

**REGULAR SESSION (39<sup>TH</sup> VOTING SESSION) – April 26, 2022**

**Mayor E. Keller called this Regular Session (39<sup>th</sup> voting session) of the Mayor and City Council to order at 7:00 p.m., Tuesday, April 26, 2022, 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 Councilmember R. E. Bruchey, II. 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, May 3, 2022, Tuesday, May 10, 2022, Tuesday, May 17, 2022, and the Regular Session on Tuesday, May 24, 2022. Public Hearings for a Charter Amendment Resolution, the Tax Rate, and FY23 Budget will be held on Tuesday, May 10, 2022 at 7:00 p.m. No meeting is scheduled for Tuesday, May 31, 2022. April 26, 2022.

**GUESTS**

**Proclamation – Horizon Goodwill Industries Week**

Mayor Keller read a proclamation naming May 1 – 7, 2022 as Horizon Goodwill Industries Week in Hagerstown, Maryland. The Mayor and City Council commend the employees of Horizon Goodwill Industries for their ability to maximize an individual's self, family, and community. Dave Schuster accepted the proclamation.

**CITIZEN COMMENTS**

Citizen Comments were accepted by email at [councilcomments@hagerstownmd.org](mailto:councilcomments@hagerstownmd.org) prior to 5:00 p.m. on Tuesday, April 26, 2022. Citizen Comments were also accepted during the meeting.

Dennis Clingerman, 129 Randolph Avenue, Hagerstown, Maryland, stated he appreciates what the City is doing for economic development. His pet peeve is that there are trash cans in plain sight around the City. He suggested sending a letter to residents reminding them when the trash is to be set out for collection. Visible trash cans do not help the appearance of the City. He is concerned about the noise and suspicious activity at many buildings on Randolph.

Mayor Keller thanked Mr. Clingerman for bringing his concerns to the Mayor and City Council. The Randolph Avenue neighborhood has houses close together and many residents don't have a place to store their trash cans except in the front.

Councilmember Bruchey suggested this would be a good place for alley pick up.

Douglas Devin, 717 Summit Avenue, Hagerstown, Maryland, owns a vacant property that was recently broken into. A neighbor called him about the break in and then he contacted a family member to go to the property to secure the building. The people in the building were violent and the family member had to call the police. The police department had to notify the City's Code Enforcement division and that group secured the building before he could get it taken care of. He is hesitant now to contact the police for something like this because Code Enforcement boards up the buildings and then issues a citation to him. He feels the property owner should have at least 24 hours to secure the building before the City does it. He provided security camera photos to the Mayor and City Council showing people trespassing on his property.

Councilmember Aleshire clarified that Mr. Devin has multiple vacant properties. Mr. Devin indicated he has several. Councilmember Aleshire would like to know what Mr. Devin's plans are for these vacant properties. It would help him understand the issue if there is a timeline as that will decrease the susceptibility of individuals breaking in. Mr. Devin stated it doesn't matter if he plans to repair the buildings in 2 months or 2 years. He stated it is not right that Code Enforcement boards up the building before he can get to it.

Councilmember Aleshire stated if Mr. Devin is actively trying to get the properties occupied, he would agree a grace period would be appropriate. If he is not actively improving the properties, he does not agree with a grace period.

Councilmember Bruchey stated there probably should be an established time for the owner to make the necessary repairs.

The Public Hearing for the Surrey, LLC Local Conversion District Overlay for 535 Summit Avenue is being postponed until May 24, 2022.

## **MINUTES**

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 the minutes, as presented, for March 1, 2022, March 8, 2022, March 15, 2022, and March 22, 2022.

