

WORK SESSION – October 17, 2023

Mayor T. Martinez called this Work Session of the Mayor and City Council to order at 4:00 p.m., Tuesday, October 17, 2023, in the Council Chamber at City Hall.

Participating with the Mayor were Councilmembers K. B. Aleshire, T. Burnett, and M. J. Schindler, City Administrator Scott A. Nicewarner, and City Clerk D. K. Spickler. Councilmember S. McIntire was not present.

Economic Development Week Proclamation

Mayor Martinez read a proclamation naming October 23-27, 2023 as Economic Development Week in Hagerstown, Maryland. Jill Thompson, Director of Community and Economic Development, Emily Conrad, Economic Development Coordinator, and Christopher Siemerling, Economic Development Specialist, accepted the proclamation.

Preliminary Agenda Review

Mayor Martinez announced that Citizen Comments for the October 24, 2023 Regular Session will be welcome either in person or by submitting comments by email to [councilcomments@hagerstownmd.org](mailto:councilcomments@hagerstownmd.org) by 5:00 p.m. that day. If by email, the submitter's name, address, and a summary of the comments will be announced during the Citizen Comments portion of the meeting. The email will not be read in its entirety, but it will be included in the public record for the meeting and may be viewed by the public at any time.

**Consent Agenda**

A. Engineering:

1. Greens at Hamilton Run Stream Restoration – Resource Restoration Group, LLC (Tracys Landing, MD) \$ 622,923.00
2. Hagerstown Hub City Garage – Additional Allocation for Project Management – Newcomer Associates (Chambersburg, PA) \$ 60,000.00
3. Pavement Markings – Transfer Unspent Funds from FY23 to New Vendor – Alpha Space Control, LLC (Chambersburg, PA) \$ 29,693.12

B. Fire:

1. Hagerstown Fire Training Center Burn Building - Jahnke & Sons Construction, Inc. (Grandview, MO) \$ 1,052,651.00

C. Information Technology:

1. Barracuda Essentials Compliance Edition – One Year Renewal Subscription – System Source (Hunt Valley, MD) \$ 40,085.00
2. Intellitime Touch Time III Time Clocks – Intellitime Systems Corporation (Santa Ana, CA) \$ 59,000.00
3. Arctic Wolf Endpoint Security Licenses and Services - Winslow Technology Group (Waltham, MA) \$ 98,026.68

D. Police:

1. AVCC Annual Subscription Fee – Lexis Nexis (Chicago, IL) \$ 19,910.00
2. Two 2023 Chevrolet Tahoe's – Hertrich Fleet Services (Milford, DE)  
\$ 89,372.00
3. Thirty Glock Model 47 MOS7 – Atlantic Tactical (New Cumberland, PA)  
\$ 27,861.60
4. FY23 Reimbursement for Community Based Prosecutor – Board of County  
Commissioners (Hagerstown, MD) \$ 64,397.00

E. Public Works:

1. Removal of Existing Boiler and Install New Boiler at Central Equipment  
Building – Beaver Mechanical Contractors, Inc. (Hagerstown, MD)  
\$ 69,280.00
2. Janitorial Services for Elizabeth Hager Center, Fire Administration, and Fire  
Training Center – Ragland Cleaning Services (Hagerstown, MD) \$ 26,850.00
3. Bulk Road Salt – Per Ton Price Delivered \$ 79.41 - Morton Salt, LLC  
(Chicago, IL) \$ 160,000.00

F. Utilities:

1. Light: Cost of Service Analysis and Rate Design Study – GDS Associates,  
Inc. (Marietta, GA) \$ 80,000.00
2. Water: Water Plant Residual Contract – Synagro (Baltimore, MD)  
\$ 175,416.00
3. Water: Two 2024 Ford Broncos to Replace Vehicles 225 and 238 – Keystone  
Ford (Baltimore, MD) \$ 62,400.00
4. Water: Annual Generator Service Contact – Fidelity Power Systems (Sparks,  
MD) \$ 10,249.00
5. Water and Wastewater: W&WW Administration Building Renovation –  
Buchart Horn (York, PA) \$ 157,000.00
6. Wastewater: Engineering Services Solids Processing Change Order #3 - Black  
and Veatch Corporation (Gaithersburg, MD) \$ 56,440.00
7. Wastewater: Ferric Chloride – PVS Technologies, Inc. (Detroit, MI)  
\$ 17,805.00
8. Wastewater: Pump Station 33 Pipe and Fittings – Core and Main LP  
(Martinsburg, WV) \$ 272,791.41

There were no questions or comments.

