

REGULAR SESSION (62ND VOTING SESSION) – February 28, 2023

Mayor T. Martinez called this Regular Session (62nd voting session) of the Mayor and City Council to order at 7:03 p.m., Tuesday, February 28, 2023, in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, R. E. Bruchey, II, T. Burnett, and S. McIntire, City Administrator Scott A. Nicewarner, City Attorney Ann Rotz, and City Clerk D. K. Spickler.

The invocation was offered by Pastor Randy Buckman, Retired Pastor of Tri-State Fellowship. The Pledge of Allegiance was recited and led by Mayor Tekesha Martinez.

Mayor Martinez 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: State of the City at 7:00 a.m. on Tuesday, March 7, 2023, Work Sessions beginning at 4:00 p.m. on Tuesday, March 7, 2023, March 14, 2023, and March 21, 2023, and the Regular Session on Tuesday, March 28, 2023.

PROCLAMATION

Mayor Martinez read a proclamation naming March, 2023 as Social Work Month in Hagerstown. Renee Burgan accepted the proclamation.

CITIZEN COMMENTS

Citizen Comments were accepted by email at councilcomments@hagerstownmd.org prior to 5:00 p.m. on Tuesday, February 28, 2023. Citizen Comments were also accepted during the meeting.

Ron Lytle, P. O. Box 2312, Cumberland, Maryland, was present to thank the City for the Black History Month video. He would like the Mayor and City Council to make a pledge for 2023 to get the Doleman Black Heritage Museum open this year.

No Citizen Comments were submitted by email.

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 to approve the minutes as presented for January 10, 2023, January 17, 2023, January 24, 2023, and January 31, 2023.

CONSENT AGENDA

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

- A. Engineering:
 - 1. Change Order for Fairgrounds Park Police Athletic League Roof Replacement – Dynamic General Contracting, LLC (Millersville, MD) \$ 30,332.00

- B. Information Technology:
 - 1. Cisco “Duo” Two-Factor Authentication Software – SHI (Somerset, NJ) \$ 26,675.00
 - 2. VxRail Hardware Support Renewal – Mavenspire, Inc. (Annapolis, MD) \$ 31,156.52

- C. Public Works:
 - 1. Street Closure for St. Patrick’s Day 5k – March 18, 2023

- D. Utilities:
 - 1. Light: Blanket Contract for Underground Utility Locating Service – USIC Locating Services, LLC (Indianapolis, IN) \$ 25,000.00
 - 2. Light: Substation Surveillance Equipment – Spichers Security Services (Hagerstown, MD) \$ 28,819.18
 - 3. Light: Bucket Truck Replacements – Altec Industries, Inc. (Birmingham, AL) \$ 560,374.00
 - a) 55’ Bucket Truck - \$ 370,269.00
 - b) 41’ Bucket Truck - \$ 190,105.00
 - 4. Light: Emergency Procurement – Compressed Air Supply Line Replacement – Quad-State Air Compressor Sales and Service (Greencastle, PA) \$ 22,837.50
 - 5. Water: Annual Service Contract for Hach Analytical Equipment – Hach Company (Loveland, CO) \$ 19,456.00
 - 6. Water: Annual Service Contract for Hach Analytical Equipment – Hach Company (Loveland, CO) \$ 19,456.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: Authorizing the Acquisition of Property Owned by Calvary Grace Brethren Church on the 100 Block of Wakefield Road

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 ordinance for the acquisition and settlement of multiple parcels of property totaling 1.65 acres and currently owned by Calvary Grace Brethren Church on the even side of the 100 block of Wakefield Road in Hagerstown, Maryland.

NEW BUSINESS

A. Introduction of an Ordinance: 2022 Land Management Code Amendments

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance to amend the City Code by repealing and re-enacting Chapter 140, Land Management Code. The re-enacted Land Management Code includes the 2022 package of annual revisions finalized by the Mayor and City Council. This re-enacted version of the Land Management Code shall be known as version 3.9.

B. Introduction of an Ordinance: 2023 Comprehensive Rezoning

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance for a Zoning Reclassification and Zoning Map amendments, Case No. ZM-2022-02, to rezone those areas which are associated with the 2023 Comprehensive Rezoning, based on the 2018 Comprehensive Plan. A chart and map are included with the ordinance.

