

**REGULAR SESSION (42<sup>ND</sup> VOTING SESSION) – May 24, 2022**

**Mayor E. Keller called this Regular Session (42<sup>nd</sup> voting session) of the Mayor and City Council to order at 7:07 p.m., Tuesday, May 24, 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. Councilmember T. Burnett 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, June 7, 2022, Tuesday, June 21, 2022, and the Regular Session on Tuesday, June 28, 2022. There is no meeting scheduled for Tuesday, June 14, 2022 due to the MML Summer Conference.

**APPOINTMENTS**

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 to reappoint Tracy Carr to the Historic District Commission with a term to expire June 30, 2025.

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 of all members present to reappoint Gregory Hannigan and Aaron House to the Board of Code Appeals. Both terms will expire on June 30, 2026.

**CITIZEN COMMENTS**

Citizen Comments were accepted by email at [councilcomments@hagerstownmd.org](mailto:councilcomments@hagerstownmd.org) prior to 5:00 p.m. on Tuesday, May 24, 2022. Citizen Comments were also accepted during the meeting.

Michael Staup, 18 S. Mulberry Street, Hagerstown, Maryland, is concerned about his neighborhood and the increase in crime, including a shooting at the Sheetz store on the corner of Cannon and Washington Streets. Closing Matthews Alley several months ago was good but now crime has increased again. Crime is taking over the neighborhood. He urged the Mayor and City Council to do something about this quickly. The situation has become very bad. He stated he continually picks up used needles.

There were no other Citizen Comments.

## **PUBLIC HEARINGS**

### Local Conversion District Overlay at 245 N. Potomac Street

This public hearing is being held to receive testimony for Case ZM-2021-02, a Local Conversion District Overlay at 245 North Potomac street filed by O'Sick Family Trust.

Megan Flick, Planner, received the Oath from City Clerk Donna Spickler. Ms. Flick provided background information. The property is an existing mixed-use building located on the corner of Potomac Street and Bethel Street. The zoning is Residential-Office (RO). It is currently occupied by 7 dwelling units and 1 office space with an additional commercial space that is vacant. The applicant wishes to expand the permitted commercial uses for that front facing commercial space to include the following uses per the Land Management Code City of Hagerstown, Maryland, Article 4: Zoning Ordinance:

1. Bank or credit union (521-522)
2. Business Service Centers (56143) or Quick Printing Services (323114)
3. Bed and Breakfast Inns (721191), including short-term rental with food service
4. Retail/wholesale trade (44-45) excluding auto, up to 5,000 sf in net floor area, may include retail bakeries (311811) and retail confectioneries (311320)

The applicant also proposes removing the vinyl siding on the sides of the commercial front door as part of replacing the door with a commercial unit consistent with adjacent display windows; installing security cameras and ambient front lighting to the front of the building; and no other fencing, landscaping, parking, or exterior changes at this time.

During the consultation with the applicant, the Planning Commission discussed the condition of requiring the applicant to combine the 2 lots to ensure parking remains on site. There are no other specific requests or recommendations from the Commission aside from landscaping being dealt with at the site plan stage.

Staff received an email from Michael J. Amontree, 329 N. Potomac Street, Hagerstown, Maryland, expressing his concern about unintended consequences for the neighborhood concerning bad elements that already exist. The visible conditions on this street are a direct reflection on the City.

The Planning Commission recommends approval of the Local Conversion District Overlay at 245 N. Potomac Street with the conditions that the applicant combines the building lot with the parking lot into one consolidated lot to ensure the parking stays with the building into the future. They also agreed with the recommendation from the Historic District Commission to require some type of landscaping that will be decided at the site plan stage.

This would be a continued use of an existing mixed-use building. The structure was occupied by various commercial uses over time. The proposed use is compatible with the

surrounding area. Water and Wastewater service currently exist. There are no identified traffic capacity issues. The adjacent parking lot is to be combined with the building lot. The Comp Plan encourages adaptive reuse. The project received a positive recommendation from the Historic District Commission (HDC) and the Planning Commission. Signage and building modifications are subject to review by the HDC. Landscaping is to be reviewed by the Planning Commission at the site plan stage.

