

**REGULAR SESSION (14TH VOTING SESSION) AND EXECUTIVE SESSION –
May 25, 2021**

EXECUTIVE SESSION – May 25, 2021

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 meet in closed session 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, May 25, 2021 at 6:00 p.m. in the Council Chambers, 2nd floor, City Hall, Hagerstown, Maryland.

The following people were in attendance: Mayor E. Keller, Councilmember K. B. Aleshire, Councilmember R. E. Bruchey, II, Councilmember T. Burnett, Councilmember T. Martinez, Councilmember S. McIntire, Scott A. Nicewarner, City Administrator, Jason Morton, City Attorney, Michelle Hepburn, Director of Finance, Kathleen Maher, Director of Planning and Code Administration, Jill Thompson, Director of Community and Economic Development, Chief Steven Lohr, Blaine Mowen, Chief Code Official, Pam Harris, Building Inspector, Paul Fulk, Neighborhood Services Manager, Wes Decker, Communications Manager, and D. K. Spickler, City Clerk.

The meeting was held to discuss a business proposal. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the meeting was adjourned at 6:58 p.m.

REGULAR SESSION (14TH VOTING SESSION) – May 25, 2021

Mayor E. Keller called this Regular Session (14th voting session) of the Mayor and City Council to order at 7:08 p.m., Tuesday, May 25, 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 Jennifer Keefer, 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, June 8, 2021, and Tuesday, June 15, 2021, and the Regular Session on Tuesday, June 22, 2021 at 7:00 p.m. No meetings are scheduled for Tuesday, June 1, 2021 or Tuesday, June 29, 2021.

APPOINTMENTS

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 appoint Aaron Smith to the Board of Zoning Appeals with a term to expire May 31, 2024.

GUESTS

Maryland Municipal League's "If I Were Mayor" Essay Contest Recognition

Mayor Keller welcomed Maryland Municipal League's "If I Were Mayor" Essay Contest winners to the meeting. She read each of the winner's essays.

Malaika Evonlah, Jonathan Hager Elementary, Briana Kinna, Jonathan Hager Elementary, and David Thomas, Eastern Elementary, were chosen as winners.

Mr. Thomas was selected by MML as a finalist for District 8. His essay addressed mental health issues.

Ms. Kinna's essay advocated to stop bullying.

Ms. Evonlah wrote an essay with ideas to help the drug crisis. Her essay was chosen by Mayor Keller as the Mayor's Choice winner.

All three students assisted Mayor Keller with the meeting. Ms. Kinna and Mr. Thomas were present and Ms. Evonlah participated remotely.

CITIZEN COMMENTS

Citizen Comments were accepted by email at councilcomments@hagerstownmd.org prior to 5:00 p.m. on Tuesday, May 25, 2021. Citizen Comments were also accepted during the meeting.

Michael Staup, 18 S. Mulberry Street, Hagerstown, Maryland, was present to make the Mayor and City Council aware of issues in his neighborhood. He thanked Mayor Keller and City Administrator Nicewarner for coming to his house recently. He stated there is trash everywhere. Trash includes paper, needles, etc. Something needs to be done about the excessive trash. He believes there are many drug deals occurring in the neighborhood.

James Devine, P. O. Box 2217, Hagerstown, Maryland, asked if the Hagerstown Police Department has body cameras and drones. He was informed they do. Mr. Devine stated drones would be useful in policing areas. He asked that trees be trimmed to 10 feet above the parking spaces as his van often is hit by tree limbs when he parks. He suggested the pool be drained and refilled to remove the extra chlorine from the water. He stated there is a problem of loud cars and radios and mufflers. He stated it is difficult to see traffic on Frederick Street and Commonwealth Avenue due to the Amvets sign. He suggested the City install more cameras. The City should invest in electric vehicles.

Allysen Washington, 11246 Suffolk Drive, Hagerstown, Maryland, is opening a new business in Hagerstown. She and Mark Washington are opening Sociolite Studio, which has various rooms for studio videos. She thinks their business will be a destination for Hagerstown. They hope this business will draw tourism, reconnect the current community, and provide a way to interact with art. There are amazing artists in Hagerstown this will have space for their artwork.

MINUTES

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 approve the minutes for the Mayor and Council meetings held on April 6, 2021, April 13, 2021, April 20, 2021, and April 27, 2021.

