

**Mayor R. E. Bruchey, II called this 113<sup>th</sup> Regular Session of the Mayor and City Council to order at 7:00 p.m., Tuesday, November 17, 2020, in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, A. Heffernan, E. Keller, L. C. Metzner, and S. McIntire, City Administrator Scott A. Nicewarner, City Attorney Jennifer Keefer, and City Clerk D. K. Spickler.**

The invocation was offered by Rabbi Ari Plost. The Pledge of Allegiance was recited and led by Mayor R. E. Bruchey, II.

Mayor Bruchey announced the Rules of Procedure for this meeting will be followed as effective January 21, 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: Oath of Office to New Administration, Monday, November 23, 2020, and a Work Session at 4:00 p.m. on Tuesday, November 24, 2020. The future meeting schedule will be determined by the Mayor and City Council on November 24, 2020. The following dates are tentative: Works Sessions at 4:00 p.m. on Tuesday, December 1, 2020, and Tuesday, December 8, 2020, and the Regular Session at 7:00 p.m. on Tuesday, December 15, 2020.

### **APPOINTMENTS**

On a motion duly made by Councilmember E. Keller and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to appoint the following people to the City Ethics Commission:

Lewis C. Metzner, term to expire September 1, 2025

Joseph Jefferson, term to expire September 1, 2021

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember E. Keller, the Mayor and City Council unanimously agreed by voice vote to appoint Lynette Cunningham to the Hagerstown Housing Authority as Resident Commissioner. Ms. Cunningham's term will expire August 30, 2023.

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember E. Keller, the Mayor and City Council unanimously agreed by voice vote to appoint Chris George to the Historic District Commission, with a term to expire on November 30, 2023.

Councilmember Aleshire left the meeting.

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

of all members present to appoint Janice Kelsh to the Board of Zoning Appeals, with a term to expire on November 30, 2023.

Councilmember Aleshire returned to the meeting.

## **GUESTS**

### **Proclamation: Transgender Day of Remembrance**

Mayor Bruchey read a proclamation recognizing November 20, 2020 as Transgender Day of Remembrance in Hagerstown, Maryland. Michael Jones, Connections Six Eight, UCC, accepted the proclamation.

### **Special Recognitions**

Mayor Bruchey presented a plaque to Councilmember Lewis C. Metzner recognizing his service and dedication to the community as City Councilmember from 1994-2020.

Councilmember Keller presented a plaque to Mayor Robert E. Bruchey, II recognizing his 14 years of dedication and service to the community as Mayor.

## **CITIZEN COMMENTS**

Citizen Comments were accepted email at [councilcomments@hagerstownmd.org](mailto:councilcomments@hagerstownmd.org) prior to 5:00 p.m. on Tuesday, November 17, 2020. Citizen Comments were also accepted during the meeting.

Gary Nalven, 531 N. Mulberry Street, Hagerstown, Maryland, was present to express his concern that 170 W. Washington Street was being sold to a developer for \$ 1. He stated the building sold 13 years ago for more than \$ 1 million. The City will not recover the purchase cost. He stated the agreement does not assure affordable housing. The City needs to attract businesses to downtown. He wonders how much of the \$ 1 million rehabilitation investment will be spent in Hagerstown. He urged the Mayor and City Council to reconsider giving away this building.

Martin Brubaker, 10925 Hartle Drive, Hagerstown, Maryland, expressed his appreciation to Lew Metzner for his 26 years of service to the citizens of Hagerstown. Mr. Brubaker stated he was privileged to serve with Councilmember Metzner during 10 of those years. Councilmember Metzner always has the public interest at heart. He excels at listening to all sides of an issues and then offers a summary and possible way to move forward. He is well respected in the law community and as a football referee. He enjoys bicycling. He wished Councilmember Metzner an enjoyable retirement. He also thanked Councilmember Heffernan for his service to the citizens. He wished the new administration well in their next four years.

No other comments were provided, either in person or by email.

**MINUTES**

On a motion duly made by Councilmember A. Heffernan and seconded by Councilmember L. C. Metzner, the minutes from October 6, 2020, October 13, 2020, October 20, 2020, and October 27, 2020 were unanimously approved as presented.

