

REGULAR SESSION (73RD VOTING SESSION) – July 25, 2023

Mayor T. Martinez called this Regular Session (73rd voting session) of the Mayor and City Council to order at 7:03 p.m., Tuesday, July 25, 2023, in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, T. Burnett, S. McIntire, and M. J. Schindler, City Administrator Scott A. Nicewarner, City Attorney Jason Morton, and City Clerk D. K. Spickler. Councilmember R. E. Bruchey, II was not present.

The invocation was offered by Councilmember Matthew J. Schindler. The Pledge of Allegiance was recited and led by Mayor Tekesha A. 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: Work Sessions beginning at 4:00 p.m. on Tuesday, August 1, 2023, Tuesday, August 8, 2023, and Tuesday, August 15, 2023, and the Regular Session on Tuesday, August 22, 2023. No meeting is scheduled for Tuesday, August 29, 2023.

APPOINTMENTS

Mayor Martinez announced that Councilmember Robert E. Bruchey, II will continue to serve on the Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) as the City of Hagerstown representative.

Mayor Martinez provided the Oath of Office to James L. Bender, City Engineer.

CITIZEN COMMENTS

Citizen Comments were accepted by email at councilcomments@hagerstownmd.org prior to 5:00 p.m. on Tuesday, July 25, 2023. Citizen Comments were also accepted during the meeting.

Kim Cavenee, 1305 The Terrace, Hagerstown, Maryland, thanked the Mayor and City Council for their help with the dirt bike issue. The City police developed a plan and did an excellent job in calming that issue. He expressed his concern about the type of trash he finds at Mills Park. He has picked up many discarded liquor bottles. He and his neighbors found shell casings in a parking lot at Mills Park. He asked if the drone program could be extended to Mills Park to observe what is happening there overnight. He suggested installing a gate at the entrance to the park that would be closed at night. He is willing to close the gate.

Michael Staup, 18 S. Mulberry Street, Hagerstown, Maryland thanked Councilmember Bruchey for having the storm drain in Alley 4-53 repaired. The storm drain on East Washington Street has also been repaired. He is not a fan of musical chair politicians. Hagerstown needs a Mayor and Council to rein in the current issues. Hagerstown needs steady leadership. His neighborhood needs help. He invited everyone to look at the Hagerstown Press Facebook page that he manages. There is nothing but facts on the site. He stated everyone needs to think about a cooling center this week as the heat continues.

James Devine, P. O. Box 2217, Hagerstown, Maryland, reported the turn signals on the roadway at the YMCA on Eastern Boulevard need to be repainted. Employees at the pool need to have training for looking for pedophiles. Storm drains need to be addressed. He asked previously to have the Amvets sign at Frederick Street and Commonwealth Avenue adjusted so it doesn't block traffic. He is concerned that a weed killer was used on Eldridge Drive and harmed animals. This area should be preserved as a wildlife area.

Anthony Cangomi, Bridle Court, Hagerstown, Maryland, cautioned the Mayor and City Council to be wise and warned since the City approved a proclamation naming June as Pride Month. He stated this was wrong and evil and is against the teachings of the Bible.

Councilmember Aleshire stopped Mr. Cangomi from further comments as he will not allow anyone to denigrate any group of people.

Kiri Minney, 63 East Avenue, Hagerstown, Maryland, is concerned about homeless people breaking into vacant buildings. The owners of the buildings won't board them up until the City's Code Department forces them to. In the meantime, people are breaking in and using drugs. She asked the City to help their neighborhood with this problem.

Michelle Becks, 61 East Avenue, Hagerstown, Maryland, is also concerned about the major crime issues in their neighborhood. They had to install cameras due to issues with juveniles. Her house has been vandalized 6 times in the last 2 weeks. A group of teens attacked her 9-year-old child. There was a shooting there two weeks ago. She is ready to move because it is unsafe at her house.

