

REGULAR SESSION (51ST VOTING SESSION) – September 27, 2022

Mayor E. Keller called this Regular Session (51st voting session) of the Mayor and City Council to order at 7:01 p.m., Tuesday, September 27, 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 Amy Taylor, and City Clerk D. K. Spickler.

The invocation was offered by Councilmember Tekesha Martinez. 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, October 4, 2022, and Tuesday, October 18, 2022, and the Regular Session on Tuesday, October 25, 2022. There is no meeting scheduled for Tuesday, October 11, 2022.

APPOINTMENTS

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 appoint the following people to the Hagerstown Youth Council as Partner Group Members:

Lindsay Carlin
Jessica Miller
Tressa Nicewarner
Stephen Schutte

Mayor Keller administered the Oath of Office to the newly appointed Partner Group Members.

CITIZEN COMMENTS

Citizen Comments were accepted by email at councilcomments@hagerstownmd.org prior to 5:00 p.m. on Tuesday, September 27, 2022. Citizen Comments were also accepted during the meeting.

Michael Todd, 519 Grant Place, Frederick Maryland, owns a business on Locust Street. He stated the City made the wrong decision is making a portion of the alley behind the business one way. There are seven businesses there that need access to their property from the alley. He stated none of the businesses received notices of this being considered. He asked that this decision be reversed.

Cort Meinelschmidt, 12527 Fountain Head, Hagerstown, Maryland, thanked the Mayor and City Council for the grant that was provided for the recently held Watch and Whiskey event. The event was a great success and plans are being made for the event next year, on July 22 and July 23, 2023. The Convention and Visitors Bureau (CVB) is excited about the next event and have significantly increased their support.

Harold Wills, 149 Summit Avenue, Hagerstown, Maryland, lives near the new stadium site. He is concerned that his residence will be facing a wall and that taxpayers will be paying for this stadium. He responded to a social media post about an incident on the square recently and feels that he was attacked by Councilmember Bruchey for his comments. He attempted to engage Councilmember Bruchey on this matter.

Mayor Keller informed Mr. Wills his comments are not appropriate for Citizen Comments and are prohibited by the Rules of Procedure. He was not permitted to speak further.

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 to approve the minutes, as presented, for August 2, 2022, August 9, 2022, August 16, 2022, and August 23, 2022.

CONSENT AGENDA

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

A. Administration:

1. Cable Franchise Negotiations – Contract Amendment No. 1 – CBG Communications (St. Paul, MN) \$ 20,000.00
2. Open Container Exemption – Halloween Block Party – October 28, 2022

B. Engineering:

1. Replace Flat Roof Over Police Athletic League Area – Dynamic General Contracting, LLC (Millersville, MD) \$ 394,000.00
2. Installation of Rapid Response Flashing Bacon (RRFB) at Salem Avenue and Rhode Island Avenue – Advantage Landscape & Construction, Inc. (Hagerstown, MD) \$ 62,373.79
3. Guardrail Repairs – Long Fence (Ijamsville, MD) \$ 26,900.00
4. 2020-2021 Tree Planting Program – Extension of Contact – Advantage Landscape & Construction, Inc. (Hagerstown, MD) \$ 94,619.00

C. Information Technology:

1. ESRI GIS Annual Software Renewal – ESRI (Redlands, CA) \$ 38,500.00
2. Building Blocks Annual Software Renewal – Opportunity Space, Inc. (d.b.a. “Tolemi”) (Boston, MA) \$ 13,000.00

D. Police Department:

1. Ammunition – The Gun Shop (Vincentown, NJ) \$ 22,402.89
2. FARO Freestyle 2 Handheld Scanner – Faro Technologies, Inc. (Lake Mary, FL) \$ 20,443.73

E. Public Works:

1. 2023 F-150 4x4 Regular Cab Pickup – Parking System Supervisor – Keystone Ford (Chambersburg, PA) \$ 41,400.00
2. 2023 Ford Escape 4dr FWD S – Recreation – Keystone Ford (Chambersburg, PA) \$ 30,000.00

