

**69<sup>TH</sup> REGULAR SESSION, WORK SESSION, AND EXECUTIVE SESSION –  
APRIL 23, 2019**

EXECUTIVE SESSION – April 23, 2019

On a motion duly made by Councilmember S. McIntire and seconded by Councilmember E. Keller, the Mayor and City Council unanimously agreed by voice vote of all members present to meet in closed session to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; # 4 (Section 3-305(b)), and to consult with counsel to obtain legal advice; # 7 (Section 3-305(b)), on Tuesday, April 23, 2019 at 4:00 p.m. Room 407, 4<sup>th</sup> floor, City Hall, Hagerstown, Maryland.

The following people were in attendance: Mayor R. E. Bruchey, II, Councilmember K. B. Aleshire, Councilmember A. Heffernan, Councilmember E. Keller, Councilmember S. McIntire, Interim City Administrator Michael Spiker, City Attorney Jennifer Keefer, City Attorney Jason Morton, Michelle Hepburn, Director of Finance, Chris Lehman, SB and Company, Scott Nicewarner, Director of Information Technology, Communications, and Support Services, Jill Thompson, Director of Community and Economic Development, Stephen Bockmiller, Zoning Administrator, Megan Flick, Planner, and Donna K. Spickler, City Clerk. Councilmember L. C. Metzner was not present.

The meeting was held to discuss pending legal action and obtain legal advice and to discuss a business proposal. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 4:05 p.m.

WORK SESSION – April 23, 2019

Mayor R. E. Bruchey, II called this Work Session of the Mayor and City Council to order at 5:30 p.m., Tuesday, April 23, 2019 in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, A. Heffernan, E. Keller, L. C. Metzner, and S. McIntire, Interim City Administrator Michael Spiker, and City Clerk D. K. Spickler.

FY20 Budget Review

Michelle Hepburn, Director of Finance, and Jennifer Peterson, Accounting and Budget Manager, were present to continue the FY20 Budget Review.

Agency contributions were discussed on April 16, 2019 and an updated spreadsheet showing the consensus was provided. The total contribution for the Maryland Theatre will be \$ 100,000. \$ 50,000 will be paid from Economic Incentives, \$ 32,100 will be transferred to agency contributions from bond revenue and \$ 17,900 will be from a reduction of agency contribution to Community Rescue Service. The Hagerstown Municipal Band will be increased by \$ 1,000 to FY19 budget amount from a reduction in the contribution to Community Rescue Service.

Councilmember Keller is opposed to reducing the funding to CRS. They do provide some supplies to the fire department. She does not think the small amount of the reduction is worth the conflict it may cause. Citizens need to be safe.

Councilmember Metzner needs to know if the CRS board says they don't have funds to fully operate this year. If they have to take money out of their reserves then it needs to be made clear that the City is not endangering citizens because CRS will respond in the same way. He supports reducing the funding to send a message to Washington County and CRS and to force the issue of support for emergency medical services. When the City asked for financial reports, there was push back. If CRS provides financial documents showing they can't meet their operation obligations and had no other funding available, he would reconsider the decrease. This is not about cutting services to fund something else. This action is about the reality that the City should not use reserve funds to support an organization's operating expenses.

Councilmember Keller stated she understands but it doesn't help with the City's request to the County to fund operations for fire and rescue services in the City at the same level as those in the County.

Councilmember Metzner asked what other municipality is providing contributions to emergency services.

Mayor Bruchey asked what municipality funds a rescue service that has no say in the operations of that service.

Councilmember Metzner is willing to continue the discussion if CRS provides information about the amount of their reserve fund.

Ms. Hepburn stated staff will obtain an organizational chart and come back for further discussion.

Ms. Hepburn then discussed a utility tax rate. This would be a different tax rate for utilities, as defined by the State Department of Assessments and Taxation. There are 27 defined utility accounts within the City limits. A 15% rate increase would provide an additional \$ 150,000 in revenue, 23% would be \$ 245,051, and 28% would be \$ 295,751. If the rate is changed by 15%, the increase in revenue would be \$ 150,000. A chart showing the impact of different rates was provided.

