

REGULAR SESSION (85th VOTING SESSION) – January 30, 2024

Mayor T. Martinez called this Regular Session (85th voting session) of the Mayor and City Council to order at 7:04 p.m., Tuesday, January 30, 2024, in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, T. Burnett, S. McIntire, P. E. Perini, Sr., and M. J. Schindler, City Administrator Scott A. Nicewarner, City Attorney Ann Rotz, and Janet Lung, Executive Assistant for City Clerk Donna Spickler, who was not present.

The invocation was offered by Councilmember Schindler. The Pledge of Allegiance was recited and led by Connor Davis of Troop 66.

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, February 6, 2024, February 13, 2024, February 20, 2024, and Regular Session on Tuesday, February 27, 2024.

Scout Troop 66 and Troop 51 met with Mayor Martinez for a brief tour prior to the Regular Session. Scouts received City of Hagerstown pins. Mayor thanked the scouts for their service.

GUESTS: RECOGNITION OF CITY OF HAGERSTOWN RETIREES

Mayor Martinez acknowledges five City of Hagerstown employees with 30+ years of service retiring in 2023. Mayor presented each retiree with a plaque and thanked them for their service and dedication to the Mayor and City Council and citizens of Hagerstown, Maryland. Retirees: Richard Conrad – 33 years with the Hagerstown Fire Department, Danielle Frye – 32 years with Administration, John Kreigh – 41 years with the Hagerstown Police Department, Steven Ryan – 38 years with the Hagerstown Light Department, and Rodney Tissue – 31 years with the Hagerstown Engineering Department.

Retirees in attendance: Danielle Frye, Steven Ryan and Rodney Tissue

APPOINTMENTS

RE-APPOINTMENT OF MARSHALL HAMMER – HAGERSTOWN LOAN REVIEW AUTHORITY

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 make the following appointments:

Marshall Hammer, Hagerstown Loan Review Authority – Term to expire January 31, 2027

Marshall Hammer received the oath of office by Mayor Martinez.

CITIZEN COMMENTS

Citizen Comments were accepted by email at councilcomments@hagerstownmd.org prior to 5:00 p.m. on Tuesday, January 30, 2024. Citizen Comments were also accepted during the meeting.

James Devine PO Box 2217, Hagerstown MD

On January 3 Mr. Devine's vehicle was stolen from the south end of Hagerstown. When he called 911 and told dispatch the vehicle was just stolen, the female dispatcher asked 20 questions causing him to lose \$6,000.00 for the vehicle. Mr. Devine explained the difficulty in getting video footage from the businesses in the area where the vehicle was stolen. Those owners want the police to ask to see the footage. He tried to call Jason Morton about what he needed to do to file charges against the businesses to get the video footage. Devastated about his vehicle stolen, he feels when 911 is called, they should put out an APB immediately – not ask 20 questions. Feels there is a breakdown with 911.

MINUTES

Councilmember McIntire made a motion to approve the minutes as presented for December 5, 2023, December 12, 2023, and December 19, 2023. Councilmember T. Burnett seconded the motion.

Motion carried 4-1 with Councilmember Aleshire abstaining from the vote.

CONSENT AGENDA

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

- A. Engineering:
 - 1. Change Order: Pavement Preservation Program – Craig Paving, Inc. (Hagerstown, MD)
\$167,254.00

- B. Fire:
 - 1. Supplied Air Breathing Apparatus – Municipal Emergency Services (Minneapolis, MN)
\$54,225.04
 - 2. Low Pressure Pneumatic Lifting Bags – Fire & Rescue Products (Harrisburg, PA)
\$ 15,963.00
 - 3. FY24-27 Annual Uniform Purchase – BJ's Custom Creations (Hagerstown, MD)
\$ 117,000.00

C. Police:

1. Qualtrax Annual Subscription – Qualtrax (Blacksburg, VA) \$ 10,831.52
2. 2023 Ford Explorer – Keystone Ford (Chambersburg, PA) \$ 48,500.00
3. Axon Unlimited Third-Party Storage – Axon Enterprise, Inc. (Scottsdale, AZ) \$ 28,191.64