**CONSENT AGENDA**

On a motion duly made by Councilmember E. Keller and seconded by Councilmember A. Heffernan, the Consent Agenda was approved as follows:

- A. Fire Department:
  - 1. Annual Uniform Purchase – BJ’s Custom Creations (Hagerstown, MD) Estimated Cost \$ 35,000.00
  - 2. Triple Combination Attack Pumper – 4 Guys Stainless Tank and Equipment (Meyersdale, PA) \$ 573,259.00
  
- B. Information Technology:
  - 1. Tyler PACE-15 Training Package – Tyler Technologies (Dallas, TX) \$ 11,775.00
  - 2. Barracuda Essentials Security Software Renewal – System Source (Hunt Valley, MD) \$ 12,986.00
  
- C. Department of Parks and Engineering:
  - 1. Mitchell Avenue at Railroad Overpass Traffic Signal – Milton Stamper Builders (Hagerstown, MD) Not to Exceed \$ 199,754.00
  - 2. Deck Replacement Hamilton Run Box Culvert – Jefferson Boulevard – Concrete General, Inc. (Gaithersburg, MD) \$ 94,800.00
  
- D. Utilities:
  - 1. Electric – Reimbursement to Easton Utilities Commission for Lobbyist Service (Easton, MD) \$ 20,014.00
  - 2. Wastewater – Sludge Holding Tank Cleaning Services – Synagro (Baltimore, MD) \$ 25,857.00

**UNFINISHED BUSINESS**

**A. Approval of an Ordinance: Authorizing the Sale of Property Located at 170 West Washington Street**

**Action:** On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance authorizing the sale of two City-owned parcels located at 170 West Washington Street to 170 West Washington Partners LLC for the sum of \$ 1,000. The sale will provide the opportunity for approximately \$ 1.1 million of private investment for

mixed use property redevelopment. The sale will be in accordance with all terms and conditions outlined in the purchase agreement which is part of the ordinance.

Discussion: Councilmember Aleshire provided a summary of the Competitive Negotiated Sale (CNS) program and its intent. He stated the City purchased 170 W. Washington Street for \$ 28,000 and spent \$ 70,000 removing the “lively” use of the back part of the property. Like other properties on the CNS list, it was a part of the list for a number of years. There is opportunity for people to come in and discuss their ideas for the properties. The Mayor and City Council anticipate some degree of loss on the properties as they were acquired because of disrepair or blight. After several years, someone has shown interest with a plan for a good, positive use. He expects surrounding property owners would tell anyone this is a net positive for the community.

**B. Approval of an Ordinance: 352 Summit Avenue Quit Claim**

**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 approve an ordinance to quit claim a triangular piece of land and an unimproved alley right-of-way at the intersection of Surrey Avenue and West Memorial Boulevard. This land and the alley right-of-way have been determined to no longer be needed for a public purpose.

**C. Approval of an Ordinance: Amending Chapter 82, Discriminatory Practices, of the City Code – Updated Personal Protections**

**Action:** On a motion duly made by Councilmember E. Keller and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance to amend Chapter 82, Discriminatory Practices, of the City Code. This amendment will repeal and replace Article V, Discrimination in Employment, in its entirety to revise the City Code as a result of updates regarding personal protections in federal and state legislation.

**D. Approval of an Ordinance: Acquisition of Real Property for the Urban Improvement Project**

**Action:** 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 to approve an ordinance for approval of a “Property Acquisition Agreement” to acquire property known as: 43-53 West Washington Street, a portion of 55-59 West Washington Street, and a portion of 50-58 West Antietam Street. Acquisition of these properties will allow for the completion of the Plaza and Cultural Trail from Antietam Street to Washington Street.

**NEW BUSINESS**

**A. Approval of a Resolution: Comprehensive Settlement Agreement and Mutual Release with Cascades Holding US, Inc.**

**Action:** On a motion duly made by Councilmember A. Heffernan and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve a resolution for a Comprehensive Settlement Agreement and Mutual Release with Cascades Holding US, Inc.

**B. Approval of a Resolution: Addendum to Residential Lease for 11850 Indian Lane**

**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 amendment of a lease agreement at the City of Hagerstown owned property located at 11850 Indian Lane in Hagerstown, Maryland. The amendment will extend the term of the current lease until May 31, 2022 and all other lease conditions will remain unchanged.

**C. Approval of a Resolution: Amendment to Agreement with American Traffic Solutions, Inc., d/b/a Verra Mobility**

**Action:** On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve a resolution approving a fourth amendment to the agreement with American Traffic Solutions, Inc. d/b/a Verra Mobility for a digital red light camera system. The term of this amendment is January 1, 2021 through December 31, 2021.