Ms. Flick entered the following Exhibits:

- Exhibit 1 – Planning Commission File by Reference
- Exhibit 2 – Certification of Publication – Notice of Public Hearing
- Exhibit 3 – Certified mailings to adjacent property owners

There was no testimony presented, either in favor of or against the Local Conversion District Overlay.

The hearing was then closed. The record will remain open for 10 days for additional comments. If the Mayor and City Council agree to move forward, the rezoning ordinance would be introduced on June 28, 2022, and approved on July 26, 2022.

#### Conversion District Overlay at 535 Summit Avenue (Surrey School)

Stephen Bockmiller, Zoning Administrator, was present and stated this Public Hearing is being held for Case ZM-2022-01 for a Conversion District Overlay at 535 Summit Avenue. Ms. Spickler administered the Oath to Mr. Bockmiller.

The property is an existing vacant building that was previously occupied by a day care center and before that a public school. It is located on Summit Avenue and also has frontage on Virginia Avenue, facing City Park. The applicant wishes to create a 26 room boutique hotel with associated accessory uses including a restaurant with outdoor dining. The proposal includes additions on either side of the building and Virginia Avenue frontage. Parking would be created for guests in the Summit Avenue frontage and for staff behind the building (Virginia Avenue frontage).

New construction would blend in but not appear as the original construction. There will be 80 parking spaces required to meet Zoning regulations. There are 60 spaces shown on the plan. The Planning Commission can issue an exception to the parking requirements if they feel it is warranted. The developers plan to utilize 10 on-street spaces on both Virginia Avenue and Summit Avenue to supplement the parking options.

Adaptive reuse of vacant historic buildings is encouraged by the Comp Plan. The proposed use is compatible with the surrounding area. The Code amendment to permit outdoor dining is now effective. Water and Wastewater service exists.

Traffic capacity on Summit Avenue was reviewed. Per a 2016 traffic count, one block to the south is 1,110 trips per day. Local streets are considered those that carry up to 2,500 trips per day. Summit Avenue hosts less than half the trips necessary before the City Engineer's office would start discussing whether the street should be considered a

“minor collector.” The anticipated additional trips for this combination of uses is likely not to trigger the requirement for a traffic study.

The State law referring to the Mayor and City Council public hearing requires a public notice in at least one newspaper advertisement once each week for two successive weeks. Additional steps required by the City Code for the Mayor and City Council public hearing include posting the property at least 15 days ahead of the hearing date and mailings to adjacent and confronting property owners. Planning and Code Administration staff took additional steps including the same advertisement, posting, and mailing process for the Planning Commission’s public review meeting, published the Planning Commission agendas and live streamed the meetings on YouTube, and posted the process on PCAD social media pages.

Planning Commission members expressed enthusiasm over the applicant’s proposal and have made a positive recommendation to the Mayor and City Council. There are no other specific requests or recommendations from the Commission aside from the stipulation that outdoor dining will be permitted with the then pending 2021 Land Management Code (LMC) text amendments. The amendments have since gone into effect.

Mr. Bockmiller entered the following Exhibits:

- Exhibit 1 – Planning Commission File by Reference
- Exhibit 2 – Certificate of Publication – Notice of Public Hearing

Each person individually received the Oath prior to presenting their testimony.

The following testimony was presented:

William C. Wantz, Attorney representing the developer, 123 W. Washington Street, Hagerstown, Maryland introduced the people who would be testifying during the hearing. Mr. Wantz had provided the qualifications for inclusion in the meeting packet. He requested all the resumes be included in the meeting record.

Resumes for Alexis McKinney, Dani Alexander, Jack Becker, Nicole White and Frederic Frederick were provided.