D. Utilities:

1. Light – 2024 Chevrolet Colorado Crew Cab 4x4 Vehicle Replacement, Unit 137 – Criswell Automotive Fleet Sales (Gaithersburg, MD) \$ 38,600.00
2. Water – Sodium Bisulfite – George S. Coyne Chemical Co., Inc. (Croydon, PA) \$2,837.40
3. Water – High Service Pump Repair – AR&E, Inc. (Hagerstown, MD) \$41,070.94
4. Water – iFix SCADA Upgrade – AutomaTech Inc. (Plymouth, MA) \$58,280.44
5. Water – Hydraulic Breaker – James River Equipment (Stephenson, VA) \$16,866.01
6. Water – Sensus iPerl Water Meters – LB Water Service, Inc. (Chambersburg, PA) \$96,192.00
7. Water – 2024 Ford Escape to Replace Vehicle Unit 261 - Keystone Ford (Chambersburg, PA) \$32,000.00
8. Wastewater - FY24/25 Chemical Purchase – Various Vendors \$ 770,358.80
9. Wastewater - Conceptual Design: Wastewater Treatment Plant Upgrade – Black & Veatch (Gaithersburg, MD) \$ 250,000.00
10. Wastewater – 2024 Ford F-550 to Replace Truck 526 – Keystone, Ford (Chambersburg, PA) \$100,200.00
11. Wastewater - Replace Generator for Pump Station 11 Wood Point – Fidelity Power Systems (Sparks, MD) \$40,962.50
12. Wastewater – Bauer Bevel Gearbox and Expedite Fee – AR&E, Inc. (Hagerstown, MD) \$ 14,032.03
13. Wastewater – Local Limits Analytical Services - ALS Group USA Corp (Middletown, PA) \$36,897.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: Quit Claim a Portion of Alley #3-13 – Raymond W. Higgins

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 to approve an ordinance to quit claim a portion of Ally #3-13 to Raymond W. Higgins and authorizes the Mayor to execute the quit claim deed. Staff has determined that this alley serves no public purpose.

B. Approval of an Ordinance: Quit Claim Portion of Alley #3-13 – Higgins Family Revocable Trust Agreement and Zamaray Properties, LLC

Action: On a motion duly made by Councilmember M. Schindler and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance to quit claim a portion of Ally #3-13 -- to Higgins Family Revocable Trust Agreement and Zamaray Properties, LLC 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 an Ordinance: Acquisition of Property – Hillside Manor Pump Station

Action: On a motion duly made by Councilmember P. E. Perini, Sr. and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously agreed by voice vote to approve the Introduction of an Ordinance for the Conveyance in Fee Simple of said Lot for Wastewater Pump Station #14 and to Accept the Grant of the Sewer Easement which serves Pump Station #14 as described in the attached Deed by Hillside Manor, LLC to the City of Hagerstown.

B. Introduction of an Annexation Resolution: A-2024-01 – 55 Oak Ridge Drive, Building 1

Action: On a motion duly made by Councilmember K. Aleshire and seconded by Councilmember M. Schindler, the Mayor and City Council unanimously agreed by voice vote to approve the Introduction of an Annexation Resolution for Annexation Case No. A-2024-01: 55 West Oak Ridge Drive, Building One. The portion of property to be annexed is approximately 74 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 annexation plat, zoning exhibit, and pre-annexation agreement.

C. Approval of Annexation Plan: A-2024-01 – 55 Oak Ridge Drive, Building 1

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 to approve an Annexation Plan for Annexation Case No. A-2024-01: 55 West Oak Ridge Drive, Building One. The portion of property to be annexed is approximately 74 acres in size and is intended to be added to and made part of the adjacent municipal lands with I-MU zoning.

