

EXECUTIVE SESSION AND WORK SESSION – January 18, 2022

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Mayor Keller called the Executive Session to order at 2:35 p.m. 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 at the time of the 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)), and for an Administrative Function (#15) (Section 3-305(b)), on Tuesday, January 18, 2022 at 2:35 p.m. in the Council Chamber, 2<sup>nd</sup> floor, City Hall, Hagerstown, Maryland.

The following people were in attendance: Mayor E. Keller (remotely), Councilmember K. B. Aleshire, Councilmember R. E. Bruchey, II, (remotely), Councilmember T. Burnett, Councilmember T. Martinez, Councilmember S. McIntire, City Administrator Scott Nicewarner (remotely), City Attorney Jason Morton, Ann Rotz, City Attorney, Michelle Hepburn, Chief Financial Officer, Eric Deike, Director of Public Works, Rodney Tissue, City Engineer, Nancy Hausrath, Director of Utilities, Kathleen Maher, Director of Planning and Code Administration, Jill Thompson, Director of Community and Economic Development, Lindsay Rader (remotely), Funk and Bolton, P.A., Kellen Douglas, Water and Wastewater Engineer, Kathleen Maher, Director of Planning and Code Administration, Jill Thompson, Director of Community and Economic Development, Wes Decker, Communications Manager, and Donna K. Spickler, City Clerk. Councilmember T. Burnett was not present at the time of the vote.

The meeting was held to review three business proposals and for an administrative function. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 4:03 p.m.

WORK SESSION – January 18, 2022

Mayor E. Keller (remotely) called this Work Session of the Mayor and City Council to order at 4:11 p.m., Tuesday, January 18, 2022 in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, R. E. Bruchey, II, (remotely), T. Burnett, T. Martinez, and S. McIntire, City Administrator Scott A. Nicewarner (remotely), and City Clerk D. K. Spickler.

Request for Emergency Assistance for Homeless Shelter Funding

Brooke Grossman, Chief Mission Officer of Horizon Goodwill Industries, was present to request emergency funding assistance for those homeless being released from the hospital following a positive COVID diagnosis.

Any funding approved from the elected body will come from an inter-governmental fund transfer to agency contributions.

Ms. Grossman indicated the requested funding is specifically to support the surge of COVID within the homeless population. Homeless individuals who test positive cannot go into a congregate situation and require alternate housing. There was Federal funding available early in the pandemic but that is no longer available. Goodwill has covered the alternate housing costs as good community stewards but are unable to continue. She is requesting \$ 5,000 from the City of Hagerstown and the Washington County Commissioners. This is a community issue and not limited to Hagerstown.

Councilmember Aleshire suggested using funding from the American Rescue Plan Act (ARPA) for this request. Mr. Nicewarner indicated this would be an eligible use. Michelle Hepburn, Chief Financial Officer, stated staff recommend using a fund transfer to expedite release of the funding if approved by the Mayor and City Council.

Councilmember McIntire asked if \$ 10,000 is enough to cover the additional costs.

Ms. Grossman stated she wanted to make a reasonable request and is using \$ 10,000 as a starting point. The number of positive tests fluctuate per week.

Councilmember Aleshire stated he feels funding this request is the exact purpose of ARPA funds. He would support a higher initial funding amount.

Mayor Keller asked if the County Commissioners have approved the request. Ms. Grossman indicated the discussion is scheduled for January 25, 2022.

Ms. Grossman indicated this funding would be for the actual housing costs for someone who tests positive. Horizon Goodwill's services will remain free. This housing is for a place for people to go after they complete their quarantine time for the COVID virus.

It was the general consensus to move forward with \$ 10,000 in ARPA funds for this request.

### Preliminary Agenda Review

Mayor Keller announced that Citizen Comments for the January 25, 2022 Regular Session will be welcome either in person or by submitting comments by email to [councilcomments@hagerstownmd.org](mailto:councilcomments@hagerstownmd.org) by 5:00 p.m. that day. If by email, the submitters name, address, and a summary of the comments will be announced during the Citizen Comments portion of the meeting. The email will not be read in its entirety but it will be included in the public record for the meeting and may be viewed by the public at any time.