Councilmember Aleshire pointed out Maryland assessments are based on the land and business personal property. However, Utilities are not assessed in the same way because it would be difficult to determine the area it encompasses. Utilities would benefit from the separate tax rate. The City utilities would pay double what the other 27 utilities pay combined. Adjusting this rate by 15% to 18% will increase tax revenue to the level of an additional \$ 1 million (including the tiered tax rate) for economic development.

Ms. Hepburn pointed out there were several items in the FY20 budget that are considered one-time revenue sources. These include \$ 818,000 from FY19 surplus and

\$ 580,000 from the health insurance fund. The revenue from these two sources would equal approximately 5.3 cents on the real property tax rate.

Councilmember Metzner stated adding 10 new police officers and wage increases for current officers would create the need for additional revenue. He noted that at some point, the funds the City contributes to other organizations may not be available.

The five year projections were reviewed. Based on the information, it was noted that an additional \$ 2 million in revenue will be needed. The budget book includes a detailed breakdown of anticipated expenses and revenue. The projected amount for salaries, for all funded and approved positions, is \$ 19.5 million. Realistically, all positions will not be filled for the full twelve months. Vacancy savings is anticipated to be \$ 400,000. Ms. Hepburn pointed out the majority of the savings is from the police department. As long as the positions are approved, the police department can still recruit and fill the positions. The City pays approximately \$ 9.9 million City-wide for health and dental insurance for active and retired employees.

Councilmember Aleshire noted that most of the wage requirements are included in obligated by the union contracts.

Councilmember Metzner pointed out in some cases the contracts may be limiting the starting salary for some employees.

Councilmember Aleshire is frustrated with the recent article stating one of the reasons for vacancies in the police department is pay, when the administration has been saying pay isn't the single issue. At one time, the issue was pay for the middle seniority officers.

The amount paid to the Maryland Pension Plan and the Police and Fire Retirement Plan is \$ 7 million. The rates are mandated by the State of Maryland, which will be 9.38 % for employers. The Police and Fire Retirement will remain at 14% for employer and 8% for employees.

The Capital Improvement Program was reviewed. The City's Capital Improvement Program budget at FY20 is \$ 27.5 million, which is 14.1% lower than the \$ 32.0 million in the FY19 revised budget. The FY20 budget encompasses various types of projects as indicated in the Strategic Plan. This does not include any of the projects that are currently in process. Major projects include purchase of vehicles, moving away from relying solely on the State Highway User Revenue, Urban Development Project for Plaza project, funding to explore the opportunity to consolidate administrative, command staff and training staff for the Fire department, potential Storm Water management projects, Phase 2 of the Synagro Facility Upgrade Improvements, funding to ensure compliance with the MDE Dam Safety Division in the Edgemont Reservoir. A bond issue is anticipated during FY20. Councilmember Aleshire reminded everyone that a bond issue is paid back over time, not all at once.

A portion of the CIP fund balance is unrestricted. Fund Balance reserves are typically used for one time projects, with a big impact. The PEG fees can only be used for specific projects. There is also a listing of eligible stormwater management projects. During the creation of the FY20 Proposed budget, there were no conversations about a new stadium. The amount included for municipal stadium improvements is for the annual maintenance agreement.

Staff will continue review of the budget with the Mayor and City Council on May 7, 2019.

### Legislative Briefing

Senator Serafini and Delegate Paul Corderman were present to provide an update of the recently completed legislative session.

Delegate Corderman sponsored a bill that would require released inmates to return to the jurisdiction where they were charged. The bill was not killed but it did not make it to the floor. He has some thoughts on ways to make it more palatable.

The Robert W. Johnson Memorial Center missed the deadline to apply for funding. Delegate Corderman assisted with having the deadline extended.

The Public Safety Subcommittee provided partial funding for a sixth Circuit Court judge.

The State is providing funding for a potential stadium project for the City. Currently, there is \$ 300,000 approved which will be discussed after the Maryland Stadium Authority (MSA) presentation in May.

They are both pleased with the Urban Improvement Project.

They asked how they can help with City. If there are bills to be presented, the detail needs to be established by the end of the summer.

Senator Serafini is pleased the Highway User Revenue has been increased and that USMH will be starting a hospitality program and increasing their nursing programs. He noted there will not be any changes to the prescription drug benefit for State retirees until January 1, 2021.