## **CONSENT AGENDA**

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

- A. Department of Community and Economic Development:
  1. Open Container Law Exemption for Imagine Hagerstown Music Events on May 27, 2022, June 24, 2022, July 22, 2022, August 26, 2022, and September 23, 2022 at University Plaza

B. Engineering:

1. Municipal Stadium Historic Documentation – EAC/A (Baltimore, MD)  
\$ 15,004.44
2. Change Order to Remove and Replace 150’ of Alley #2-135 – Kinsley  
Construction (Hagerstown, MD) \$ 38,700.00
3. Robotic Hybrid Total Station for Field Surveying – Caron East, Inc.  
(Cumberland MD) \$ 30,595.00
4. Relocation and Reinstallation of Public Art Due to Construction of  
Hagerstown Sports and Events Center – Adam Curtis Sculpture (Ijamsville, M)  
\$ 40,350.00
5. Replace Dehumidification System and Improve Air Quality in Building – MS  
Johnson Co, Inc. (Hagerstown, MD) \$ 253,900.00

C. Fire Department:

1. Unication G5 Pager – Advanced Paging Solutions (Ephrata, PA) \$ 17,671.50

D. Information Technology:

1. Sonic Wall Advanced Gateway Security Suite (Firewall) Renewal – Software  
House International, Inc. (Philadelphia, PA) \$ 12,953.99

E. Police Department:

1. Gas Chromatography Spectrometry Warranty Extension – Agilent  
Technologies (Santa Clara, CA) \$ 34,500.96
2. Annual Mid Atlantic Regional Gang Investigators Network Conference Co-  
Sponsorship – Mid Atlantic Regional Gang Investigators Network (Fairplay,  
MD) \$ 15,000.00

F. Utilities:

1. Light: Electric Revenue Meter Test Device – Vision Metering (York, SC)  
\$ 27,500.00
2. Water: RC Willson Phone System Upgrade – Glessner Protective Services,  
Inc. (Hagerstown, MD) \$ 12,731.72
3. Water: Hydrant Replacements/New Installations Throughout Water System –  
Core & Main (Martinsburg, WV) \$ 25,381.92
4. Water: Soft Copper Tubing – Sunrise Oilfield Supply, LLC (Wichita, KS)  
\$ 41,922.00
5. Water: RC Willson Emergency Action Plan – Hazen and Sawyer (Baltimore,  
MD) \$ 26,768.00
6. Water: Smithsburg Reservoir Dam Engineering Services for Emergency  
Planning – Hazen and Sawyer (Baltimore, MD) \$ 34,975.00
7. Wastewater: Mixers for the BNR Process – A. R. & E. (Hagerstown, MD)  
\$ 117,131.49
8. Wastewater: Effluent VFD Pumps – CES (City Electric Supply) (Hagerstown,  
MD) \$ 19,025.97

**UNFINISHED BUSINESS**

**A. Approval of an Ordinance: Conveyance of a Portion of Hagerstown Cultural Trail**

**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 an ordinance for the conveyance of a portion of the Hagerstown Cultural Trail to the Maryland Stadium Authority. Consistent and in conjunction with the related Memorandum of Understanding, this conveyance is required for the construction of the Multi-Use Sports and Events Facility

**B. Approval of an Ordinance: Conveyance of Hood Street**

**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 an ordinance to quit claim any vested interest the City may have in Hood Street to the Maryland Stadium Authority. This conveyance is required for the construction of the Multi-Use Sports and Events facility.

**NEW BUSINESS**

**A. Introduction of an Ordinance: Zoning Map Amendment - Eklund Local Conversion District Overlay Zone**

**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 introduce an ordinance for a Local Conversion District Overlay, including the proposal for additional parking endorsed by the Planning Commission, on property located at 4 Cypress Street.

**B. Presentation of Petition for Annexation: Lands of Unger Properties, LLC**

**Action:** After receiving the Oath, Zach Kieffer, Attorney, 19405 Pebble Square, Suite 102, Hagerstown, Maryland, confirmed that he is the attorney for Unger Properties, LLC, that Donald Unger is a member who is authorized to sign the Petition, that Mr. Unger's signature is on the Petition and that his client is the owner of 100% of the assessed value of all of the property for which annexation is sought, and that there are no registered voters who reside on the property at this time. Mr. Kieffer then presented the Petition for Annexation for Lands of Unger Properties, LLC to the Mayor and City Council.

**C. Introduction of Annexation Resolution: Case No. A-2022-01: Lands of Unger Properties, LLC**

**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 introduce an annexation resolution for Annexation Case No. A-2022-01 known as “Lands of Unger Properties, LLC”. The portion of property to be annexed is approximately 115.84 acres in size and is intended to be added to and made part of the adjacent municipal lands.