CONSENT AGENDA

On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously approved the Consent Agenda as follows:

- A. Department of Community and Economic Development:
 - 1. Open Container Exemptions – Imagine Hagerstown Music Events
 - 2. Open Container Exemption Revised – Augustoberfest (change of location)

- B. Finance:
 - 1. Billing Operations – Postage and Bill Processing – Arista Information Systems (Duluth, GA) \$ 192,000.00

- C. Fire:
 - 1. Equipment Necessary to Outfit Pumper – Multiple Vendors- Not to Exceed \$ 100,000.00

- D. Human Resources:
 - 1. Specific Stop Loss Insurance – Tokio Marine HCC (Wakefield, MA) \$ 332,398.00
 - 2. City Sponsored Life Insurance – Hartford Life and Accident Insurance Company (Hartford, CT) \$ 33,950.00
 - 3. Dental Insurance Administration – United Concordia (UCCI) (Hunt Valley, MD) \$ 43,372.00
 - 4. Administration of Medical Coverage – United HealthCare (Chicago, IL) \$ 321,617.00
 - 5. Employee Assistance Plan Annual Premium – ComPsych (Chicago, IL) \$ 9,936.00
 - 6. Excess Workers' Compensation Liability Insurance – Safety National Casualty Corporation (St. Louis, MO) \$ 174,609.00
 - 7. Workers' Compensation Security Deposit Bond – continuous bond – Safety National Casualty Corporation (St. Louis, MD) \$ 38,100.00

8. Workers' Compensation Self-Insurance TPA Services – PMA Management Corporation (Blue Bell, PA) \$ 20,000.00

E. Information Technology:

1. Arrowhive Units – Software House International, Inc. (Philadelphia, PA) \$ 13,738.80

F. Utilities:

1. Electric – Software Support and Maintenance – Milsoft Utility Solutions (Abilene, TX) \$ 69,740.00
2. Electric – Contract to Provide Linework Services – Everhart & Hoover Power Line Construction, Inc. (Hustontown, PA) \$ 150,000.00
3. Electric – Blanket Contract for Substation Testing and Maintenance Services – TRC Companies (Lancaster, PA) \$ 110,000.00
4. Electric – Consulting Services - GDS Associate (Marietta, GA) \$ 50,000.00
5. Electric – Distribution Transformers of Various Types, Voltages, and Sizes – National Transformer Sales (Raleigh, NC) \$ 80,000.00
6. Electric – Blanket Order to Provide Services for Distribution Transformer, Substation Class Voltage Regulator, and Switchgear Repair and Refurbishment – Southeastern Transformer Co. (Dunn, NC) \$ 45,000.00
7. Electric – Emergency Purchase - Substation Transformer Bushings – Arista, Inc. (Glenview, IL) \$ 27,354.00
8. Water – Ductile Iron Pip – Core & Main LP (Martinsburg, WV) \$ 25,870.00
9. Wastewater – Emergency Repairs for Muffin Monster – JWC Environmental (Santa Ana, CA) \$ 18,058.77

UNFINISHED BUSINESS

A. Approval of an Ordinance: Amend the City Code by Repealing and Re-enacting Chapter 140, the Land Management Code

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance to amend the City Code by repealing and re-enacting Chapter 140, Land Management Code. The re-enacted Land Management Code includes the 2020 package of annual revisions finalized by the Mayor and City Council. This re-enacted version of the Land Management Code shall be known as version 3.7.

B. Approval of an Ordinance: Acquisition of 441 S. Potomac Street

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 approve an ordinance authorizing the purchase of property located at 441 South Potomac Street for \$ 162,000.00. The property contains approximately 1.08 acres, which shall be subdivided from the larger CMD Parcel. The Mayor and City

Council wish to acquire the property for the purpose of building a headquarters for the City's Fire Department and a fire station.

The funding for this land acquisition will be from FY21 General Fund Transfers.

NEW BUSINESS

A. Introduction of an Ordinance: Accept Donation of Real Property from MKS Development Company

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 introduce an ordinance to accept the donation of real property from MKS Development Company, the parcel comprising of a stormwater management facility and containing 4.9 acres. The City will re-construct and retrofit the facility to obtain approximately 20 acres of water quality "credits" as required by the MS4 Stormwater Permit issued by the State of Maryland.

B. Approval of Memorandum of Understanding: Washington County Free Library for Story Walk Trail

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 to authorize the Mayor to execute a Memorandum of Understanding with the Washington County Free Library for the creation of a Story Walk Trail in City Park. The Council further authorized Parks Division staff to install the panels as supplied by the Library.

C. Approval of Memorandum of Understanding: Maryland Department of Transportation for City Park Train Hub Locomotive Restoration and a Pavilion Replacement

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 the City to enter into an agreement with the Maryland Department of Transportation on behalf of the State of Maryland, to receive a grant in the amount of \$ 396,000 with a City match of \$ 139,000 for the restoration of the 202 Steam Locomotive and the construction of a new pavilion to shelter the locomotive.

D. Approval of a Memorandum of Understanding: Maryland Department of Transportation for Traffic Signal Upgrades at Eastern Boulevard and Frederick Street

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 enter into an agreement with the Maryland Department of Transportation on behalf of the State of Maryland, to receive a grant in the amount of \$ 228,000 with a City match of \$ 72,000 for the reconstruction of the traffic signal at the intersection of Eastern Boulevard and Frederick Street. Funded by the Safe Routes to School program, this project will replace outdated equipment and add pedestrian countdown signals and make the intersection fully handicap-accessible.

