

REGULAR SESSION (16TH VOTING SESSION) – June 22, 2021

Mayor E. Keller called this Regular Session (16th voting session) of the Mayor and City Council to order at 7:00 p.m., Tuesday, June 22, 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, and City Attorney Jason Morton. City Clerk D. K. Spickler 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, July 13, 2021, and Tuesday, July 20, 2021, and the Regular Session on Tuesday, July 27, 2021 at 7:00 p.m. No meeting is scheduled for Tuesday, July 6, 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 Michael Gehr, and Daniel Matonak, both terms to expire June 30, 2024.

GUESTS

Preservation Awards

Stephen Bockmiller, Development Planner/Zoning Administrator, and Michael Gehr, Historic District Commission Chairman, presented the following Preservation Awards:

Bowman Development Corporation – 54 South Potomac Street (Masonic Lodge)

Ken Berry and Hager Potomac Revitalization Land Trust – 151 South Potomac Street

Bendell Properties, LLC and the Hardell Corporation – 540 Maryland Avenue

CITIZEN COMMENTS

Citizen Comments were accepted by email at councilcomments@hagerstownmd.org prior to 5:00 p.m. on Tuesday, June 22, 2021. Citizen Comments were also accepted during the meeting.

Malcom Gross, 424 Virginia Avenue, Hagerstown, Maryland, is a part-time City of Hagerstown employee who is representing part-time and seasonal employees. He works

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in all areas of the City. Part-time and seasonal employees work hard and fill in where needed. He has talked to sixteen other part-time employees who don't understand why they were not included in the recently approved stipend for full-time employees. There are people working for the City who are disenfranchised. He asked why the full-time employees are receiving a stipend.

Mr. Nicewarner stated the Federal government defines essential workers as full-time workers and not part-time workers. This is why the federal funding was not used for a stipend part-time workers. A stipend for part-time workers would be funded through the City's budget and not with federal funding. He noted it has been stated several times that a stipend will be discussed when the FY21 budget review is completed, which will determine any surplus amounts.

Mayor Keller stated she and the entire Council have been adamant about a part-time employee stipend when the review is completed. A meeting will be held to determine how they can provide this stipend.

Mr. Gross asked if this was the first time anyone could ask questions about the decision made by the Mayor and City Council to provide a \$ 5,000.00 stipend to full-time employees.

Mayor Keller stated the stipend was discussed at meetings that were open to the public. The vote to provide the stipend was also held in an open, public session.

Mr. Gross stated he was stunned when the amount went from \$ 3,000.00 to \$ 5,000.00. If the amount had been \$ 500.00 for all employees it would have been better accepted.

Mr. Nicewarner stated under the American Rescue Plan (APR), funding part-time employees could not be provided with a stipend. A part-time employee stipend will be discussed in the next few months.

Mr. Gross stated part-time employees are upset. The reality is part-time employees are some of the most vulnerable. They are the ones that interact with the public. The golf course served more than 8,000 people during the pandemic. People also visited parks during the shut-down.

Mayor Keller stated they appreciate what employees do and the Mayor and City Council are going to work on a solution.

Councilmember Aleshire stated the ARPA funding criteria allowed premium pay for public workers during a defined period of time. He noted at the Work Session discussion that the ARPA regulations allowed funding of up to \$ 13.00/hour, to a maximum of \$ 25,000.00. He clarified that he stated \$ 3,000.00 was about 5% of the average full-time wage and \$ 5,000.00 was 8% - 10% of the average full-time wage. He also said he did not agree with the regulation that part-time employees were not eligible if they had not been classified as essential. During that discussion, he suggested that a \$ 1,500.00 stipend be considered for part-time employees.

Mr. Gross stated there are 66 part-time and seasonal City employees. If each was provided \$ 5,000.00 from the City funds it would amount to \$ 330,000.00. He pointed out the amount given to full-time employees was basically free money. Therefore, if the \$ 330,000.00 was allocated across all employees, it would only be \$ 708.00 for each. He doesn't think that is a large amount for dealing with all the issues with the pandemic. He stated the Mayor and City Council have the obligation to be good stewards of federal money, as it is taxpayers dollars. He stated no one has told them anything.