**D. Approval of Annexation Plan: Case No. A-2022-01: Lands of Unger Properties, LLC**

**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 approve an annexation plan for Annexation Case No. A-2022-01 known as Lands of Unger Properties, LLC”. The portion of property to be annexed is approximately 115.84 acres in size and is intended to be added to and made part of the adjacent municipal lands.

**E. Introduction of a Charter Amendment Resolution: Repeal and Re-enactment, with Amendments, of Charter Article VII, Section 717**

**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 introduce a Charter Amendment Resolution providing for repeal and re-enactment, with amendments, of Article VII, Section 717 of the Charter of the City.

Bond counsel to the City has recommended that such Charter section be amended. The amendment changes the name of such Charter Section from “Bond Issues-Borrowing” to “General Obligation Debt.” The amendments further expand the manner in which the notice of sale or a summary thereof may be published or otherwise disseminated when City general obligation debt is sold by solicitation of competitive bids at public sale in order to conform to current (or future) customary procedures for such method of sale, and such amendments detail the procedures for authorization of the City’s general obligation debt and provide the City greater flexibility regarding the issuance and sale of its general obligation debt.

**F. Approval of a Resolution: Third Amendment to Purchase and Sale Agreement for Portion of 441 South Potomac Street**

**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 a resolution authorizing the approval of the third amendment to real estate purchase and sale agreement for a portion of 441 South Potomac Street with Columbia Gas of Maryland, Inc. This amendment extends the settlement date deadline to July 21, 2022.

**G. Approval of a Resolution: Agreement for Public Art, 000 Block West Lee Street**

**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 a resolution authorizing an agreement for public art between the City of Hagerstown and Mark Schwenk in the 000 block of West Lee Street on a structure installed by John Barr. Funding for the project is from CIP #868, in the amount of \$ 15,000.00.

The Mayor and City Council further moved to terminate the previous agreement with the artists Jarvis/Gannon.

**H. Approval of Labor Contract: AFSCME Local 1540**

**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 AFSCME Local 1540 contract to be effective July 1, 2022-2025. A copy of the contract is included with the motion.

**I. Approval of Labor Contract: AFSCME Local 3373**

**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 the AFSCME Local 3373 contract to be effective July 1, 2022-2025. A copy of the contract is included with the motion.

**J. Approval of On-Call Plumbing Services Contract: May 1, 2022 – April 30, 2023**

**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 On-Call Plumbing Services and Backflow Preventer Inspection & Testing Contract for the contract term of May 1, 2022 – April 30, 2023. This is year three (3) of five (5) optional one-year renewals. Beaver Mechanical Contractors, Inc. pricing is as follows:

Plumber Regular Hourly Rate	\$ 45.50 per hour
Laborer Regular Hourly Rate	\$ 39.80 per hour
After Hours Rate	\$ 68.25 per hour

Weekend Rate	\$ 91.00 per hour
Holiday Rate	\$ 136.50 per hour
Material Mark-Up (Supplies)	25%

Backflow Preventer Pricing:

Size: ¼” thru 1”	\$ 130.00 Flat Rate
Size: 1 ¼” thru 2”	\$ 215.00 Flat Rate
Size: 2 ½” thru 4”	\$ 290.00 Flat Rate
Size: 6” and 8”	\$ 450.00 Flat Rate
Size: 10”	\$ 625.00 Flat Rate

**K. Approval of Elevator Maintenance Services Contract: July 1, 2022 – June 30, 2023**

**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 authorize and approve the renewal of the Elevator Maintenance Service Contract with Oracle Elevator Holdco, Inc. for the contract term of July 1, 2022 – June 30, 2023. This is year one (1) of four (4) optional one-year renewals. Total Contract Amount is \$ 29,040.00 with a departmental breakdown below:

Public Works	\$ 21,540.00
Police Department	\$ 3,960.00
Water Department	\$ 3,540.00

**L. Approval of On-Call Electrical Maintenance Services Contract: July 1, 2022 - June 30, 2023**

**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 authorize and approve the renewal of the On-Call Electrical Maintenance Contract for the contact term of July 1, 2022 to June 30, 2023. This is year four (4) of five (5) optional one-year renewals. MEC Inc.’s pricing is as follows:

Regular Hourly Rate	\$ 57.76 per hour
After Hours Rate	\$ 86.63 per hour
Weekend Rate	\$ 86.63 per hour
Holiday Rate	\$ 115.50 per hour
Material Mark-Up (Supplies)	10%

**M. Approval to Add Central Parking Lot Sites to the City’s Competitive Negotiated Sale (CNS) Process**

**Action:** Councilmember S. McIntire made a motion to approve the addition of the Central Parking Lot Sites shown on the attached document to the City’s Competitive Negotiated Sale (CNS) Process. This will allow the Mayor

and City Council to explore proposals for transferring the property to the private sector for development. Purchase proposals for development should include consideration for both onsite parking and sidewalk accessibility. Proposals will be evaluated based on both offer price and how the future use of the property will contribute to the vitality of downtown. The Mayor and City Council may reject any proposal for any reason. Councilmember T. Martinez seconded the motion.

Motion carried, 4-1 with Councilmember K. B. Aleshire voting No.

**N. Approval for Solicitation of Maryland Energy Administration (MEA) Grant Funding to Replace Certain HID Light Fixtures with LED**

**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 solicitation of grant funding offered by the Maryland Energy Administration to replace certain HID streetlight fixtures with LED. Anticipated funding sources for estimated cost and contributions amounts are as described in the included application form and memo.

**O. Acceptance of Grant Award #CFSI-2021-0007 from the Coverdell Forensics Sciences Improvement Grant 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 acceptance of Grant Award #CFSI-2021-007 from the Coverdell Forensics Science Improvement Grant Program. The amount of the grant award is \$ 50,085.00. The funds will be used for the FY21 WMCRL-HPD Coverdell Grant Project.

**CITY ADMINISTRATOR COMMENTS**

*Scott Nicewarner, City Administrator,* noted there are many new events at the Greens at Hamilton Run golf course including a virtual 9 hole league that includes prizes throughout the 12 week course. More information is available at the Club House.

He thanked Michelle Hepburn, Chief Financial Officer, for covering for him while he was on vacation last week.

**MAYOR AND CITY COUNCIL COMMENTS**

*Councilmember K. B. Aleshire, II* told Mr. Nicewarner it was good to have him back at the meetings. Councilmember Aleshire was thinking about that kind of golf league earlier today. He plans to register and have friends join him. He thanked all the City employees (many were in the audience) for their work to get two labor contracts completed. Negotiations have often been more difficult and he appreciates everyone's

ability to proceed in an amenable manner. The salary increases are overdue and the City is able to do this due to the uptick in the revenue stream.

*Councilmember R. E. Bruchey, II* thanked the union members for working closely with Human Resources and City Administration to get these contracts completed in a timely manner. The contract for police will secure the ability to recruit and retain police officers.

*Councilmember T. Burnett* attended the Hub City 100 Miler finale with Mayor Keller on April 23, 2022. It is amazing to see how many people walked thousands of miles during the 100 days. The Arbor Day celebration was also nice. She encouraged everyone to clean up their neighborhoods.

*Councilmember T. Martinez* thanked the Alliance of the Chesapeake for inviting her to participate in a boat tour of the bay with other municipal leaders. She gave a shout out to the Hagerstown Police Department for their social media post yesterday. She offered condolences to Sergeant Eric Knode and his family on the passing of his mother. She thanked the Black Box Theater for inviting her to host their open mic night event every fourth Sunday. She gave a shout out to her fellow poets during National Poetry Month.

*Councilmember S. McIntire* thanked all the employees in attendance and stated she appreciates them all. She also offered condolences to Sgt. Knode and his family. Emily Knode will be missed in the community. The next 5<sup>th</sup> quarter event will be held at 5 different locations on Friday, April 29, 2022. This event is open to middle and high school aged youth throughout the County. They anticipate more than 200 participants.

*Mayor E. Keller* welcomed Scout Troop 88 from Waynesboro, Pennsylvania, to the meeting. During the Hub City 100 Miler finale, she met a 90 year old woman who walked an impressive 500 miles during the 100 days. She thanked the Hagerstown Youth Council for assisting with the Arbor Day event. Hagerstown has been a National Tree City for 37 years. She also congratulated the two AFSCME groups for getting the contracts completed. She hopes the contract help resolve some of the issues the police department has been having.

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 7:53 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: May 24, 2022