

EXECUTIVE SESSION AND REGULAR SESSION (49TH VOTING SESSION) AUGUST 23, 2022

MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

EXECUTIVE SESSION AND REGULAR SESSION (49TH VOTING SESSION)-
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EXECUTIVE SESSION – August 23, 2022

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 of all members present 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)), on Tuesday, August 23, 2022 at 6:34 p.m. in the Council Chamber, 2nd floor, City Hall, Hagerstown, Maryland.

The following people were in attendance: Mayor E. Keller, Councilmember K. B. Aleshire, Councilmember R. E. Bruchey, II, Councilmember T. Burnett, Councilmember T. Martinez, City Administrator Scott Nicewarner, Nancy Hausrath, Director of Utilities, Jill Thompson, Director of Community and Economic Development, and Donna K. Spickler, City Clerk. Councilmember S. McIntire was not present.

The meeting was held to discuss a business proposal. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 6:49 p.m.

REGULAR SESSION (49TH VOTING SESSION) – August 23, 2022

Mayor E. Keller called this Regular Session (49th voting session) of the Mayor and City Council to order at 7:01 p.m., Tuesday, August 23, 2022, in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, R. E. Bruchey, II, T. Burnett, and T. Martinez, City Administrator Scott A. Nicewarner, City Attorney Jason Morton, and City Clerk D. K. Spickler. Councilmember S. McIntire was not present.

The invocation was offered by Councilmember R. E. Bruchey, II. The Pledge of Allegiance was recited and led by Mayor Emily 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, September 13, 2022, and Tuesday, September 20, 2022, and the Regular Session on Tuesday, September 27, 2022. There is no meeting scheduled for Tuesday, September 6, 2022.

APPOINTMENTS

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 of all members present to make the following appointments:

City Ethics Commission:

Matthew Schindler, Term to Expire September 1, 2027

Hagerstown Housing Authority:

Rosalind Martin, Term to Expire August 30, 2027

CITIZEN COMMENTS

Citizen Comments were accepted by email at councilcomments@hagerstownmd.org prior to 5:00 p.m. on Tuesday, August 23, 2022. Citizen Comments were also accepted during the meeting.

Donna K. Spickler, City Clerk, reported one person submitted comments by email. The email was summarized as follows:

1. Lora Pfefferkorn, no address provided, expressed her concern about trash and recycling cans on sidewalks in the East Avenue/North Locust Street neighborhood.

A copy of the email, in its entirety, will be included with the meeting packet and will be posted online at www.hagerstownmd.org/government/agenda.

David Williams, P. O. Box 512, Smithsburg, Maryland, was present to introduce himself as a candidate for Washington County Commissioner.

Michael Staup, 18 S. Mulberry Street, Hagerstown, Maryland, stated even though the neighborhood has improved, he still picked up 21 needles. He does not think the needle exchange program is successful. Someone should look at what is happening on Bixler Alley. Blocking the alley has caused problems, included the fact that emergency vehicles would not be able to drive to a call in the alley.

Christian Wright, Wright Gardner Insurance, 100 W. Antietam Street, Hagerstown, Maryland, stated his earlier email to City officials and others was sent out of frustration for what is occurring near his business and the need for public safety. It was not intended to be political. He apologized for some of the terms he used in the email. Activities on W. Antietam Street include drug use, sex acts, and public defecation. Employees of Wright Gardner Insurance are often screamed at. These things should not be happening. He gives people second chances and volunteers at Horizon Goodwill and other agencies. Businesses are willing to relocate to more expensive places just to get out of the middle of these things. A crisis center will not make a difference. An individual has to be willing to get help. If people doing these things are arrested, they will be off the streets.

He asked that the Mayor and City Council support State Representatives to get laws changed for the arrest of illegal drug use. The drug free zone around the Barbara Ingram School of Fine Arts should be enforced. The conditions around his business are unsafe and unsanitary. He urged the Mayor and City Council to address these issues before any more businesses leave.

Bill Proctor, 20 W. Washington Street, Hagerstown, Maryland, owns a business downtown. He appreciates Mr. Wright's willingness to bring issues to the Mayor and City Council. He agrees there are issues but doesn't agree with Mr. Wright's remedies. Locking people up and throwing away the key is not the answer. There are far too many people dealing with addictions in the jails. Everyone needs to work together to solve this problem as fellow members of the community.

Brooke Grossman, 52 E. Baltimore Street, Hagerstown, Maryland, stated she is one of the people who receives and responds to the call about the activities in the alley on W. Antietam Street. She encouraged anyone who wants to be part of the solution to contact her. She will walk through alleys with anyone. She is the chairperson of the Homeless Coalition and she wants everyone to know that she will help any way she can.