Councilmember Bruchey wondered if any employees had talked to their supervisors about their questions regarding the stipend. Mr. Gross stated some may have. Councilmember Bruchey stated the City Administrator and Department Directors have been reviewing the regulations for the ARPA funding, which are significant. Employees could have asked for additional information. He stated the Mayor and City Council have every intent to provide a stipend to part-time employees.

Michael Staup, 18 S. Mulberry Street, Hagerstown, Maryland, stated there are still issues in his neighborhood. The parking lot and garage at Mulberry Lofts has become a homeless camp. Recently he was mowing and cleaning up the alley on S. Mulberry Street and a motorist went by and threw a needle out the window right before crashing into a metal pole. The driver of the vehicle asked Mr. Staup for money for more drugs. On May 4, 2021, he heard an explosion at 26 S. Mulberry Street and people running away. The area behind the wall at that property is full of trash. He has tried to contact the owner to get it cleaned up. He has been going on walking tours around Hagerstown and noticed that there were 12 condemned houses in one neighborhood.

MINUTES

Councilmember R. E. Bruchey, II made a motion to approve the minutes for the Mayor and City Council meetings held on May 4, 2021, May 11, 2021, May 18, 2021, and May 25, 2021. Councilmember S. McIntire seconded the motion.

Discussion: Councilmember T. Burnett clarified that the minutes from May 18, 2021 should reflect that she brought up the caretakers house at Wheaton Park, not Councilmember Martinez.

Motion passed unanimously, with the clarification.

CONSENT AGENDA

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

- A. Information Technology:
 - 1. Kaseya/BitDefender Hosting and Software Support Agreement FY21 and FY22 – Kaseya US, LLC (New York, NY) \$ 23,974.14
 - 2. Annual MUNIS Support and Maintenance Agreement – Tyler Technologies (Dallas, TX) \$ 256,249.58

3. Intellitime – Hosting/Maintenance Agreement Renewal – Intellitime Systems Corporation (Santa Ana, CA) \$ 67,680.93
- B. Parks and Engineering:
 1. Parks: Hellane Park Basketball Court Upgrades – True Bounce \$ 17,486.00 and Metropolitan Tennis \$ 15,600.00
 2. Engineering: Pavement Preservation – Craig Paving (Hagerstown, MD) Not to Exceed \$ 1,200,000
 3. Pavement Condition Survey and Update of Pavement Management Database – Pennoni (Baltimore, MD) Not to Exceed \$ 50,300.00
 4. Engineering: Pavement Markings – Midlantic Marking, Inc. (Gaithersburg, MD) \$ 87,662.00
 5. Engineering: Curb Replacement and Sidewalk Replacement/Installation – Concrete Central (Hagerstown, MD) \$ 225,000.00
 6. Engineering: Handicap Accessible Sidewalk Ramps – MIM Construction, Inc. (Mt. Airy, MD) Not to Exceed \$ 120,000.00
 7. Engineering: Replacement of Pavement in Alleys 3-41, 2-76, and 2-77 – Kinsley Construction (Hagerstown, MD) \$ 119,772.00
- C. Planning and Code Administration:
 1. 2021 Ford Ranger Supercab XL – Keystone Ford (Chambersburg, PA) \$ 27,625.00
- D. Police:
 1. Balances for Western Maryland Regional Crime Lab (WMRCL) – Mettler-Toledo, LLC (Columbus, OH) \$ 21,288.65
- E. Utilities:
 1. Electric: Blanket Contract for Tree Trimming – All Reliable Services, Inc. (St. Augustine, FL) \$ 305,600.00
 2. Water: Magnafloc LT-7996 – George S. Coyne Chemical Co., Inc. (Croydon, PA) \$ 31,185.00
 3. Wastewater: Spare Parts for Sludge Pumps – Komline-Sanderson (Peapack, NJ) \$ 11,220.00
 4. Wastewater: Maintenance Service Plan for Oxygen and Air Compressor Equipment – Atlas Copco Compressors, LLC 9Rock Hill, SC) FY22 Amount \$ 104,380.48
 5. Wastewater: 2022 F-250 to Replace Unit #515 – Keystone Ford (Chambersburg, PA) \$ 53,699.00
 6. Wastewater: 2022 F-550 to Replace Unit #507 – Keystone Ford (Chambersburg, PA) \$ 165,578.00
 7. Wastewater: UV System PLC, PSU Air Cond, ZED Power Center and Module Upgrade – SUEZ Treatment Solutions, Inc. (Leonia, NJ) \$ 224,878.98