### **Consent Agenda**

#### A. Communications:

1. Video Switcher – Washington Professional Systems (Wheaton, MD)  
\$ 36,521.00

- B. Engineering:
  - 1. Hager House Restoration Improvements:
    - a. Restoration Work – Restorations Unlimited (Williamsport, MD)  
\$ 38,150.00
    - b. Masonry Repointing – Gruber-Latimer Restoration (Sharpsburg, MD)  
\$ 25,000.00
  
- C. Fire Department:
  - 1. Annual Uniform Purchase – BJ’s Custom Creations (Hagerstown, MD)  
\$ 35,000.00
  
- D. Police Department:
  - 1. Monthly Red Light Camera Charges – American Traffic Solutions, Inc. (Mesa, AZ)  
\$ 165,000.00
  - 2. Speed Camera Charges – additional material will be presented at a later date
  
- E. Public Works:
  - 1. Landscape Bed and Ground Maintenance – City-wide and in Parks (as needed) – Advantage Landscape & Construction (Hagerstown, MD) \$ 35,321.52
  
- F. Utilities:
  - 1. Light: Distribution Transformers – Solomon Transformers (Solomon, KS)  
\$ 47,687.00
  - 2. Light: Distribution Transformers - T & R Electric Supply (Colman, SD)  
\$ 125,270.00
  - 3. Water: PLC and HMI Upgrade to Generator Switchgear - Critical Power Consultants, Inc. (Glenview, IL ) \$ 75,737.00
  - 4. Water and Wastewater: Underground Infrastructure Locating and Marking Water and Wastewater Pipes and Appurtenances - Triple A Locating Services, LLC (Odenton, MD) \$ 85,000.00
  - 5. Wastewater: Liquid Oxygen – Air Products and Chemicals, Inc. (Allentown, PA)  
\$ 30,000.00
  - 6. Wastewater: D. O. Probes and Calibration Kits for OAB Deck – Hach Company (Loveland, CO) \$ 10,858.00
  - 7. Wastewater: New Generator Set for PS #21 – Coffman Electrical Equipment Co. (Grand Rapids, MI) \$ 41,278.33
  - 8. Wastewater: Change Order for Final Payment – Solids Project Handling Improvements - Synagro-WWT, Inc. (Baltimore, MD) \$ 130,771.88
  - 9. Wastewater: Slide Gate Motor Operators and Accessories for UV Channels – Tri-State Technical Sales Corporation (Baltimore, MD) \$ 62,109.00

Nathan Fridinger, Operations Manager, stated suppliers have stopped taking orders for new transformers. The cost of refurbished transformers is still fluctuating and there may be an adjustment for next week’s agenda for the two transformers on the Consent Agenda list.

Councilmember Aleshire asked if the no order situation is temporary. Mr. Fridinger stated it is. The suppliers have indicated they cannot provide new transformers for at least 2 years.

They have the materials to build the transformers but not the staff.

This completed the Preliminary Agenda Review. There were no other questions about any items. All items, unless noted, are scheduled for approval on January 18, 2022.

### Joint Sewer Service Agreement

Nancy Hausrath, Director of Utilities, and Kellen Douglas, Water and Wastewater Engineer, were present to provide an update on the Joint Sewer Service Area Agreement.

City Utilities and Washington County staff have completed the consolidation of the Consolidated General Service Agreement (CGSA) and the Flow Transfer Agreement and developed the proposed Joint Sewer Service Area Agreement (JSSA). Updates include the creation of a comprehensive map to identify approved service areas from previous amendments to the agreement. Work also includes clean-up along property boundaries to address those properties that were only partially in the CGSA. The proposed JSSA does incorporate all relevant sections of the Flow Transfer Agreement, which will expire on August 4, 2023. Approval of the JSSA Agreement will replace and revoke all prior City/County sewer service agreements in their entirety.

The current CGSA was approved by the Mayor and City Council and the Washington County Commissioners on September 16, 1997. The agreement incorporated all agreements in place between 1977 and 1996. There have been twelve proposed amendments beginning in October, 1997 through February, 2021 with all amendments being approved except the following:

1. Amendment 5: Original Flow Transfer Agreement which was later approved as a stand-alone agreement in August, 2003.
2. Amendment 8: Amendment 8 included 18.79 acres of the remaining lands of the Martial Trust (Joseph Swartz). Amendment 8 was later approved as part of Amendment 10 in February, 2011.
3. Amendment 11: This amendment has not been presented for approval but will be incorporated into the new CGSA and will remove the Maugansville area from the agreement with all flow being transferred back to the County once the County completes the improvements to the sewer service area.
4. Amendment 12: Amendment 12 added 68.03 acres at 14014 Paradise Church Road (Harper Park) and was completed in February, 2021.