Garrett Hotel Consultants, Vermont, has done some work in Maryland with the Ivy Hotel project in downtown Baltimore. The land area for the Surrey Avenue project is 2.675 acres, with 240 feet of frontage on Summit Avenue and Virginia Avenue. The property is advantageously located across from the City Park and Washington County Museum of Fine Arts. The Cultural Trail and the Civil War Heritage Trail are nearby. This project fits within the philosophy and vision for the City. The streets are wide and there are commercial uses nearby. The building was used as a public school from the early 1900’s to the 1980’s. The next use was by Meritus Health for a day care center. It is currently vacant. The applicant plans to complete construction within two years. The hotel entrance will be on Summit Avenue. The dining terrace will face City Park. Landscaping will enhance the property.

The project complies with the provisions of the Conversion District designation. It will increase the assessable tax base and will provide new employment opportunities. The proposed uses – a 26 room hotel, restaurant with outdoor dining, a spa, etc. – are all permitted uses in the Zoning District. The site plan approval will specify the number of parking spaces that can be exempted by the Planning Commission. Witnesses will discuss the design and use of the property. Parking will also be addressed since they've been asked to provide an update on the plans.

Mr. Wantz requested that the application, drawings, Planning Commission recommendation and information from the witnesses be made a part of this hearing.

Jack Becker, Architect for the project, bld.us, Washington, D.C., stated the project design accommodates the proposed uses with sensitive additional features that respect and celebrate the 115 year old building. The two proposed side additions adhere to the RMOD Zoning District regulations. The formal, central gabled portico with large columns will be the primary entry point for visitors. The surface lot at the rear of the building is uninviting toward City Park. Making the Summit Avenue side the main entrance will free up the Virginia Avenue side for a renewed connection with City Park.

Danielle Alexander, Principal PDO for Architecture, noted the building is at the peak of a hill, sloping toward Virginia Avenue. The slopes will be mitigated to allow for comfort. She noted they are striving to maintain a thoughtful connection to City Park. They want to respect the adjacent neighbors. The proposed design will accommodate a welcoming and open entry and will be a better fit with the context of the use. There will be parking circulation with gardens and hotel activities. The design includes universal access for the elderly and limited mobility visitors. Parking is concentrated on the Summit Avenue side for better access. They are listening to and addressing neighborhood concerns, including the passage of vehicles through the neighborhood. There will be 16 on-street spaces between 2 curb cuts to concentrate guest parking on one specific side. The drawings show a total of 77 parking spaces. The surface lot parking heavily compromises the connection to City Park. If the plan is approved, they will work with the Planning Commission and Engineering Department to determine the best location for the surface lot parking. A street tree canopy will be planted on both sides. The landscaping will reflect the character of the building.

Fred Frederick, Frederick, Seibert and Associates, Inc., 128 S. Potomac Street, Hagerstown, Maryland, is part of the ownership team. He stated Ms. Alexander and Mr. Becker have done a good job explaining the project. They want to respect the nature of the area and tie it in with the beauty and landscape of the surrounding area. He provided drawings of the parking plan to the Mayor and City Council. The owners reviewed the parking plan, taking into consideration the comments from people in the neighborhood. After this review, they have reduced the number of needed spaces to 77. They will decrease the number of hotel rooms by 3 to accommodate the new parking space plan. They plan to create 15 parking spaces in the back for employees, which will be separate from the guest/visitor parking area. They would like the flexibility to use the 12 spaces in the northwest quadrant and to have 10 parallel parking spaces along Virginia Avenue. If the Mayor and City Council or the Planning Commission does not allow this, they are

willing to create the parking as required. They will make up the difference on their side of the road if necessary.

Councilmember Bruchey clarified they are requesting 10 spaces on Virginia Avenue. Mr. Frederick stated that is correct.