C. Approval of a Resolution: Parking Lease with the State of Maryland Department of Education, Division of Rehabilitation Services

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 a resolution to approve a supplemental parking lease agreement between the City of Hagerstown and the State of Maryland for the rental of seven parking spaces in the University District Parking Deck for use by the Maryland State Department of Education, Division of Rehabilitation Services.

The term of the lease is two years and commences on June 1, 2023. The annual rent to be paid to the City is \$ 5,880.00.

D. Approval of a Resolution: Developer Agreement for the Hagerstown Field House to be located at 290 East Memorial Boulevard

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 approving and executing the Developer Agreement with Eastern Sports Management for providing their services during the final design, construction bidding and construction phases of the Hagerstown Field House to be located at 290 East Memorial Boulevard on the site of the former Municipal Stadium.

Award of construction contracts and lease approval will require future approvals by the Mayor and City Council.

The Council further authorized the City Attorney to make any minor legal edits if necessary prior to the Mayor executing the Agreement.

E. Approval of Rates for the Potterfield Pool 2023 Season

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 the proposed rates for 2023 as shown in a chart included with the motion. These rates apply to the pool rental fees at Potterfield Pool effective March 1, 2023.

F. Approval to Increase the Pool Management Contract Amount for the 2023 Season

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 increase in the pool management contract amount at Potterfield Pool for the 2023 season. The amount requested is \$ 135,000 plus a contingency of 10% for unforeseen issues.

G. Approval Appalachian Regional Commission (ARC) FY24 Project Funding Requests

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 authorize the submission of the following projects to the County Commissioners for funding from the Fiscal year 2024 Appalachian Regional Commission (ARC) Grant:

1. Update Community's City Center Plan (\$ 100,000)
2. Upgrade Hager House Visitor Center (\$ 200,000)
3. CDL Training for City Staff (\$ 35,400)

H. Approval of City-Wide Mowing Contract 2023: 3/15/23-12/15/23

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 authorize and approve the renewal of the City-Wide Mowing Contract for the contract term of March 15, 2023 through December 15, 2023. This is year two of two optional one-year renewals. The total contract amount is \$ 274,038.80 and is allocated at follows:

Light Division	Custom	\$ 7,338.75
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Parks Division	Servtec	\$ 115,065.00
Water Division	Custom	\$ 32,869.55
Water Division Contingent Items	Custom	\$ 4,512.50
CDBG Homeownership Properties	Custom	\$ 772.50
Wastewater Division	Custom	\$ 4,512.50
Police Department	Custom	\$ 7,467.50
Fire Department	Custom	\$ 2,317.50
Public Works	Custom	\$ 99,183.00

I. Approval Addition of Two Full-time Civilian Positions at Hagerstown Police Department

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 two additional civilian positions for the Hagerstown Police Department. One is a Watch Center Supervisor and the other is a Technical Support Specialist.

These positions will reduce the need to have sworn personnel assigned to these assignments. Both positions will be funded from salary savings from HPD's Vehicle Maintenance Operator and two Operational Support Aides.

CITY ADMINISTRATOR COMMENTS

Scott Nicewarner, City Administrator, reminded everyone applications for the vacant Councilmember seat are due by 4:30 p.m. on Wednesday, March 1, 2023. Applications will be reviewed during an Executive Session on March 7, 2023. Interviews will be held during the Work Session on March 14, 2023. The Mayor and City Council will review the interviews during a closed session on March 21, 2023. It is anticipated an appointment for Councilmember will be made on March 28, 2023.

Mr. Nicewarner testified on several bills on the tax process and chronic tax sale properties last week in Annapolis. The testimony was well received.

The State of the Library was held earlier today.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember S. McIntire congratulated Scott Nicewarner, City Administrator, for being appointed to the National League of Cities Small Cities Council.

Councilmember T. Burnett also congratulated Mr. Nicewarner. She read to kids during a recent Parkside Club meeting. Everyone is welcome bring their kids to the Parkside Community Center.

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

Councilmember K. B. Aleshire had no additional comments.

Mayor T. Martinez noted today is three weeks since she was appointed Mayor. The time has been powerful, crazy, and awesome all at the same time. North Hagerstown High School students put together an awesome Black History Month program. They had guest speakers, an Uno tournament and time for building relationships. She spent Sunday evening with County Commissioner John Barr at Impact Ministries. She attended the Walking Wellness program at Hagerstown Community College. Some people said they are afraid to visit downtown. She invited them to dinner downtown so she can see where their fears are. She thanked 10 year old Sheron for interviewing her. The experience was amazing.

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 7:24 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: March 28, 2023