D. Introduction of an Annexation Resolution: A-2024-02 – I-70 Right-of-Way, 18320 & 18306 Col Henry K. Douglas Drive, and Col Henry K. Douglas Drive Right-of-Way

Action: On a motion duly made by Councilmember M. Schindler and seconded by Councilmember T. Burnett, the Mayor and Council unanimously agreed by voice vote to introduce an Annexation Resolution for Annexation Case No. A-2024-02. The portion of property to be annexed is approximately 28 acres in size and is intended to be added to and made part of the adjacent municipal lands with CR

zoning. The resolution package includes the annexation plat, zoning exhibit, and pre-annexation agreement.

E. Approval of Annexation Plan: A-2024-02 – I-70 Right-of-Way, 18320 and 18306 Col Henry K. Douglas Drive, Col Henry K. Douglas Drive Right-of-Way

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 approve an Annexation Plan for Annexation Case No. A-2024-02. The portion of property to be annexed is approximately 28 acres in size and is intended to be added to and made part of the adjacent municipal lands with CR zoning.

F. Approval of a Resolution: Approval of a Lease Renewal with WLR Property Management – 25 E. Franklin Street

Action: On a motion duly made by Councilmember M. Schindler and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to authorize staff to enter into a Lease Renewal Agreement between the City of Hagerstown and WLR Property Management for office space located at 25 E. Franklin Street.

The term of the lease is five (5) months commencing on March 1, 2024. The monthly rent to be paid to WLR Property Management is Eight Hundred Dollars and No Cents (\$800.00).

G. Approval of a Resolution: Operation of Hillside Manor Pump Station

Action: On a motion duly made by Councilmember P. E. Perini, Sr. and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously agreed by voice vote to approve a resolution accepting the offer of dedication of Wastewater Pump Station #14 by Hillside Manor, LLC to the City of Hagerstown.

H. Approval of a Resolution: License Agreement with Ellsworth Properties, LLC. for Public Art

Action: On a motion duly made by Councilmember K. Aleshire and seconded by Councilmember M. Schindler, the Mayor and City Council unanimously agreed by voice vote to enter into a License Agreement with Ellsworth Properties, LLC for Public Art for a series of photo murals of historic trains on the exterior wall of a building located on the property owned by Ellsworth Properties, LLC.

I. Approval of Patton Hagerstown, LLC Request for Extension of Approval of Water under the City's Water & Wastewater Policy

Action: On a motion duly made by Councilmember P. E. Perini, Sr. and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve the request from Patton Hagerstown, LLC to extend the approval from April 27, 2021 and extension from September 27, 2022 for water services for a portion of the Airport Business Park located in the area of Citi Corp Drive and Breeze Hill Drive located beyond the Hagerstown Medium-Range Growth Area for a proposed industrial warehouse. Approved water service shall be in accordance with all applicable Utilities Department Policies and City Code as may be amended from time to time. This extension will expire December 27, 2024. The property is approximately 16 acres and is identified on the attached map, and any additional or alternative construction on the parcel will require separate approval. Submittal of a pre-annexation agreement to the City of Hagerstown is required prior to approval by the Utilities Department of the request for water service on the site plan, per the requirements of the City's Annexation Policy and Water and Wastewater Policy. An exception granted pursuant to the City's Water and Wastewater Policy is void if the following has not occurred within 12 months of the approval by the Mayor and City Council; 1.) site plan approval by Washington County; 2.) building permit filed with Washington County; and 3.) all City water fees paid. Any request for a variance or extension of the 12 month time limit must be submitted for consideration by the Mayor and City Council at least 60 days prior to the expiration date and is subject to approval by Mayor and City Council.

J. Approval of Lease Holdover Extension – Department of Labor, Licensing and Regulation (DLLR)

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 to approve the attached holdover extension letter with Maryland Department of General Services for a lease at 2-6 N. Potomac Street, in Hagerstown, MD.

K. Approval of Amendment to Invest Hagerstown Grant – 51-53 W. Washington St.

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember M. Schindler, the Mayor and City Council unanimously agreed by voice vote to approve an extension of the Invest Hagerstown City Center Redevelopment Grant for the redevelopment project 51-53 W. Washington Street to April 30, 2024. The City's original approval was on October 26, 2021, and this is the third and final extension to the date requested by the developer. If the April 30, 2024 deadline is not met, the grant shall be forfeited and staff shall send a termination letter.

