

REGULAR SESSION (7TH VOTING SESSION) – March 23, 2021

In response to the Mayor's Declaration of a Civil Emergency, this Mayor and City Council meeting was held with limited attendance.

At this time, members of the public were not permitted to attend the meeting in person. However, all meetings will be streamed live through the City of Hagerstown's Cable Channel 25, Facebook, and YouTube accounts. All members of the public were welcome to view meetings through these platforms, but only able to participate in public meetings virtually.

Mayor E. Keller called this Regular Session (7th Voting Session) of the Mayor and City Council to order at 7:00 p.m., Tuesday, March 23, 2021, in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, R. E. Bruchey, II, T. Burnett, T. Martinez, and S. McIntire, City Administrator Scott A. Nicewarner, City Attorney Jason Morton, and City Clerk D. K. Spickler.

The invocation was offered by Councilmember T. Martinez. The Pledge of Allegiance was recited and led by Mayor E. Keller.

Mayor Keller announced the Rules of Procedure for this meeting will be followed as adopted December 15, 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, April 6, 2021, Tuesday, April 13, 2021, and Tuesday, April 20, 2021, and the Regular Session on Tuesday, April 27, 2021 at 7:00 p.m.

CITIZEN COMMENTS

Citizen Comments were accepted by email at councilcomments@hagerstownmd.org prior to 5:00 p.m. on Tuesday, March 23, 2021.

No comments were submitted.

APPOINTMENTS

On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to make the following appointments:

Community Development Block Grant (CDBG) Citizen Advisory Committee:

Joyce Barrett – Term to Expire March 31, 2023

Joseph Jefferson – Term to Expire March 31, 2023

Lisa Knight – Term to Expire March 31, 2023

Kathleen O'Connell – Term to Expire March 31, 2023

Matthew Schindler – Term to Expire March 31, 2023

On a motion duly made by Councilmember R. E. Bruchey, II, and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to appoint Tina Akondeng-Azise (term to expire August 31, 2022) to the Hagerstown Youth Advisory Council.

On a motion duly made by Councilmember R. E. Bruchey, II, and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to appoint Ashley Holloway (term to expire January 31, 2024) to the Board of Traffic and Parking.

On a motion duly made by Councilmember R. E. Bruchey, II, and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to appoint Laura Lowery (term to expire March 31, 2024) to the Board of Zoning Appeals.

On a motion duly made by Councilmember R. E. Bruchey, II, and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to appoint Marshall Hammer (term to expire January 31, 2024) to the Hagerstown Loan Review Authority.

GUESTS

Mayor Keller read a proclamation naming April as Transgender Day of Visibility in Hagerstown, Maryland. Jeffrey Rohrer and Asher Kennedy, Hagerstown Hopes, accepted the proclamation.

Michael Jones, Connections Six Eight, UCC, was also present.

MINUTES

On a motion duly made by Councilmember T. Martinez and seconded by Councilmember R. E. Bruchey, II, the minutes from February 2, 2021, February 9, 2021, February 16, 2021, and February 23, 2021 were unanimously approved as presented.

CONSENT AGENDA

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

- A. Department of Community and Economic Development:
 - 1. Open Container Law Exemptions Juneteenth and Augustoberfest
 - 2. Street Closure Requests – USMH Spirit Run 5K and Thunder in the Square

- B. Finance:
 - 1. Financial Consulting Services – Davenport & Company, LLC (Towson, MD)

