

REGULAR SESSION (21ST VOTING SESSION) – September 28, 2021

Mayor E. Keller called this Regular Session (21st voting session) of the Mayor and City Council to order at 7:03 p.m., Tuesday, September 28, 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 Lynne Gaither, Pastor at In His Services Ministries. 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, October 5, 2021, Tuesday, October 12, 2021, and Tuesday, October 19, 2021, and the Regular Session on Tuesday, October 26, 2021. Mayor Keller announced there will be a Strategic Planning Session/ARPA funding discussion on Tuesday, October 19, 2021 from 9:00 a.m. to 1:00 p.m. at the BuroBox, 60 W. Washington Street, Hagerstown, Maryland. There will be a joint meeting with the Board of County Commissioners on Tuesday, October 26, 2021 at 10:00 a.m. at the Washington County Office Building, 100 W. Washington Street, Hagerstown, Maryland.

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 appoint the following people to the Board of Traffic and Parking:

Tamara Pitts, Term to Expire July 31, 2024

Gordon Poffenberger, Term to Expire September 30, 2025

CITIZEN COMMENTS

Citizen Comments were accepted by email at councilcomments@hagerstownmd.org prior to 5:00 p.m. on Tuesday, September 28, 2021. Citizen Comments were also accepted during the meeting.

Troy Gandy, 13147 Shawnee Circle, Waynesboro, Pennsylvania, invited everyone to participate in a Community Believers Walk that is planned for October 2, 2021, beginning and ending at Wheaton Park. This is an effort to uplift and bring the community together. People from all walks of life are invited to participate. Folks are encouraged to get sponsors for the walk. The event starts with a worship service from at 9:15 a.m. to 9:50 a.m. and the walk starts at 10:00 a.m.

Michael Staup, 18 S. Mulberry Street, Hagerstown, Maryland, previously sent pictures to the Mayor and City Council showing the trash in his neighborhood. The hospital property is a mess. He has picked up many needles in the area. He contacted the hospital about the trash and needle problem at the former parking deck. The hospital representatives are blaming the problem on the City of Hagerstown. He is concerned people will be injured by the discarded needles. Questionable activity is increasing at the Sheetz store on Cannon Avenue. He doesn't understand why the City is planning to build a stadium with all the other issues that are happening. People in the neighborhood won't put up with the drug and homeless problems anymore.

MINUTES

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 minutes, as presented, for August 3, 2021, August 10, 2021, August 17, 2021, August 24, 2021, and August 31, 2021.

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. Engineering:
 - 1. Wall Replacement Alley 5-62 – Lone Star Builders, Inc. (Clear Spring, MD) \$ 28,200.00
 - 2. BMX Track – Installation of Bio-retention pond – Outdoor Contractors, Inc. (Hancock, MD) \$ 47,298.13

- B. Information Technology:
 - 1. Building Blocks Software Renewal – OpportunitySpace, Inc. (d.b.a. “Tolemi”) (Boston, MA) \$ 12,500.00

- C. Police:
 - 1. Drawings and mechanical Plans for Storage Facility – MSB Architects (Hagerstown, MD) \$ 30,991.00
 - 2. AVCC Annual Subscription Fee – LexisNexis (Chicago, IL) \$ 18,058.95

- D. Public Works:
 - 1. Roof Replacement Public Works Operations Center – Bonded Applicators of Maryland, Inc. (Hagerstown, MD) \$ 37,315.00

- E. Utilities:
 - 1. Light: Decorative LED Fixtures – Signify North America (Somerset, NJ) \$ 47,050.00
 - 2. Water and Wastewater: Pressure Zone Evaluation – Pressure Zone 1, 4, and 5 – Hazen and Sawyer (Baltimore, MD) \$ 99,430.00

3. Water: Automatic Vehicular Entrance Gate System at 51 W. Memorial Blvd. – Long Fence (Ijamsville, MD) \$ 108,400.00
4. Wastewater: Repairs to Camera Unit for Vehicle # 518 – Atlantic Machinery (Silver Spring, MD) \$ 31,466.00
5. Wastewater: Advanced Oxidation System/EVG Process - Source Technologies, LLC (Lexington, KY) \$ 24,000.00
6. Wastewater: Impellers for Submersible Pumps - Shafer, Troxell & Howe, Inc. (Frederick, MD) \$ 11,728.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: To Amend the Code of the City of Hagerstown, Chapter 10, Article XIII, Entitled Hagerstown Loan Review Authority to add Qualifications of Members

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 amend the Code of the City of Hagerstown, Chapter 10, Article XIII to add a Section 10-64 establishing certain qualifications for members being appointed to the Hagerstown Loan Review Authority. This code amendment will require the Hagerstown Loan Review Authority to be comprised of persons with knowledge and experience in fields such as banking, lending, accounting, or financial management.