Amendments 1-3 to the existing CGSA Agreement transferred the flow from the Sharpsburg Pike area back to the county. The Sharpsburg Pike sewer flows were transferred to the City in the original agreements.

Amendments 4, 6, and 7 added the Maugansville area and Amendment 9, 10, and 12 added properties in the Leitersburg Pike area. The map included with the meeting material shows the areas currently served by the CGSA and the Flow Transfer Agreement. The map also includes the Maugansville area that is prosed to be transferred back to the County.

The Flow Transfer Agreement transferred sewer flow from the City in the Hager's Crossing/Western Maryland parkway area to the County through the Hopewell Interceptor sewer main. This flow will be transferred back to the City upon completion of the upgrades/rebuild of Pump Station 13.

Proposed Amendment 11 to the CGSA has been incorporated into the new JSSA Agreement which will require the construction of the Maugansville Pump Station and associated infrastructure improvements prior to the flow from this area being transferred back to Washington County.

The Washington County Commissioners will be considering the new agreement on January 25, 2022. Staff anticipates the Commissioners will approve the agreement. The Mayor and City Council will know what the Commissioners decided before voting on the new agreement during the January 25, 2022 Regular Session.

#### Second Amendment to Agreement for Purchase of 441 South Potomac Street

Fire Chief Steve Lohr and Rodney Tissue, City Engineer, were present to review the second amendment to the agreement for the purchase of 441 South Potomac Street. The amendment will extend the closing date by 90 days, to April 21, 2022. The amendment also clarifies the time within which Columbia Gas has to respond once the City advises it of the level of remediation that will be required.

It was the general consensus to include approval of the amendment on the January 25, 2022 Regular Session.

#### Amendment to Purchase Agreement for Sale of 25 West Church Street Property

Chris Siemerling, Economic Development Specialist, and Doug Reaser, Business Development Specialist, were present to review a proposed amendment to the purchase agreement for 25 W. Church Street with Marketplace, LLC.

The amendment provides for the following:

1. An extension of the settlement date to on or before June 30, 2022
2. Addition of a provision related to the proration of rent
3. An extension of the time to cure title defects until May 31, 2022
4. Ability of the seller to obtain survey of the property and to conduct other reasonably necessary inspections

The Mayor and City Council approved an ordinance authorizing the sale of City-owned property located at 25 W. Church Street during the November 23, 2021 Regular Session. The buyer, Hub City Brewing, intends to purchase the property for ongoing redevelopment and private investment opportunities. Mr. David Blackmon is the Owner/Operation of Hub City Brewing, LLC. Mr. Blackmon is an experienced business owner and property developer, and has completed redevelopment of two other brewery and entertainment establishments in both Frederick and Brunswick.

It was the general consensus to include approval of the amendment on the January 25, 2022 Regular Session.

#### Request for Proposals (RFP) for Outside Operation of the BuroBox

Chris Siemerling, Economic Development Specialist, was present to discuss operation of the BuroBox at 60 W. Washington Street.

During prior Mayor and City Council discussions, Department of Community and Economic Development (DCED) staff have brought forward the idea of considering outside operations of the BuroBox. Staff would like to explore the possibilities of recruiting an outside operator of the BuroBox with the goal of higher utilization of the space for entrepreneurship development and/or creating a co-work space.

It was the general consensus to put out a request for proposals for outside operation of the BuroBox.

#### CITY ADMINISTRATOR'S COMMENTS

*Scott A. Nicewarner, City Administrator*, had no additional comments.

#### MAYOR AND COUNCIL COMMENTS

*Councilmember S. McIntire* heard from someone over the weekend that they purposely come to Hagerstown while travelling to stop at the golf course because they love it so much. She thanked the Parks and Golf Course staff for making the parks phenomenal.

*Councilmember K. B. Aleshire* had no additional comments.

*Councilmember T. Burnett* stated she and her family went to Socialite Studio last weekend on Sweeney Drive. Each room is interactive with a different theme. They had a lot of fun and it was affordable.

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

*Councilmember T. Martinez* had no additional comments.

*Mayor E. Keller* thanked everyone who attended the kick off of the Hub City 100 Miler.

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 4:40 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: February 28, 2022