

REGULAR SESSION (29TH VOTING SESSION) – December 21, 2021

Mayor E. Keller called this Regular Session (29th voting session) of the Mayor and City Council to order at 7:01 p.m., Tuesday, December 21, 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 Attorney Jason Morton, and City Clerk D. K. Spickler. City Administrator Scott A. Nicewarner was not present.

The invocation was offered by Councilmember S. McIntire. 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, January 11, 2022, and Tuesday, January 18, 2022, and the Regular Session on Tuesday, January 25, 2022. There is no meeting scheduled for Tuesday, January 4, 2022.

CITIZEN COMMENTS

Citizen Comments were accepted by email at councilcomments@hagerstownmd.org prior to 5:00 p.m. on Tuesday, December 21, 2021. Citizen Comments were also accepted during the meeting.

Donna K. Spickler, City Clerk, reported two people submitted comments by email. They are summarized as follows:

1. Sarah Hall, 37 S. Prospect Street, Hagerstown, Maryland – Ms. Hall voiced her opposition to the proposed installation of a Vietnam-era helicopter at the site of the Vietnam War Memorial in City Park.
2. Otto C. Wiegand, Jr. (Vietnam Veteran) and his wife Catherine Poropatic, 589 Dunn Irvin Drive, Hagerstown, Maryland – Mr. Wiegand and Ms. Poropatic voiced their opposition to the placement of a 60-ft. UH-1C helicopter at the Vietnam Veterans Memorial.

Copies of the emails, in their entirety, will be included with the meeting packet and will be posted online at www.hagerstownmd.org/government/agenda.

The following Citizen Comments were presented during the meeting.

Ksawn Collymore-Bey, 419 McDowell Avenue, Hagerstown, Maryland, is trying to build something positive for his children. He would like them to look back 15 years from now and be proud of what has been accomplished. He thinks Hagerstown needs a Spanish restaurant and a sneaker business. He stated a virtual reality building where

people can be anywhere and anyone they want to be in a virtual world would be good in Hagerstown. Bicycles and scooters are a fun and easy way to get around and Hagerstown should have these available in various locations. He hopes his kids see him working hard and follow his lead. He has discussed some of his ideas with Economic Development.

Deb Kepler, 125 S. Prospect Street, Hagerstown, Maryland, is President of the Historic Heights Neighborhoods 1st Group. She pointed out other members of the group were also in attendance. They do not think the park is the appropriate area for an aged, 50' helicopter. She suggested a better location would be at a Veterans post or at an airport. This is a somber memorial and a peaceful place. The intent is not to memorialize war. They are also concerned about vandalism. The group thinks the placement of the helicopter at that location would be the opposite of the City's preservation ordinance. People purchase homes in historic areas because they know the properties are preserved. Residents in this area would have a morning view of a helicopter and an evening view of bright lights. The group honors those who fought in Vietnam but do not believe the proposed helicopter would enhance what is already a fitting and handsome memorial.

Delia Zielinski, 278 S. Prospect Street, Hagerstown, Maryland, opposes the placement of a helicopter next to the Vietnam Memorial. She uses the City Park on a daily basis and loves it like it is. She does not think the placement of a helicopter will add to the beauty of the park and it will change the atmosphere there. Most memorials do not include military warfare and machines. The memorial should stay as it is. It is inviting to visitors and honors the Vietnam veterans.

Stan Brown, 1125 Beechwood Drive, Hagerstown, Maryland, reminded the group he attended the November 23, 2021 Regular Session and asked for the Mayor and City Council's assistance with getting the name of Henry Douglas Drive changed. He realizes this is in the County's jurisdiction. He previously asked the Mayor and City Council to consider adopting a resolution to send to the Commissioners asking them to rename the road. He asked if this has been done.

Mayor Keller informed Mr. Brown the Council had not discussed this yet. When it is discussed, the Council could agree to send a letter to the County.

Winslow Wheeler, 213 S. Prospect Street, Hagerstown, Maryland, supports the comments previously provided regarding the helicopter at the Vietnam memorial. The memorial is beautiful and is a credit to veterans, the park and the neighborhood. Changing it to what will look like a museum changes the character of the memorial and the park.