- a. With Bond Issue - \$ 15,000.00
 - b. Other Services - \$ 150 - \$ 200 per hour
- C. Fire Department:
1. Replacement of Personal Protective Equipment (turnout gear) – Witmer Public Safety Group (Williamsport, MD) \$ 29,856.00
- D. Parks and Engineering:
1. 2022 and 2023 Pavement Preservation Program
 2. City Park Ornamental Fencing – Beitzell Fence Company (Gainsville, VA) \$ 60,750.00
 3. Design/Build of Skatepark in Fairgrounds Park – Spohn Ranch Skateparks (Los Angeles, CA) \$ 555,000.00
 4. 2022 Chevy Silverado 2500HD Pick Up Truck to Replace Unit 302 – Criswell Chevrolet, Inc. (Gaithersburg, MD) \$ 43,642.30
- E. Planning and Code Administration:
1. Abatement of Weeds, Brush, Rubbish, Debris at W. North Avenue Garages – Allegany Wrecking & Salvage (Maugansville, MD) \$ 15,250.00
- F. Police:
1. Delinquent Citation Collections – February, 2021 – January, 2022 – Rekor (Columbia, MD) \$ 60,000.00
 2. Speed Camera Charges – February, 2021 – January, 2022 – Rekor (Columbia, MD) \$ 403,200.00
 3. Red Light Camera Charge – January, 2021 – December, 2021 – American Traffic Solutions, Inc. (Mesa, AZ) \$ 165,000.00
- G. Public Works:
1. Replacement of Fire Alarm System, Additional Fire Alarm Signals at City Hall – Somerset Fire Alarm and Security, LLC (Hagerstown, MD) \$ 15,283.00
 2. Replacement of Three Gas Fired Heaters at Market House – M. S. Johnston Company (Hagerstown, MD) \$ 10,200.00
- H. Utilities:
1. Light: Consulting Services – GDS Associates, Inc. (Marietta, GA) \$ 50,000.00
 2. Wastewater: Improvements to Existing Pelletizer Infrastructure – Synagro – WWT, Inc. (Baltimore, MD) \$ 100,000.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: City of Hagerstown Police & Fire Employees' Retirement Plan – Amendment 13 to the Plan

Action: On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember T. Martinez, the Mayor and City Council

unanimously agreed by voice vote to approve an ordinance for the following changes to the Police and Fire Retirement Plan effective July 1, 2021:

1. Employees shall receive additional years of credited service for unused sick leave at the time of retirement
2. Increase the percentage of an employee's payroll contribution from 8% to 9%

B. Approval of an Ordinance: Deed and Easement Agreement with Richard and Mary Manspeaker for Future Sidewalk Construction

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance authorizing the execution of a Deed and Easement Agreement accepting an easement granted by Richard L. Manspeaker and Mary J. Manspeaker. For no financial consideration, this easement will allow the developer of the adjacent lands to install a sidewalk along the entire southern edge of Marshall Street to fulfill the Planning Commission condition of approval.

NEW BUSINESS

A. Introduction of an Ordinance: Quit Claim for Portion of Third Street Right-of-Way

Action: On a motion duly made by Councilmember T. Martinez and seconded by Councilmember R. E. Bruchey, II, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance to quit claim a portion of the unimproved right-of-way of Third Street, which is no longer needed for a public purpose.

B. Introduction of an Ordinance: Acceptance of Easement from Washington County for Public Plaza

Action: On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance to accept an easement from Washington County for the construction, maintenance and use of a public plaza at the rear of their property at 33 West Washington Street.

C. Approval of an Emergency Ordinance: Deed of Easement Agreement with Hager5 and the State of Maryland

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously

agreed by voice vote to approve an emergency ordinance authorizing the execution of a Deed of Easement with Hager5 and the State of Maryland. This easement provides for the City's use of the western half of the unimproved eleven foot private alley for the construction and maintenance of the second phase of the Cultural Trail.

D. Approval of a License Agreement with Maryland Theatre Association, Inc.

Action: On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote to approve a license agreement between the City of Hagerstown and the Maryland Theatre Association, Inc. allowing for:

1. Exclusive use of a solid waste dumpster within an enclosure constructed as part of the Urban Improvement Project Plaza
2. Installation and maintenance of engraved pavers in the sidewalk of South Potomac Street

E. Approval of a Resolution: Parking Lease for University District Parking Deck with Maryland State Department of Education, Division of Rehabilitation Services (DORS)

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember R. E. Bruchey, II, 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 seven parking spaces in the University District Parking Deck for use by the Maryland State Department of Education, Division of Rehabilitation Services (DORS).

The term of the lease is two years and commences on April 1, 2021. The annual rent to be paid to the City is \$ 5,880.00.