F. Utilities:

1. Light: Emergency Purchase – Inventory Items – Conductor #6 Duplex and #3 Triplex- Anixter-Wesco (Greenwood, DE) \$ 36,900.00
2. Light: LED Streetlights for MD SOLE Grant – Signify North America (Somerset, NJ) \$ 223,360.50
3. Water: RC Mowers Remote-Operated Slope Mower Crownstone Equipment/Bobcat of Hagerstown (Hagerstown, MD) \$ 57,950.00
4. Water: 24” Transmission Main Repair – CXS Transportation, Inc. (Atlanta, GA) \$ 10,102.07
5. Water/Wastewater: Rate Model Update – NewGen Strategies & Solutions (Annapolis, MD) \$ 27,310.00
6. Wastewater: Pump Station 33 Engineering Services – Buchart Horn (Baltimore, MD) \$ 366,285.00
7. Wastewater: Bar Screen Replacement Parts – Huber Technology, Inc. (Denver, NC) \$ 28,898.86
8. Wastewater: Engineering Services – Solids Processing Change Order 1 – Black and Veatch Corporation (Overland Park, KS) \$ 406,460.00
9. Wastewater: Replacement of Truck 528 (Flusher Truck) – Maryland Industrial Trucks, Inc. (Linthicum, MD) \$ 564,495.85 Court Ordered Porch Repairs for 418 McDowell Avenue - E.A.R.N. Contractors, inc. (Gaithersburg, MD) \$ 38,700.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: Authorizing the Sale of Property Located at 11850 Indian Lane, Hagerstown, Maryland

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 approve an ordinance authorizing the sale of property located at 11850 Indian Lane, Hagerstown, MD to 17 Mile Real Estate LLC for a purchase price of \$ 575,000. The sale will provide the opportunity for new investment at 11850 Indian Lane. The sale will be in accordance with all of the terms and conditions outlined in the Contract of Sale.

NEW BUSINESS

A. Introduction of an Ordinance: Deed of Easement and Agreement with AuChar Properties, LLC for 231 North Locust Street (Alms House)

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 introduce an ordinance authorizing the execution of a Deed and Easement Agreement for use of a portion of the City property at 231 North Locust Street for the purpose of constructing and maintaining an access easement on land situated on the westerly side of North Locust Street.

B. Introduction of an Ordinance: Conveyance of Property No Longer Needed for a Public Purpose to Hagerstown Industrial Properties, LLC – 55 W. Oak Ridge Drive

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 introduce an ordinance to transfer the property described in the attached Special Warranty Deed to Hagerstown Industrial Properties, LLC, a South Carolina Limited Liability Company doing business in Maryland as JDA Hagerstown Industrial Properties, LLC, a Maryland Limited Liability Company.

C. Approval of a Resolution: Water Line Easement With Hopewell Road, LLC and C/E Hopewell Manor Associates, LLLP to Relocate a Water Line on the South Side of Hopewell Road

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 a resolution for the execution of an easement agreement between the City of Hagerstown and Hopewell Road, LLC and C/E Hopewell Manor Associates, LLLP for the purpose of relocating a water line as described in the resolution.

D. Approval of a Resolution: Snow Services Contract with Hartland Earthworks, LLC

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 approve a resolution to authorize the execution and delivery of an agreement between the City of Hagerstown and Hartland Earthworks, LLC, (formerly known as Hart's Landscaping and Snow Removal, LLC) for snow services as needed.

E. Approval of a Resolution: Reverting Unimproved Property to Central Chemical Corporation

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 approve a resolution authorizing a written declaration that 0.58 acres of unimproved property deeded to the City in 1987 will not be used as a public roadway and therefore reverts to the ownership of the grantor, Central Chemical Corporation.

The Mayor and City Council further authorizes staff to begin the process to convey 0.63 acres of unimproved “Central Avenue” between the railroad and Florida Avenue to the adjoining land owners(s).

F. Approval a Resolution: Stormwater Incentive Grant – Surrey School Redevelopment

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 the City to enter into a “Property Owner Reimbursement Agreement” with Surrey LLC. This grant incentivizes additional stormwater management and allows the City to use 0.5 acres of credits toward fulfilling the MS4 Permit requirement.