He understands the City needs more police officers. Departments around the country are finding it difficult to recruit officers. He hopes to gain more funding for police operations.

He and Delegate Corderman want to do everything they can to help the City be able to say it is open for business. The Governor wants to see Hagerstown succeed.

On a motion duly made, seconded, and passed, the Work Session was adjourned at 6:41 p.m.

### **69<sup>TH</sup> REGULAR SESSION – April 23, 2019**

**Mayor R. E. Bruchey, II called this 69<sup>th</sup> Regular Session of the Mayor and City Council to order at 7:03 p.m., Tuesday, April 23, 2019, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, A. Heffernan, E. Keller, L. C. Metzner, and S. McIntire, Interim City Administrator Michael Spiker, City Attorney Jennifer Keefer, and City Clerk D. K. Spickler.**

Mayor Bruchey used the gavel of Eastern District Student Council President Michael S. Spiker (1974-75) to open the meeting.

The invocation was offered by Councilmember Lewis C. Metzner. The Pledge of Allegiance was led by Scout Thomas Walsh, Troop 23, Funkstown, Maryland.

Mayor Bruchey announced the Rules of Procedure for this meeting will be followed as adopted December 20, 2016. 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, May 7, 2019, Tuesday, May 14, 2019, and Tuesday, May 21, 2019, and the Regular Session on Tuesday, May 28, 2019.

### **GUESTS**

#### **Special Recognition of Joint Veterans Council Members – Vietnam War Veterans Monument**

Mayor Bruchey presented certificates of recognition to Jim Kline, Debra Kline, Les Bishop, Rusty Baker, Richard Hembrock, and Kevin Poole for their efforts to establish a Vietnam War Veterans Monument to honor the service members from Hagerstown and Washington County who lost their lives in the Vietnam War.

### **CITIZEN COMMENTS**

Tom Riford, President of the Civil War Heritage Area of Washington County, stated the organization is an independent non-profit entity. As the cost of doing business increases, they are looking to municipalities to support the organization. They are looking to Hagerstown and Frederick to support their budget. He thinks \$ 10,000 annually is appropriate and welcome, given the grants that have been awarded to the City of Hagerstown. Since 2007, the City received more than \$ 300,000. Dan Spedden,

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Executive Director of CVB, Rachel Nichols, Heart of the Civil War Heritage Area, and Liz Chateau, President of Civil War Heritage Area, were also present.

### **CITY ADMINISTRATOR COMMENTS**

Michael Spiker, Interim City Administrator, thanked the Mayor and City Council (past and present), and fellow employees for their support and assistance during his years with the City of Hagerstown. He also thanked his wife, Nikki, and his mom and dad for their support.

### **MAYOR AND CITY COUNCIL COMMENTS**

*Councilmember K. B. Aleshire* thanked Mr. Spiker for his dedication to the City of Hagerstown both as Director of Utilities and as Interim City Administrator. He wished him well in retirement.

The blighted structure at 335 Jonathan Street was on the schedule to be demolished. He understands the reason it was not removed last week was because of adverse weather conditions. However, it was the consensus of the Mayor and City Council to have this building demolished as soon as possible. The building has not been demolished and now there are citizens who want to save the building. He is committed to removing the blight from the City. A blighted building was demolished recently on Summit Avenue and citizens indicated that was the right thing to do. He can find a blighted building on any block in the City. There was a newspaper article discussing the demolition of several buildings, including 335 Jonathan Street. He noted the City issued an order for that property to be demolished in 2008. That blighted building was to be removed 11 years ago, and he doesn't understand why, at the last minute, the demolition was stopped. There were legal proceedings to get to the point of being able to remove the building. Unless the direction of the Mayor and City Council has changed, the building has to be removed. He understands someone who doesn't represent the property is coming before the Mayor and City Council in two weeks to discuss a plan for it. In his opinion, that is two weeks too long.

*Councilmember A. Heffernan* had no comments.

*Councilmember E. Keller* thanked Mr. Spiker for his dedication to the City. He has done what the Mayor and City Council asked for, and more. He has moved the City forward in a few short months.