Nicole White, Symmetra Design, 727 15<sup>th</sup> Street, NW, 12<sup>th</sup> Floor, Washington, DC, is a licensed engineer and traffic operations engineer. Symmetra Design has experience for adaptive and reuse projects and experience with the State Highway Administration. Based on her review of the project, the proposed development is a low traffic generator and parking is more than adequate. The vehicular trip generation review of 19 AM peak hour trips and 35 PM peak hour trips does not trigger the need for a traffic study. The most recent use was a child development center or day care, which created substantially more trips than the proposed project will. The Site Plan and Concept Plan shows 66 spaces are available on site. They want to take advantage of on-street parking in the area. Their findings indicate 26% of the on-street spaces are occupied during the week. They repeated the review on a Saturday and Sunday with the same result, with slight variations. The demand for parking with this project will vary throughout the day. With a shared space for multiple uses, parking needs will change as people visit the different components of the development. In conclusion, Ms. White stated this is a low traffic generator and can be supported by the surrounding streets.

Heather Holman, 513 Reynolds Avenue, Hagerstown, Maryland, stated she and her husband moved to Hagerstown 15 years ago. They restored their home to a single family home from a multi-unit building. She is involved in the community. She helped create the Dog Park and created the Historic Heights Neighborhood Group. She is the president of the group. They have completed their original goals for traffic calming, decorative signs, attractive landscaping and drive through Christmas displays, which is a work in progress. The Neighborhood's First group presented the idea for the tree up lighting in City Park, holding outdoor movies at City Park and holding model boat races on the lake. Their group hosts block parties and they have donated funds to the City Park lighting events. They can see the former school from their home. She is concerned they were not individually notified of the plans for this project. There was a paper sign posted on the property that was not visible due to snow. They were not aware of this hearing until they saw a story in the newspaper. She stated neighbors are against the project, not because of the hotel but because of the traffic and parking issues it will create. It will add traffic to the side streets. The opening of Summit Avenue totally changes the dynamic of the neighborhood making it commercial rather than residential. If the Summit Avenue entrance was not changing, she would not be testifying. The neighborhood has worked hard to get traffic calmed and slowed down. Summit Avenue is wide because it was a street car route, not because of vehicular traffic. The former uses did not create traffic on Summit Avenue. There are already commercial uses on Virginia Avenue and drivers are used to additional traffic because of them. The setback for uses on Virginia Avenue is 200' and most residents enter their properties from the back. Additional traffic from the hotel project would not affect them significantly. On Summit Avenue the setback is 300'. She is concerned people will be drinking then driving. The grand entrance could be created on the Virginia Avenue side of the building. She is concerned the traffic studies did not take into account the traffic from events during the summer. She loves the

idea of a boutique hotel at that location but does not like the parking and traffic issue it will create.

Allen Holman, 513 Reynolds Avenue, Hagerstown, Maryland, likes the concept of the project and what they are trying to do to utilize the space to enhance the neighborhood. He is excited to be able to walk to a restaurant from his house. He pointed out the Surrey School does not front on Summit Avenue. Changing the location of the front entrance drastically changes Summit Avenue. The Historic Heights Neighborhood Group worked hard to reduce and slow down the traffic on Summit Avenue. The traffic from this project goes against everything they have tried to do for the last 10 years. There are concerts at City Park often during the summer, creating additional traffic. He encouraged the Mayor and City Council to take into consideration what traffic looks like during the events. He wondered what recourse the neighbors have if the traffic is worse and parking is more difficult after the completion of the project. How can it be fixed at that point? He is also concerned what happens if the hotel doesn't work out.

James Harbaugh, 619 Summit Avenue, Hagerstown, Maryland, is a 13 year resident. There is no driveway at his apartment residence and he stated there is a parking problem. He relies on street parking. When his mother visited recently, she could not find a parking space close to his home. Many people use multiple parking spaces. He is also concerned about the safety of the cats in the neighborhood. More police presence is needed to slow down traffic.

City Clerk Donna Spickler reported Sheri Yeater, 710 Summit Avenue, Hagerstown, Maryland, submitted an email on May 24, 2022 expressing her support for the Surrey School Redevelopment Project. She and her husband believe this is a good project and will be an asset to the neighborhood. A copy of Ms. Yeater's email is available with the meeting packet and the online agenda.

