

112TH Regular Session – October 27, 2020

Mayor R. E. Bruchey, II called this 112th Regular Session of the Mayor and City Council to order at 7:00 p.m., Tuesday, October 27, 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, and City Attorney Jason Morton. City Clerk D. K. Spickler was not present.

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, November 10, 2020 (including meeting with the Washington County Delegation), and the Regular Session on Tuesday, November 17, 2020 at 7:00 p.m. Other meetings during November are as follows: Thursday, November 12, 2020 – Information Orientation Session, Monday, November 23, 2020 – Oath of Office to New Administration, time and location to be determined, and Tuesday, November 24, 2020 – First Work Session of the New Administration, time to be determined.

CITIZEN COMMENTS

Citizen Comments were accepted email at councilcomments@hagerstownmd.org prior to 5:00 p.m. on Tuesday, October 27, 2020. Citizen Comments were also accepted during the meeting.

No Citizen Comments were presented.

MINUTES

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember E. Keller, the minutes from September 1, 2020, September 15, 2020, September 17, 2020, September 22, 2020, and September 29, 2020 were unanimously approved by all members present as presented.

Councilmember Aleshire arrived at the meeting.

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:

- A. Finance/Billing:
 - 1. Utility Billing – Postage and Bill Processing- Arista Information Systems (Duluth, GA) \$ 144,000.00
- B. Information Technology and Support Services:
 - 1. Building Blocks Software Renewal – OpportunitySpace, Inc. (d.b.a. “Tolemi”)(Boston, MA) \$ 12,000.00
- C. Department of Parks and Engineering:
 - 1. 2021 Annual Independence Day Fireworks Display – Zambelli Fireworks (Warrendale, PA) Not to Exceed \$ 25,000.00
- D. Planning and Code Administration:
 - 1. Snow and Ice Abatement Contract – Servtec Custodial, Inc. (Hagerstown, MD) \$ 30,000.00
- E. Police Department:
 - 1. AVCC Annual Subscription Fee – LexisNexis (Chicago, IL) \$ 17,199.00
- F. Department of Public Works:
 - 1. Bulk Road Salt – Cargill, Inc. (North Olmstead, OH) \$ 58.94 per ton
- G. Utilities:
 - 1. Water – RCW Water Treatment Plant HMI Upgrades – ABB, Inc. (Cleveland, OH) \$ 304,487.00

UNFINISHED BUSINESS

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

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

B. Approval of an Ordinance: NP Hagerstown Industrial, LLC – Easement of Sanitary Sewer Lateral

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 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. Approval 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 S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve 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 Mayor and Council on April 28, 2020, the City will assume ownership and maintenance responsibilities of the regional stormwater facility on or about July 1, 2027.

NEW BUSINESS

A. Introduction of an Ordinance: Authorizing the Sale of Property Located at 170 West Washington Street

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 authorizing the sale of two City-owned parcels located at 170 West Washington Street to 170 West Washington Partners LLC for the sum of \$ 1,000. The sale will provide the opportunity for approximately \$ 1.1 million of private investment for mixed use property redevelopment. The sale will be in accordance with all terms and conditions outlined in the Purchase Agreement that is part of the ordinance.

B. Introduction of an Ordinance: 352 Summit Avenue Quit Claim

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance to quit claim a triangular piece of land and an unimproved alley right-of way at the intersection of Surrey Avenue and East Memorial Boulevard . This land and the alley right-of-way have been determined to no longer be needed for a public purpose.

C. Introduction of an Ordinance: Amending Chapter 82, Discriminatory Practices, of the City Code – Updated Personal Protections

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 introduce an ordinance to amend

Chapter 82, Discriminatory Practices, of the City Code. This amendment will repeal and replace Article V, Discrimination in Employment, in its

entirety to revise the City Code as a result of updated laws regarding personal protections in federal and state legislation.

