

REGULAR SESSION (87TH VOTING SESSION) – February 27, 2024

Mayor T. Martinez called this Regular Session (87th voting session) of the Mayor and City Council to order at 7:04 p.m., Tuesday, February 27, 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 Jason Morton, and City Clerk D. K. Spickler.

The invocation was offered by Councilmember M. 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, March 5, 2024, Tuesday, March 12, 2024, and Tuesday, March 19, 2024, and the Regular Session on Tuesday, March 26, 2024. The State of the City will be held on Tuesday, March 5, 2024 at 7:00 a.m.

APPOINTMENTS

Public Service Citizen Advisory Committee Members

On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember P. E. Perini, Sr., the Mayor and City Council unanimously agreed by voice vote to appoint the following people to the Public Service Citizen Advisory Committee:

1. Lisa Knight
2. Kayla Trovinger
3. Tiara Lester
4. David Haller
5. Denise Cintron

Mayor Martinez provided the Oath of Office to Lisa Knight, Kayla Trovinger, and Denise Cintron.

Tiara Lester and David Haller will receive the Oath at a later time.

CITIZEN COMMENTS

Citizen Comments were accepted by email at councilcomments@hagerstownmd.org prior to 5:00 p.m. on Tuesday, February 27, 2024. Citizen Comments were also accepted during the meeting.

Stephanie Phillips, Summit Avenue, Hagerstown, Maryland, attended the joint meeting between the Washington County Commissioners and the Mayor and City Council in January. She thought it was a good discussion. The I 70/ I 81 interstate intersection is a key location to regional national security interests. She thinks the number of cameras downtown should be increased. More cameras should be placed at the airport. She asked that sidewalk congestion be decreased at the intersection of Potomac Street and Antietam Street. Revitalization is important. She suggested offering volunteering opportunities to retirees.

Michael Staup, 18 S. Mulberry Street, Hagerstown, Maryland, was present to bring something to the Mayor and City Council's attention. There has been an increase in rental costs recently. His building was sold to an out-of-town owner and the management company has not made any improvements to the building, but the rent keeps increasing. He received a notice that his rent will increase again by \$ 100 in May. He is very happy that the Sheetz store at the corner of Canon Avenue and Washington Street has closed. Neighbors are concerned about what may be taking place at the former hospital site. He hopes the Mayor and City Council are watching what is happening and support anything that will help residents.

MINUTES

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 to approve the minutes as presented for January 9, 2024, January 18, 2024, and January 30, 2024.

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. Community Engagement:
 - 1. Open Container Exemption and Street Closure – St. Patrick's Day Street Festival – March 16, 2024

- B. Engineering:
 - 1. Medway Road Drainage Improvements – Henson & Son, Inc. (Hagerstown, MD) \$73,000.00

2. MKS Business Park Stormwater Retrofit Project – Change Orders to Project – Superior Facilities Management Services (SFMS) (Bethesda, MD) \$ 60,000.00
3. Trash Totes – Rehrig Pacific Co. (Erie, PA) \$ 928,000.00

C. Information Technology:

1. Cisco Duo MFA Software Renewal – SHI (Somerset, NJ) \$ 26,940.00

D. Police:

1. Mobile Radios – Washington County Wireless Communications (Hagerstown, MD) \$ 20,502.15
2. Annual Mid-Atlantic Regional Gang Investigators Network (MARGIN) Conference – Mid-Atlantic Regional Gang Investigators Network (Fairplay, MD) \$ 20,00.00

E. Public Works:

1. City Hall Improvements – 1st Floor Renovations – Newcomers (Chambersburg, PA) \$ 38,940.00
2. Gasboy Islander Prime Pedestal and Software – Spigler Petroleum Equipment, LLC (Westminster, MD) \$ 12,574.80
3. Signal Controller Upgrades for S. Potomac Street and Memorial Boulevard – Econolite (Glen Burnie, MD) \$ 27,191.00
4. Hellane Park West End Little League Roof Replacements – Restoration Unlimited, Inc. (Williamsport, MD) \$ 33,940.00
5. Potterfield Pool Chemicals – Amato Industries, Inc. (Silver Spring, MD) \$ 28,000.00
6. Downtown Beautification Program – Litter Receptacles – Victor Stanley (Dunkirk, MD) \$ 14,992.40