NEW BUSINESS

A. Introduction of an Ordinance: Amending the City Code, Chapter 140, Land Management Code (LMC) – Small-Scale Breweries, Wineries, and Distilleries

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 introduce an ordinance to amend Chapter 140, Land Management Code, of the City Code. These amendments modify the definition of Small-Scale Breweries, Distilleries, and Wineries and increase the square footage permitted by Special Exception in specific zoning districts. The complete details are outlined in the ordinance.

B. Approval of a Resolution: Snow Services Contract with Hart's Landscaping and Snow Removal, LLC

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 to approve a resolution to authorize the execution and delivery of an agreement between the City of Hagerstown and Hart's Landscaping and Snow Removal, LLC, for snow services as needed.

C. Approval of a Resolution: Approving a Memorandum of Understanding Between the City of Hagerstown; The Washington County Department of Social Services; The Washington County Sheriff's Office; The Maryland State Police – Hagerstown "O" Barack; The Washington County State's Attorney's Office; Safe Place Child Advocacy Center; Maryland State Department of Education Office of Child Care – Region 7; and the Washington County Health Department

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 approving a Memorandum of Understanding (MOU) between the City of Hagerstown and multiple parties creating the Washington County Child Advocacy Center (CAC).

The CAC provides services to the children of Washington County who are victims of sexual or serious physical abuse. The Hagerstown Police Department assigns a detective to this facility to handle City cases.

This MOU is consistent with current practices in this area.

D. Approval of a Resolution: FY 2022 Strategic Demolition Applications (Amending Resolution R-21-25)

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 modifications to the City's applications for FY 2022 Strategic Demolition Funding from the Maryland Department of Housing and Community Development as discussed on July 13, 2021. The applications request: 1) \$ 200,000 in funding to assist with Life Safety Plus program; and 2) \$ 547,097 in funding for architectural costs associated with the Doleman Black Heritage Museum.

E. Approval of a Resolution: Lease Agreement with The Foundry Pop-Ups LLC for the City of Hagerstown property located at 6 North Potomac Street, Hagerstown, Maryland

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 approve a resolution authorizing the Lease Agreement with The Foundry Pop-Ups LLC at the City of Hagerstown property located at 6 North Potomac Street, in Hagerstown, Maryland. The lease is conditional upon the business receiving state funding. The beginning term of the lease shall be no earlier than November 1, 2021 but no later than January 1, 2022. The approval provides that the City

Administrator and/or the City Attorney may make administrative and non-substantive edits to the agreement if necessary prior to execution.

F. Approval of a Resolution: Acceptance of Offer of Dedication for Brill Way and a Portion of Klick Way

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 to accept the offer of dedication for Brill Way and a portion of Klick Way in the Hillside Manor development. The City will commence full maintenance responsibilities of the segment of the street effective immediately.

G. Approval of Memorandum of Agreement with the Washington County Soil Conservation District

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 authorize the City to enter into an agreement with the Washington County Soil Conservation District (WCSCD) to partner with the City to complete future stream restoration projects. This agreement provides the City access to WCSCD resources, grants, and design/build contractors.

H. Approval of After School Program – BTJ Dance Group

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 approve the funding of the BTJ Dance Group after school program that is held at the Sumans Avenue Community Building.

The HHA provides a variety of constructive after school programs to area youth. This program runs for the 2021-2022 school year at a cost of \$ 3,500.00

I. Approval of After School Program at the Parkside Community Center

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 the funding of the after school program at Parkside Community Center.

The HHA provides a variety of constructive after school programs to area youth. This program runs for the 2021-2022 school year at a cost of \$ 18,881.00.