This completed the Preliminary Agenda Review. There were no additional questions about any items. All items, unless noted, are scheduled for approval on October 24, 2023.

Request to Purchase CDBG Property: 261 S. Prospect Street

Margi Joe, Community Development Manager, was present to review a proposal from Miranda Barkdoll to purchase property at 261 S. Prospect Street as part of the City's

Community Development Block Grant (CDBG) Homeownership Program. The following is a summary of the request:

The eligible application packet and contact offer was received on September 19, 2023 from Miranda Barkdoll to purchase 261 S. Prospect Street through the CDBG Homeownership Program. The proposed purchase price is \$ 170,000.00, matching both asking price and appraisal that was completed on May 11, 2023. The amount of commission to be paid to the buyer's agent (2.5%) is \$ 4,250.00.

The vacant home at 261-263 S. Prospect Street was purchased in April, 2015 with CDBG funding for the purpose of rehabilitating the property and offering the renovated units to eligible homebuyers through the CDBG Homeownership Program.

The original single-family dwelling had previously been converted into four substandard rental dwellings. Due to the poor condition and inferior layouts of the existing units, reoccupying the structure as a four-unit rental property would be a strain on the South Prospect Street neighborhood and surrounding property values would continue to be negatively impacted.

Renovations to the structure transformed the four substandard apartments into two duplex units with high end finishes. Because the project was financially sourced by CDBG funding, the sale of at least one of the two units is restricted to CDBG income-qualified households. The current applicant has been determined to be qualified under current HUD income guidelines. Under the City's CDBG Homeownership Program guidelines, Ms. Barkdoll will be required to occupy the property as her principal residence for five years after the purchase.

Staff recommends moving forward with the sale of 261 S. Prospect Street to Ms. Barkdoll with the terms mentioned previous. These terms are reflected in the sale contract which is part of the meeting material.

It was the general consensus to move forward with the sale of the property to Ms. Barkdoll. Approval of a resolution will be included on the October 24, 2023 Regular Session agenda.

Councilmember Burnett is happy to see this program is working as it was intended to.

#### Naming of Renaissance Way as "Charlie's Way"

Jim Bender, City Engineer, was present to review a request to rename Renaissance Way as "Charlie's Way" in recognition of Charles "Charlie" Sekula, the former owner and operator of the Schmankerl Stube restaurant on South Potomac Street. Mr. Sekula was a well known business proprietor and was actively involved with the annual Augustoberfest event that was held for many years in downtown Hagerstown. The opening of the restaurant served as a stimulus for the redevelopment of downtown Hagerstown and the Arts & Entertainment District. Mr. Sekula died in June, 2022.

At the annual Augustoberfest event held earlier this summer, patrons were given an opportunity to sign a petition to have a street named after Mr. Sekula. Hundreds of signatures were collected. While many of those who signed the petition are likely not City residents, it is still an indication of the high regard with which many people held Mr. Sekula.

In accordance with the Engineering Department's policy for naming streets or alleys, staff contacted the owners of the properties that adjoined Renaissance Way and asked them for any comments or concerns over naming the street; none of them objected, and several commented that it was an appropriate way to recognize Mr. Sekula.

There are a few existing addresses assigned to Renaissance Way, including the A&E Parking Deck. Staff feels that, instead of renaming the street, it would be better to add a supplemental, white on brown "Charlie's Way" sign to the existing Renaissance Way street sign. Keeping Renaissance Way as the official name of the street will prevent anyone from having to change their address. If approved by the Council, a work order will be prepared to procure and install the sign.