Councilmember Aleshire noted there have been multiple concept plans submitted for this project. The City Code directs that the Mayor and City Council to have a concept plan for approval. He asked which plan is the final concept plan. The final plan is to be attached with the information for consideration.

Mr. Bockmiller indicted the large set of drawings is what was submitted with the original application. The official concept plan is what was provided with the power point at the opening of this hearing. The plan handed out during the meeting is the background plan showing the evaluation of the various possible configurations of parking. He understands the handouts are not the official concept plan, the official plan is what he presented in the power point.

The final parking plan is on the second page of the concept plan. Councilmember Aleshire stated the plan is extremely small in the packet and difficult to view the details. Mr. Wantz stated the parking concept plan is in the larger plan. Councilmember Aleshire noted that is different than what they have been given throughout the presentation. He asked again which is the final plan that the Mayor and City Council are being asked to consider for approval. He stated he cannot accurately apply the neighbors' concerns without having the final plan.

Mr. Wantz pointed out one of the plans is the concept and how it fits within the Zoning Ordinance regulations. Councilmember Aleshire stated he understands that but wants to know which parking plan he should review for consideration.

Mr. Wantz stated parking plan may be changed if the Planning Commission allows a variance in the required off street parking. Councilmember Aleshire understands that the Mayor and City Council do not have the authority to allow a variance, but they are to receive a plan that shows all the required parking regulations are met.

Mr. Wantz stated it is somewhat of a Catch 22 situation in that the Mayor and City Council adopt the Conversion District based on the concept shown. The Planning Commission would not have had the opportunity to provide the variance prior to the Mayor and City Council's approval.

Councilmember Aleshire asked if the Mayor and City Council are being asked to approve something other than mixed residential uses. Mr. Wantz stated if the Mayor and City Council approve the Conversion District, they are approving the adaptive reuse of the property. Councilmember Aleshire asked what portion is residential. Mr. Wantz indicated there is no residential use in this proposed project.

Councilmember Aleshire stated the way he reads the Zoning Ordinance; the commercial component shall not exceed the residential component by 50%. He asked if they are being asked to approve a project that is entirely commercial. Mr. Wantz indicated that is correct. Mr. Wantz stated the Mayor and City Council are being asked to agree to the concept plan and proposed uses in the application. It is implicit that the vote to approve the rezoning provides for the Mayor and City Council to act within its discretion.

Mr. Bockmiller stated this is the first time in 20 years that the Mayor and City Council have been asked to consider a Conversion District Overlay for a property. During the review process, staff found the CDO was not flexible enough to be useful and the requirements were loosened through Mayor and City Council approved amendments to the Zoning Ordinance. The amendments include permitting the Mayor and City Council to approve a full commercial use.

Councilmember Aleshire thinks that authority makes it imperative that the Mayor and City Council understand clearly the concept being considered for approval.

Councilmember Aleshire clarified that outdoor dining is now permitted (by approved ordinance) in this location. Mr. Bockmiller indicated that is correct.

Councilmember Aleshire wants to make certain the entire structure is being converted to the commercial use. An additional 11,000 sf is being added to the structure and will be approved for commercial use.

Councilmember Aleshire stated it is nice to say that adjacent properties will be screened from the parking lot and the use will not be intrusive but that may not be true for properties on Dunn Irvin, as the loading dock for everything will essentially be in their

back yard. Ms. Alexander stated they will be providing additional green screening in that area. The loading dock goes down in grade to allow a delivery truck to access the loading dock.

Councilmember Aleshire asked why the loading dock is not located on the opposite side, where there would be less impact to residents. Ms. Alexander stated the goal is to not have the trucks interrupting the walk way to City Park.

Mr. Becker indicated the overall height will be consistent with a typical single family house. The turning area is most adjacent to a garage and that was also a consideration.

