

**REGULAR SESSION (27<sup>TH</sup> VOTING SESSION) – November 23, 2021**

**Mayor E. Keller called this Regular Session (27th voting session) of the Mayor and City Council to order at 7:00 p.m., Tuesday, November 23, 2021, in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, R. E. Bruchey, II, T. Burnett, T. Martinez, and S. McIntire, City Administrator Scott A. Nicewarner, City Attorney Ann Rotz, and City Clerk D. K. Spickler.**

The invocation was offered by Pastor Justin Repp. The Pledge of Allegiance was recited and led by Mayor E. Keller.

Mayor Keller 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, December 7, 2021, and Tuesday, December 14, 2021, and the Regular Session on Tuesday, December 21, 2021. There is no meeting scheduled for Tuesday, December 28, 2021.

**APPOINTMENTS**

On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to appoint Tamara Martinez to the Planning Commission with a term to expire May 30, 2024.

**PROCLAMATION**

Proclamation – World Aids Day

Mayor Keller read a proclamation naming December 1, 2021 as World AIDS Day. Representatives from Hagerstown Hopes accepted the proclamation

Proclamation – Transgender Day of Remembrance

Mayor Keller will present a proclamation naming November 20, 2021 as Transgender Day of Remembrance at an upcoming event.

**GUESTS**

Certificate of Appreciation: Milestone Anniversary Recognition of Board and Commission Members

The Mayor and City Council recognized the following Boards and Commission members for their years of service milestones:

Kyd Dieterich – five years on the Board of Code Appeals. Mayor Keller presented a Certificate of Recognition to Mr. Dieterich.

The following members were unable to attend the meeting and certificates will be mailed to them:

Gordon Poffenberger – 5 years on the Board of Code Appeals

Micheal Line – 5 years on the Hagerstown Loan Review Authority

Frank Linn – 15 years on the Board of Traffic and Parking

Rosalind Martin – 20 years on the Board of Commissioners for the Hagerstown Housing Authority

Mayor Keller announced that Carolyn Brooks, Board of Commissioners for the Hagerstown Housing Authority, has been named the 2021 Dennis Miller Volunteer Award Recipient. Mayor Keller presented Ms. Brooks with a Certificate of Appreciation and a gift card in recognition of her commitment to the City.

The Mayor and City Council thanked all Boards and Commission members for their service and dedication to the citizens of Hagerstown.

#### Gridiron Classic MVP Awards

The annual Gridiron Classic football game occurred on Friday, November 5, 2021. South Hagerstown High School won the game.

Bray Alexander was named as MVP for North Hagerstown High School. North High received a \$ 250.00 check in recognition of the game for the scholarship program. Bray Alexander and Daniel Cunningham, Athletic Director, were present for the recognition.

Corey Koharski was named as MVP in the game for South Hagerstown High School. South High received a \$ 250.00 check in recognition of the game for the scholarship program. Corey Koharski and Coach David Lawrence were present for the recognition.

#### **CITIZEN COMMENTS**

Citizen Comments were accepted by email at [councilcomments@hagerstownmd.org](mailto:councilcomments@hagerstownmd.org) prior to 5:00 p.m. on Tuesday, October 26, 2021. Citizen Comments were also accepted during the meeting.

Stan Brown, Beechwood Drive, Hagerstown, Maryland, asked that the Mayor and City Council contact the County Commissioners to have the road currently named Colonel Henry C. Douglas Drive changed. This road was named for a confederate

leader. The connotation to the confederacy has negative issues regarding people of color. He has approached the County Commissioners and they made a subtle change to the road by abbreviating it to H. K. Douglas Drive. He thinks this is a reflection on the community and the City as a whole. He asked the Mayor and City Council to develop a written resolution promptly asking the Commissioners to rename the road. This is the time for racial reparation and reconciliation. It is an important step for the community and is the right thing to do.

Michael Staup, 18 S. Mulberry Street, Hagerstown, Maryland, appreciates the recognition of World Aids Day. He has picked up 770 needles in his neighborhood since September. The hospital needs to secure the property at the former site as people are entering the deck and using drugs. He stated the needle exchange program is not working. He enjoyed the downtown tree lighting and plans to attend the Donut Drop.

Mayor Keller will discuss the benefits of the harm reduction program with Mr. Staup.

### **MINUTES**

On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote to approve the minutes, as presented, from October 5, 2021, October 12, 2021, October 19, 2021, and October 26, 2021.

### **CONSENT AGENDA**

On a motion duly made by Councilmember S. McIntire and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously approved the Consent Agenda as follows:

A. Engineering:

1. Fairgrounds Stable Roof Repair – Phase 1 – Advance Construction (Hagerstown, MD) \$ 33,400.00
2. Design of New Artifact Displays for Visitor Center at the Hager House – Iondesign (Charles Town, WV) \$ 50,000.00

B. Fire Department:

1. Lion Armor AP V-Force Personal Protective Equipment – Witmer Public Safety Group (Williamsport, MD) \$ 29,856.00

C. Information Technology:

1. Dossier Systems – Software Upgrade to Professional Edition System – Dossier Systems (Burlington, NJ) \$ 14,079.00
2. Barracuda Essentials Security Software Renewal – System Source (Hunt Valley, MD) \$ 20,494.00