Al Jones, Director of Operations for Roy Rogers restaurant, lives in Williamsport and is attending this meeting in support of Mr. Wright. He has experienced the same issues at the restaurant on Burhans Boulevard. He is concerned for the safety of his employees and guests. He thanked the Hagerstown Police Department for their efforts to address the issues he experienced. He is frustrated with the Good Samaritan law and hopes it can be changed during the next General Assembly. He is also concerned about the practice of prisons releasing prisoners locally, instead of to their home jurisdiction. He and other businesses on Burhans Boulevard have installed additional cameras and put up fences to help the situation. Unless the problems are resolved, he might have to move the restaurant.

Bill Gaertner, Executive Director of Gatekeepers, spends 24/7 downtown and has breakfast at Roy Rogers on Burhans Boulevard every day. He spends many hours working with ex-offenders. Gatekeepers has no full time employees and they assist people in crisis and public safety operations. He understands Mr. Wright's frustration. Homeless and poverty don't take time off. They spent \$ 50,000 so far this year to provide basic needs for people. He works inside the prisons in Washington County. Gatekeepers are in place in 249 prisons across the country. They have an idea of what it takes to help an ex-offender and a community. Everyone in Hagerstown has to be involved in helping combat these problems.

Shawn Perry, Wayne Avenue, Hagerstown, Maryland, applauded the Mayor and City Council, police officers, the business community, and others for what they have been trying to do for the past couple weeks. The drug addiction problems will not solve themselves. Everyone has to work together to address the problem. He is a former Frederick police officer and he noted when someone is arrested for drug use, they are often back on the street in a short time. Everyone has to stop pointing fingers and work

together. He offered his expertise and will walk anywhere with anyone. He is here to help.

MINUTES

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

CONSENT AGENDA

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

A. Engineering:

1. Recycling Totes – Rehrig Pacific Company (Los Angeles, CA) \$ 24,489.92

B. Fire Department:

1. Hurst Tool Replacement – Municipal Emergency Services (Rockville, MD)
\$ 71,908.38

C. Information Technology:

1. MUNIS PACE-15 Training Package Renewal – Tyler Technologies (Dallas, TX) \$ 12,981.93

D. Police Department:

1. Annual Software Maintenance Agreement for HPD Police Mobile – Keystone Public Safety, Inc. (Maple Shade, NJ) \$ 109,588.00
2. Six 2022 Dodge Charger Pursuit Vehicles – Joe Cecconi’s Chrysler Complex (Niagara Falls, NY) \$ 218,520.00
3. Upfitting of 6 2022 Dodge Charger Pursuit Vehicles – Occasion Of a Lifetime, LLC dba Squad Car Supply (Frederick, MD) \$ 79,254.84
4. Dell Computers for 6 2022 Dodge Charger Pursuit Vehicles – Dell Marketing LP (Round Rock, TX) \$ 16,521.78
5. Upfitting of Computers in 6 2022 Dodge Charger Pursuit Vehicles – Occasion Of a Lifetime, LLC dba Squad Car Supply (Frederick, MD) \$ 12,691.20

E. Public Works:

1. Court Ordered Porch Repairs for 418 McDowell Avenue - E.A.R.N. Contractors, Inc. (Gaithersburg, MD) \$ 38,700.00

F. Utilities:

1. Light: Emergency Purchase: Inventory Items - Anixter/Wesco (Greenwood, DE) \$ 56,850.00

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2. Light: Emergency Purchase: Inventory Items – Graybar (Baltimore, MD)
\$ 12,840.00
3. Light: Emergency Purchase: Inventory Items – United Utility Supply
(Chambersburg, PA) \$ 24,540.00
4. Light: Eaton/Cooper VWE 15kV Recloser – Anixter/Wesco (Greenwood, DE)
\$ 56,606.00
5. Water: Service Materials – Core and Main LP (Martinsburg, WV)
\$ 243,625.68
6. Water: Service Materials – LB Services, Inc. (Chambersburg, PA)
\$ 89,803.20
7. Water: Roof Replacement Specifications – L. S. Grim Consulting Engineers
(Hagerstown, MD) \$ 38,562.00
8. Water: Ford 2023 Transit-150 Cargo AWD Low Roof Van – Keystone Ford
(Chambersburg, PA) \$ 46,995.00
9. Wastewater: Grinder Pump Replacement - Fluid Solutions, Inc. (Westminster,
MD) \$ 20,830.75
10. Wastewater: UV Disinfection Bulb Replacements - Suez Treatment Solutions,
Inc. (Leonia, NJ) \$ 42,413.10
11. Wastewater: Advanced Oxidation System – EVG Chemical Treatment -
Source Technologies (Lexington, KY) \$ 24,000.00
12. Wastewater: Stone and Asphalt for Operating and Capital Projects - C.
William Hetzer, Inc. (Hagerstown, MD) \$ 24,050.00
13. Wastewater: Stone and Asphalt for Operating and Capital Projects - Martin
Marietta (Williamsport, MD) \$ 40,950.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: Code Amendments to Chapter 238 and Chapter 240 of the City Code