UNFINISHED BUSINESS

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

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 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.

NEW BUSINESS

A. Introduction of an Ordinance: Amend the City Code, Chapter 10, Administration of the Government to add an Article XV, Hagerstown Youth Council

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 to introduce an ordinance to amend the Code of the City of Hagerstown, Chapter 10 to add an article establishing a permanent Hagerstown Youth Council. The goal of the Council is to facilitate communication and participation by City youth regarding City government decision making and planning.

B. Introduction of an Ordinance: Urban Improvement Project: Easement to Washington County

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 introduce an ordinance authorizing the execution of a Deed of Easement and Maintenance Agreement for the use of a portion of the City’s property for the installation, maintenance and access to a solid waste dumpster. The brick dumpster enclosure will be constructed as part of the Urban Improvement Project.

C. Approval of a Resolution: Lease Agreements for Residential Rental Properties in Various City Parks

Action: On a motion duly made by Councilmember T. Martinez and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously agreed by voice vote to adopt resolutions authorizing the execution of lease agreements between the City of Hagerstown and the following:

1. Eric Hastings for the residence at 280 Mill Street
2. Mark and Barbara Clevenger for the residence at 570 Jefferson Street
3. Lewie Thomas for the residence at 728 Frederick Street
4. Emily Conrad for the residence at 110 Key Street

D. Approval of a Resolution: Approval of the FY 2022 Community Development Block Grant (CDBG) Annual Action Plan

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 approving the FY 2022 Annual Action Plan for the Community Development Block Grant program, authorizing the Mayor to file an application for financial assistance with the U. S. Department of Housing and Urban Development in the amount of \$ 835,051 for the Community Development Block Grant program, and further authorizing the Mayor to execute all other documents relating to the City's Community Development Block Grant program for FY 2022.

E. Approval of a Resolution: Development Agreement for 170 W. Washington Street Student Housing

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 approve a resolution to enter into a Student Housing Development Agreement with 170 West Washington Partners LLC for a student housing project at 170 West Washington Street. This is a model student housing project under the Community's City Center Plan, Catalyst Project #3 – USMH Expansion Support.

F. Approval of a Resolution: Development Agreement for 17-21 E. Franklin Street Student Housing

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 to approve a resolution to enter into a Student Housing Development Agreement with WLR Residential Properties, Inc. for a student housing project at 17-21 East Franklin Street. This is a model student housing project under the Community's City Center Plan, Catalyst Project #3 – USMH Expansion Support.

G. Approval of a Resolution: Lease Agreement with Engage Diaspora Foundation, Inc. for Portion of BuroBox (60 W. Washington Street)

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 authorizing the execution of a Lease Agreement for a portion of the City of Hagerstown property known as BuroBox located at 60 West Washington Street in Hagerstown, Maryland. The Lease will be between the City of Hagerstown and Engage Diaspora Foundation, Inc. and shall be month-to-month beginning July 1, 2021.

H. Approval of a Resolution: Execution of a Lease Agreement with IGM Innovative Solutions, LLC for a Portion of the City of Hagerstown property known as BuroBox located at 60 West Washington Street, Hagerstown, Maryland

This item was removed from the agenda prior to voting.

