

REGULAR SESSION (11TH VOTING SESSION) – April 27, 2021

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

Mayor E. Keller called this Regular Session (11th voting session) of the Mayor and City Council to order at 7:01 p.m., Tuesday, April 27, 2021, in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers 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. Councilmember K. B. Aleshire was not present.

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, May 4, 2021, Tuesday, May 11, 2021, and Tuesday, May 18, 2021, and the Regular Session on Tuesday, May 25, 2021 at 7:00 p.m. Public Hearings for the Tax Rate and FY22 Budget will be held on Tuesday, May 11, 2021 at 7:00 p.m. A Strategic Planning Session will be held on Tuesday, May 18, 2021 beginning at 9:00 a.m.

GUESTS

Recognition of 30+ Year Retirees

Mayor Keller presented plaques to employees who retired from the City of Hagerstown during the past year with 30 years or more of service. The following retired employees were recognized:

- Victor “Gene” Renner, Wastewater Division, 46 years of service
- Debora Worthington, Wastewater Division, 43 years of service
- James Grubbs, Wastewater Division, 42 years of service
- Tim Young, Engineering Division, 41 years of service
- Richard “Jesse” Springer, Water Division, 41 years of service
- Douglas DeHaven, Fire Department, 36 years of service
- Joseph Royce, Fire Department, 32 years of service
- Tim Williams, Engineering Division, 32 years of service
- Chester Hadley, Jr, Public Works Department, 32 years of service
- Tammy Miller, Police Department, 32 years of service
- Kimberly Ridenour, Wastewater Division, 31 years of service
- Shane Blankenship, Police Department, 30 years of service

Mayor Keller stated the City is incredibly lucky to have the best employees. She congratulated and thanked all the retirees.

Proclamation: Horizon Goodwill Industries Week

Mayor Keller read a proclamation naming May 2-8, 2021 as Horizon Goodwill Industries Week in Hagerstown, Maryland. David Shuster, Horizon Goodwill, accepted the proclamation. He announced this is the 119th year of the Goodwill movement and the 66th year for Goodwill in Hagerstown.

CITIZEN COMMENTS

Citizen Comments were accepted by email at councilcomments@hagerstownmd.org prior to 5:00 p.m. on Tuesday, April 27, 2021. Citizen Comments were also accepted during the meeting.

Dave Stevens, 19814 Jefferson Boulevard, Hagerstown, Maryland, was present representing the Hagerstown First Hose Company (First Hose). Mr. Stevens is President of the First Hose. Two weeks ago, First Hose sent a letter to the Mayor and City Council indicating they are not against acquisition of land for a new fire station but they are concerned about removing a station from downtown. He stated Councilmember Aleshire indicated at a recent Work Session that First Hose had already met with the Mayor and City Council. The originally scheduled conversation was put on hold and not rescheduled. Chief Lohr has been keeping First Hose informed and he thanked him for that. First Hose has not met with the Mayor and City Council to discuss their concerns.

No other comments were submitted, either in person or by email.

PUBLIC HEARING

Land Management Code Amendment (LMC) – Front Yard Fence Requirements

This Public Hearing was held to receive testimony regarding Fence Provisions in the Land Management Code (LMC).

Megan Flick, Planner, stated in response to concerns from property owners at Hager's Crossing about inability to have privacy fences along Hager's Crossing Drive, staff reviewed the front yard fence provisions with the Planning Commission and prepared the following amendments that would provide more flexibility for anyone with front yard fences and for property owners with side or rear yards on minor collector streets.

Proposed Amendments:

1. Increase the maximum height of front yard fences from 3 feet to 4 feet
2. Retain the front yard fence requirements for side and rear yards that front major collector or arterial roadways, and remove them for side and rear yards that face minor collector roadways

3. Reduce the spacing requirement for front yard fences to 1 inch wide or half the width of the picket, whichever is greater

The Planning Commission held a hearing on March 31, 2021 and received input from one property owner at Hager's Crossing in favor of the proposal. The Commission forwarded the proposed amendments to the Mayor and City Council at their April 5, 2021 meeting.

Ms. Flick entered the following Exhibits into the record:

1. Certificate of Advertisement
2. Planning Record by reference

There was no testimony presented, either in favor of or against the proposed fence requirement amendments.

The record will remain open for 10 days for further comments.

MINUTES

On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember S. McIntire, the minutes from March 2, 2021, March 9, 2021, March 16, 2021, and March 23, 2021 were unanimously approved by all members present as presented.