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 of all members to approve an ordinance to amend Chapter 238 and Chapter 240 of the City code to establish guidelines for transferring water and wastewater allocation. The amendments also establish a benefit fee rate differential for water allocation for properties outside City corporate boundaries. The amendments are detailed in the body of the ordinance.

NEW BUSINESS

A. Introduction of an Annexation Resolution: Annexation of Lands of GVP Hagerstown Owner, LLC - 2 Western Maryland Parkway, A-2022-02

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 introduce an

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annexation resolution for Annexation Case No. A-2022-02 known as “Lands of GVP Hagerstown Owner, LLC”. The portion of property to be annexed is approximately 21.44 acres in size and is intended to be added to and made part of the adjacent municipal lands.

B. Approval of an Annexation Plan: Annexation of Lands of GVP Hagerstown Owner, LLC – 2 Western Maryland Parkway

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 of all members present to approve an annexation plan for Annexation Case No. A-2022-02 known as “Lands of GVP Hagerstown Owner, LLC”. The portion of property to be annexed is approximately 21.44 acres in size and is intended to be added to and made part of the adjacent municipal lands.

C. Approval of a Resolution: Authorizing the Execution of an Amendment to a Sanitary Sewer Easement - 2 Western Maryland Parkway

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 approve a resolution authorizing the execution of an amendment to a sanitary sewer easement between the City of Hagerstown and GVP Hagerstown Owner, LLC, a Delaware limited liability company for the purpose of abandoning a certain sanitary easement and ingress/egress easement and certain sewer lines, connections, fittings, manholes, and other related appurtenances over a portion of GVP’s property situated on the east side of Western Maryland Parkway, Hagerstown, Maryland as further described in the resolution and amendment to sanitary sewer easement agreement.

D. Approval of a Resolution: To Support a Joint Application by the City of Hagerstown and Washington County for Re-Designation of an Enterprise Zone in the City of Hagerstown

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 authorizing the joint application with the Board of Washington County Commissioners to re-designate and expand the Hagerstown/Washington County Enterprise Zone for a period of ten years from December 14, 2022 to December 14, 2032. The Enterprise Zone provides property tax credits for construction or rehabilitation investments and provides income tax credits for job creation.

E. Approval of a Resolution: Converting Alley 4-019 to One-Way Westbound

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 of all members present to approve a resolution to convert Alley 4-019 to one-way westbound (between North Mulberry Street and North Locust Street). This change is supported by adjacent property owners and recommended by the Board of Traffic and Parking.

F. Approval to Accept Urban Trees Grant Award

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 of all members present to authorize the City to accept an Urban Tree Grant from the Chesapeake Bay Trust in the amount of \$ 66,619.00. This grant will be used to plant street trees and trees in other open space areas.

G. Approval of Authorizing the Issuance of a Notice of Termination to Synagro WWT, Inc.

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 authorize the issuances of a notice of termination to Synagro WWT, Inc. of the City's intention not to renew or extend the contract to operate the City's pelletizer facility. The issuance of the Notice of Termination is pursuant to Section 2 of the Extension Agreement for Operations and Maintenance Service and Capital Improvements dated September 24, 2013.

This Notice of Termination is being issued to ensure compliance with local and State procurement requirements and to best serve citizenry of Hagerstown. The City will issue a request for proposals for operation of the pelletizer facility.

H. Approval to Add 216 South Prospect Street to the City's Competitive Negotiated Sale (CNS) Process

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 the addition of 216 South Prospect Street 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. Purchase proposals will be evaluated based on both offer price and how the future use of the property will contribute to the vitality of the neighborhood.

I. Approval of Guideline Changes to Homeownership Initiative Program – Down Payment Assistance

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 of all members present to approve revised guidelines and application forms for the Hagerstown Homeownership Initiative Grant program.

Staff may make administrative edits from time to time with the approval of the City Administrator.

The revised guidelines and application forms are attached with the meeting material.