F. Utilities:

1. Light: Vegetation Management Blanket Contract – N. G. Gilbert (Muncie, IN) \$ 580,616.10
2. Water: Annual Maintenance Contract for Hach Analyzers – Hach Company (Loveland, CO) \$ 20,872.00
3. Wastewater: Defoamer – Maryland Biochemical (Bel Air, MD) \$ 29,284.80
4. Wastewater: SCADA System Spare Parts – Capital Electric (Hagerstown, MD) \$ 14,939.47
5. Wastewater: Automatic Vehicular Entrance Gate System – ProMax Fence Systems, Inc. (Reading, PA) \$ 165,805.00

UNFINISHED BUSINESS

A. Approval of an Annexation Resolution: A-2023-02: Blaine Properties, LP

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember P. E. Perini, Sr., the Mayor and City Council unanimously agreed by voice vote to approve an annexation resolution for

Annexation Case No. A-2023-02. The portion of property to be annexed is approximately 28.347 acres in size and is intended to be added to and made part of the adjacent municipal lands with RMED zoning. The resolution package includes the metes and bounds description, annexation plat, and zoning exhibit as forwarded by the applicant's engineer.

Discussion: Councilmember Aleshire pointed out the motion sheet indicates there is a copy of the resolution attached but it is not. He stated he agreed originally with the County that the requested zoning and density was significantly different than the current zoning.

Kathleen Maher, Director of Planning and Code Administration, stated the full package include the plat of the property. The original plan for the property changed when the developer backed out.

B. Approval of an Ordinance: Acquisition of Property – Hillside Manor Pump Station

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 to approve 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 deed by Hillside Manor, LLC to the City of Hagerstown. A copy of the deed is included with the meeting packet material.

NEW BUSINESS

A. Introduction of an Ordinance: Conveyance of Pump Station 30 Lot by Richmond Homes of Maryland, Inc.

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember P. E. Perini, Sr., the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance for the conveyance in Fee Simple of said lot for Wastewater Pump Station #30 as described in the Deed dated July 25, 2018, and recorded among the land records of Washington County, Maryland at Liber 5801, folio 477, and also denoted as "Pump Station Lot" in Plat No. 8374, also recorded among the land records of Washington County Maryland. Pump Station #30 serves the residences located in the Hager's Crossing community. A copy of the deed is included with the meeting packet material.

B. Presentation of Petition for Annexation: Lands of Heavens Heights Homes – Southern Boulevard

Donna K. Spickler, City Clerk, provided the Oath to Fred Frederick, authorized

representative of Heavens Heights Homes, LLC.

Mr. Frederick stated his firm, Frederick, Seibert & Associates, is located at 128 S. Potomac Street, Hagerstown, Maryland. He is the authorized representative of Heavens Heights Homes, LLC who owns +/- 12.08 acres along the Northside of Southern Boulevard, Hagerstown, Maryland. He is the Civil Engineer for Heavens Heights Homes, LLC. Emad Hassan is a member who is authorized to sign the Petition for Annexation. Mr. Hassan's signature is on the petition and his client is the owner of 100% of the assed value of all of the property for which annexation is sought. There are no registered voters who reside on the property at this time.

The Mayor and City Council accepted the petition for annexation.

C. Approval of Annexation Plan: A-2023-04: Heavens Heights Homes, LLC

Action: On a motion duly made by Councilmember T. Burnett and seconded by Councilmember P. E. Perini, Sr., the Mayor and City Council unanimously agreed by voice vote to approve an Annexation Plan for Annexation Case No. A-2023-04. The portion of property to be annexed is approximately 12.08 acres in size and is intended to be added to and made part of the adjacent municipal lands.

D. Introduction of an Annexation Resolution: A-2023-04: Heavens Heights Homes, LLC

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember P. E. Perini, Sr., the Mayor and City Council unanimously agreed by voice vote to introduce an Annexation Resolution for Annexation Case No. A-2023-04. The portion of property to be annexed is approximately 12.08 acres in size and is intended to be added to and made part of the adjacent municipal lands with RMOD zoning. The resolution package includes the metes and bounds description, annexation plat, and zoning exhibit.