F. Approval of a Resolution: Municipal Stadium Operating Agreement with the Municipal Baseball Group

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember R. E. Bruchey, II, the Mayor and City Council unanimously agreed by voice vote to approve a resolution to approve and execute the Municipal Stadium Operating Agreement with the Municipal Baseball Group for the use of Municipal Stadium from April 1, 2021 to October 31, 2021. It is further moved to approve the Municipal Stadium Rental Guidelines to be used as part of a facility application for outside groups to rent the facility on dates reserved for the City as stipulated herein.

Discussion: Councilmember Aleshire reiterated his concerns about turning over use of a City owned facility to an as yet determined organization at a fraction of the fees that were discussed for single day uses in January. He thinks this is unfair to City residents. Councilmember Bruchey pointed out this is how many City facilities are used. He noted softball groups and little leagues use City fields with similar agreements.

G. Approval of First Amendment to the User Agreement with Hagerstown Fairgrounds Softball Association

Action: On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve and execute the First Amendment to the User Agreement with the Hagerstown Fairgrounds Softball Association (HFSA) to install backstop and fencing improvements at the softball fields in City Park. The City's contribution of \$ 2,500 will be funded from a source approved by the Chief Financial Officer.

H. Approval of a License Agreement with House of Kobe

Action: On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote to approve a license agreement between the City of Hagerstown and Masahiro and Eunsoon Hirai, owners of House of Kobe. This license give permission for a portion of the exiting building and proposed building addition to encroach into the right-of-way of Tracy's Lane.

I. Approval of Traffic Pattern Change: Converting East North Avenue and East Avenue to One-Way

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember R. E. Bruchey, II, the Mayor and City Council unanimously agreed by voice vote to authorize staff to change East North Avenue to one-way westbound from Mulberry Street to Potomac Street, and East Avenue to one-way eastbound from Potomac Street to Cannon Avenue.

The Mayor and City Council further authorized Public Works Department staff to make all necessary changes to signs, pavement markings, and traffic signals as outlined in the March 16, 2021 presentation to the Mayor and City Council.

J. Approval of Traffic Pattern Change: Intersection of May Street and Woodland Way

Action: On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to change the traffic pattern at May Street and Woodland Way by adding Stop signs on May Street to make this a 4-way stop. The Mayor and City Council further authorized Public Works staff to install the necessary signs and pavement markings. This action is based on the Board of Traffic and Parking recommendation, the limited sight conditions, and horizontal curvature of May Street.

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

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously agreed by voice vote to approve the Barbara Ingram School for the Arts (BISFA) Foundation Graduation Lamp Post Decoration Project. The BISFA Foundation will pay for, install, and take down these decorations that honor its 90 graduating seniors. BISFA Foundation volunteers and/or a contractor will follow City guidelines for installation. 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 Noise Ordinance Exemption for the Barbara Ingram School for the Arts (BISFA) “Do What Moves You” Street Festival

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember R. E. Bruchey, II, the Mayor and City Council unanimously agreed by voice vote to approve an exemption from the City of Hagerstown’s Noise Ordinance under Section 155-5 of the Code of the City of Hagerstown for the Barbara Ingram School for the Arts’ “Do What Moves You” Festival on the unit block of South Potomac Street on May 14, 2021 (with a rain date of May 21, 2021) from 5:00 p.m. to 8:00 p.m.

M. Approval of the FY 22 Imagine Hagerstown Budget

Action: On a motion duly made by Councilmember T. Martinez and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve the FY22 Budget for Imagine Hagerstown events. The approved net cost for five Fourth Friday events taking place between July 1, 2021 and June 30, 2022 is \$ 36,100.00.

N. Approval of On-Call Plumbing Services Contract: 5/1/21-4/30/21

Action: On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to authorize and approve the renewal of

the On-Call Plumbing Services and Backflow Preventer Inspection and Testing Contract for the contract term of May 1, 2021 to April 30, 2022.

