

EXECUTIVE SESSION – June 21, 2022

Mayor Emily Keller (remotely) called the Executive Session to order at 2:34 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 to meet in closed session to consider the acquisition of real property for a public purpose and matters directly related thereto; (#3) (Section 3-305(b)), to consult with staff, consultants, or other individuals about pending or potential litigation; (#8) (Section 3-305(b)), 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 to conduct collective bargaining negotiations or consider matters that relate to the negotiations; (#9) (Section 3-305(b)), on Tuesday, June 21, 2022 at 2:34 p.m. in the Council Chamber, 2nd floor, City Hall, Hagerstown, Maryland.

The following people were in attendance: Mayor E. Keller (remotely), Councilmember K. B. Aleshire, Councilmember R. E. Bruchey, II, Councilmember T. Burnett, Councilmember T. Martinez, Councilmember S. McIntire, City Administrator Scott Nicewarner, City Attorney Ann Rotz, Brooke Garver, Accounting and Budget Manager, Eric Deike, Director of Public Works, Jill Thompson, Director of Community and Economic Development, Fire Chief Steven Lohr, William Schildt, Attorney, Jim Bender, Assistant City Engineer, Don Francis, Director of Human Resources, Kevin DeHaven, Safety and Loss Control Coordinator, Wes Decker, Communications Manager, and Donna K. Spickler, City Clerk.

The meeting was held to discuss potential litigation, two business proposals, acquisition of property for City operations, and a union contract. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 3:53 p.m.

SPECIAL SESSION (43RD VOTING SESSION) AND WORK SESSION – June 21, 2022

In the absence of Mayor E. Keller, City Clerk Donna K. Spickler called this Special Session (43rd Voting Session) and Work Session of the Mayor and City Council to order at 4:00 p.m., Tuesday, June 21, 2022 in the Council Chamber at City Hall.

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 appoint Councilmember R. E. Bruchey, II as Chair of the meeting in the Mayor's absence.

Participating with Councilmember R. E. Bruchey, II were Councilmembers K. B. Aleshire, T. Burnett, T. Martinez, and S. McIntire, City Administrator Scott A. Nicewarner, and City Clerk D. K. Spickler. Mayor Keller was not present.

SPECIAL SESSION (43RD VOTING SESSION) – June 21, 2022

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 meet in Special Session at 4:03 p.m. on Tuesday, June 21, 2022 in the Council Chamber, City Hall, Hagerstown, Maryland.

Approval of Purchase of Police Cameras

Action: On a motion duly made by Councilmember T. Martinez and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously agreed by voice vote to approve the purchase of police cameras. These cameras will be purchased from Spichers Appliances & Security Technologies located in Hagerstown, Maryland. Spichers Appliances & Security won the competitively bid City of Hagerstown Bid Proposal #P1742-22. The total purchase price is \$ 27,826.80.

Funding will be from GOCCP Grant MCIN-2022-0015 previously awarded to the City of Hagerstown.

Approval of IAPro, BlueTeam, and Public Portal Applications for Police Department

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve the purchase of IAPro, BlueTeam, and Public Portal Applications. These programs integrate together to facilitate the public portal tracking requirement established under Maryland House Bill 670.

Funding will come from available HPD funds and offset by a reduction in cost to a current system.

The Special Session was closed at 4:04 p.m.

WORK SESSION – June 21, 2022

Preliminary Agenda Review

Councilmember Bruchey announced that Citizen Comments for the June 28, 2022 Regular Session will be welcome either in person or by submitting comments by email to 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.

Public Hearing

A Public Hearing to receive testimony on the Annexation of Unger Properties, LLC (1302 Virginia Avenue) is scheduled for June 28, 2022.