G. Approval of Extension to City Water and Wastewater Approval: Taylor Bowen, Breeze Hill

Action: Councilmember R. E. Bruchey, II made a motion to approve the request from Taylor Bowen to extend the approval from April 27, 2021 for water services for a portion of the Airport Business Park located in the area of Citi Corp Drive and Breeze Hill Drive located beyond the Hagerstown Medium-Range Growth Area for a proposed industrial warehouse. Approved water service shall be in accordance with all applicable Utilities Department Policies and City Code as may be amended from time to time. This extension will expire December 27, 2023. The property is approximately 16 acres and is identified on an attached map, and any additional or alternative construction on the parcel will require separate approval. 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 14 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 14 month time limit must be submitted for consideration by the Mayor and City Council

at least 60 days prior to the expiration date and is subject to approval by Mayor and City Council.

Councilmember S. McIntire seconded the motion.

Discussion: Councilmember Aleshire asked if approving this extension of the exemption also applies to any use other than the single building as presented.

Jill Thompson, Director of Community and Economic Development, stated the intent is for the 150,000 sf building as that is what was presented. Councilmember Aleshire thinks there should be a fourth condition added specifically stating this. He stated the motion does not seem to match the site plan/rendering information that was presented.

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

H. Approval of Refuse Collection Agreement within the Summerland Manor Development

Action: On a motion duly made by Councilmember T. Burnett and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve a refuse collection agreement with the Summerland Manor Condo Association for the Summerland Manor development. This agreement allows the City's solid waste collection contractor to access the private streets and courts of the development.

I. Approval of Inventory Procurement Funds

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 Light Division inventory procurement funds not to exceed an accumulated value of \$ 1,212,000.00 through June 30, 2023 following the process described in an attached memorandum.

J. Approval of After School Program at the Parkside Community Center

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 funding of the after school program at Parkside Community Center.

The Hagerstown Housing Authority (HHA) provides a variety of constructive after school programs to area youth. This program runs for the 2022-2023 school year at a cost of \$ 22,381.00. This amount includes reallocation of \$ 3,500.00 from the dance program that is being discontinued.

K. Approval of Government Relations Engagement Agreement with Compass GR Partners

Action: 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 approve a Government Relations Engagement agreement with Compass GR Partners. As stated in the scope of work, Compass Government Relations partners, LLC, will represent the City of Hagerstown to obtain capital funding for an indoor sports facility as well as other matters agreed to between the parties.

The term of the agreement is through April 30, 2023, with fees of \$ 40,000.00. There is sufficient funding in the General Fund Legal Counsel's FY23 operating budget and transfer of \$ 20,000.00 from General Fund Budget Contingency accounts to cover these costs.

L. Approval of Appalachian Regional Commission (ARC) FY23 Project Funding

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 the submission of a full application for the following projects to the Appalachian Regional Commission for Fiscal Year 2023 grant funding. The ARC Grant requires a 50% match:

1. Upgrade Hagerstown WW Pump Station 13 on Western Maryland Parkway – requesting \$ 530,000 in ARC funds
2. Reduce inflow and infiltration of groundwater into Hagerstown Wastewater Treatment Plant – requesting \$ 250,000 in ARC funds

CITY ADMINISTRATOR COMMENTS

Scott Nicewarner, City Administrator, announced Thunder in the Square will be held on Friday, September 30, 2022.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember K. B. Aleshire had no additional comments.

Councilmember R. E. Bruchey, II hopes staff can work with Mr. Toms for a solution to the one-way portion of the alley. He apologized that Mr. Wills chose this meeting to express his anger about a conversation that occurred online.

Councilmember T. Burnett had no additional comments.

Councilmember T. Martinez thanked Richard Davis for attending this meeting. She also thanked Annette Conyers for bringing him to the meeting.

Councilmember S. McIntire thanked the Mayor for her efforts with the Washington Goes Purple awareness campaign. A lunch meeting was held today that was impactful.

Mayor E. Keller stated many events and activities were held during Recovery Month (September). Events included a We Recover Softball Tournament and a recovery picnic hosted by RISK. She thanked everyone who attended the lunch today. It is important for the business community to see the other side of the person who is the one they call about.

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 7:39 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: October 25, 2022