Donna Spickler, City Clerk, stated Renee Burgan submitted comments in an email. Ms. Burgan submitted a photograph of a Canadian Goose and another of the ground showing a wire and sticks.

Councilmember Aleshire explained the Mayor and City Council welcome comments and they don't engage with those speaking because it is their time to speak. Staff is in attendance at meetings and will work to address concerns that have been shared during Citizen Comments.

MINUTES

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 of all members present to approve the minutes as presented for June 6, 2023, June 13, 2023, and June 20, 2023.

CONSENT AGENDA

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 of all members present to approve the Consent Agenda as follows:

- A. Engineering:
 - 1. AutoCAD Renewal Subscription for FY23 – DTL Solutions LLC (Herndon, VA) \$ 10,260.13
 - 2. Purchase of Blue Recycling Totes – Rehrig Pacific Company (Los Angeles, CA) \$ 26,859.00

- B. Human Resources:
 - 1. Liability and Property Insurance – Local Government Insurance Trust (LGIT) (Hanover, MD) \$ 637,438.00

- C. Public Works:
 - 1. 2020 John Deere ProGator Sprayer – FinchTurf, Inc. (Eldersburg, MD) \$ 36,995.00
 - 2. Handrailing at City Park and Pangborn Park – Long Fence (Ijamsville, MD) \$ 26,200.00
 - 3. Replace Roof at Fairgrounds Park Concession Stand – Advance Construction, LLC (Hagerstown, MD) \$ 20,450.00
 - 4. Open Container Exemption for Anniversary of Hip Hop – University Plaza, August 19, 2023

- D. Utilities:
 - 1. Water – Peerless Pump Rotating Assembly – Shafer, Troxell & Howe, Inc. (Frederick, MD) \$ 26,710.00
 - 2. Water – IFIX GE Software Support Renewal – GE Digital, LLC (San Ramon, CA) \$ 10,741.79
 - 3. Wastewater – Effluent Process Analyzer – ChemScan, Inc. (Waukesha, WI) \$ 87,263.00
 - 4. Wastewater – HVAC Systems – MS Johnson Co., Inc. (Hagerstown, MD) \$ 72,390.00
 - 5. Wastewater – US Filter Scrubber Chemicals – Source Technologies, LLC (Lexington, KY) \$ 28,800.00

6. Wastewater – Replacement Ballast and Control Cards for Ultraviolet Power Station Units – Veolia Water Technologies Treatment Solutions USA, Inc. (Leonia, NJ) \$ 14,882.35
7. Wastewater – Pelletizer Operations Contract (July 1 – September 23, 2023) – Synagro (Baltimore, MD) \$ 420,000.00
8. Wastewater – Pump Station 8 Wet Well Lining Change Order #1 – Pleasants Construction, Inc. (Clarksburg, MD) \$ 25,900.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: Amendments to Chapter 60 of the City Code

Action: Councilmember M. J. Schindler made a motion to approve an ordinance to amend Chapter 60 of the City Code to (1) prohibit parking non-electric motor vehicles in spaces designated for charging of electric vehicles and requiring operators to remove electric vehicles promptly upon obtaining a full charge; (2) consolidating fines in Chapter 60 in one locations; and (3) increasing the fine for parking in areas designated for work by City employees in performing construction, repair, or cleaning of City Streets. Councilmember S. McIntire seconded the motion.

Motion passed, 3-1 with Councilmember K. B. Aleshire voting No.

NEW BUSINESS

A. Approval of an Annexation Plan: A-2023-03: 13-17 Western Maryland Parkway

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember M. J. Schindler, the Mayor and City Council unanimously agreed by voice vote of all members present to approve an annexation plan for Annexation Case No. A-2023-03: 13-17 Western Maryland Parkway. The portion of property to be annexed is approximately 10.59 acres in size and is intended to be added to and made part of the adjacent municipal lands with I-MU zoning.