Consent Agenda

A. Engineering:

1. Signal at Eastern at Frederick – material to be presented prior to June 28, 2022
2. Miscellaneous Safety Improvements – Milton Stamper Builders (Hagerstown, MD) \$ 255,000.00
3. City Park Bandshell Improvements – PBI Commercial (Hunt Valley, MD) \$ 160,000.00
4. City Park Train Hub/Softball Restrooms – Warner Construction (Frederick, MD) \$ 470,000.00

B. Human Resources:

1. Workers' Compensation Surety Bond - Safety National Corporation (St. Louis, MO) \$ 38,100.00
2. Workers' Compensation Self-Insurance Excess Liability Insurance – Safety National Casualty Corporation (St. Louis, MO) \$ 205,051.00
3. Workers' Compensation Self-Insurance TPA Services - PMA Management Corporation (Blue Bell, PA) \$ 20,000.00

C. Information Technology:

1. Annual MUNIS Support and Maintenance Agreement – Tyler Technologies (Dallas, TX) \$ 266,997.03
2. Kaseya/Bit Defender Annual Software Renewal - Kaseya US, LLC (Boston, MA) \$ 11,987.06
3. Intellitime Hosting/Maintenance Agreement Renewal – Intellitime Systems Corporation (Santa Ana, CA) \$ 69,711.36

D. Utilities:

1. Light: Emergency Purchase – Wood Utility Poles – A Meredith Schneider Co., LLC (MEREDUC) (East Point, GA) \$ 29,934.00
2. Water: Ductile Iron Pipe – Core & Main LP (Martinsburg, WV) \$ 202,470.00
3. Water: ¾" iPERL Sensus Meters – L/B Water Services, Inc. (Chambersburg, PA) \$ 83,000.00
4. Water: Emergency Purchase: Potassium Permanganate – Univar Solutions USA, Inc. (Downers Grove, IL) \$ 54,331.20
5. Water: Water Distribution Supplies – Ferguson Waterworks (Frederick, MD) \$ 85,375.00
6. Wastewater: Dumpster Services – Republic Services (Hagerstown, MD) \$ 10,177.25
7. Wastewater: Oxygen System Valves and Actuators – Yeager (Reading, PA) \$ 32,237.64

This completed the Preliminary Agenda Review. There were no questions about any items. All items, unless noted, are scheduled for approval on June 28, 2022.

Annual Police and Fire Pension Review with CBIZ

Don Francis, Director of Human Resources, William Karbon and Curtis Powell (remotely), Consulting Actuary with CBIZ Benefits and Insurances Services, were present to review the City's Police and Fire Pension Plan.

CBIZ serves as the City's Police and Fire Retirement Plan actuary and has worked with the City since the plan's inception in 1998. Christopher Little, with PNC, meets regularly with the City's Police and Fire Retirement Committee to review investment performance, identify trends, project future performance, and monitor the investment policy compliance.

A defined benefit pension is a major component of an employee's overall compensation package. The Police and Fire Retirement Plan offers a benefit that provides a maximum lifetime benefit of 60% of an employee's three highest years' salary after 30 years of service. Police and Fire are eligible to retire after 25 years of service and their benefit is calculated at 2% of their salary for each year worked.

As a comparison, the Reformed Maryland State Plan offers a benefit of approximately 40-50% of an employee's five highest years' salary. Normal retirement is age 65 with ten years of service or based on the rule of 90 (age and service must equal 90). The Reformed Maryland plan also has a ten year vesting requirement.

Since the inception of the Police and Fire Plan, the City has funded 100% of the actuary's recommended employer contribution amount. The employee contribution rate is currently 9%, with Mayor and Council approved increases of the City contribution rates to make up the difference. The absorption of contributions by the City was taken to ensure a securely funded retirement plan.

Mr. Karbon reported employees currently contribute 9.00% of pay to the plan and the City currently targets a 14.00% of pay contributions. Normal retirement is age 62 or 25 years of service. Early retirement is at age 50 and 20 years of service. The salary average is the average of the 5 highest consecutive plan years. For employees hired prior to July 1, 2018, the average benefit at normal retirement is 2.00% of average monthly compensation times years of service. For those hired on or after July 1, 2018, it is 1.80% of average monthly compensation times the years of service.

Mr. Karbon stated they recommend maintaining the floor City contribution of 14.00% of payroll. The plan's assets are still less than 50% of the accrued benefits. The current investment environment makes achieving a 7.25% return more difficult. It is important to keep in mind that the system has only two sources of income: Investment return and Contributions.

