

REGULAR SESSION (78TH VOTING SESSION) – October 24, 2023

Mayor T. Martinez called this Regular Session (78th voting session) of the Mayor and City Council to order at 7:01 p.m., Tuesday, October 24, 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, City Attorney Jason Morton, and City Clerk D. K. Spickler. Councilmember S. McIntire was not present.

The invocation was offered by Councilmember Matthew J. Schindler. 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: Work Sessions beginning at 4:00 p.m. on Tuesday, November 7, 2023, Tuesday, November 14, 2023, and the Regular Session on Tuesday, November 21, 2023. No meeting is scheduled for Tuesday, November 28, 2023.

GUESTS

Chalk the Walk and Poster Contest Winners

Danielle Staley, Hagerstown Police Department MCIN Coordinator, stated two contests were held in September in observance of International Gang Awareness. Ms. Staley announced the winners of the poster contest are Sakyra Harris, Laylah Douglas, and Drake Lowery. Each winner received an Amazon Fire and a gift card. Malaika Thiombiano, Joy Ibeabucki, and Milan Camcho-Ortiz were winners in the Chalk the Walk contest. These winners received bicycles.

CITIZEN COMMENTS

Citizen Comments were accepted by email at councilcomments@hagerstownmd.org prior to 5:00 p.m. on Tuesday, October 24, 2023. Citizen Comments were also accepted during the meeting.

There were no Citizen Comments.

MINUTES

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 the minutes as presented for September 12, 2023, September 19, 2023, and September 26, 2023.

CONSENT AGENDA

On a motion duly made by Councilmember T. Burnett and seconded by Councilmember M. J. Schindler, the Mayor and City Council unanimously agreed by voice vote of all members present to approve the Consent Agenda as follows:

- 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 Vehicle 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

UNFINISHED BUSINESS

A. Approval of Ordinances: Quit Claim Alley #2-82A

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 ordinances to quit claim unimproved Alley 2-82A to Tarynn M. Cave and George B. Moss and authorizes the Mayor to execute the quit claim deed. Staff has determined that this alley serves no public purpose.

NEW BUSINESS

A. Introduction of Ordinance: Amending Chapter 64 of the City Code – Building Standards

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 introduce an ordinance to amend the Code of the City of Hagerstown, Chapter 64, Article I by deleting and repealing Chapter 64 Building Construction, Article I, Building Standards, and replacing it with a new Article I, Building Standards, which provides for updated building requirements, licensing, and penalties. With this ordinance, the present code provisions will be enforced through December 31, 2023, and the new code provisions would become applicable January 1, 2024.

B. Introduction of an Ordinance: Amending Chapter 64 of the City Code – Property Maintenance Standards

Action: On a motion duly made by Councilmember T. Burnett and seconded by Councilmember M. J. Schindler, the Mayor and City Council unanimously agreed by voice vote of all members present to introduce an ordinance to amend the Code of the City of Hagerstown, Chapter 64, Article III by adding or amending sections to Chapter 64 Building Construction, Article III, Property Maintenance Standards, which provide requirements for safe use of heating, electrical, plumbing, and mechanical systems and occupant health, well-being, and safety. With this ordinance, the code provisions shall become effective immediately upon the effective date of this enacting ordinance.

C. Introduction of an Ordinance: Amending Chapter 64 of the City Code – Electrical Standards

Action: On a motion duly made by Councilmember M. J. Schindler and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote of all members present to introduce an ordinance to amend the Code of the City of Hagerstown, Chapter 64, Building Construction, Article IV, Electrical Standards, by deleting and repealing Chapter 64 Building Construction, Article IV, Electrical Standards, and replacing it with a new Article IV, Electrical Standards, which provides for updated building requirements, licensing, and penalties. With this ordinance, the present code provisions will be enforced through December 31, 2023, and the new code provisions would become applicable January 1, 2024.

D. Introduction of an Ordinance: Amending Chapter 64 of the City Code – Plumbing Standards

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 introduce an ordinance to amend the Code of the City of Hagerstown, Chapter 64, Building Construction, Article V, Plumbing Standards, by deleting and repealing Chapter 64 Building Construction, Article V, Plumbing Standards, and replacing it with a new Article V, Plumbing Standards, which provides for updated building requirements, licensing, and penalties. With this ordinance, the present code provisions will be enforced through December 31, 2023, and the new code provisions would become applicable January 1, 2024.