B. Introduction of an Annexation Resolution: A-2023-03: 13-17 Western Maryland Parkway

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 of all members present to introduce an Annexation Resolution for Annexation Case No. A-2023-03: 13-17 Western Maryland Parkway. The portion of property to be annexed is approximately 10.59 acres in size and is intended to be added to and made part of the adjacent municipal lands with I-MU zoning. The resolution

package includes the metes and bounds description, annexation plat, zoning exhibit, and pre-annexation agreement WS-2005-01.

C. Approval of a Resolution: Supplemental Lease Agreement No. 1 with the State of Maryland, Department of Assessments and Taxation (SDAT) for Parking

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 of all members present to approve a resolution to enter into Supplemental Lease Agreement No. 1 between the City of Hagerstown and the State of Maryland for the rental of ten (10) parking spaces in the Central Lot West for use by the State Department of Assessments and Taxation.

The term of the lease is two (2) years commencing on November 1, 2023. The annual rent to be paid to the City is \$ 6,720.00.

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

Action: On a motion duly made by Councilmember M. J. Schindler and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a resolution to authorize the execution and delivery of an agreement between the City of Hagerstown and Hartland Earthworks, LLC for snow services as needed.

E. Approval of Memorandum of Understanding for 911 Funding to Washington County Government

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember M. J. Schindler, the Mayor and City Council unanimously agreed by voice vote to approve of all members present to approve executing a Memorandum of Understanding (MOU) with Washington County for the funding of the 911 communications center to include:

1. Upon receipt of signed documents from all parties, releasing the annual payments that represent FY21-FY23 that total \$ 1,216,890. In accordance with the MOU between the City of Hagerstown and Washington County, the payments will be directed to the City's Capital Improvement Program Fund as a contribution to the Hagerstown Field House.
2. Approving staff to continue payments to Washington County for the current and following fiscal years as outlined below:
 - a. FY24 - \$ 304,500
 - b. FY25 - \$ 203,000
 - c. FY26 - \$ 102,500

Discussion: Councilmember McIntire commended Mr. Nicewarner and other staff for this giant accomplishment.

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

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 of all members present 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.

G. Approval of Lease Holdover Extension with Maryland Department of Labor, Licensing and Regulation, Division of Occupational Health (DLLR)

Action: On a motion duly made by Councilmember T. Burnett and seconded by Councilmember M. Schindler, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a holdover extension letter with Maryland Department of General Services for a lease at 2-6 N. Potomac Street in Hagerstown, Maryland.

H. Approval of TC Mid Atlantic Development V, LLC Request for Water and Wastewater Under the City's Water and Wastewater Policy

Action: Councilmember M. J. Schindler made a motion to approve the extension request for TC Mid Atlantic Development V, LLC according to the Water Service Approval Summary which is attached with the meeting material. Councilmember S. McIntire seconded the motion.

Motion passed, 3-1 with Councilmember K. B. Aleshire voting No.

I. Approval to Reimburse the Washington County Narcotics Task Force for FY24

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 of all members present to approve the reimbursement to the Washington County Narcotics Task Force a total of \$ 350,000 for FY24. This is paid for out of the Hagerstown Police Department's operating budget.

J. Approval of Purchase of Equipment for City Wide Camera Expansion

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember M. Schindler, the Mayor and City Council unanimously agreed by voice vote of all members present to approve the use of ARPA monies under the Operation Take Back Initiative. This will fund the expansion of the City-wide camera system into the King Street area of Hagerstown.

The purchase of this expansion will include 30 cameras, covering 13 locations, fiber, and installation at a cost of \$ 185,029.49.

K. Approval to Apply for the BJAG – CRO/COAT OT Grant

Action: On a motion duly made by Councilmember M. J. Schindler and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote of all members present to approve an application for the BJAG-CRO/COAT OT grant, which is 100% grant funded and totals \$ 72,000. The goal of this grant is to address community concerns by providing overtime to officers who will work with citizens experiencing homelessness, mental health, and substance abuse issues.

