

EXECUTIVE SESSION AND REGULAR SESSION (56TH VOTING SESSION) –
NOVEMBER 22, 2022

EXECUTIVE SESSION – November 22, 2022

Mayor E. Keller called this Executive Session to order at 6:35 p.m.

On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote to 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, November 22, 2022 at 6:35 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, Councilmember S. McIntire, City Administrator Scott A. Nicewarner, City Attorney Jason Morton, Jill Thompson, Director of Community and Economic Development, Doug Reaser, Business Development Specialist, Christopher Siemerling, Economic Development Specialist, Erik Kline, Assistant Public Works Director, and D. K. Spickler, City Clerk.

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 6:43 p.m.

REGULAR SESSION (56TH VOTING SESSION) – November 22, 2022

Mayor E. Keller called this Regular Session (56th voting session) of the Mayor and City Council to order at 7:00 p.m., Tuesday, November 22, 2022, in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, R. E. Bruchey, II, T. Burnett, T. Martinez, and S. McIntire, City Administrator Scott A. Nicewarner, City Attorney Jason Morton, and City Clerk D. K. Spickler.

The invocation was offered by Councilmember Robert 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, December 6, 2022 and December 13, 2022, and the Regular Session on Tuesday, December 20, 2022. There is no meeting scheduled for Tuesday, December 27, 2022.

PROCLAMATIONS

Municipal Government Works Month

Mayor Keller read a proclamation naming November, 2022 as Municipal Government Works Month in Hagerstown, Maryland. As a MML Board Member, Mayor Keller thanked City staff for all their efforts to promote Municipal Government.

Scott Nicewarner, City Administrator, accepted the proclamation on behalf of all City employees.

GUESTS

Certificate of Appreciation: Milestone Anniversary Recognition of Board and Commission Members

The Mayor and City Council recognized the following Boards and Commission members for their years of service milestones:

Randy Catlett – 30 years on the Hagerstown Loan Review Authority. Mayor Keller presented a Certificate of Recognition to Mr. Catlett.

The following members were unable to attend the meeting and certificates will be mailed to them:

Leroy Burtner – 20 years on the Hagerstown Loan Review Authority

Paul Reed – 35 years on the Hagerstown Historic District Commission

Dan Matonak – 35 years on the Hagerstown Historic District Commission

Mayor Keller announced that Aaron House, Board of Code Appeals, has been named the 2022 Dennis Miller Volunteer Award Recipient. Mr. House was unable to attend this meeting. He will be presented with a Certificate of Appreciation and a gift card in recognition of his commitment to the City.

Mayor Keller welcomed Myles W. Henry and Peyton Gullickson from Boy Scout Troop 252, Church of Christ, Hagerstown. Both Mr. Henry and Mr. Gullickson are working on the requirements for the Communication Merit Badge.

CITIZEN COMMENTS

Citizen Comments were accepted by email at councilcomments@hagerstownmd.org prior to 5:00 p.m. on Tuesday, November 22, 2022. Citizen Comments were also accepted during the meeting. There were no emailed comments.

Michael Staup, 18 S. Mulberry Street, Hagerstown, Maryland, asked if there will be a proclamation for World AIDS Day. Mayor Keller indicated this is scheduled for a December Work Session.

Mr. Staup thanked the Hagerstown Police Department for their increased efforts to patrol Cannon Avenue. It has made a big difference. Meritus Medical Center has also been working to secure their property better in that area. The remaining problem is the people who hang out at Sheetz on the corner of Washington Street and Cannon Avenue.

Fred Chavis, 18014 Lappans Road, Hagerstown, Maryland, started a petition regarding the Robert W. Johnson Community Center (RWJCC) because of questions about the operation of the RWJCC and what has been happening there. The petition calls for the disbanding of the current Board of Directors due to issues with transparency and conflicts of interest. The community needs to come together to better serve the needs of residents in this area. Residents need the Community Center. He reported the petition currently has 200 signatures on it.

Chad Smith, 1615 Colonial Way, Frederick, Maryland, is also concerned about the RWJCC. He believes there are also financial issues with the Center. People in the community have been asking for information and it has not been provided. Crime has increased since the Center has been closed. He asked what options the community has to take back operation of the Center.

Marcell Goodnight has volunteered at the Center for many years. There needs to be transparency with the operation of the Center. There are issues in the 400 block of Park Place with people defecating on porches and trying to set the building on fire. He has reported this to HPD but it continues to happen. Captain Tom Langston was present at the meeting and Mayor Keller asked him to speak to Mr. Goodnight about his concerns on Park Place.

Jean Carrol Key stated the Center is part of the community. It is rooted and grounded at the Memorial Recreation Center. She grew up going to the Center. She wondered how the people can help to make the Center a place children can go like it used to be. The private meetings have to stop. She asked what the City can do to help.