E. Introduction of an Ordinance: Amending Chapter 64 of the City Code – Mechanical Standards

Action: On a motion duly made by Councilmember T. Burnett and seconded by Councilmember M. J. Schindler, the Mayor and City Council unanimously agreed by voice vote of all members present to introduce an ordinance to amend the Code of the City of Hagerstown, Chapter 64, Building Construction, Article VI, Mechanical Standards by deleting and repealing Chapter 64 Building Construction, Article VI, Mechanical Standards, and replacing it with a new Article VI, Mechanical Standards, which provides for updated building requirements, licensing, and penalties. With this ordinance, the present code provisions will be enforced through December 31, 2023 and the new code provisions would become applicable January 1, 2024.

F. Introduction of an Ordinance: Amending the City Code by Repealing and Re-enacting Chapter 140, Land Management Code

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 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 a second collection of annual revisions for 2023 finalized by the Mayor and City Council. This re-enacted version of the Land Management Code shall be known as version 3.11.

G. Introduction of an Ordinance: Local Conversion District Overlay Amendment – 4 Cypress Street

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 introduce an ordinance for an amendment to the Local Conversion District Overlay at 4 Cypress Street, including the proposal for a front addition endorsed by the Planning Commission.

H. Approval of a Resolution: Annexation A-2023-03: 13 and 17 Western Maryland Parkway

Action: On a motion duly made by Councilmember T. Burnett 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 resolution for Annexation Case No, A-2023-03, also known as 13 and 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 pre-annexation agreement, annexation plat, zoning exhibit, and annexation plan.

I. Approval of a Resolution: Salt Utilization Agreement with Maryland State Highway Administration

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 enter into a Salt Utilization Agreement with the State Highway Administration of the Maryland Department of Transportation. The agreement allows the City of Hagerstown to purchase road salt from State Highway stockpiles during winter weather emergencies. The City shall reimburse the State Highway Administration for the cost of the salt, delivery charges, and overhead.

J. Approval of a Resolution: Authorizing the Sale of Property Located at 261 S. Prospect Street

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 authorizing the sale of property at 261 S. Prospect Street, Hagerstown, Maryland, to Miranda Barkdoll for a purchase price of \$ 170,000. The sale will be in accordance with all of the terms and conditions outlined in the attached Contract of Sale.

K. Approval of a Resolution: Rename Renaissance Way/Alley #3-42 to “Charlie’s Way”

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 authorizing the designation of Renaissance Way/Alley #3-42 as “Charlie’s Way”. This alley runs between Washington Street and Antietam Street, parallel to Potomac Street. This alley is so named in honor of Charles “Charlie” Sekula, the former owner of the Schmankerl Stube restaurant and proponent of redevelopment of downtown Hagerstown.

L. Approval of a Resolution: \$ 25,000 ARPA Funding to Support the Hagerstown Youth News Corps Internship Program

Action: On a motion duly made by Councilmember K. B. Aleshire and second by Councilmember T. Burnett, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a resolution

approving of up to \$ 25,000 American Rescue Plan Act (ARPA) funds for the Hagerstown Youth News Corps Internship Program. The program engages City of Hagerstown youth aged 16 to 21 to participate in a five-month internship program educating them about journalism, photography, videography, editing, publishing, and printed or electronic news circulation. Funding will cover initial one-time program costs: participant uniforms, photography, video and other media equipment, copy machine and other office supplies.

The time of performance shall be 4-months beginning on the 24th day of October, 2023 and ending on the 31st of December 2024, or the date that all available funds up to the maximum of \$ 25,000 have been reimbursed whichever occurs sooner. Any unused portion of the funding shall remain at the City and will be reallocated to another project or program at that time.

Discussion: Councilmember Burnett is glad this great opportunity is coming to life for the youth. Mayor Martinez agreed.

M. Approval of a Resolution: Subrecipient Agreement between Hagerstown Police Department and Washington County Health Department

Action: On a motion duly made by Councilmember T. Burnett and seconded by Councilmember M. J. Schindler, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a resolution to approve a subrecipient contract between the City of Hagerstown and the Maryland Department of Health.