This is a non-match grant.

L. Approval to Accept the Community Program Fund Grant

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 of all members present to approve acceptance of the Community Program Fund grant, which is 100% grant funded and totals \$ 42,900. The goal for this grant is to promote police/community relations through outreach and education.

This is a non-match grant.

M. Approval to Accept the Maryland Criminal Intelligence Network Grant

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember M. J. Schindler, the Mayor and City Council unanimously agreed by voice vote of all members present to approve acceptance of the Maryland Criminal Intelligence Network grant, which is 100% grant funded and totals \$ 267,852.00. 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.

N. Approval of American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funds (SLFRF) Non-profit Funding Program

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote of all members present to approve the ARPA Nonprofit Funding Program and the Nonprofit Funding Request Application process. The approval includes providing City staff with the authority to execute and implement the program as outlined in the documents that are attached with the motion and meeting material.

Discussion: Councilmember Aleshire stated his thought is this program is overdue and should have been in place at the beginning of the ARPA funding. Now that the Mayor and City Council has identified this funding to assist nonprofits who have come forward, he hopes all come forward to make good and quick use of this funding.

CITY ADMINISTRATOR COMMENTS

Scott Nicewarner, City Administrator, reminded everyone the MDWK Music and Market series continues this week. A rescheduled Imagine Hagerstown is back on Friday.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember M. J. Schindler addressed some of the concerns expressed during Citizen Comments. He and his son visit Mills Park often and he shares Mr. Cavenee's concerns. He noted staff is doing a good job addressing the storm drain issues. He will look at the turn markings on the roadway noted by Mr. Devine. He realizes vacant buildings continue to be an issue. He will talk with Chief Kifer and Captain Langston to see if a focus can be put on the East Avenue neighborhood.

The monthly Farmers' Market was well attended last month. The Foundry Vintage Market had a great turnout. The Watches and Whiskey Event was a fun event. Hagerstown has some world-class craftsmen in town.

Councilmember S. McIntire shares the concerns citizens mentioned during the meeting. She lives on Prospect Avenue and walks every morning. Some of the things she sees are quite upsetting. As an elected official, she wants to fix these issues. Several actions taken during the meeting will help, such as providing additional funding for more cameras. People shouldn't be afraid in their own homes or to take their kids out into the yard. She is open to all suggestions.

Councilmember T. Burnett thanked citizens for being willing to share their concerns during the meeting. She thanked Councilmember Aleshire for discussing what happens after Citizen Comments, so people understand the Mayor and City Council really are listening and doing things to address their concerns. She assured citizens they are being heard and their concerns are being addressed as quickly as possible.

The Ruth Ann Monroe Basketball League tournament begins on Sunday, July 30, 2023. This year marks the 60th anniversary of the tournament. The tournament continues every Sunday through September 3, 2023. This is a free league for basketball players to get out there and enjoy the sport.

Councilmember K. B. Aleshire doesn't typically get adamant about the subject matter provided during citizen comments. If citizens don't like the actions of the elected body, the simplest solution is to move into the City and run for office. If they are elected, they can then attempt to convince their counterparts at the table to make the rules they would prefer. He doesn't know much about what's in the Bible, but he does know it says I am my brother's keeper, not his judge.

Mayor T. Martinez assured the residents in the East Avenue neighborhood the Mayor and City Council hear and understand their concerns. Neighbors should look out for each other and advocate for each other. Look at the many City events and see what might be fun for your family. She urged citizens to report something unusual or concerning the police department.

She viewed drone footage of Hagerstown recently and was pleased comments were made that Hagerstown is a beautiful City.

She congratulated Jim Bender on his appointment as City Engineer.

The 60th Anniversary Ruth Ann Monroe Basketball League Tournament is a big deal for the community. This event is for all the kids and has been for many years.

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 7:52 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: August 22, 2023