**D. Approval of Amendments to FY20 and FY21 Community Development Block Grant (CDBG) Annual Action Plans – CIP Funding Reallocation**

**Action:** On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember A. Heffernan, the Mayor and City Council unanimously agreed by voice vote to amend the FY20 and FY21 Community Development Block Grant Annual Action Plans in order to reallocate \$ 50,000 of available CDBG funding for capital improvement projects based on the Action Plan amendment details that are part of the motion. Final allocation of this funding will result in \$ 30,000 of additional CDBG funding for the FY20 Mitchell Avenue Signal project

and \$ 2,000 of additional CDBG funding for the FY21 Handicap  
Accessibility Ramps project.

**E. Approval of Purchase of Materials for NorthPoint and Former Cascades**

**Action:** 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 to grant permission to the City Administrator to approve purchases in excess of \$ 10,000 for any electric distribution materials and equipment necessary to provide service to Northpoint Development located along Wesel Boulevard and GB & J's, LLC located at 273 East Memorial Boulevard.

**F. Approval of a License Agreement: Barbara Ingram School for the Arts Foundation, Inc. for Engraved Pavers**

**Action:** On a motion duly made by Councilmember E. Keller and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve a license agreement between the City of Hagerstown and Barbara Ingram School for the Arts Foundation, Inc. to install and maintain engraved brick pavers in the public sidewalk fronting 7-19 South Potomac Street.

**G. Approval of Change Order for the 2020 Pavement Preservation Program**

**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 Change Order No. 01 for the 2020 Pavement Preservation Program between the City of Hagerstown and Craig Paving, Inc. This Change Order is for additional paving work on South Cannon Avenue from Mill Street to near Cleveland Avenue in the amount of \$ 76,000.00. This amount will be refunded in full by Columbia Gas for repaving areas recently damaged by gas line installations.

**H. Approval of Management Services for Potterfield Pool**

**Action:** On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember A. Heffernan, the Mayor and City Council unanimously agreed by voice vote to approve a three year contract for pool management services at Potterfield Pool with the YMCA of Hagerstown beginning with the 2021 pool season. The contract provides all lifeguards, cleaning, and assisting City staff with aquatic programs.

The Mayor and City Council further authorized staff to purchase the necessary chemicals, chemical storage container, and complete future emergency repairs as they arise at the pool.

**I. Approval of Temporary Overfill of Fire Department Position**

**Action:** On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve one full-time firefighter position to be hired to backfill the retirement of fire marshal Doug DeHaven who has announced his retirement. FM DeHaven's last day will be December 31, 2020. This will allow for all new hires to begin training classes January 4, 2021. Approval of this request will ensure that all will be available to be moved to shiftwork, minimum staffing positions in the shortest amount of time possible for trained firefighters.

**J. Approval of Temporary Banner – Maryland Theatre – Donut Drive-by**

**Action:** On a motion duly made by Councilmember E. Keller and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve the installation and display of a temporary banner over South Potomac Street, as required by Section 216-17 of the Code of the City of Hagerstown for the Maryland Theatre's Donut Drive-by event on December 31, 2020.

**K. Approval of Noise Ordinance Exemption – Mulberry Lofts Jingle Mingle**

**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 Noise Ordinance under Section 155-5 of the Code of the City of Hagerstown for the Mulberry Lofts' Jingle Mingle on December 12 and 13, 2020.

**L. Approval of a Resolution: Naming of the Lake at Pangborn Park as the "Lewis C. Metzner Lake at Pangborn Park"**

**Action:** On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember E. Keller, the Mayor and City Council unanimously agreed by voice vote to authorize the naming of the lake at Pangborn Park to be named the "Lewis C. Metzner Lake at Pangborn Park". This motion and resolution recognizes and honors the conclusion of 7 consecutive terms and his 26 ½ years as a Councilmember serving the Citizens of Hagerstown. Councilmember Metzner began his service in October 1994 as a mid-term replacement for outgoing Councilmember John Schnebly. In June of 2015, he was inducted into the Maryland Municipal League Hall of Fame which honors current or former elected officials who have

served their communities for 20 years or more and who have left a lasting impact on their community.