MINUTES

On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote to approve the minutes, as presented, for October 4, 2022, October 13, 2022, October 18, 2022, and October 25, 2022.

CONSENT AGENDA

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

- A. Engineering:
 - 1. Replacement of Deteriorated Alley Paving – Advantage Landscape & Construction, Inc. (Hagerstown, MD) Not to Exceed \$ 145,000.00
 - 2. Installation of New Sidewalks on West Irvin Avenue Prior to Overlay – DIR Construction, Inc. (Laurel, MD) Not to Exceed \$ 80,000.00

- B. Information Technology:
 - 1. City-Wide Office 365 Software Upgrade – vTech Solutions, Inc. (Washington, DC) \$ 155,593.78

- C. Police:
 - 1. AVCC Annual Subscription Fee – Lexis Nexis (Chicago, IL) \$ 18,961.90

- D. Public Works:

Pricing shown is the total Washington County bid price – the original City Purchase Order for each component will be approved FY23 budget totals.

 - 1. Bulk Diesel Fuel and Gasoline Purchase: Tank Wagon Deliveries – A. C. & T. Co., Inc. (Hagerstown, MD) \$ 471,170.03
 - 2. Bulk Diesel Fuel Purchase: Transport Deliveries – A. C. & T. Co., Inc. (Hagerstown, MD) \$ 2,566,758.10
 - 3. Bulk Gasoline Purchase: Transport Deliveries – Petroleum Traders Corporation (Fort Wayne, IN) \$ 959,432.30

- E. Utilities:
 - 1. Water: Water Service Materials – Core and Main LP (Martinsburg, WV) \$ 48,885.88
 - 2. Water: FY23 Chemical Purchase – Various Vendors \$ 1,791,618.16
 - 3. Wastewater: FY23 and FY24 Chemical Purchase – Various Vendors \$ 392,206.00
 - 4. Wastewater: Muffin Monster – JWC Environmental (Santa Ana, CA) \$ 24,481.00

UNFINISHED BUSINESS

A. Approval of an Annexation Resolution: Annexation Case No. A-2022-02: 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 S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve an 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. The effective date of this annexation will occur when the project receives a certificate of completion for the shell building permit or on July 1, 2023, whichever comes first.

B. Approval of an Ordinance: Cable Franchise Agreement with Comcast

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 an ordinance authorizing the approval of a nonexclusive franchise agreement with Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC.

As indicated in the agreement, the term of the Franchise will be from November 22, 2022 to November 21, 2027, with the provision for one automatic extension of an additional five year term.

NEW BUSINESS

A. Introduction of an Ordinance: Purchase of 50-58 West Antietam Street

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 approve the agreement of sale for the purchase of real property known as 50-58 West Antietam Street for the construction of a parking deck.

B. Introduction of an Ordinance: Amending the City Code – Add Chapter 230, Transient Housing

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 introduce an ordinance to add Chapter 230, Transient Housing, to the Code of the City of Hagerstown. This added chapter will:

1. Establish a licensing program for transient housing facilities which includes hotels, motels, inns, bed & breakfast structures and short-term rentals
2. Enact license fees for transient housing facilities based on a tier level for hotels and license fees for bed & breakfasts and short-term rentals
3. Create a tier structure related to calls for service ratio for hotels
4. Establish inspection requirements for transient housing facilities
5. Require training for transient housing owners, managers, and staff on human trafficking activities, human trafficking victims and overdose response program
6. Create transient housing facility guest register requirements pertaining to transient visitors letting any transient housing unit
7. Enact premises requirements prohibiting hourly rates and letting transient housing units for illegal purposes
8. Provide processes to deny, suspend or revoke transient housing facility applications and licenses

C. Introduction of an Ordinance: Amending Chapter 65, Habitual Offender, to Enhance Support to Transient Visitors and Neighborhoods

Action: On a motion duly made by Councilmember T. Burnett and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance to amend Chapter 65, Habitual Offender, of the Code of the City of Hagerstown. This chapter will be amended to include Chapter 230, Transient Housing. This amendment is intended to provide additional protections for the transient visitors and neighborhoods from nuisance actions and conditions.

