inc. – BMX Track Improvements

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 enter into a reimbursement agreement with the Hagerstown/Washington County Convention and Visitors Bureau, Inc. (CVB) for the installation of lights for the BMX Track at Fairgrounds Park. The City will complete the installation and bill the CVB for the full construction cost as outlined in an attached agreement.

H. Approval of a Resolution: Authorizing Memorandum of Understanding Amendment #1 for Potomac Street at Howard Street Signal Improvements

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 a Memorandum of Understanding – Amendment #1 for Potomac Street at Howard Street Signal Improvements Safe Routes to School Infrastructure Project. This Amendment increases State funding for the project consistent with the previous Mayor and Council construction contract award on August 25, 2020.

I. Approval of a Resolution: Authorizing Reimbursement Agreement with Jamison Door Company

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 enter into a reimbursement agreement with Jamison Door Company for improvements to their retaining wall adjacent Alley 1-114. The City will complete the construction work and bill Jamison for their share of the construction cost as outlined in an attached agreement.

Discussion: Councilmember McIntire thanked City staff for their quick assistance to Jamison Door Company when they really needed it.

J. Approval of City Center Holiday Parking Program

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 City Center Holiday Parking Program that allows for free parking each weekend commencing at 5:00 p.m. Friday evenings and every Saturday and Sunday in the University District Parking Deck and Arts & Entertainment District Parking Deck beginning Friday, December 4, 2020 through Sunday, January 3, 2021. Normal parking operations will resume on Monday, January 4, 2021.

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

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

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember E. Keller, the Mayor and City Council unanimously agreed by voice vote to approve of the Barbara Ingram School for the Arts (BISFA) Foundation Street Lamp Holiday Project. For the tenth 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 post 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.

L. Approval of a Collection and Disposal Contract Extension with Waste Management of Pennsylvania

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 extension of Contract 17-RR-12 with Waste Management of Pennsylvania for curbside collection of residential trash, recyclables, and yard waste. The contract also includes commercial trash and recyclable collection. This extension will run for a 36-month period from January 1, 2021 through December 31, 2023. The City agrees to increase all collection fees paid to Waste Management by 2%, effective January 1, 2021.

The Mayor and City Council further moved to extend an agreement with Waste Management of Pennsylvania for the disposal of trash (collected within the limits of the City of Hagerstown) at the Mountain View Landfill near Upton, PA. The disposal fee will remain fixed at \$ 40/ton. Yard Waste collected will be taken to Washington County Landfill. The agreement is extended from January 1, 2021 through December 31, 2023.

M. Approval of Funding for Ice and Sports Roof Insulation Improvements

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 an expenditure of \$ 38,212 for the City's portion (75%) of the costs for the installation of an Astro-Rink, low-emissivity ceiling as the first of two phases to reduce condensation in the rink. This approval is consistent with the terms of the User Agreement

with the Hagerstown Ice Amateur Athletic Association (HIAAA). Funding will be \$ 37,500 from FY21 budget, CIP #843 and the balance from FY20 CIP funds.

N. Consideration of 2021 Silverado 2500 HD Pickup Truck – Criswell Chevrolet, Inc. (Gaithersburg, MD) \$ 40,847.69

Discussion: Councilmember Heffernan stated since the old truck is still working, he does not think a new truck should be purchased. The City needs to save as much money as possible.

Mr. Nicewarner indicated this pickup was included in the FY20 budget but it could not be ordered until now. A request for two trucks was submitted but one was already denied.

Action: Councilmember L. C. Metzner made a motion to purchase the 2021 Silverado 2500 HD Pickup Truck from Criswell Chevrolet, Inc. for \$ 40,847.69. Councilmember K. B. Aleshire seconded the motion.

Discussion: Councilmember Heffernan stated businesses, residents, and staff have been hit hard by the pandemic and he thinks purchasing this vehicle while the old one is still usable is contradictory to the City's financial situation.

Mayor Bruchey stated in his experience, having a backup vehicle is a good idea.

Mr. Tissue noted this vehicle is used seven days per week, picking up trash in all the parks. He reiterated funding for this vehicle is FY20 money.

Councilmember Metzner appreciates Councilmember Heffernan's concerns but deferring replacing a vehicle with 180,000 miles on it just delays the inevitable.

Mayor Bruchey also appreciates Councilmember Heffernan's concerns. He agreed that deferring purchases such as this is not beneficial.

Motion carried 4-1 with Councilmember A. Heffernan voting No.

CITY ADMINISTRATOR COMMENTS

Scott Nicewarner, City Administrator, reminded everyone that dining in the street this week will be on Saturday, October 3, 2020 from 4:00 p.m. to 9:00 p.m. Staff is working on logistics for the following three weekends for both Saturday and Sunday closures.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember K. B. Aleshire had no additional comments.

Councilmember A. Heffernan noted the Highlight Hagerstown awards are beautiful examples of what people have done to beautify Hagerstown. He thanked them all for making a difference. Even though people have pride in their neighborhoods and in their properties, there are still blighted and run down properties. He stated the City needs to increase efforts to eliminate these blighted properties.

Councilmember E. Keller had no additional comments.

Councilmember L. C. Metzner stated another property that could be considered for a Highlight Hagerstown Award is the one recently renovated on Irvin Avenue.

Councilmember S. McIntire had no additional comments.

Mayor R. E. Bruchey, II had no additional comments.

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 7:36 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: October 27, 2020

Donna Spickler

From: Mike McNamee <mcmcnamee19@gmail.com>
Sent: Tuesday, September 29, 2020 2:02 PM
To: Council Comments
Subject: improvements

ATTENTION! This message originated from an **external source**. Please use proper judgment and caution when opening **attachments, clicking links, or responding** to this email. Any claims of being a City official or employee **should be verified** and not assumed to be true. Please contact the IT department if you have any questions or concerns about this email or its contents.

Dear Mayor and Council,

Your efforts to make Hagerstown a better place to live are greatly appreciated.

I would like to share a few thoughts for you to consider. As I see that there has been money approved for tree planting; I ask that you consider planting more Ornamental Cherry trees at Park Circle and nearby so that one day soon we may be able to promote our own "Cherry Tree Blossoms" rather than traveling to DC. The present trees were beautiful last year, but without promotion, I doubt that many saw them. As we are looking for activities to draw people downtown; this could be expanded upon with food trucks, vendors, etc.

As we think about the park area, hopefully the City can arrange to purchase the trailer park near the circle in hopes of further improvement.

I see your quick response to the demolition of the house on Prospect, but is there any hope in razing 20 Snyder Ave. that burned in 2017?

Thank you for your consideration.

Resident
Michael McNamee
674 Marion St.