CONSENT AGENDA

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

- A. Fire Department:
 1. 2022 F-350 Crew Cab – Keystone Ford (Chambersburg, PA) \$ 40,200.00
- B. Parks and Engineering:
 1. Parks and Playground Equipment – Playground Specialists, Inc. (Thurmont, MD) \$ 29,524.20
 2. Rebuild Mansion House Wine Cellar Entrance – Gruber Latimer Restoration (Sharpsburg, MD) \$ 28,670.00
 3. Golf Vehicles and Equipment – Aerator and Cutting Units – Finch Services, Inc. (Westminster, MD) \$ 32,490.00
- C. Planning and Code Administration:
 1. 2021 Nissan Rogue SUV – Younger Nissan (Frederick, MD) \$ 23,787.00
- D. Utilities:
 1. Water – ISO Fire Flow Mapping and Modeling – Hazen and Sawyer Environmental Engineers (Baltimore, MD) \$ 79,591.00

2. Wastewater – Improvements to Liquid Oxygen Storage and Distribution – Specialty Fitters, Inc. (Elyria, OH) \$ 32,903.47
3. Water and Wastewater – Bacteriological Laboratory Renovations – Built Construction (New Windsor, MD) \$ 17,500.00

UNFINISHED BUSINESS

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

Action: On a motion duly made by Councilmember T. Burnett and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote of all members present to approve 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. Approval 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. Martinez, the Mayor and City Council unanimously agreed by voice vote of all members present to approve 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 Ordinance: Sale of 36-40 N. Potomac Street

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote of all members present to approve an ordinance authorizing the sale of City-owned property located at 36-40 N. Potomac Street to 339 Antietam LLC for a purchase price of \$ 414,000. The sale will provide the opportunity for ongoing redevelopment and private investment at 36-40 N. Potomac Street. The sale will be in accordance with all terms and conditions outlined in the purchase agreement, which is attached to the ordinance.

NEW BUSINESS

A. Approval of a Resolution: Authorizing Execution of a Capital Projects Grant Agreement with the State of Maryland, Board of County Commissioners, Board of Education and the Maryland Theatre Association, Inc. for the Hagerstown Urban Improvement Project

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 of all members present to approve a resolution for the execution of a Capital Projects Grant Agreement with the State of Maryland, Board of County Commissioners, Board of Education and the Maryland Theatre Association, Inc., for the Hagerstown Urban Improvement Project. As a beneficiary, the City will receive up to \$ 600,000 in funding for the acquisition of land and construction of the Multi-Use Plaza project which includes the Plaza and 2nd Phase of the Cultural Trail.

B. Approval of a Resolution: Authorizing Execution of a Subrecipient Grant Agreement with the Board of Washington County Commissioners for the Hagerstown Urban Improvement Project

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a resolution for the execution of a Subrecipient Grant Agreement with the Board of County Commissioners of Washington County for the Hagerstown Urban Improvement Project. As a beneficiary to the separate Capital Projects Grant Agreement, this Subrecipient Grant Agreement allows up to \$ 600,000 in funding to be passed through the City for the Multi-Use Plaza project which includes the Plaza and 2nd Phase of the Cultural Trail.

C. Approval of Construction of Phase II of Hagerstown Cultural Trail and UIP Plaza – Multiple Vendors – Total \$ 1,378,394.40

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 of all members present to approve the following items related to this project:

1. Approval of the construction contract and the direct purchases of construction materials from vendors as listed on an attached Purchase/Contract Information form in the amount of \$ 1,378,394.40
2. Approval of up to \$ 61,036.7 for City Light to purchase light poles, hand boxes, and other related equipment (per the City's Purchasing Policy) as well as staff time to install the items
3. Approval of the purchase of up to \$ 6,000 for benches and trash cans, \$ 50,000 for public art, and \$ 50,000 for contingencies
4. Approval of the naming of Hatters Plaza for the new public space behind the Maryland Theatre and authorize installation of a time capsule in conjunction with Leadership Washington County

Funding for the project includes: prior year bond proceeds, State bond bill proceeds, Maryland Heritage Area Authority grant, Program Open Space grant, and reallocation of \$ 402,000 in General Fund reserve funding.

D. Approval of a Resolution: Authorizing Naming Intersection of Garland Groh Boulevard

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote of all members present to name the intersection of Garland Groh Boulevard and the private driveway between Home Depot and Walmart as Biltrite Way.

E. Approval of a Resolution: Guaranty of Rental Contract Between the Maryland Theatre Association, Inc. and the Carroll County Foundation, Inc. – Miss Maryland Scholarship Pageant and Miss Outstanding Teen Maryland Pageant at the Maryland Theatre

Action: On a motion duly made by Councilmember T. Burnett and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a resolution authorizing the approval, execution and delivery of a guarantee of a lease between the Maryland Theatre Association, Inc. and the Carroll County Foundation, Inc. to facilitate the continued presence of the Miss Maryland Scholarship pageant and the Miss Outstanding Teen Maryland Pageant at the Maryland Theatre for a term of five years, from 2022 through 2026.

F. Approval of a Resolution: User Agreement with Pangborn Park Croquet Club

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 of all members present to approve a resolution for the approval of a user agreement with Pangborn Park Croquet Club effective February 1, 2021 through February 1, 2023 to allow for non-exclusive use of the former lawn bowling court in Pangborn Park.