D. Introduction of an Ordinance: Amending the City Code – Amending Chapter 95, Excessive Use of City Services, to Impose Fees for Police, Law Enforcement Services, and Code Administration Which are Over and Above the Costs of Providing Normal Police Protection, Law Enforcement, and Code Administration Services at Transient Housing Facilities

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 to amend Chapter 95, Excessive Use of City Services, of the Code of the City of Hagerstown. These amendments will:

1. Establish definitions for transient housing facility and short-term rental
2. Amend the definitions for commercial property, multiunit residential structure, and residential property
3. Add Transient Housing Facility to Chronic Nuisance Property definition for HPD qualifying calls with a minimum number of 60 qualifying calls in a twelve-month period
4. Require HPD and Code Administration to publish a list of properties deemed chronic nuisance properties annually

E. Approval of a Resolution: Authorizing a Financial Incentive Agreement between the City of Hagerstown, Maryland and MCB Hagerstown, LLC

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 approval a resolution to enter into a financial incentive agreement with MCB Hagerstown, LLC in connection with its development of property and capital investment. The City's financial incentive provides grant back after permit fees paid. The approval provides that the City Administrator and/or the City Attorney may make administrative edits to the attached agreement if necessary prior to execution.

F. Approval of a Resolution: Lease Amendment with Maryland Watch Works, LLC for the City of Hagerstown property located at 14 N. Potomac St., Hagerstown, Maryland

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 resolution authorizing the lease amendment with Maryland Watch Works, LLC at the City of Hagerstown property located at 14 North Potomac Street, Suite B-3 in Hagerstown, Maryland. The approval provides that the City Administrator and/or the City Attorney may make administrative and non-substantive edits to the attached addendum if necessary, prior to execution.

G. Approval of Letter of Intent with Maryland State Departments of Labor and Education for the City of Hagerstown Property Located at 2-6 N. Potomac Street

Action: On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote to approve a letter of intent for rental space with Maryland State Departments of Labor and Education at the City of Hagerstown property located at 2-6 North Potomac Street in Hagerstown, Maryland. The approval provides that the City Administrator and/or the City Attorney may made administrative and non-substantive edits to the attached Letter of Intent if necessary, prior to execution.

H. Approval of Reimburse Washington County for the Community Based Prosecutor for FY23

Action: On a motion duly made by Councilmember K. B. Aleshire, II and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve reimbursement to the Washington County Narcotics Task Force a total of \$ 64,397.00 for FY23. This is paid for out of the Maryland Crime Intelligence Network grant.

I. Approval of Solid Waste “Collection Service Fee” Increase

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 the curbside collection monthly fees paid to Waste Management of Pennsylvania as follows:

1. \$ 6.55/month for municipal solid waste
2. \$ 1.56/month for yard waste
3. \$ 5.56/month for collection and processing of recyclables

To fund these increased costs, the Mayor and City Council authorize an increase in the collection service fee of \$ 5.00 per quarter per unit for all residential and commercial collections for bills issued after January 1, 2023.

The Mayor and City Council further moved to authorize staff to obtain bids for portable totes for trash collection, to be issued to residential properties, starting with the downtown Zone “F” in early 2023 and City wide in 2024. Funding for the 15,500+ totes will be from the American Rescue Plan Act (ARPA) and is estimated at \$ 1.2 million.

Discussion: Councilmember Aleshire reminded everyone this increase is mainly due to the increase in costs for processing recyclables. The smart and right thing to do is to continue the collection of recyclables as part of the City’s collection program.

Mayor Keller thinks the matching totes will make a big difference in the appearance of downtown.

CITY ADMINISTRATOR COMMENTS

Scott Nicewarner, City Administrator, urged everyone to shop local on Small Business Saturday, which is November 26, 2022. The tree lighting at City Park will be held on December 2, 2022. The light show on the lake starts that evening.

He wished everyone a Happy and Joyous Thanksgiving.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember K. B. Aleshire echoed Mr. Nicewarner’s comments about Thanksgiving. He pointed out this is the second or third meeting where people have expressed their concerns and frustration about the Robert W. Johnson Community Center. Although government leaders would like to be able to fix an issue quickly, they have to follow certain processes but their goal should be to approach the issue as best they can and secure funding to make that happen. He is ready to do whatever it takes to get the Center operating like it should be.

Councilmember R. E. Bruchey, II wished everyone a Happy Thanksgiving.

Councilmember T. Burnett thanked everyone for speaking up on behalf of the Jonathan Street community. It has been an interesting year and meetings have been held all year about the RWJCC. The community meeting last week was positive and the group listed solutions to move forward. There are things that can be done right now to help the community. She supports those who spoke up and is happy everyone is now working proactively.

Councilmember T. Martinez wished everyone a Happy Thanksgiving. She agrees with Councilmember Aleshire’s comments and she wants to get the Center fixed.

Councilmember S. McIntire is ready to help get the Center open and get the community in a better place. The downtown tree lighting was a fun evening. She thanked Eric Deike, Director of Public Works, for his efforts to help her get a guest to the event.

Mayor E. Keller thanked staff for their efforts to make the downtown tree lighting, Maker's Market, and Holly Fest a huge success. Downtown was packed with people all day. She is thankful to serve with the Councilmembers and thankful to serve the community. The City has great staff and great community members.

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 7:45 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: December 20, 2022