I. Approval of a Resolution: FY 2022 Community Legacy Applications

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 indicating approval of the City's FY 2022 Community Legacy applications to the Maryland Department of Housing and Community Development. The applications request: 1) \$ 500,000 in funding for Upper Floor Market Rate Housing; and 2) \$ 1,000,000 in funding for Vacant White Elephant buildings.

Discussion: Councilmember Bruchey stated the application for funding for White Elephant properties should help address some of Mr. Staup's concerns.

J. Approval of a Resolution: FY 2022 Strategic Demolition Fund Applications

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 a resolution indicating approval of the City's FY 2022 Strategic Demolition Fund applications to the Maryland Department of Housing and Community Development. The applications request: 1) \$ 200,000 in funding to assist with Life Safety Plus program; and 2) \$ 250,000 in funding for architectural costs associated with the Doleman Black Heritage Museum.

K. Approval of a Resolution: Maryland Energy Administration (MEA) Communities Grant

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 resolution to authorize the City to enter into a grant agreement with the Maryland Energy Administration. The grant will be used for energy efficiency improvements by replacing 38 street light fixtures with LED fixtures in the City Center. The grant amount is \$ 39,816 and will be matched with \$ 7,028 by the General Fund or City Light Fund.

L. Approval of a Resolution: Railway Occupancy Agreement with CSX Transportation, Inc. – Waterline Along Wright Road in Washington County

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 a resolution to enter into a right of way encroachment agreement for a 12” waterline across a CSX Transportation, Inc. right of way along Wright Road in order to provide water service to the Wright Road Industrial, LLC warehouse development project.

M. Approval of Street Closures: Girls on the Run Gingerbread Dash

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 street closures for the unit block of West Lee Street, the unit and 100 block of East Lee Street, the 300 block of South Mulberry Street, the 500 block of South Potomac Street, West Memorial Boulevard, and the 300 block of Summit Avenue for the Girls on the Run Gingerbread Dash 5K on Sunday, December 5, 2021 from 8:00 a.m. to 11:30 a.m.

N. Approval of Noise Ordinance Exemption: Gingerbread Dash

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 exemption from the City of Hagerstown’s Noise Ordinance under Section 155-5 of the Code of the City of Hagerstown for the Girls on the Run Gingerbread Dash 5K taking place on Sunday, December 5, 2021 from 8:00 a.m. to 11:30 a.m.

O. Approval of HVAC Service and Maintenance Agreement Contract: July 1, 2021 to June 30, 2022

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 authorize and approve the renewal of the HVAC Service and Maintenance Agreement for the contract term of July 1, 2021 – June 30, 2022. This is year three of three optional one-year renewals. M. S. Johnston Company, Inc.’s FY22 annual amount is \$ 37,704.00, with a department breakdown below:

| | |
|-----------------------|--------------|
| Light Department | \$ 1,880.00 |
| Parks Department | \$ 6,582.00 |
| Public Works | \$ 14,892.00 |
| Wastewater Department | \$ 8,540.00 |
| Water Department | \$ 4,240.00 |
| Fire Department | \$ 1,570.00 |
| Total | \$ 37,704.00 |

P. Approval of Elevator Maintenance Services Contract: July 1, 2021 to June 30, 2022

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 to authorize and approve Oracle Elevator Holdco, Inc. as the City of Hagerstown’s elevator maintenance contractor for the repair, adjustment, emergency service, preventative maintenance, and inspection services for elevators located at various City buildings. The departments that will be utilizing these services are as follows: Public Works, Utilities (water), and Police. These services were offered through the formal bid process in May, 2021 – Bid No. B1724.21. Oracle Elevator Holdco, Inc. was awarded the bid. Contract term is from July 1, 2021 through June 30, 2022 with the possibility of up to four additional consecutive one year extensions subject to the mutual consent of the City of Hagerstown and Oracle Elevator Holdco, Inc. Total contact annual amount is \$ 29,040.00, with a departmental breakdown below:

| | |
|-------------------|--------------------|
| Public Works | \$ 21,540.00 |
| Police Department | \$ 3,960.00 |
| Water Department | <u>\$ 3,540.00</u> |
| Total | \$ 29,040.00 |