CONSENT AGENDA

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

A. Engineering:

1. Design of Phase I of Improvements to Wheaton Park – Mahan Rykiel Associates, Inc. (Triad Engineering is sub for Mahan Rykiel) (Baltimore, MD) \$ 36,200.00
2. Restoration of Fairgrounds Entrance Building and Gatekeepers House and Contingency for Change Orders – Popowski Brothers, Inc. (Hunt Valley, MD) \$ 160,000.00

B. Public Works:

1. 2022 F-150 4x4 SuperCab Pickup 6 Foot Box – Keystone Ford (Chambersburg, PA) \$ 33,457.00
2. 2022 F-150 4x4 SuperCab pickup 8 Foot Box – Keystone Ford (Chambersburg, PA) \$ 33,958.00
3. Roof Replacement at 60 West Washington Street – Ruff Roofing and Sheet Metal, Inc. (Baltimore, MD) \$ 191,679.00

C. Technology and Support Services:

1. Barracuda Backup Server and Cold Storage – Three Year Agreement – System Source (Hunt Valley, MD) \$ 90,000.00
1. ESO Fire RMS-Incident Management Software Renewal (Year 2 of 3) – ESO Solutions, Inc. (Dallas, TX) \$ 24,705.60

D. Utilities:

1. Wastewater – MSA LEL Gas Detecting Transmitter and Sensor Assembly with Start Up Services – Sherwood Logan and Associates (Annapolis, MD) \$ 15,546.00
2. Wastewater – FY22 Pass Thru Costs for the Pelletizer Facility -Synagro (Baltimore, MD) \$ 60,000.00
3. Wastewater – Engineering Services to Evaluate the Solids Processing Operation – Black & Veatch Corporation (Gaithersburg, MD) \$ 219,440.00
4. Water – Annual Software Support and Services at the Willson Plant for SCADA – ABB, Inc. (Warminster, PA) \$ 70,688.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: Amending the City Code, Chapter 64, Article IV – Modification of Electrical Registration and Fee Structure

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 approve an ordinance to amend Chapter 64, Building Construction to modify the registration and fee structure of electrical license holder registrations. The modification would create registration fees for the City of Hagerstown Journeyman Electrician and Apprentice Electrician. This proposed modification to the registration and fee structure is due to a change in State of Maryland Board of Electricians requirements.

NEW BUSINESS

A. Approval of a Resolution: Assignment and Assumption of Lease Agreement between GB&J's, LLC and HMS Hagerstown, LLC

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 entry into an assignment and assumption of lease with GB&J's, LLC and HMS Hagerstown, LLC.

B. Approval of a Resolution: License Agreement for Public Art on West Lee 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 approve a resolution authorizing the execution of a license agreement granted by Lee Street Holdings, LLC permitting the installation and stipulating the long term maintenance of the public sculpture by artists Carol Jarvis and Gregory Gannon on their property on the south side of Lee Street adjacent the Cultural Trail.

C. Approval of a Resolution: Grant Agreement with the Maryland Heritage Areas Authority for Design of Improvements to the Hager House Visitors' Center

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 a resolution for the execution of a grant agreement between the City of Hagerstown and Maryland Heritage Areas Authority that provides \$ 25,000 for design exhibits to renovate the Visitors' Center at the Jonathan Hager House Museum in City Park.

D. Approval of a Resolution: Amendment to Water Line Easement Agreement with Downsville Lot A-1(50), LLC, Downsville Lot A-2(28), LLC and Downsville Lot A-3(62), LLC

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 a resolution for the execution of an amendment to a water line easement agreement to:

1. Relocate the existing sixteen inch (16") water line
2. Grant and Convey a Perpetual and Permanent twenty foot wide (20') easement as shown on Exhibit C in the Agreement
3. Vacate the Existing Easement

4. Enter into a pre-annexation agreement for Lot 2 as a condition of site plan approval for Lot 2

The parties understand and agree that the existing water line exists as a conduit through the Downsville Lot A-1(50), LLC Property, serving only adjacent properties, and it does not currently provide public water service to the property. The provisions of this agreement and the performance of the design, review, and installation contemplated hereunder resolve any uncertainty as to these properties vis a vis the June 29, 1966 agreement with the Potomac Edison Company, and shall provide water to Lot 1.