The assumed annual investment return is 7.25%. The average of the returns over the last 5 years has been 11.1%, over 10 years, it has been 9.1% and over 15 years 7.7%.

Strong investments returns in FY 2021 improved the funded percentage and reduced actuarially. Benefit payments now total \$ 3 million. These are expected to double over the next 20 years.

Actuary reviews rely heavily on Experience Studies to align valuation assumptions with actual plan experience. Reliable assumptions improve the plan liability projection by projecting future benefits and measuring participant liabilities. An Experience Study is generally recommended every three to five years. This review has not been performed for the City of Hagerstown in over 10 years. Mr. Karbon stated they recommend completing a Study soon. The Study must commence by July 1, 2022 in order to present results for approval in time to incorporate the 2022 actuarial valuations (issued in November, 2022). The cost of the Experience Study is \$ 12,000.00.

Mr. Francis stated the City is behind on the Experience Study schedule and he recommends moving forward with a Study.

It was the general consensus to move forward with an Experience Study.

Lease Agreement with MarketPlace LLC – 25 W. Church Street

Chris Siemerling, Economic Development Specialist, was present to review a proposed lease agreement for storage with Marketplace LLC for space located at 25 W. Church Street. This is required due to the timing needed for the City Attorney to complete deed work for the property.

The lease will enable the space to be utilized for temporary storage by the business in advance of the anticipated settlement of the Purchase Agreement approved at the November 23, 2021 Regular Session.

If approved, the lease would go into effect on June 29, 2022 and terminate when the sale is finalized. A draft lease was presented for the Mayor and City Council's review.

It was the general consensus to include approval of this lease agreement on the June 28, 2022 Regular Session agenda.

Engineering and Capital Projects Program: Bay Restoration Fund Grant Application

Nancy Hausrath, Director of Utilities, was present to report staff received notification from the Maryland Department of the Environment regarding availability of the Bay Restoration Fund Grant Application for Enhanced Nutrient Removal Operation and Maintenance projects.

The City has received the following grant funds beginning in 2018:

1. 2018 \$ 240,000
2. 2019 \$ 240,000
3. 2020 \$ 240,000
4. 2021 \$ 405,781

All customers served by the City are required to pay the Bay Restoration Fee which is collected by the City and remitted to the State. This grant program returns a portion for the Bay Restoration Fees to Hagerstown wastewater customers.

Authorization to apply for this grant will be included on the June 28, 2022 Regular Session agenda.

Social Agency Efforts

Councilmember Bruchey announced this agenda item is being postponed to July 12, 2022.

CITY ADMINISTRATOR’S COMMENTS

Scott A. Nicewarner, City Administrator, reminded everyone an Imagine Hagerstown event is being held Friday, June 24, 2022 from 5:00 p.m. to 8:00 p.m. in University Plaza. Entertainment will be provided by Twisted Blues and Silent Old Mountains. The Farmer’s Market will be held on Saturday at University Plaza. He thanked the elected officials and City staff who attended the MML Summer Conference last week. This year was the first for a Hagerstown booth highlighting the good things happening here.

MAYOR AND COUNCIL COMMENTS

Councilmember T. Martinez congratulated Mayor Keller for being elected to the MML Board of Directors.

Councilmember K. B. Aleshire confirmed the Board of Education pays extra for the School Resource Officers as indicated in the Memorandum of Understanding that was reviewed during the Preliminary Agenda Review. Mr. Nicewarner stated this is correct.

Councilmember Bruchey understands the Board of Education would like the County to cover that cost but it hasn’t happened yet.

Councilmember T. Burnett and Councilmember T. Martinez attended a Ribbon Cutting Ceremony at Vibe Lounge earlier today. There have been many grand openings/ribbon cuttings recently. She noted that is a testament to the fact people are seeing positive things happen in Hagerstown.

Councilmember R. E. Bruchey, II was honored to attend the Juneteenth celebration last week and present a proclamation to the group.

SPECIAL SESSION (44TH VOTING SESSION), EXECUTIVE SESSION, AND WORK SESSION
MAYOR AND CITY COUNCIL

JUNE 21, 2022
HAGERSTOWN, MARYLAND

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 4:35 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: August 23, 2022