Q. Approval of Renaming Highland Way in City Park and Associated Address Changes

Action: On a motion duly made by Councilmember T. Burnett and seconded by Councilmember R. E. Bruchey, II, the Mayor and City Council unanimously agreed by voice vote to authorize staff to rename “Highland Way” within the limits of City Park to “Highland Avenue”. The Mayor and City Council further moved to authorize the change of addresses as shown on an attached map of City Park.

Discussion: Councilmember Aleshire confirmed that residents affected by this change support it. Rodney Tissue, City Engineer, confirmed that is correct.

R. Approval of Removal of 239 North Locust Street Alms House Property from the City’s Competitive Negotiated Sale (CNS) Process

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 the removal of the 239 N. Locust Street House Property from the City’s Competitive Negotiated Sale (CNS) Process. This property will not be actively listed for sale at this time as concepts for redevelopment and reuse for City operations are being pursued.

CITY ADMINISTRATOR COMMENTS

Scott Nicewarner, City Administrator, thanked City staff who worked around the clock restoring power, cleaning up trees and limbs, and cleaning up and making repairs after the storm that went through the area yesterday afternoon. Some are still working on this. Saturday in the Park Summer concert series continues with WAYZ Country night on June 26, 2021. The Farmers' Market will hold a summer carnival on June 27, 2021. Fireworks at Fairgrounds Park will take place on Sunday, July 4, 2021, beginning about 9:30 p.m.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember K. B. Aleshire also thanked staff for their work following the storm. The rehabilitation project of the laundromat on S. Potomac Street is tremendous.

Councilmember R. E. Bruchey, II agreed the rehabilitation project is fantastic. He expressed his appreciation for all the work City employees did following the storm to help citizens. There was debris everywhere. The Light Department does a miraculous job restoring power.

Councilmember T. Burnett also thanked City crews for their work. She thanked the Communications Division for their updates on Facebook.

Councilmember T. Martinez also thanked City workers.

Councilmember S. McIntire thanked City employees for working through the night and continuing the repair efforts. Last Friday evening, there were multiple events downtown and they were well attended. There are meetings and discussions being held regarding the issues that Mr. Staup mentioned. She wants people to realize the City is working hard to develop solutions to the problems.

Mayor E. Keller stated the Washington County Historical Trust is requesting a letter of support for their application to the State of Maryland for a grant. Councilmember Bruchey, II indicated he supports anything the Saylor House does, except when an easement from the Maryland Historical Trust (MHT) is requested. If an easement is approved with MHT, you suffer the consequences in the future as MHT controls what happens with the property. An example is an issue the Hamilton Hotel had with replacement windows. They had to put the new windows on the inside of the original windows to make it energy efficient. He would not support this letter as presented.

Mayor Keller noted the letter indicates the City would consider an easement with MHT. Councilmember Bruchey, II suggested removing that statement.

Councilmember Aleshire stated it is fine to proceed with the rehabilitation of the structure. If it means foregoing the possibility of funding from MHT he doesn't know if it is worth the encumbrance of an easement with MHT. He would rather apply a

preservation overlay on the property, if that gives the State assurance the City is serious about the project.

References to MHT will be removed from the letter. The letter will state the City supports the Saylor House project.

Mayor Keller thanked everyone who attended the events downtown last weekend. It was good to see so many people out and about. On Friday, June 25, 2021, the grand opening of the Masonic Temple Building followed by Imagine Hagerstown will be held. Amish Outlaws will be providing the entertainment.

Mayor Keller also thanked all City employees who worked so hard following the storm yesterday.

She announced Saturday, June 26, 2021 was Rabbi Ari Plost's last day at the synagogue. He is moving from the area. She thanked him for all he has done for this community.

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 8:07 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk (from video)

Approved: July 27, 2021