Councilmember Aleshire stated the traffic review does not appear to reflect the actual traffic on weekends. He wonders if the statement that there is little change on weekends is accurate. Ms. White indicated they did complete weekend traffic counts. They were unable to capture what the demand looks like during an event. She thinks they have adequately captured the traffic needs in their survey during the other times.

Councilmember Aleshire stated there will also be considerations for future red curbing. Ms. White indicate it is important to recognize the project is compromising the parking with the reduction of red curb cuts.

The hearing was then closed. The record will remain open for 10 days for additional comments. If the Mayor and City Council agree to move forward, the rezoning ordinance would be introduced on June 28, 2022 and approved on July 26, 2022.

## **MINUTES**

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 of all members present to approve the minutes, as presented, for April 5, 2022, April 12, 2022, April 19, 2022, and April 26, 2022.

## **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. Tree Canopy Assessment – University of Vermont (Burlington, VT)  
\$ 13,970.00
2. Funkhouser Park Restroom Access & Water Diversion – Lone Star Builders, Inc. (Clear Spring, MD) \$ 42,930.00

### B. Finance:

1. Utility Bill Processing and Mailing – Arista Information Systems (Duluth, GA) \$ 192,000.00

- C. Human Resources:
  - 1. Specific Stop Loss Insurance Annual Premium – Tokio Marine HCC (Kennesaw, GA) \$ 378,936.00
  - 2. City Sponsored Life Insurance – Hartford Life and Accident Insurance Co. (Hartford, CT) \$ 33,950.00
  - 3. Administration of Dental Coverage – UCCI (Hunt Valley, MD) \$ 43,956.00
  - 4. Administration of Medical Coverage – United Healthcare (Chicago, IL) \$ 299,048.00
  - 5. Employee Assistance Program Annual Premium – ComPsych (Chicago, IL) \$ 9,494.00
  
- D. Information Technology:
  - 1. MUNIS Accounts Receivable API Interface – Tyler Technologies (Dallas, TX) \$ 18,879.00
  - 2. Arctic Wolf IT Security Software Package – Carahsoft Technology Group (Reston, VA) \$ 48,579.93
  
- E. Police Department:
  - 1. Street Camera Project Phase 5 – Salem Avenue corridor of Downtown – Fiber Plus (Jessup, MD) \$ 95,140.00
  
- F. Public Works:
  - 1. Open Container Exemption and Application Permit for Juneteenth event – University Plaza, June 17, 2022, June 18, 2022, and June 19, 2022
  - 2. 2023 F-750 Gas Regular Cab and Stainless Steel Dump Body, Salt Spreader & Snow Plow – Keystone Ford (Chambersburg, PA) \$ 169,256.00
  - 3. July 4<sup>th</sup> Fireworks at Fairgrounds Park – Starfire Corporation (St. Benedict, PA) \$ 25,000.00
  
- G. Utilities:
  - 1. Light: Vegetation Management FY22 Blanket Extension – All Reliable Services, Inc. (Saint Augustine, FL) \$ 40,000.00
  - 2. Light: Vegetation Management Blanket Contract – All Reliable Services (Saint Augustine, FL) \$ 334,100.00
  - 3. Light: Linework Services Blanket Contract – Everhart & Hoover Power Line Construction, Inc. (Hustontown, PA) \$ 250,000.00
  - 4. Light: Substation Maintenance and Repair FY22 Blanket Extension – TRC Companies (Lancaster, PA) \$ 40,000.00
  - 5. Light: Consulting Services – GDS Associates, Inc. (Marietta, GA) \$ 75,000.00
  - 6. Light: Substation Maintenance and Repair Blanket Contract – TRC Companies (Lancaster, PA) \$ 150,000.00
  - 7. Light: Emergency Purchase – 1/0 Triplex Conductor – Anixter (Glenview, IL) \$ 39,000.00
  - 8. Light: Milsoft Productivity Software – Milsoft Utility Solutions (Abilene, TX) \$ 70,275.00
  - 9. Light: Electric Equipment Refurbishment – Southeastern Transformer Company (Dunn, NC) \$ 50,000.00