E. Approval of a Resolution: Addendum to Agreement with Sierra Nevada Corporation

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 to approve a resolution authorizing the City of Hagerstown to enter into an addendum to the agreement between the City and Sierra Nevada Company, LLC, formally known as Aviation Resources Delaware, Inc.

F. Approval of a Resolution: Enforce Lease Agreement with DairyOne

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 authorizing the City of Hagerstown to take all steps necessary to enforce a lease agreement with DairyOne Cooperative, Inc. to have the leased premises at 1040 Frederick street restored to the use of the City as described in the resolution.

G. Approval of a Resolution: Termination of User Agreement with American Little League

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 a resolution to terminate the current User Agreement between the City of Hagerstown and the American Little League. The existing User Agreement is for exclusive use of a portion of Hager Park and is set to expire on December 31, 2024.

H. Approval of a Resolution: Termination of User Agreement with West End Little League

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 to approve a resolution to terminate the current User Agreement between the City of Hagerstown and the West End Little League. The existing User Agreement is for exclusive use of a portion of Hellane Park and is set to expire on December 31, 2024.

I. Approval of a Resolution: User Agreement with Hub City Little League, Inc.

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 to approve a resolution to enter into a User Agreement between the City of Hagerstown and the Hub City Little League, Inc. for exclusive use of a portion of Hellane Park and a portion of Hager Park. Said portions of these parks consist of baseball fields, softball fields, and other amenities.

The term of the lease shall be from March 1, 2024 to December 31, 2025, with two (2) possible renewal terms of two (2) years each.

The City shall charge no monetary rent for use of the premises.

Discussion: Councilmember McIntire is glad the two little league groups combined forces and maintained little league for the kids that still want to play.

Councilmember Aleshire agrees. This is the second time in two years that little league groups have combined to keep baseball going. He thanked the volunteers for finding ways to keep providing baseball for kids.

J. Approval of a Resolution: Lease Agreement with ESM Hagerstown, LLC for Operation and Maintenance of the Hagerstown Field House, 290 Memorial Boulevard

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember P. E. Perini, Sr., the Mayor and City Council unanimously agreed by voice vote to approve a resolution to authorize the City of Hagerstown to enter into a lease agreement with ESM Hagerstown, LLC for the use and operation of the Hagerstown Field House.

K. Approval of a Resolution: Terminating Purchase Agreement for Property on Washington Street and Wakefield Road from Calvary Grace Brethren Church

Action: Councilmember T. Burnett made a motion to approve a resolution terminating the purchase agreement for the property on Washington Street and Wakefield Road from Calvary Grace Brethren Church. Due to changing priorities within the Hagerstown Fire Department (HFD), HFD believes the property is no longer the best location for a fire station. Councilmember S. McIntire seconded the motion.

Motion carried 4-1 with Councilmember P. E. Perini, Sr. abstaining.

L. Approval of a Memorandum of Understanding: With State Highway Administration for Intersection Improvements at Potomac Street and Baltimore Street

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 to authorize the City to enter into an agreement with the Maryland Department of Transportation on behalf of the State of Maryland, to receive a grant in the amount of \$ 550,000 with a City match of \$ 151,250 for the reconfiguration of the intersection of South Potomac Street and Baltimore Street. Funded by the “Safe Routes to Schools” program, this project will replace an outdated equipment and add pedestrian countdown signals and make the intersection fully handicap accessible.

M. Approval of the Conversion of the Records Specialist from Part-Time to a Full-Time Position

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 conversion of the Records Specialist from part-time to a full-time position.

This increase in staffing hours is needed in order to provide the level of administrative support necessary. This would be a new full-time Police Records Specialist position, and the Part-time Police Record Specialist position would be eliminated.

Additional costs can be absorbed in the department's current FY24 budget, but funding would be needed in FY25.