*Councilmember L. C. Metzner* thanked Mr. Spiker for his service to the city. He noted he is the epitome of staff who is dedicated to and cares about Hagerstown.

*Councilmember S. McIntire* thanked Mr. Spiker. She stated he has brought an attitude of cohesiveness and consistency back to the City of Hagerstown. She participated in a drug take back event last week and was impressed with the amount of drugs that were turned in. She encouraged other elected officials to participate in these events. In

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response to Councilmember Aleshire's comments about waiting for demolition of 335 Jonathan Street, she doesn't think two weeks is too long since it has taken 11 years to get to this point. She believes it is ok to take a step back and review a situation when someone raising significant concerns.

Councilmember Aleshire stated if the majority of the Council wants to postpone the demolition, he will support it, but he has not heard that.

*Mayor R. E. Bruchey, II* presented a plaque to Interim City Administrator Michael Spiker recognizing his dedication to the City of Hagerstown and its citizens. Mayor Bruchey stated he has always agreed with a plan for strategic demotion on derelict properties. If a realistic plan is not presented on May 7, 2019 (Work Session), then the building will be removed on May 9, 2019. He respects Councilmember Aleshire's position, but recognizes there are sometimes mitigating circumstances that cause the need for someone at the top level to make a quick decision.

### **MINUTES**

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember E. Keller, the minutes from March 5, 2019, March 12, 2019, March 19, 2019, and March 26, 2019 were unanimously approved as presented.

### **CONSENT AGENDA**

On a motion duly made by Councilmember E. Keller and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously approved the Consent Agenda as follows:

- A. Police Department:
  - 1. Window and Gutter Repairs – JLN Construction (Haletorpe, MD) \$ 89,962.40
- B. Public Works:
  - 1. Two Ford F750s with Salt Spreaders/Snow Plows – Keystone Ford (Chambersburg, PA) \$ 230,914.00
- C. Utilities:
  - 1. Light – Consulting Services – GDS Associates (Marietta, GA) \$ 53,000.00
  - 2. Water – Annual Service Contract – Hach Company (Loveland, CO) \$ 14,179.00
  - 3. Water – Flexnet MXU Radio Transceiver Units – L/B Water Service, Inc. (Chambersburg, PA) \$ 24,750.00
  - 4. Water – Ford Escape Sport Utility (2019) – Keystone Ford (Chambersburg, PA) \$ 27,284.00

### **UNFINISHED BUSINESS**

#### **A. Approval of an Ordinance: To Increase Water Rates**

**Action:** On a motion duly made by Councilmember S. Heffernan and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance to increase the unit cost of water rates by 3% per year for Inside City customers and 3% per year for customers outside of the City over the next five fiscal years. These rate increases are necessary to meet the revenue requirements of the Water Fund in order to keep the fund self-supporting as determined by the recently completed cost of service study prepared for the City by the Municipal Financial Services Group.

The detailed individual rate changes in the volume charges and fixed charges by meter size are indicated, by fiscal year, in the body of the ordinance. The increased rates shall be effective for all bills rendered on or after July 1, 2019 and for all bills rendered on or after July 1<sup>st</sup> of each of the subsequent four fiscal years.

#### **B. Approval of an Ordinance: To Increase Sewer Rates**

**Action:** On a motion duly made by Councilmember A. Heffernan and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance to increase the unit cost of sewer rates by 2% per year for Inside City customers and 2% per year for customers outside of the City over the next five fiscal years. These rate increases are necessary to meet the revenue requirements of the Sewer Fund in order to keep the fund self-supporting as determined by the recently completed cost of service study prepared for the City by the Municipal Financial Services Group.

The detailed individual rate changes in the volume charges and fixed charges by meter size are indicated, by fiscal year, in the body of the ordinance. The increased rates shall be effective for all bills rendered on or after July 1, 2019 and for all bills rendered on or after July 1<sup>st</sup> of each of the subsequent four fiscal years.

### **NEW BUSINESS**

#### **A. Introduction of an Ordinance: 2018 Land Management Code Amendments**

**Action:** Councilmember L. C. Metzner made a motion to introduce an ordinance to amend Chapter 140, Land Management Code, of the City Code. This ordinance itemizes a package of amendments covering a wide range of revisions which began review by the Planning Commission in 2018. The complete details are outlined in the ordinance. This amended and revised version of the Land Management Code shall be known as version 3.5. Councilmember S. McIntire seconded the motion.