L. Approval to Increase Pool Management Contract Amount for 2024 Season

On a motion duly made by Councilmember K. Aleshire 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 2024 season. The amount requested is One Hundred Eighty Thousand Dollars (\$180,000) plus a contingency of 10% for unforeseen issues.

M. Approval of Lease Forgiveness for the Lease and Concession Agreement with Nena's Curbside Café

Councilmember S. McIntire made a motion to forgive the unpaid lease amount of Three Thousand Three Hundred Thirty-Three Dollars and Thirty-Four Cents (\$3,333.34) for calendar year 2023 regarding the Lease and Concession Agreement for City Park with Nena's Curbside Café and to forgive the full Five Thousand Dollar (\$5,000.00) lease amount due for calendar year 2024 for the Lease and Concession Agreement for City Park with Nena's Curbside Café. Councilmember T. Burnett seconded the motion.

Motion carried 4 – 1 with Councilmember P. E. Perini, Sr. voting no.

CITY ADMINISTRATOR COMMENTS

Scott A. Nicewarner, City Administrator

Thank all staff that attended the Day in Annapolis. Staff represented the city very well with impressive displays by the Department of Economic and Community Development, Main Street, and Parks. He had an opportunity to have several discussions with legislators on Field House and I-81 funding loss.

Requesting Council permission to send a letter of support for SB 575 The Judge Wilkinson Judicial Security Act – that would keep Judges' personal contact information private. Council gave permission to send the letter under Mayor Martinez's signature.

Congratulate a great friend Kirk Downey named as Circuit Court Judge. Appreciate his communications and professionalism with not only myself but with City staff. Well deserved.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember M. J. Schindler

No comments

Councilmember P. E. Perini, Sr.

Congratulated Kirk Downey as Circuit Court Judge

Attended several meetings in person and via zoom as well as the Day in Annapolis and opening day of the Maryland General Assembly, and Downtown Hagerstown Main Street business owners meeting. He toured the Hagerstown Water/Wastewater treatment plants and Kilpatrick Woods housing development. A segment for State of the City video was taped at the Water/Wastewater Plant and Hamilton Run project at the Hagerstown Greens Golf Course.

Councilmember S. McIntire Everyone has seen individuals often on the street in our city. Many are homeless, many struggle with substance abuse. We always think it won't get better. She noted when first appointed she did a ride along with the Police Department and someone was arrested for prostitution. April Engle just celebrated one year of sobriety. She is unrecognizable, and she has recovered. Everyone in this situation deserve shelter and love and I wouldn't have believed it if I didn't see it with my own eyes. Thank you.

Councilmember T. Burnett

Retirees – love recognizing them. It is a blessing to retire. Civility within the city is huge.

Councilmember K. B. Aleshire

This meeting happens to fall as my neighbor Mr. Cunningham is 92 today. He is retired from the military and native of Hagerstown. He has seen more of the world than any of us. Happy Birthday from Mayor and City Councilmembers.

Mayor T. A. Martinez

Day in Annapolis was awesome. Feedback from the delegation is that Washington County is one of the larger counties that shows up. Shows we are ready to work together. Business leadership, Washington County leadership group, and delegates working very hard for the citizens of Hagerstown and Washington County.

Ronnie Walker invited her to a meeting at St. James School to discuss bringing a youth football tournament to our area. Working together with Visit Hagerstown to bring more than 50 youth football teams, over 1200 young people and their families to Hagerstown. Tournament will be held at St. James.

Service and Honor Boy Scouts – Thanked the Scouts for stepping up and giving back to our community. She added she recently posted a letter to the editor from Harold Martinez, her grandfather, that he wrote in 1961 on the civil rights movement and having faith. The Mayor was emotional as she read his letter to those in attendance.

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 7:49 p.m.

Respectfully submitted,

Original signed by J. Lung

Janet Lung, Executive Assistant

Approved: February 27, 2024