J. Approval of Huyett Extended LCC and Bowman Development Corp. Request for Water Under the City’s Water and Wastewater Policy

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 the request from the Washington County Board of Commissioners for Huyett Extended LCC and Bowman Development Corporation for water service to Parcel 132 on Tax Map 36 located on the west side of Maryland Rte. 63 just south of intersection with Maryland Rte. 40 for a proposed single industrial-flex warehouse and office building. Approved water service is for 2,200 GPD (11 EDUs) usage and shall be in accordance with all applicable Utilities Department Policies and City Code as may be amended from time to time. The property is approximately 57.5 acres and is identified on an attached map, and any additional construction on the parcel will require separate approval. The parcel is half within the Medium Range Growth Area (MRGA) and half identified as economic development priority “E” for future inclusion in the MRGA. Submittal of a pre-annexation agreement to the City of Hagerstown was required prior to approval by the Utilities Department of the request for water service on the site plan, per the requirements of the City’s Annexation Policy and Water and Wastewater Policy. An exception granted pursuant to the City’s Water and Wastewater Policy is void if the following has not occurred within 18 months of the approval by the Mayor and City Council; 1) site plan approval by Washington County; 2) building permit filed with Washington County; and 3) all City water fees paid. Any request for a variance or extension of the 18 month time limit must be submitted for consideration to the Mayor and City Council at least 60 days prior to the expiration date and must be approved by the Mayor and City Council.

K. Approval of American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funds (SLFRF) Policies and Procedures

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 of all members present to approve of the ARPA Policies and Procedures as outlined in a document attached with the meeting material.

L. Approval of Revision to Maryland Bay Restoration Fund Exemption Program Due to Substantial Financial Hardship

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 authorize the following in conjunction with the City's Maryland Bay Restoration Fund Exemption Program Due to Substantial Financial Hardship:

1. Maintain the financial hardship program for city residents as outlined by the State of Maryland guidelines
2. Remove the April 25, 2006 approval related to partnership and program oversight with Washington County Community Action Council (CAC) as requested by the agency

M. Approval to Accept the Maryland Criminal Intelligence Network Grant

Action: On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agree by voice vote of all members present to accept the Maryland Criminal Intelligence Network grant, which is 100% grant funded and totals \$ 275,418.00. The goal of this grant is to focus on high priority offenders within the community, with an emphasis on criminal networks and enforcement.

This non-match grant has been offered and awarded annually for the last several years.

CITY ADMINISTRATOR COMMENTS

Scott Nicewarner, City Administrator, offered condolences to Councilmember Bruchey and his family on the passing of his mother. Mr. Nicewarner also offered condolences on behalf of the City to the family of John Crist, Deputy Fire Marshal and the brotherhood and sisterhood in the Fire Department. Mr. Crist was a larger than life man who had a heart of gold. He will be sorely missed.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember K. B. Aleshire, II echoed Mr. Nicewarner' s condolences to both families.

Councilmember Aleshire responded to the number of people who spoke during Citizen Comments. There is an issue with activities of some individuals. There are a lot of people trying to solve these issues. He stated it appears that Hagerstown is the place to go for social services. State directives have not provided time for local communities to manage, let alone implement, the changes. A miraculous reversal by counties is not possible. The City does not fund the social service agencies and entities, nor does it operate or have oversight over them. Both the State and County provide funding to and have oversight over the agencies and entities. Hagerstown, like all municipalities, is not responsible for these public law objectives. The police department, fire department, and Community Rescue Service are stepping forward to fill the gap for emergency services. If the City voluntarily discontinues to provide these services (and operates like other municipalities do), the agencies would still be here. The only change would be that the State wouldn't have 40,000 City residents providing more funding than other County residents do. He thanked all the first responders for their service to the City and community.

Councilmember R. E. Bruchey, II offered his condolences to the Crist family. John was a fantastic man and he will be missed.

Councilmember T. Burnett also offered condolences to the Bruchey and Crist families. She thanked the City's public safety departments for continuing to show up for each and every call. She wished students and teachers well as they return to school next week.

Councilmember T. Martinez offered condolences to the Bruchey and Crist families. She first met John Crist on a ride-along. She thanked the public safety brotherhood for the ride around they did at Doey's House while John was there.

She thanked Horizon Goodwill and Lifehouse Church for helping a woman in crisis over the weekend. She wished Bill Gaertner a Happy Birthday.

She is glad to see police officers on bicycles.

Mayor E. Keller offered prayers to Councilmember Bruchey' s family and John Crist's family. She recalled John's trademark of putting googly eyes on things. He put some on her vehicle and made her smile just when she needed it most. He will be missed.

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 7:58 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

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2022

MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

Donna K. Spickler
City Clerk

Approved: September 27, 2023