Motion carried 4-1 with Councilmember E. Keller voting no.

#### **B. Approval of a Resolution: Revising Parking Facilities Rates and Fees**

**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 to approve a resolution approving specific revisions to the schedule of parking facilities rates and fees, effective July 1, 2019, or as herein noted per the schedule. This motion applies to Bulk Discount Parking Rates only; any rate not specifically addressed in the Resolution will be as approved in Resolution R-18-27, passed on June 26, 2018 and in Resolution R-19-01, passed on January 31, 2019.

**C. Approval of a Resolution: Addendum to Development Agreement for 140 West Antietam Street Student Housing Project**

**Action:** On a motion duly made by Councilmember A. Heffernan and seconded by Councilmember E. Keller, the Mayor and City Council unanimously agreed by voice vote to approve a resolution authorizing an addendum to the development agreement for the student housing project at 140 West Antietam Street. The addendum acknowledges an increase in rent for the Student Apartments as agreed upon by USMH and the project developer, Randall S. Simpson Living Trust. The City's obligations are documented in the original development agreement with USMH and Randall S. Simpson Living Trust will remain unchanged.

**D. Approval of a Resolution: Purchase and Service Agreement for Holiday Lights on City Park Lake**

**Action:** On a motion duly made by Councilmember S. McIntire and seconded by Councilmember A. Heffernan, the Mayor and City Council unanimously agreed by voice vote to approve a resolution authorizing the execution of a Purchase and Service Agreement with Les Spade for holiday lights on the City Park Lake. This agreement authorizes the purchase and installation of five floating tree dynamic light displays beginning with the 2019 holiday season.

The Mayor and City Council further authorize staff to relocate the silhouettes replaced by the new lights to locations along Key Street and Highland Avenue/City Park Drive.

**E. Approval of a Resolution: Waiver and Release of Reversionary Interest in Property Known as 967 Sweeney Drive**

**Action:** Councilmember L. C. Metzner made a motion to approve a resolution authorizing a Waiver and Release of Reversionary Interest Agreement for 967 Sweeney Drive, known as Lot 6 of Hagerstown Business Park. There is no monetary consideration associated with the agreement. Councilmember E. Keller seconded the motion.

Motion carried 4-1 with Councilmember K. B. Aleshire voting No.

**F. Approval of a Resolution: FY19 Strategic Demolition Fund Agreement for UIP/Maryland Theatre**

**Action:** On a motion duly made by Councilmember A. Heffernan and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approved a resolution to authorize entering into a grant agreement with the Maryland Department of Housing and Community Development for FY19 Strategic Demolition Fund award of \$ 500,000 for the Maryland Theatre portion of the Urban Improvement Project.

**G. Approval of a Resolution: Sub-recipient Agreement with Maryland Theatre for FY19 Strategic Demolition Fund Award**

**Action:** On a motion duly made by Councilmember E. Keller and seconded by Councilmember A. Heffernan, the Mayor and City Council unanimously agreed by voice vote to approve a resolution entering into a sub-recipient agreement with the Maryland Theatre to pass-through the FY19 SDF funding award of \$ 500,000 for their expansion project.

**H. Approval of a Resolution: FY19 Community Legacy Grant Agreement for UIP Plaza and First Hose Company**

**Action:** On a motion duly made by Councilmember A. Heffernan and seconded by Councilmember E. Keller, the Mayor and City Council unanimously agreed by voice vote to approve a resolution to authorize entering into a grant agreement with the Maryland Department of Housing and Community Development for FY19 Community Legacy Fund award of \$ 420,000 for the UIP Plaza project and the First Hose Company Historic Preservation project.

**I. Approval of a Resolution: Sub-recipient Agreement with First Hose Company for FY19 for Community Legacy Award**

**Action:** On a motion duly made by Councilmember S. McIntire and seconded by Councilmember A. Heffernan, the Mayor and City Council unanimously agreed by voice vote to approve a resolution to authorize entering in a sub-recipient agreement with the First Hose Company to pass-through \$ 20,000 of State Community Legacy Grant funding for Historic Preservation rehabilitation activities at the First Hose property.