It was the general consensus to include approval of a resolution to make this change on the October 24, 2023 Regular Session agenda.

#### Hagerstown Field House: Award of Construction Contract

Jim Bender, City Engineer, and John Wack, Eastern Sports Management (ESM), were present to review the construction contract for the Hagerstown Field House.

The City, along with its partner ESM, solicited bids for the 114,000 square foot Hagerstown Field House indoor sports facility. The Field House will provide two indoor turf fields, four basketball/multi-use courts, a fitness facility, and E-Sports facility, a food service area, and other amenities in a new building at the former Municipal Stadium site.

The City and ESM have been working together on the design of the Field House facility since the fall of 2021, under the terms of a Developer's Agreement between the two parties. ESM and their design team prepared a full set of architectural plans and specifications for the project, based upon the City's input and ESM's business plan for the project.

The project was advertised for bids on August 16, 2023 through the eMaryland Marketplace Advantage procurement system, as well as the City's bid solicitation portal. A total of six addenda were issued to respond to requests for information from bidders, and to clarify certain aspects of the plans and specifications. The project was advertised for a total of forty-seven days, and bids were publicly opened on October 3, 2023.

The City received the following nine bids for the project:

- |                            |                  |
|----------------------------|------------------|
| 1. Waynesboro Construction | \$ 19,151,517.50 |
| 2. Rycon Construction      | \$ 19,654,692.81 |

3. Myers Building Systems	\$ 20,212,998.28
4. Southway	\$ 20,594,402.63
5. Kinsley Construction	\$ 20,852,317.63
6. San Jose Construction	\$ 21,087,832.96
7. Palmer Construction	\$ 22,540,051.44
8. FCL Builders	\$ 22,984,064.51
9. R. W. Warner	\$ 25,216,062.00

After opening the bids, the City and design team began their evaluation of the proposals using the scoring criteria listed in the Request for Proposal. The criteria were:

1. Company Qualifications	20%
2. Company Experience	15%
3. Project Work Plan	15%
4. Project Staffing Plan	10%
5. Proposed Fee	30%
6. Delivery Schedule	10%

The members of the evaluation team reviewed and scored each proposal independently, and those scores were then averaged amongst the team to determine a final score. Out of all of the proposals, two of them scored significantly higher than the others: Waynesboro Construction and Rycon Construction. The design team then scheduled in-person interviews with Waynesboro and Rycon on Friday, October 13, 2023. Based on the scoring and interview, staff and the design team recommend awarding the contract to Waynesboro Construction at a bid price of \$ 19,151,517.50, plus an additional alternative of \$ 164,200.00. The total cost of the project is anticipated to be \$ 24,999,094.00, which includes furniture, fixtures and equipment, project management, inspection and testing, construction contingencies, utility fees, and commission.

The funding plan to complete the project will also be from several sources, including the following:

1. State of Maryland Capital Grants
2. State Strategic Demolition Grant
3. American Rescue Plan Act (ARPA) Funds
4. City of Hagerstown local funds
5. County grant from Hotel/Motel tax
6. Bond Financing

The construction schedule for the project was an important part of the evaluation of the proposals, and will be critical to the successful launch of the facility. Both of the short-listed contactors assumed a Notice to Proceed being issued in November, 2023, with final completion of the facility schedule for the fourth quarter of 2024. Based upon ESM's experience with operating other similar facilities, hitting an opening date of no later than January 1, 2025 is essential to sign contracts for use of the activity during the winter of 2024/2025.

Mr. Bender stated the amount that will be needed to cover the remaining funding will be through bond financing. The estimated amount of a bond is \$ 17 Million to \$ 18 million.

Mr. Wack indicated formally awarding the bid in October, 2023 will keep the project on schedule for the State Board of Public Works review as well as meeting the targeted opening date.

A large part of the contingency allocation of the project is related to existing soil conditions at the site. The geotechnical investigation that was performed during the design phase indicated that there are soft, plastic soils in several areas around the site. The base bid for the project includes the removal and replacement of two feet of soil within the proposed building's footprint, but there may be areas where additional material removal and replacement is necessary to provide a solid foundation. The design team has estimated the amount of additional excavation that may be required, and calculated the extra cost that may be incurred to perform that work.