10. Light: Emergency Purchase – Wood Utility Poles – United Utility Supply (Louisville, KY) \$ 29,160.35
11. Wastewater: Administration Building – Emergency Repair for Foundation Water Intrusion – Keystone Foundation Repair, Inc. (Carlisle, PA) \$ 17,500.00
12. Wastewater: Wastewater Treatment Plant – Chemical Purchase – Maryland Biochemical (Bel Air, MD) \$ 23,130.00
13. Wastewater: Wastewater Treatment Plant Replacement of Waste Activated Sludge and Sump Pumps – Penn Valley Pump (Warrington Road, PA) \$ 84,914.00
14. Wastewater: Wastewater Treatment Plant Chemical Purchase – Methanol – Colonial Chemical Solutions (Savannah, GA) \$ 79,200.00
15. Wastewater: Wastewater Treatment Plant Equipment – SCADA Upgrade – Micro-Tech Designs, Inc. (Hampstead, MD) \$ 68,738.00
16. Wastewater: Pump Stations Improvements – Wet Well Lining – Advanced Rehabilitation Technology (Bryan, OH) \$ 76,400.00
17. Water: Preventative Maintenance Agreement on Chlorine Equipment – Environmental Service and Equipment Company, Inc. (Marcus Hook, PA) \$ 10,472.00
18. Water: Street Patching Contact Extension – Huntzberry Brothers, Inc. (Smithsburg, MD) \$ 357,339.00
19. Water: Polymer – George S. Coyne Chemical Co., Inc. (Croydon, PA) \$ 41,400.00

## **UNFINISHED BUSINESS**

### **A. Approval 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 of all members present to adopt 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 amendments change 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.

**B. Approval of an Ordinance: Zoning Map Amendment – Eklund Local Conversion District Overlay Zone (4 Cypress 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 of all members present to approve 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.

**NEW BUSINESS**

**A. Approval of a Resolution: Nonexclusive License Agreement with the Korean War Veterans Association Antietam Chapter #312, Inc. for the Use of the City Produced Korean War Movie**

**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 of all members present to approve a resolution giving nonexclusive use of the City produced Korean War Movie to the Korean War Veterans Association Antietam Chapter #312, Inc. The movie will be incorporated into a display about the Korean War at the Fort Ritchie Museum located in Cascade, Maryland.

**B. Approval of a Resolution: User Agreement with Hagerstown Area Summer Swimming (HASS) for Use of the Potterfield Pool**

**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 of all members present to approve a resolution to enter into a user agreement with the Hagerstown Area Summer Swimming (HASS) for use of the Potterfield Pool. The fee to the City of Hagerstown for the use of the pool will be \$ 1,000.00.

**C. Approval of a Resolution: User Agreement with the Monocacy Aquatic Club (MAC) for Use of the Potterfield Pool**

**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 of all members present to approve a resolution to enter into a user agreement with the Monocacy Aquatic Club (MAC) for use of the Potterfield Pool. The fee to the City of Hagerstown for the use of the pool will be \$ 3,000.00.

**D. Approval of a Resolution: User Agreement with the Cumberland Valley Model Yacht Club for Use of the Lower Lake at City Park**

**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 of all members present to approve a resolution to enter into a non-exclusive user agreement with the Cumberland Valley Model Yacht Club, a member of the American Model Yachting Association, for use of the lower lake at City Park. The agreement is for three years, commencing on September 1, 2022.

**E. Approval of a Resolution: Converting a Portion of Brown Avenue to One-Way Eastbound**

**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 of all members present to approve a resolution authorizing staff to change Brown Avenue to one-way eastbound from Summit Avenue to Guilford Avenue with parking to remain on both sides of the street.

The Mayor and City Council further authorized Public Works Department staff to make all necessary changes to signs, and painting curb red at driveways and street intersections as outlined on an attached plan.

Discussion – Councilmember R. E. Bruchey, II stated this action will make traveling on Brown Avenue safer.