D. Introduction of an Ordinance: Acquisition of Real Property for the Urban Improvement Project

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 introduce an ordinance for approval of a Property Acquisition Agreement to acquire property known as: 43-53 West Washington Street, a portion of 55-59 West Washington Street, and a portion of 50-58 West Antietam Street. Acquisition of these properties will allow for the completion of the Plaza and Cultural Trail from Antietam Street to Washington Street.

E. Approval of a Resolution: Renewal of User Agreement with Hagerstown Fairgrounds Softball Association

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 authorizing the renewal of the User Agreement between the City of Hagerstown and the Hagerstown Fairgrounds Softball Association effective January 1, 2021 through December 31, 2023. This Agreement shall automatically renew for two additional one year periods unless either party gives written notice of non-renewal to the other party at least ninety days prior to the end of the then-current term.

F. Approval of a Resolution: Renewal of User Agreement with Hagerstown Area Police Athletic League

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 authorizing the renewal of the User Agreement between the City of Hagerstown and the Hagerstown Area Police Athletic League effective January 1, 2021 through December 31, 2023. This agreement shall automatically renew for two additional twelve month periods unless either party gives written notice of non-renewal to the other party at least ninety days prior to the end of the then-current term.

G. Approval of a Resolution: Alter Traffic Flow in Alley 1-76 and Alley 1-77

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 a resolution to alter traffic flow in Alley 1-76 as one-way southbound and Alley 1-77 one-way

westbound. This is a request from the Salvation Army and is recommended by the Board of Traffic and Parking.

H. Approval of a Resolution: FY 2021 Community Legacy Grant Application

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 approve a resolution indicating approval of the City's FY 2021 Community Legacy application to the Maryland Department of Housing and Community Development. The application request: (1) \$ 1,500,000 to support an Upper Floor Market Rate Housing Development Fund; (2) \$ 200,000 to assist with CDC Acquisition/Rehab of Vacant, Blighted Buildings Fund; and (3) \$ 100,000 to support the Broadband Fit-Out Fund to Facilitate Distance Learning and Job Development.

I. Approval of a Resolution: FY 2021 Strategic Demolition Fund Grant Application

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 indicating approval of the City's FY 2021 Strategic Demolition Fund application to the Maryland Department of Housing and Community Development. The application requests funding to assist with two projects: 1) \$ 250,000 for pre-construction costs for the Doleman Black Heritage Museum, and 2) \$ 500,000 to support pre-development and development activities in the Jonathan Street neighborhood.

J. Approval of a Resolution: Salt Utilization Agreement with Maryland State Highway Administration

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 Salt Utilization Agreement with the Maryland State Highway Administration. The agreement allows the City of Hagerstown to purchase road salt from state highway stockpiles during winter weather emergencies. The City shall reimburse the highway administration for cost of the salt, delivery charges, and overhead.

K. Approval of Addition of Farmers' Market Property (25 West Church St.) to

the Competitive Negotiated Sale (CNS) Process

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 the addition of 25 West Church Street

Farmers' Market Property and adjacent parking areas to the City's Competitive Negotiated Sale (CNS) Process, with the goal of transferring the property to the private sector and returning the property to the tax rolls. The property will be added to CNS with a list price of \$ 970,000 based on a recently conducted appraisal. Purchase proposals will need to accommodate existing City offices located in the building and will be evaluated based on both offer price and how the future use of the property will contribute to the vitality of downtown.

L. Approval of Acceptance of 2020-2021 Recruitment and Retention Grant for Hagerstown Police Department

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 accept a Governor's Office of Crime Control and Prevention grant for \$ 30,000.00. The purpose of the grant is to assist in the Hagerstown Police Department's Recruitment and Retention program to recruit and retain sworn officers. The program efforts are to attract more qualified candidates that can successfully complete the hiring process and police academy, and retain existing sworn personnel. Grant funding provides incentives.

Acceptance of the grant will not require additional funding to the approved budget and will run through the remainder of FY 21.

M. Approval of After School Program - BTJ Dance Class (After School Program) – Hagerstown Housing Authority \$ 3,500.00

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote to approve funding of the BTJ Dance Group after school program that is held at the Suman Avenue Community Building.