Staff is requesting the Mayor and City Council to award the contract to Waynesboro Construction, authorize an additional \$ 637,605.00 in funds contingency, commission, and inspection and testing, and approve Amendment #3 to the Consulting Services agreement with Eastern Sports Management on October 24, 2023.

Approval of Amendment #4 to the Consulting Services Agreement for furniture, fixtures, and equipment procurement, finalize the Lease Agreement between City and Eastern Sports Management, finalize financing plan for the project, and submit concurrence package to the Department of General Services and the Board of Public Works would be scheduled for November, 2023.

Councilmember Aleshire asked if staff and Mr. Wack are confident the State would agree the City followed the procedure for awarding a contract partially funded with State Capital Grants if the contract is awarded this month. Mr. Bender stated the process used is very defensible and he does not think there will be an issue with the process.

Michelle Hepburn, Chief Financial Officer, noted the potential contractor plans to use the State Business Enterprise program, which is preferred by the State. The company is currently in good standing with the State of Maryland, which is a plus.

Councilmember Aleshire asked if the construction contract specifies a percentage of SBE the contractor would use. Mr. Bender stated there is not a specific target but the State would, understandably, prefer as many SBE subcontractors involved as possible.

Councilmember Schindler asked if Waynesboro Construction has experience with a project this large. Mr. Bender indicated the information included with their company information gave the review team a level of confidence in their ability to work on this size project. They are well known for large projects throughout Washington County.

It was the general consensus to include award of the contract and other actions noted on the agenda for October 24, 2023.

### Wholesale Power Services Agreement

Nathan Fridinger, Deputy Director of Electric Operations, was present to review the Wholesale Power Services Agreement.

The current amendment to the full requirements Power Services Agreement with Energy Harbor will expire on May 31, 2024. This contract includes a fixed rate of \$ 42.42 per MWh for energy, capacity, satisfying the renewable energy requirements of the State, and other ancillary charges/credits with direct passthrough charges for distribution, transmission enhancement, and network integrated transmission service (NITS).

A request for proposals was developed, has been advertised, and with the legal and consulting firms, staff has been working toward ratifying a new contract or amending the existing contract. One hundred percent of the City's energy needs are purchase on the market. As the pricing trends have stabilized and the City approaches the budget season, staff will lock in a new rate for a period of at least 19 months.

Based on assumed values for capacity, energy, and NITS, the wholesale power rate is projected to increase by approximately 45%. An increase such as this will impact the monthly purchase power cost adjustment by approximately \$0.02 per kWh on average, resulting in a projected kWh monthly bill of \$0.09 per kWh for residential customers. A bill for 1,000 kWh of use is projected to be approximately \$ 90.00, up from approximately \$ 70.00 today. In comparison, customers within the Potomac Edison service territory would expect a bill of approximately \$ 110.00.00.

A new agreement will be drafted and approved in November, 2023.

### Municipal Utility Cybersecurity Program

Nathan Fridinger, Deputy Director of Electric Operations, and Jason Bachtell, Electrical Engineering Manager, were present to discuss the US Department of Energy's municipal utility cybersecurity program.

Hagerstown Light Department (HLD) staff has been attending web meetings with the Department of Energy's Cybersecurity, Energy Security, and Emergency Response Team (CESER) to poll rural electric cooperatives and municipal electric utilities in determining needs relating to cybersecurity.

Using the information provided from all utilities and consulting entities, the CESER team formed a "contest" for all rural and municipal electric utilities to compete for funds to enhance and improve cybersecurity measures on various systems and processes. The process was developed as a contest to alleviate reporting, stipulations and funding match/cost sharing that is required for typical grant projects.