**E. Approval of Invest Hagerstown: City Center Redevelopment Grant
Application for 49 & 37 Jonathan Street – City Sprouts, LLC**

Action: On a motion duly made by Councilmember K .B. Aleshire and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote to approve the Invest Hagerstown City Center Redevelopment Grant application for the renovation project at 49 & 37 Jonathan street with total projects costs of \$ 690,000. Staff are authorized to issue a Letter of Commitment to City Sprouts, LLC for a grant in the amount of \$ 230,000 with a project completion deadline of July 1, 2022.

No funds will be dispersed until staff have 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 Economic Redevelopment Fund.

F. Approval of Incentive for the Holly Building – 72 W. Washington Street

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 direct staff to approve a grant of \$ 750,000 to Gideon Properties for the Holly Building renovation project at 72 W. Washington Street. The project will create 46 modern apartments with luxury amenities, and the new investment from the project is estimated at \$ 11 million.

The grant will be administered using guidelines that are generally consistent with the Invest Hagerstown Program guidelines, and the full terms and conditions of the grant will be outlined in a Financial Incentive Agreement to be separately approved by the Mayor and City Council.

Funding for this grant will transfer from the Invest Hagerstown line item in the Economic Redevelopment Fund paid from 3 fiscal years beginning in FY2022.

Discussion: Councilmember Aleshire anticipates the developer will abide by the good faith efforts and commitments he has made through this

process to date. He hopes he will be able to provide a successful project, as he has with two other projects. He realizes this is a gamble, but the City either takes a chance or sits back and looks at the buildings sitting empty. He understands the buildings are too large for any single developer or person to undertake renovations alone.

Councilmember McIntire thanked Mike Fitzgerald (Gideon Properties) for believing in the City of Hagerstown.

**G. Approval of On-Call Electrical Contract Maintenance Services Contract:
07/01/2021 to 06/30/2022**

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 to authorize and approve the renewal of the On-Call Electrical Maintenance Contract for the contract term of July 1, 2021 to June 30, 2022. This is year three of five optional one-year renewals. MEC Inc.’s pricing is as follows:

Regular Hourly rate – 8:00 a.m. to 4:30 p.m. (Monday-Friday)	\$ 55.00 per hour
After Hours Rate (Monday-Friday)	\$ 82.50 per hour
Weekend Rate	\$ 82.50 per hour
Holiday rate	\$ 110.00 per hour
Material Mark-Up on Supplies	10%

H. Approval of Ratification of an Emergency Procurement: Emergency Demolition of 110 and 112 N. Cannon Avenue

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 to approve an emergency procurement for the demolition of 110 and 112 N. Cannon Avenue structure. The structure was in a state of progressive structural collapse and was deemed to be unstable by the Chief Code Official. 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. The cost of the demolition work performed by Allegany Wrecking was \$ 13,900. The work performed at this property was paid from the Property Abatement Account.

Discussion: Councilmember Aleshire pointed out there are structures that require immediate removal on almost every block in Hagerstown.

CITY ADMINISTRATOR COMMENTS

Scott Nicewarner, City Administrator, announced the First Fourth Friday event of Imagine Hagerstown will be held on Friday, May 29, 2021. Entertainment will be provided by the Kelly Bell Band. Ash the Artist will be opening act. He offered condolences to City employee Robert Mauk, on the passing of his mother from COVID-19.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember S. McIntire had no additional comments.

Councilmember T. Martinez had no additional comments.

Councilmember T. Burnett wished everyone a safe Memorial Day holiday.

Councilmember R. E. Bruchey, II reminded everyone there will be wreath laying ceremonies throughout the County in observance of Memorial Day. The first will be held at the Washington County Court House at 1:30 p.m. on Sunday, May 30, 2021. These ceremonies honor veterans and reflect on those who gave the ultimate sacrifice.

Councilmember K. B. Aleshire thanked the students for writing the essays for the If I Were Mayor contest.

Mayor E. Keller responded to Mr. Staup's concern about trash. She reported the Mayor and City Council and staff discussed this during last week's Strategic Planning Session. Trash clean-up is as important to City representative as it is to citizens. She will be providing an overview of the survey results on June 8, 2021. Community Clean Up days are being considered.

She sees evidence of the addiction epidemic every day. She also receives calls for help every day. The Washington County Health Department is working hard to try to resolve this issue. COVID has made the problem significantly worse. Representatives of the Health Department will discuss their efforts during a future Work Session.

Mayor Keller encouraged citizens to join the Mayor and City Council in these projects to make Hagerstown a better place.

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 7:55 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: June 22, 2021