G. Approval of Invest Hagerstown City Center Development Grant Application for 6-16 West Washington

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote of all members present to approve an Invest Hagerstown City Center Redevelopment Grant application for the renovation project at 6-16 West Washington Street. The total project cost is \$ 843,000. The Invest Hagerstown Redevelopment Grant amount is \$ 250,000.

Staff are authorized to issue a Letter of Commitment in the amount of \$ 250,000. No funds will be dispersed until staff has verified that all work in the development plan is completed to the City's satisfaction and the total project cost expenditure requirements have been met. Funding for this grant will come from the Invest Hagerstown line item in the Fiscal Year 2021 Economic Redevelopment Fund with a project completion deadline of June 30, 2022.

H. Approval of an Exemption to the Water/Wastewater Policy: Taylor Bowen/Citicorp Drive and Breeze Hill Drive

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 of all members present to approve the request from Taylor Bowen for water services for a portion of the Airport Business Park located in the area of Citi Corp Drive and Breeze Hill Drive located beyond the Hagerstown Medium-Range Growth Area for a proposed industrial warehouse. The property is approximately 16 acres and is identified on a map that is attached. The approval requires a pre-annexation agreement with the City of Hagerstown. An exception granted pursuant to the City's Water and Wastewater Policy is void if the following has not occurred within 18 months of the approval by the Mayor and City Council; 1) site plan approval by Washington County; 2) building permit filed with Washington County; and 3) all City water fees paid. Any request for a variance or extension of the 18 month time limit must be submitted for consideration by the Mayor and City Council at least 60 days prior to the expiration date and is subject to approval by Mayor and City Council.

I. Approval of Special Events Guidebook, Application and Permit

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote of all members present to approve the Special Events Guidebook, Application, and Permit, dated April, 2021. These documents will be used to ensure that Special Events held in Hagerstown are safe and successful, with minimal disruption and with maximum quality of life and economic benefits.

J. Approval of Planning and Code Administration Department (PCAD) Staffing Modification

Action: On a motion duly made by Councilmember T. Burnett and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote of all members present to approve the addition of one full-time position to the Planning and Code Administration Department. This position is Neighborhood Services Programs Specialist and the

staffer will focus on the vacant structures program and providing back-up for residential permit inspections. By using budgeted funds for part-time positions in the department, this replacement of four part-time positions with one full-time position will be budget neutral. This change will enable PCAD to better serve the community's priorities for blight eradication and excellent customer service on plan review and permit inspections.

K. Approval of One Full-Time Position: Support Services Department

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote of all members present to approve the conversion of one part-time position to full-time: one Support Services Specialist. This position is necessary to ensure continued customer support levels and address workload changes. This change will be budget neutral and this position will be funded across all applicable funds including: General, Electric, Water, Wastewater, and Stormwater.

L. Ratification of an Emergency Procurement: Emergency Demolition of 301 N. Cannon Avenue Commercial Structure

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 of all members present to approve ratification of an emergency procurement for the demolition of 301 N. Cannon Avenue commercial structure. The commercial structure is in a state of progressive structural collapse and was deemed to be unstable by a professional engineer. Staff ordered the demolition of the structure to eliminate the threat to public safety. The City did seek several contractors for quotes and Allegany Wrecking provided the only quote. Allegany Wrecking of Hagerstown, Maryland will complete the demolition work. The cost of the demolition work performed by Allegany Wrecking is \$ 17,250.00. The work to be performed at this property will be paid from the Property Abatement Account.

M. Approval of an Application/Permit User Agreement – Scottish Rite Club of Washington County

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote of all members present to approve an Application/Permit User Agreement for use of the Central Lot on Sunday, May 16, 2021, from 5:30 a.m. to 6:00 p.m. This approval is for the Scottish Rite Club of Washington County's tag sale raising funds for a speech and hearing clinic. The event will take place on Sunday, May 16, 2021 from 8:00 a.m. to 5:00 p.m.

Scott Nicewarner, City Administrator, announced Music in the Square continues this Friday from 5:30 p.m. to 7:30 p.m. This week's band is the Bob Sykes trio.

MAYOR AND CITY COUNCIL COMMENTS

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

Councilmember T. Burnett wished her daughter a happy 10th birthday.

Councilmember T. Martinez gave a shout out to Sonny Bronco, a local artist in Atlanta. He created a 7 minute freestyle painting of the Hagerstown Suns.

Councilmember S. McIntire had no additional comments.

Mayor E. Keller thanked the Parks and Recreation Department for their work on several events last weekend: 100 Miler finale and Arbor Day. The City has been a designated Tree City for 35 years. A book by Lynn Green features the Hager House that she encouraged people to read. She went to brunch downtown on Sunday and the restaurants were full. She urged everyone to keep that momentum going.

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 7:38 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: May 25, 2021