The Maryland Department of Health will provide reimbursement, in the amount of \$ 54,000, to the City of Hagerstown for overtime Law Enforcement Assisted Diversion (LEAD) activities and training.

N. Approval of a Resolution: Memorandum of Understanding with Child Advocacy Center (CAC)

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 approve a Memorandum of Understanding (MOU) between the City of Hagerstown and multiple parties creating the Washington County Child Advocacy Center (CAC).

The CAC provides services to the children of Washington County who are victims of sexual or serious physical abuse. The Hagerstown Police Department assigns a detective to this facility to handle City cases.

This MOU is consistent with current practices in this area.

Discussion: Councilmember Schindler stated this is a great cause where people can receive all the care at one spot.

O. Approval of a Resolution: Memorandum of Understanding with Department of Alcohol, Tobacco, and Firearms (ATF)

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 renewing a Memorandum of Understanding with the Department of Alcohol, Tobacco, and Firearms (ATF).

There is no cost to the City of Hagerstown to enter into the Memorandum of Understanding. Overtime pay and other expenses may be reimbursed by the Federal Government of the United States.

P. Approval for After School Program at the Parkside Community Center

Action: On a motion duly made by Councilmember T. Burnett and seconded by Councilmember M. J. Schindler, the Mayor and City Council unanimously agreed by voice vote of all members present to approve the 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 2023-2024 school year at a cost of \$ 22,381.00. This amount includes reallocation of \$ 3,500.00 from the Community Programs budget.

Q. Approval of the Addition of Contractual Part-Time Police Officers

Action: On a motion duly made by Councilmember T. Burnett and seconded by Councilmember M. J. Schindler, the Mayor and City Council unanimously agreed by voice vote of all members present to approve hiring up to four (4) contractual part-time police officers.

These part-time officers would be hired immediately and used to augment patrol operations, targeting juvenile and disorder crimes in the parks and downtown area.

R. Approval of Hagerstown Field House Contract

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 take the following actions on the Hagerstown Field House project:

1. Approval of the award of the construction contract for the facility to Waynesboro Construction Company, Inc. the amount of \$ 19,315,717.50 Also, the City approves the authorization of \$ 637,605.00 in additional expenditures to cover inspection and testing services, building system commissioning, and construction contingencies. The total authorization for construction and additional expenditures is \$ 19,953,322.50.
2. Approval of Amendment No. 3 to the previously approved Consulting Services Agreement between the City and Eastern Sports Management in the amount of \$ 213,930.00 to cover architectural project management services and geotechnical consulting during construction.
3. Authorization for the City to pay Eastern Sports Management up to \$ 440,000.00 in funds identified in the previously approved Developer's Agreement for project management and reimbursable expenses.

Funding for this project will be a combination of State Capital Grants, American Rescue Plan Act (ARPA) funds, State Strategic Demolition Fund Grants, Washington County Hotel/Motel tax funds, Local Funds, and future bond issues.

S. Approval of Holiday Parking Hours

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 the City Center Holiday Parking program that allows for free parking each weekend commencing at 5:00 p.m. Friday evenings and every Saturday and Sunday in the University District Parking Deck and Arts & Entertainment District Parking Deck beginning Friday, December 1, 2023, through Monday, January 1, 2024. Normal parking operations will resume on Tuesday, January 2, 2024.

Parking at the street meters and parking lot meters will continue to be free after 5:00 p.m. weekdays; every Saturday and Sunday; and on City holidays.

T. Approval of Funding for a Community Coalition Lobbyist

Action: On a motion duly made by Councilmember T. Burnett and seconded by Councilmember M. J. Schindler, the Mayor and City Council unanimously agreed by voice vote of all members present to authorize the expenditure of \$ 5,000.00 from the General Fund operating budget in order to

contribute toward hiring John Favazza with the firm of Mannis, Canning & Associates, as the Community Coalition Lobbyist. Other committed partners include the Washington County Commissioners, Convention and Visitors Bureau, Washington County Free Library, Greater Hagerstown Committee, the Community Foundation, Hagerstown Community College, Town of Williamsport, Washington County Chamber of Commerce, and CHIEF (Washington County Industrial Foundation).

Discussion: Councilmember Aleshire asked if a third party was added to the group. Mr. Nicewarner indicated it was not.