This is year two of five optional one-year renewals. Beaver Mechanical Contractors, Inc. pricing is as follows:

Plumber Regular Hourly Rate	\$ 42.50 per hour
Laborer Regular Hourly Rate	\$ 37.00 per hour
After Hours Rate	\$ 63.75 per hour
Weekend Rate (Sunday)	\$ 85.00 per hour
Holiday Rate	\$112.00 per hour
Material Mark-Up (Supplies)	25%

Backflow Preventer Pricing:

Size: ½” thru 1”	\$ 122.00 Flat Rate
Size: 1 ¼” thru 2”	\$ 200.00 Flat Rate
Size: 2 ½” thru 4”	\$ 278.00 Flat Rate
Size: 6” and 8”	\$ 441.00 Flat Rate
Size: 10”	\$ 609.00 Flat Rate

CITY ADMINISTRATOR COMMENTS

Scott Nicewarner, City Administrator, announced the City Hall lobby is now open 5 days per week, from 8:00 a.m. to 4:00 p.m. Face coverings are required and social distancing is in effect. He reminded residents that the State of Maryland mass vaccination site opens at Prime Outlets on Thursday, March 25, 2021. Appointments are required and a link to register can be found on the City of Hagerstown webpage. Vaccinations continue at Robinwood Medical Center for people within the appropriate Phase.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember S. McIntire thanked Mark Haddock, Parks and Recreation Manager, for giving her a tour of the City parks and recreation opportunities in Hagerstown. A lot of work and effort goes into keeping the parks beautiful.

Councilmember T. Martinez toured the McCleary Hill project on Hopewell Road with Sean Griffith, Executive Director of the Hagerstown Housing Authority.

Councilmember T. Burnett met with Paul Fulk, Neighborhood Services Manager, to discuss concerns and issues that were brought up to her during the campaign. He provided her with good information and ideas. She encouraged people with questions to view the videos from the Planning and Code Office and visit the social media pages. Mr. Fulk is receptive to answering questions from landlords, businesses, and residents.

Councilmember R. E. Bruchey, II thanked the Council for agreeing to make East Avenue and North Avenue one way. Residents in that neighborhood have been asking for this since 1997.

Councilmember K. B. Aleshire stated a correspondence was sent from the County lobbyist to the State Legislature in regard to support of a stadium. He believes the City and County have clarified their position on this matter and it was audacious of the lobbyist to indicate there is support of a stadium. The discussions of the Mayor and City Council are relayed to State representatives.

He noted there was a communication last week in regard to the Doleman Black Heritage Museum (DBHM). The letter indicated the State wanted to work with the DBHM members to accomplish a goal and offered funding if they agreed to work with a State appointed committee. He was not aware of this until he read it in the newspaper.

The City partners with a community lobbying coalition and communication from the coalition is provided in a transparent manner. He is concerned that other communication with the State is not as transparent and the City only has a reactive awareness of what is being relayed. This is not how communication with the State should be occurring. When he receives a call for comment about an issue he is not aware of he is not able to respond in an informed manner. He doesn't understand why communication wouldn't come to the City from the lobbyist informing the administrative body and City staff what is happening. A recent headline indicated the City received funding from the State. He stated the City did not ask for the funding and it was not included in deliberations. He does not appreciate surprises like this. This indicates there is activity occurring behind the scenes that don't include the City. This is not how he wants to represent his citizens. The City should be receiving clear information from the lobbying coalition.

Councilmember Bruchey agreed and he indicated representatives in Annapolis were also surprised by the letter from the County lobbyist. Three administrations have tried to bring the DBHM to fruition in Hagerstown. Efforts have been very diligent during the last three years. He stated the City does have an objective but the newspaper article made it seem like there was another objective. The City partnered with the DBHM and purchased the building on Pennsylvania Avenue. This was done to assist DBHM in securing a permanent location for the collection, which was accomplished.

Mayor E. Keller stated there has been an increase in people overdosing since stimulus checks have been issued. There are counterfeit pills circulating in Frederick. These pills will likely start showing up in Hagerstown as well. The drug epidemic is raging. She urged anyone struggling with addiction to reach out to the health department or any member of the Mayor and City Council. People have been getting into recovery within a day after they make a contact. She congratulated Aaron Brooks, Penn State student and Hagerstown native, for his continued wins in wrestling. He will be competing at the Olympic Trials in the near future. She thanked the Bester of Community of Hope neighborhood for picking up trash in the south end recently.

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

REGULAR SESSION (7TH VOTING SESSION)
2021
MAYOR AND CITY COUNCIL

MARCH 23,
HAGERSTOWN, MARYLAND

Donna K. Spickler
City Clerk

Approved: April 27, 2021