**F. Approval of a Resolution: Renewal of Memorandum of Understanding (MOU) with Washington county Department of Social Services: Adult Protective Services**

**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 of all members present to approve a resolution authorizing the Hagerstown Police Department to renew an agreement with the Washington County Department of Social Services. This agreement establishes certain investigative responsibilities between the Hagerstown Police Department and the Department of Social Services Division of Adult Protective Services as it relates to reported crimes against vulnerable adults. No additional costs are associated with this agreement.

**G. Approval to Enter Into a Developer’s Agreement for Roadway Improvements – MCB Hagerstown, 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 of all members present to approve a Developers Agreement with MCB Hagerstown LLC. A condition for constructing approximately 2,000,000 SF of warehouse buildings, MCB will construct certain road improvements including widening Paul Smith Boulevard, constructing Lois Harrison Boulevard, constructing new intersection on Route 40, and widening and turn lane construction on Edgewood Drive.

**H. Approval of Amendment to FY22 CDBG Annual Action Plan – Creation of New Activity for Funkhouser Park Sidewalk and Accessibility**

**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 of all members present to amend the FY22 Community Development Block Grant Annual Action Plan in order to create a new activity – Funkhouser Park Sidewalk and Accessibility Improvements. \$ 45,000 of CDBG funding will be allocated for this activity for sidewalk and accessibility improvements to Funkhouser Park. Details for the amendment are included in the meeting information.

**I. Approval of Adding Indian Lane Property – 11850 Indian Lane – to the City’s Competitive Negotiated Sale (CNS) Process**

**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 of all members present to approve the addition of 11850 Indian Lane to the City’s Competitive Negotiated Sale (CNS) Process, with the goal of transferring the property to the private sector and returning the property to the tax rolls. The property will be added to CNS with a list price of \$ 675,000 with 2.5% of the final sales price available for buyer’s agent commission.

**J. Approval of Labor Contract: IBEW Local 307**

**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 of all members present to approve a contract with IBEW, Local 307 to be effective July 1, 2022-2024. A copy of the contract is attached with the meeting material.

**CITY ADMINISTRATOR COMMENTS**

*Scott Nicewarner, City Administrator*, suggested renaming Brown Avenue to Tapley Avenue. City offices will be closed on Monday, May 30, 2022 in observance of Memorial Day. Trash collection will be delayed by one day due to the holiday. The first Imagine Hagerstown event will be held on Friday, May 27, 2022. The groups performing are The Howlers and The Amish Outlaws. He hopes to see a lot of people at University Plaza for this concert.

**MAYOR AND CITY COUNCIL COMMENTS**

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

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

*Councilmember T. Martinez* had no additional comments.

*Councilmember S. McIntire* thanked everyone who helped with the Community Clean Up last Saturday. Jill Thompson, Director of Community and Economic Development, and Cassie Hershberger, Events Coordinator, helped plant flowers that day too. Students who participated earned SSL hours toward graduation requirements.

She noted Mr. Staup has spoken at several Mayor and City Council meetings to express his concern about the neighborhood. It is obvious he plays an active role in trying to make the neighborhood better. She asked that time be scheduled during a Work Session for service agencies and the Mayor and Council to discuss what can be done in the City's neighborhoods to address the problems. She hopes everyone working together will make neighborhoods better for citizens.

*Mayor E. Keller* stated she and Mr. Nicewarner discussed this earlier today. A few months ago, the City and several service agencies met on a regular basis. The momentum from those meetings has decreased. Horizon Goodwill is carrying most of the work and she would like other organizations to get involved. Hagerstown has a large population that is hurting and need services.

Councilmember Bruchey suggested this be a topic in a joint meeting with the County Commissioners. Mayor Keller reported the County has denied the City's request for a joint meeting.

Mayor Keller congratulated the recent Drug Court graduates. She thanked Judge Brett Wilson and Jennifer Bricker for the work they do for this program.

She thanked all the volunteers who helped in the Community Clean Up Day last week.

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 9:09 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: June 28, 2022