U. Approval of FY2024 Invest Hagerstown and Partners in Economic Progress (PEP) Program Guideline Changes

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 revised guidelines and application forms for the following programs:

1. Invest Hagerstown City Center Redevelopment Grant
2. Invest Hagerstown City-Wide Redevelopment Grant
3. Invest Hagerstown Rental Rehabilitation Grant
4. Partners in Economic Progress (PEP)

Staff may make administrative edits with the approval of the City Administrator.

V. Approval of FY24 City Funding Support for Heart of the Civil War Heritage Area: Agency Contributions

Action: Councilmember M. J. Schindler made a motion to approve of \$ 7,500 in City Agency Contribution funding to support the Heart of the Civil War Heritage Area. Staff from Heart of the Civil War Heritage Area requested funding from the Mayor and Council at the October 10, 2023 meeting. The \$ 7,500 would be paid quarterly in even payments in compliance with the Agency Contribution Policy throughout FY24. The funding source is from FY24 General Fund Unspecified Agency Contribution budgeted line item. Councilmember T. Burnett seconded the motion.

Motion carried 2-1, with Councilmember K. B. Aleshire voting No.

CITY ADMINISTRATOR COMMENTS

Scott Nicewarner, City Administrator, confirmed San Mar was not added to the Coalition's list of priorities.

Mr. Nicewarner offered condolences to Judge Andrew Wilkinson's family. Judge Wilkinson passed away last week after being shot. People in the community are heartbroken. He thanked all the law enforcement personnel who helped that night to secure the scene and assist with the investigation process.

He thanked the Washington County Commissioners for agreeing to waive the tax fees for 25 parcels that have been identified to be included in the City's new initiative of obtaining the properties with the intent to return them to the tax rolls as viable properties and to reduce blight in neighborhoods.

Events this week include the Drive Through Trick or Treat at Fairgrounds Park on October 26, 2023, the Downtown Halloween Block Party on October 27, 2023, the Howl-O-Ween Dog Costume Contest on October 28, 2023, and the 96th Annual Alsatia Mummer's Parade on October 28, 2023. The Ghost Tours at the Hager House are sold out for the season.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember M. J. Schindler extended condolences to Judge Wilkinson's family. The whole community is mourning his passing.

He thanked the Parks and Recreation staff for their efforts for the fantastic family friendly Harvest Hoe Down event last weekend. He encouraged people to come to Hagerstown for all the great activities.

Councilmember T. Burnett offered condolences to Judge Wilkinson's family. She prays they receive justice for his murder.

The Harvest Hoedown was a great event and extremely well attended. The marketing folks did a great job advertising the event. She thanked everyone for their donations of food and time.

Councilmember K. B. Aleshire noted life is inexplicably sad sometimes. Judge Wilkinson was one of the Washington County Government attorneys when Councilmember Aleshire was a County Commissioner. Judge Wilkinson was taken from the community he loved for doing his job, and a job he loved. He offered condolences to the Wilkinson family.

He pointed out that Councilmember Bruchey made a decision that was in the best interest of his family. He applauds him for that and for his nearly 20 years of service to the community. They agreed and disagreed at times but always left it at the Council table. There will probably be some goofy thing named in honor of Councilmember Bruchey. Councilmember Bruchey always made decisions with the thought of what is in the best interest of the City of Hagerstown

Mayor T. A. Martinez definitely fought with Councilmember Bruchey but she doesn't know anyone who has as much experience and love for the City of Hagerstown as he does.

She extended condolences to Judge Wilkinson's family. He was appointed as judge in 2020, during the COVID pandemic. She was working with mediation at the time and they discussed how to get help to the families when in-person meetings were not permitted. Judge Wilkinson was community driven, as Judge Wilson and Judge Pauler are. It hurts when someone is doing love at home and loses their life doing that. The community is hurting with this loss.

Mayor Martinez assured the community City officials are very aware of the different things that are happening in communities with the youth. City staff are not ignoring the complaints. Ending Needless Violence with our Youth (ENVY) will be starting a basketball program in each community soon. It is unacceptable and not true to say people don't care about what citizens are experiencing.

She thanked Chief Kifer for joining her in her weekly radio broadcast last week. There is a great partnership between the police department and the elected officials.

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 7:46 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: November 21, 2023