The total project allocation is \$ 8.96 M with up to a \$ 200,000 prize for each successful electric utility to use toward Cyber Security improvements and training distributed in 3 phases. The phases are as follows:

1. Commitment Phase 1 – by November 29, 2023, submit a description of resources, need for improving cybersecurity posture, and commit to participating in the program. The requirements to qualify have been met by staff’s participation to date.
2. Planning Phase 2 – work with technical assistance providers to complete assessments of the system, identify areas where training would improve staff skills and abilities, gain a better understanding of potential risks and solutions, identify solutions to address prioritized risk, and a draft a roadmap for implementation.
3. Implementation Phase 3 – make substantial progress toward completing the roadmap.

The Mayor and City Council thanked Mr. Fridinger and Mr. Bachtell for their efforts in competing for this funding.

#### Hagerstown Police Department Grant Agreement with Washington County Health Department

Chief Paul Kifer was present to review a contract as a subrecipient with the Maryland Department of Health. This contract will provide reimbursement of \$ 54,000.00 to the City of Hagerstown for overtime for Law Enforcement Assisted Diversion (LEAD) activities and training. The training opportunities would include Human Sex Trafficking and an RX Illicit Drug Summit.

It was the general consensus to include approval of the contract on the October 24, 2023 Regular Session agenda.

#### Contractual Part-Time Police Officers

Chief Paul Kifer was present to request approval to hire up to four part-time contractual police officers. The part-time officers would be hired immediately and used to augment patrol operations, targeting juvenile and disorder crimes in the parks and downtown area.

As staffing continues to be an issue for the police department, Chief Kifer is looking for innovative ways to provide the same level of service to citizens as they are accustomed to. Funding is available within the police department budget for the four part-time officers.

It was the general consensus to approve the hiring of four part-time officers. Formal approval will be scheduled for October 24, 2023.

### **CITY ADMINISTRATOR'S COMMENTS**

*Scott Nicewarner, City Administrator*, and Mayor Martinez attended the Maryland Municipal League Fall Conference during the last two days. Several officials from other municipalities are extremely interested in the progress of the field house. Hagerstown is being considered a sports mecca in Maryland. He also provided information to those interested about the Fairgrounds Park, BMX track, ice rink, and City Park as venues for travel teams to visit. The drone program is also of great interest across the state. There were good discussions about tax fairness for municipalities in Maryland as it relates to individual residents. He anticipates a significant push for tax fairness across the state over the next several months. Hagerstown officials are not alone in their desire to have a candid discussion about the issue. They had the opportunity to talk with Governor Moore and Lt. Governor Miller, as well as Congressman Trone. Taxpayers should be proud of how Hagerstown is being represented across Maryland. He noted approval of the construction contract for the field house next week will be a huge step for Hagerstown.

Mr. Nicewarner thanked the Hagerstown BMX group and City staff involved in making the national event last weekend a success.

### **MAYOR AND COUNCIL COMMENTS**

*Councilmember M. J. Schindler* attended the town hall community event hosted by Secretary Emily Keller last week. It was a great event and provided an opportunity to meet and discuss how to address the opioid crisis. He thanked Chief Kifer for thinking of new ways to provide police coverage.

*Councilmember T. Burnett* had no additional comments.

*Councilmember K. B. Aleshire* had no additional comments.

*Mayor T. Martinez* stated the City received a request from concerned citizens asking that a statement be issued condemning the violence in Israel and Gaza. She provided a draft of the statement for the Council's review. Councilmember Burnett is fine with the statement because it recognizes both Israel and Gaza. Many lives have been lost and no one should be subjected to the atrocities that are happening. Councilmember Schindler agreed. Councilmember Aleshire stated it seems this statement is speaking for the citizens in this community who are more intimately involved. He asked if those citizens have been contacted for their input, specifically the Jewish and Muslim communities. He does not want to agree to issue a statement without reaching out to these groups. Mayor Martinez will contact the groups before any statement is released.

The Mayor and City Council will hold an executive session on November 7, 2023 to discuss the vacant Council seat.

Mayor Martinez reminded people that Hager House Ghost Tours, the Community Yard Sale at Fairgrounds Park, and Harvest Hoedown will be held this week and weekend.

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 4:57 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: November 21, 2023