E. Approval of Application for FY2023 Program Open Space

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 application to Washington County requesting FY 2023 Program Open Space (POS) development funding for improvements to the City's recreational facilities (POS share listed) as follows:

1. Fairgrounds Park Play Equipment \$ 108,000
2. Park Play Equipment and Amenities \$ 49,500
3. Fairgrounds Stable Roof Replacement \$ 90,000

F. Approval of an Engagement Agreement between Kane, Wilburn & Stone, P.A. and the City of Hagerstown to Assist Salvatore & Morton in Pending Litigation

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 approve an engagement agreement with Kane, Wilburn & Stone, P. A. The scope of this engagement is the representation of the City in the 1011031045 East Washington trust et al. v. City of Hagerstown, Circuit Court Case No. C-21-CV-20-000328. The term of this engagement agreement began on August 20, 2020 and will continue through the conclusion of the pending proceedings in the Circuit Court.

G. Approval of an Amendment to FY22 CDBG Annual Action Plan – Creation of New Activity for Wheaton Park Enhancements

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 amend the FY22 Community Development Block Grant Annual Action Plan in order to create a new activity - Wheaton Park Enhancements. \$ 318,469.00 of CDBG Funding will be allocated for this activity for various enhancements and improvements to Wheaton Park. Details of the amendment are included with the motion.

H. Approval of Amendment Two to the MOU for the Potomac Street at Howard Street Signal Improvements Safe Routes to School Infrastructure Project

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 amendment two to the Memorandum of Understanding with the Maryland Department of Transportation for the Potomac Street at Howard Street Signal Improvements Safe Routes to School Infrastructure Project. This amendment extends the construction completion date to December 31, 2022.

I. Approval of Amendment One to the MOU for the Marsh Run Multi-Use Trail Project

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 amendment one to the Memorandum of Understanding with the Maryland Department of Transportation for the Marsh Run Multi-Use Trail Project. This amendment extends the design completion date to October 3, 2024.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember K. B. Aleshire spent time growing up on McDowell Avenue. His dad worked hard and he admired him. He understands Mr. Collymore-Bey's desire to be a good example for his children.

Councilmember R. E. Bruchey, II wished everyone a Merry Christmas and a Happy New Year. He thanked everyone for their comments about the Vietnam memorial. The comments have given the Mayor and City Council a lot to think about.

Councilmember T. Burnett offered prayers for family and close friends that are dealing with COVID. She wished everyone Merry Christmas and urged everyone to be safe and keep gatherings small over the holidays.

Councilmember T. Martinez thanked Mr. Collymore-Bey and his children for attending this meeting. She wished everyone a Merry Christmas and happy holidays.

Councilmember S. McIntire appreciates the ideas presented by Mr. Collymore-Bey. The Mayor and City Council share his vision for Hagerstown. Many people are working in Hagerstown to provide opportunities for the kids. She wished everyone a Merry Christmas and a Happy New Year.

Mayor E. Keller received a request for a letter of support for the Hagerstown Community College Northern Avenue City Campus Project. The Council agreed to send the requested letter.

Mayor Keller attended the Western Enterprise Fire Company Christmas celebration along with Councilmember Burnett. Western Enterprise gave them a check for an installment on the new fire truck. After that celebration, she attended the Nicole James 34th Annual Christmas Extravaganza. Ms. James has used her talents as a stage performer to raise money to assist Aids and HIV patients. The group donates to Hagerstown Hopes, Children in Need, Community Free Clinic, and San Mar Children's Home. December 17 was declared as Nicole James Day to acknowledge what she does for the community.

Mayor Keller wished everyone a Merry Christmas and a Happy New Year.

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 7:35 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: January 25, 2022