Councilmember Metzner received a Bachelor of Science degree from the University of Maryland and a Juris Doctor degree from the University of Baltimore. He was admitted to the Maryland State and Federal bar associations in 1977 and has been practicing law in Hagerstown since that time. He is a founding member and past President of the Washington County Criminal Defense Attorney's Association. He has served on the Board of Directors of the Maryland Criminal Defense Attorneys Association and has been the past State liaison to the national organization. Locally, Councilmember Metzner is a past member of the Sunrise Rotary, past Vice President of Community Rescue Services, Inc., past President of the B'Nai Abraham synagogue, and a former Board member of the Community Free Clinic. He was also instrumental and a key influence in the creation of the Thomas Kennedy Memorial Park on E. Baltimore St.

The Mayor, fellow current City Council members, and all of those who served with you over the past 26 ½ years recognize and appreciate your commitment and devotion to the City of Hagerstown and for being a prominent and influential part in progressing the City through both the good and the bad times. Our City residents have benefitted tremendously from the leadership and guidance you have provided during your tenure on City Council. Your wisdom and friendship to not only your Council colleagues but also to the City staff who have served under you will never be forgotten.

Councilmember Metzner thanked the Mayor and City Council for this honor. He could not think of anything he would have liked better. He thanked staff for their support for working with him during the last 26 years. The people who work for Hagerstown love the City. He has worked closely through the years with Rodney Tissue, City Engineer, and he thanked him for his work with the Bicycle Committee and Board of Traffic and Parking. He also thanked Mr. Tissue for working on many large projects, specifically the Cultural Trail and in the various City parks. He thanked many other elected officials and City staff members. He stated he is happy to be retiring on his own terms and is honored to have served Hagerstown's citizens for so many years. He is proud of his high school class – two of his classmates have children who became Mayors of Hagerstown – David Gysberts and Emily Keller. He thanked his wife for her continued support.

### **CITY ADMINISTRATOR COMMENTS**

*Scott Nicewarner, City Administrator*, informed the group that the Downtown Tree Lighting on Monday, November 23, 2020 will now be held virtually. It will begin at 5:00 p.m. and Santa will arrive with Mayor Bruchey a short time later. The Oath of Office will be administered to the new administration on Monday, November 23, 2020 at 7:00

p.m. at City Hall. Attendance is being limited to family members in response to CDC guidelines. He thanked Councilmember Heffernan for his service to the citizens of Hagerstown. He stated it will be difficult not seeing Councilmember Metzner at the table after so many years. He presented a keepsake photo album to each Mayor and City Council member showcasing events throughout their term.

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

*Councilmember K. B. Aleshire* was 25 when he was elected and Councilmember Metzner accepted his differences right from the beginning. He now feels like the older guy on the Council seeing the new faces of the City's leadership. He thinks it is fitting to name the lake at Pangborn Park in honor of Councilmember Metzner. It is important to have someone's name on something so people can say "I know that guy!". He thanked the citizens for re-electing him. He is looking forward to working with this administration and he hopes there will be more unity and less division in the City of Hagerstown.

*Councilmember A. Heffernan* sincerely thanked Councilmember Metzner and Mayor Bruchey for providing him the opportunity to serve the citizens of Hagerstown. The experience has been eye opening and rewarding. He is very impressed with City staff. He would be honored to serve as a Councilmember again.

*Councilmember E. Keller* thanked City staff for their assistance during the last four years. Most citizens have no idea what goes into making the City run smoothly. She thanked Councilmember Heffernan for all his work. She thanked Councilmember Metzner for teaching her so much about local government and where the focus of the elected body should be. She thanked Mayor Bruchey for his many years of service as Mayor. She also thanked Councilmember McIntire and Councilmember Aleshire for all their help.

*Councilmember L. C. Metzner* had no additional comments.

*Councilmember S. McIntire* recalled Councilmember Metzner visiting her office when she was appointed and he talked about how fantastic the City's staff are. Councilmember Metzner has an amazing ability to leaf through papers and know what is being discussed. She thanked Councilmember Heffernan and stated she will miss him. This Mayor and City Council has had great momentum. She stated it has been an honor to serve with this group and she is grateful to be able to continue serving the community.

*Mayor R. E. Bruchey, II* thanked City staff for all their work. He is looking forward to working with the new administration. He thanked Mr. Nicewarner for being a great City Administrator and for keeping things going during the pandemic. He stated he and Councilmember Metzner have a special relationship. Councilmember Metzner has the ability to talk things out before the conversation turned volatile. Councilmember Metzner kept him balanced. He appreciates his wife and her support. He thanked Councilmember Heffernan for his service and for his ability to stay grounded during challenging conversations.

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 8:07 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: December 15, 2021