**J. Approval of On-Call Electrical Maintenance Services Contract: 07/01/19 – 06/30/20**

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**Action:** On a motion duly made by Councilmember A. Heffernan and seconded by Councilmember E. Keller, the Mayor and City Council unanimously agreed by voice vote to authorize and approve the renewal of the On-Call Electrical Maintenance Contract for the contact term of July 1, 2019 – June 30, 2020. This is year one of five optional one-year renewals. MEC Inc.’s pricing is as follows:

Regular hourly rate	\$ 55.00 per hour
After hours rate (weekday)	\$ 82.50 per hour
Weekend rate	\$ 82.50 per hour
Holiday rate	\$110.00 per hour
Material Mark-Up (Supplies)	10%

**K. Approval of On-Call Plumbing Services Contract: 05/01/19 – 04/30/20**

**Action:** On a motion duly made by Councilmember S. McIntire and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to authorize and approve Beaver Mechanical Contractors, Inc. as the City of Hagerstown’s on-call plumbing contractor for various buildings/facilities within the City of Hagerstown on an as-needed basis for projects under \$ 25,000.00. The departments that will be utilizing these services are as follows: Parks, Public Works, Utilities (Wastewater and Water), Fire, and Police. These services were offered through Bid Proposal in April, 2019 – Proposal P1684.19. Beaver Mechanical Contractors, Inc. was awarded the bid. Contract term is from May 1, 2019 through April 30, 2020, with the possibility of up to five additional consecutive one year extensions subject to the mutual consent of the City of Hagerstown and Beaver Mechanical Contractors, Inc. Beaver Mechanical Contractors, Inc. pricing is as follows:

Plumber Regular Hourly Rate	\$ 42.50 per hour
Laborer Regular Hourly Rate	\$ 37.00 per hour
After Hours Rate	\$ 63.75 per hour
Weekend Rate (Sunday)	\$ 85.00 per hour
Holiday Rate	\$112.00 per hour
Material Mark-Up (Supplies)	25%

**L. Approval Granting Permission for the Director of Utilities to Lock in Wholesale Power Supply Pricing**

**Action:** On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember A. Heffernan, the Mayor and City Council unanimously agreed by voice vote to grant permission to the Director of Utilities to lock in Megawatt-hour (MWH) pricing for the Wholesale Power Supply Contracts or Amendments to the Contract due to the short duration electric market pricing is offered. The Mayor and City Council shall approve the Wholesale Power Supply Contract or Amendment which will contain all terms and provisions including the aforementioned pricing.

**M. Approval of Open Container Exemptions for Maryland Theatre**

**Action:** On a motion duly made by Councilmember E. Keller and seconded by Councilmember A. Heffernan, the Mayor and City Council unanimously agreed by voice vote to approve an exemption from the City of Hagerstown's Open Containers regulation under section 173-6 of the Code of the City of Hagerstown for the Maryland Theatre at University Plaza on June 7, 14, 21, and 28, 2019.

**N. Approval of Open Container Exemptions for Hagerstown-Washington County Convention and Visitors Bureau**

**Action:** On a motion duly made by Councilmember A. Heffernan and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve an exemption from the City of Hagerstown's Open Containers regulation under section 173-6 of the Code of the City of Hagerstown for the Hagerstown-Washington County Convention and Visitors Bureau at University Plaza on June 23, 2019.

**O. Approval of Open Container Exemption for Community Education Foundation**

**Action:** On a motion duly made by Councilmember S. McIntire and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve an exemption from the City of Hagerstown's Open Containers regulation under section 173.6 of the Code of the City of Hagerstown for the Community Education Foundation at University Plaza on August 3, 2019.

**P. Approval of City Administrator's Employment Agreement**

**Action:** On a motion duly made by Councilmember A. Heffernan and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve a four year employment agreement, as attached to the motion, with Scott A. Nicewarner to serve as City Administrator.

The term of the contract is May 6, 2019 through May 5, 2023.

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 7:54 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

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2019

APRIL 23,

MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

Donna K. Spickler  
City Clerk

Approved: May 28, 2019