N. Approval City-Wide Mowing Contract 2024: 03/15/2024 – 12/15/2024

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember P. E. Perini, the Mayor and City Council unanimously agreed by voice vote to authorize and approve Custom Landscape Management, Inc., Lawn Enforcement LLC, and Murray's Lawn and Property Care as the City of Hagerstown's mowing contractors for the respective departments as listed below. These services were offered through Bid Proposal B1805.24 in December, 2023. The contract term is from March 15, 2024 through December 15, 2024, with the possibility of up to two (2) additional one (1) year extensions subject to the mutual consent of the City of Hagerstown and the respective individual vendors (Custom Landscape Management, Inc., Lawn Enforcement LLC, and Murray's Lawn and Property Care.). The total contract amount is \$ 270,852.15

Electric Division	Custom Landscape	\$ 6,751.65
Parks and Recreation	Custom Landscape	\$ 117,505.00
Parks and Recreation		
Contingent Items	Custom Landscape	\$ 3,450.00
Water Division	Murray's Lawn	\$ 12,900.00
Water Division		
Contingent Items	Murray's Lawn	\$ 12,835.00
Wastewater Division	Custom Landscape	\$ 4,512.50
Police Department	Lawn Enforcement	\$ 7,375.00
Fire Department	Custom Landscape	\$ 2,317.50
Public Works	Custom Landscape	\$ 103,205.50
	Total	<u>\$ 270,852.15</u>

O. Approval of Final FY25 and Draft FY26 and FY27 Pavement Preservation Street Lists

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 to approve the final FY25 Pavement Preservation street list, and the draft FY26 and FY27 street lists. These lists will be distributed to the various City departments and utility companies so that they can plan for any utility upgrades prior to paving these streets.

Mayor Martinez received requests for support for the following:

1. Letter to Congressman David Trone's office in support of the Easter Seals DC MD VA application for an FY25 Congressionally Directed Spending grant
2. Letter of support for the Western Maryland Consortium's application for a grant for existing services

It was the general consensus to provide the requested letters of support.

CITY ADMINISTRATOR COMMENTS

Scott Nicewarner, City Administrator, stated Mr. Staup's comments and concerns about increasing rental rates is also a concern during the Legislative Session. There are three bills that have generated conversation during the General Assembly. One is for Renter's Rights. He hopes the MML Legislative Committee can help address this problem.

Taste of Downtown starts March 1, 2024. People can visit and make a purchase at one of the participating restaurants downtown to receive a stamp on a passport. Completed passports will be entered into a \$ 100 gift card drawing at the end of the month. This would be a good month to visit a downtown restaurant.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember S. McIntire thanked the Hagerstown Light Department for getting power restored on Sunday night.

Councilmember M. J. Schindler also thanked the Light Department for their work. He thanked Ms. Philips for her comments, and he will talk with staff about the sidewalk congestion she mentioned.

Councilmember T. Burnett thanked Wes Decker, Communications Manager, and Eric Hastings, TV Production/Web Coordinator, for their patience in working with the Mayor and City Council on the State of the City video. She loves the opportunity to give back to the community and share her story, as she did at Impact Ministries' Black History Month event last weekend.

Councilmember P. E. Perini, Sr. attended many meetings and events in February, including weekly conference calls with the Hagerstown lobbying firm to discuss legislative issues, attend weekly MML Legislative Committee zoom calls, HBA Land Use Council meeting, Washington County Delegation weekly zoom meetings, the Taste of Maryland legislative event, meetings in Annapolis on behalf of the City, the Washington County Volunteer Fire and Rescue monthly meeting, Judge Kirk Downey investiture, USMH Board of Director's meeting, and the Aeon Virtual office ribbon cutting ceremony.

He congratulated Kirk Downey on his appointment as Circuit Court Judge, Brian Henry for his promotion to Battalion Chief, and to Brittany Arizmendi, Community Engagement Officer, for the Herald Mail's recognition of events in downtown. He thanked Eric Hastings, TV Production/Web Coordinator, for his work on the State of the City presentation and his patience.

Councilmember K. B. Aleshire reminded everyone that the extension of Professional Boulevard is now open. He asked if the City and Council could add signage to that road letting people know. He thanked Mr. Decker and Mr. Hastings for taking the time to capture some of the places he wanted to highlight during his portion of the State of the City video. He appreciates the Taste of Downtown event.

Mayor T. A. Martinez thanked her colleagues, Mr. Decker, and Mr. Hastings for all they did for the State of the City video. The video is a true picture of who this administration is. She thanked the Washington County Museum of Fine Arts for their "More than a Muse" program. She wished Councilmember Burnett a happy birthday. She congratulated Aeon Virtual Office on their grand opening.

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: March 26, 2024