J. Approval of Policy Addition for Partners in Economic Progress Program

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 policy additions to the City's Partners in Economic Progress Program guidelines for the duration of the State's Project Restore Grant Program and subject to funding availability of the City program.

A copy of the policy additions are attached with the motion.

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

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 the Barbara Ingram School for the Arts (BISFA) Foundation Street Lamp Holiday Project. For the eleventh year, the BISFA Foundation has requested to partner with the City of Hagerstown to decorate the street lamp posts in City Center by selling sponsorships for personalized holiday banners. BISFA is seeking approval to use the lamp posts for their program and will take care of the labor to install the banners. BISFA volunteers and/or a contractor will follow City guidelines for their installation and 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 City Center Holiday Parking Program

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 City Center Holiday Parking Program that allows for free parking each weekend commencing at 5:00 p.m. Friday evenings and every Saturday and Sunday in the University District Parking Deck and Arts & Entertainment District Parking Deck beginning Friday, December 3, 2021 through Sunday, January 2, 2022. Normal parking operations will resume on Monday, January 3, 2022.

Parking at the street meters and parking lot meters will continue to be free after 5:00 p.m. weekdays and every Saturday and Sunday as it is normally throughout the year.

Mayor Keller welcomed Senator Vivian Davis Figures from Alabama to the meeting.

CITY ADMINISTRATOR COMMENTS

Scott Nicewarner, City Administrator, had no additional comments.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember K. B. Aleshire noted the City of Hagerstown is not more immune to cases of COVID 19 than any other entity as a number of employees have recently tested positive. He asked for clarification on two points. He asked if unvaccinated employees who are required to quarantine are required to use their own sick leave. He empathizes with the situation and wondered if there is a difference in what leave can be used. He noted positive test results will happen at this stage. He asked if an employee exposed as a person secondary to the employee who had a positive result has to quarantine.

Mr. Nicewarner stated employees have to use their own leave time, whether they are vaccinated or unvaccinated. The federal COVID leave ended months ago.

Councilmember Bruchey asked if an employee who is required to quarantine by the City because they work in the same office with someone who tested positive has to use their own leave. Mr. Nicewarner stated they do and the City is following the CDC guidelines for who should quarantine.

Mayor Keller asked if most of the employees who are under quarantine are working remotely. Mr. Nicewarner indicated most of them are. The current CDC guidelines indicated that transfer from a vaccinated person to another vaccinated person is not as prevalent as it is with an unvaccinated person to a vaccinated person. All employees may wear masks at any time they wish to.

Councilmember Aleshire pointed out his children attend multiple school districts. He would welcome a discussion about the safety of positive results. He has some concerns that some schools in the City limits may treat positive results differently. He believes the City of Hagerstown has a role in ensuring positive and safe learning environments. He does not think the learning environment is safe at some schools. He understands there are fights frequently breaking out at sporting events. He wonders why the Mayor and City Council are not hearing from the Board of Education about this and other problems regarding the safety of students. He wondered what role the City can play in improving the learning environment.

Mayor Keller informed the group that she and others discussed this last week and then today with Chief Kifer. He will be talking to the School Resource Officer at South Hagerstown High School about the situation.

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

Councilmember T. Burnett noted today is Voter Registration Day. She urged everyone to register to vote and if they are already registered to make sure their information is up to date.

Councilmember T. Martinez presented a City of Hagerstown pin to Senator Davis.

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2021

SEPTEMBER 28,

MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

Councilmember S. McIntire had no additional comments.

Mayor E. Keller congratulated Kitty Clark, Events Coordinator, and all who worked on Imagine Hagerstown for making the entire event a success. The last event was held on September 25, 2021. Thunder in the Square was also held on September 25, 2021. There were two sold out shows at the Maryland Theatre that night. It was encouraging to see so many events happening. She thanked Councilmember McIntire for bringing the No Pics After Dark podcast group to Hagerstown.

Mayor Keller announced the second Community Clean Up event will be held on Saturday, October 2, 2021. Residents can clean up any area they choose to. The City will pick up full trash bags that are reported to Public Works. More information will be provided through social media and the Herald Mail newspaper.

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 7:41 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: October 26, 2021