The Hagerstown Housing Authority provides a variety of constructive after school programs to area youth. This program runs for the 2020-2021 school year at a cost of \$ 3,500.00

N. Approval of After School Program at the Parkside Community Center – Hagerstown Housing Authority - \$ 18,881.00

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 funding for the after school program at Parkside Community Center.

The Hagerstown Housing Authority provides a variety of constructive after school programs to area youth. This program runs for the 2020-2021 school year at a cost of \$ 18,881.00.

O. Approval of Contractor Selection Process for Community Legacy Grant Funding Project for First Hose Company (33 S. Potomac Street)

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 the contractor solicitation and selection process for the First Hose Company's Historic Preservation project at 33 S. Potomac Street. This project is funded via State of Maryland Community Legacy Grant funding and City approval of the First Hose Company's contractor solicitation and selection process is required per the sub-recipient agreement between the City of Hagerstown and the First Hose Company. The First Hose Company has selected A. V. Rauth & Sons to perform the historic preservation work.

P. Approval of Funding for a Community Coalition Lobbyist

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 authorize the expenditure of \$ 5,000.00 from the General Fund operating budget in order to contribute toward hiring John 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.

Q. Approval of Property Abatement Fund Expenditure for Demolition of 341 Jonathan Street

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 property abatement fund expenditure for demolition of 341 Jonathan Street. The Mayor and City Council has directed staff to collect quotes from the property owner of 341 Jonathan

St. for demolition of the entire structure. The property located at 341 Jonathan St. has been deteriorating for the last several years. The City has been seeking compliance from the property owner by rehabilitating the property or demolishing the property. The Planning and Code Administration Department (PCAD) has been unable to obtain a court order to demolish the structure due to the courts being closed during the pandemic. PCAD has no estimated time of when a court hearing would be

able to be heard for demotion through Chapter 187 Nuisance and Abandoned Property Abatement Ordinance. The property owner has stepped forward with a plan to demolish the property to be complaint with recent orders this approval would be placed as a tax lien on the parcel in order to gain compliance with City Code and recognizing the City's inability to demolish a property though the court system during the pandemic. The total value of the demolition is \$ 17,000. The owner has paid \$ 5,667; the City will pay a maximum amount of \$ 11,333 towards the demotion contingent upon the contractor, SST Enterprise LLC, obtaining approval as a vendor with the City of Hagerstown.

Discussion: Councilmember Aleshire stated the reality is there are these types of properties all over the City. He commends the owner and staff for working together to proactively eliminate the blighted building without having to utilize City resources through the court system.

CITY ADMINISTRATOR COMMENTS

Scott Nicewarner, City Administrator, reminded everyone today is the last day to purchase tickets to participate in the Drive Through Trick or Treat event at Fairgrounds Park on Thursday, October 29, 2020. Proceeds will be given to Relay for Life. He urged folks to be aware of trick or treaters on Saturday, October 31, 2020. Residents will be participating at their own discretion. He reminded people that November 3, 2020 is Election Day and he encouraged everyone to vote.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember K. B. Aleshire had no additional comments.

Councilmember A. Heffernan also encouraged people to vote. He has been amazed at the number of people who are taking advantage of early voting. He is pleased citizens are starting to see what he stands for. It is incumbent upon citizens to understand who they are electing and why they are electing them.

Councilmember E. Keller stated the president of the Republican Central Committee, Jerry DeWolf, posted a meme about suicide. She is an advocate for mental health and suicide is not funny. She hopes people can return to working together and stop being so political after the election.

112TH REGULAR SESSION
2020

OCTOBER 27 ,

MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

Councilmember L. C. Metzner wished everyone luck on Tuesday. He will enjoy being an interested observer this time.

Councilmember S. McIntire had no additional comments.

Mayor R. E. Bruchey, II has traveled on Virginia Avenue (location of the Washington County Election Board) and has been amazed at the number of voters participating in early voting. He commended the election workers for their diligence.

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 7:27 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk (from the video)

Approved: November 17, 2020