D. Planning and Code Administration:

1. 2022 Ford F-150 – Keystone Ford (Chambersburg, PA) \$ 35,410.00

2. Change Orders for Court Order to Repair Wall to Open Alley 4-2 (Cramer's Alley) - Gruber-Latimer Restoration (Sharpsburg, MD) Additional amount – \$ 15,329.00

E. Police Department:

1. Safariland Ballistic Vests, Carriers, Trauma Plates – Atlantic Tactical (New Cumberland, PA) \$ 30,224.82

F. Public Works:

1. John Deere Backhoe Loader - Jessco, Inc. (South Plainfield, NJ) \$ 128,413.60
2. Bulk Diesel Fuel and Gasoline: Transport Deliveries - Petroleum Traders Corporation (Fort Wayne, IN) \$ 371,407.00
3. Bulk Diesel Fuel and Gasoline: Tank-wagon Deliveries – A.C. & T. Co., Inc. (Hagerstown, MD) \$ 371,407.00

G. Utilities:

1. Water – Chemicals – Various Vendors - \$ 1,129,698.50
2. Wastewater – Chemicals – Various Vendors - \$ 670,701.00

**UNFINISHED BUSINESS**

**A. Approval of an Ordinance: For the Sale of a Portion of the Property and Authorizing the Execution and Delivery of a Purchase Agreement between the City and GB&J's LLC**

**Action:** On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance for the sale of a portion of property known as Lot 1 and located on Eastern Boulevard South, Hagerstown, Maryland authorizing the execution and delivery of the Purchase Agreement between the City and GB&J's LLC.

**B. Approval of an Ordinance: Approve Termination of Agreement with Antietam Fire Company, Inc. and to Forgive the Balance of Payments Due to the City under the Agreement**

**Action:** On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember R. E. Bruchey, II, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance authorizing the termination of an agreement with Antietam Fire Company, Inc., (Antietam) dated June 1, 2011, by which Antietam leases the property at 790-800 Potomac Avenue, Hagerstown, Maryland from the City of Hagerstown. Antietam leases the property for the sum of \$ 2,592.62 per month, with a term of thirty years.

This ordinance terminates the agreement and the City will forgive the balance of the rental payments due and owing under the agreement. The

balance of \$ 451,070.07 is hereby forgiven. The funding to cover this forgiveness will be a transfer to Property Management from the Economic Redevelopment Incentive line item or GF Fund Balance Reserves.

By separate ordinance, the City shall donate the property to Antietam for its continued use as a volunteer fire station.

Discussion: Councilmember Aleshire thanked Antietam Fire Company for maintaining a fire station without having to build a new one.

Councilmember Bruchey stated this station was needed as it is north of the railroad tracks. He appreciates their work, as do many others.

**C. Approval of an Ordinance: Approving the Donation of Real Property to Antietam Fire Company, Inc.**

**Action:** On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance to approve an Agreement of Donation to donate the real property at 790-800 Potomac Avenue to Antietam Fire Company, Inc., (Antietam) per the June 1, 2011 agreement with Antietam. The Agreement of Donation is subject to a right of first refusal to the City, should Antietam ever elect to sell the parking lot located on the property on Manilla Avenue.

The Mayor and City staff are hereby authorized to execute and deliver the Agreement of Donation and any additional documentation for this action.

**D. Approval of an Ordinance: Authorizing the Sale of Property Located at 25 W. Church Street**

**Action:** On a motion duly made by Councilmember S. McIntire and seconded by Councilmember R. E. Bruchey, II, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance authorizing the sale of property located at 25 W. Church Street, Hagerstown, Maryland to Marketplace, LLC for a purchase price of \$ 400,001. The sale will provide the opportunity for new investment and redevelopment at 25 W. Church Street. The sale will be in accordance with all of the terms and conditions outlined in the Purchase Agreement.

Discussion: Mayor Keller stated it is not the City's intent to close the Farmer's Market. They are looking to move it to a new location.

Councilmember Bruchey stated this decision was not made hastily or emotionally. The decision is based on the facts and this is the appropriate move at the right time. This problem has been kicked down the road for

40 years. As Mayor Keller stated, they are currently trying to find a new location for the market. He believes they can accomplish this.

**NEW BUSINESS**

**A. Introduction of an Ordinance: Amending the City Code, Chapter 64, Article IV – Modification of Electrical Registration and Fee Structure**

**Action:** On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember R. E. Bruchey, II, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance to amend Chapter 64, Building Construction to modify the registration and fee structure for electrical license holder registrations. The modification would create registration fees for the City of Hagerstown Journeyman Electrician and Apprentice Electrician. This proposed modification to the registration and fee structure is due to a change in State of Maryland Board of Electricians requirements.

**B. Introduction of an Ordinance: Quit Claim Deed for Portion of Alley #2-105**

**Action:** On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance approving a Quit Claim Deed for a portion of Alley #2-105 to Columbia Gas of Maryland, Inc. The Mayor and City Council have determined that this property is no longer needed for a public purpose and are authorizing its conveyance to an adjoining property owner subject to certain conditions set forth in the ordinance.

**C. Approval of a Resolution: Parking Lease with 664 Oak Hill, LLC for Parking Spaces at 49-53 West Franklin Street**

**Action:** On a motion duly made by Councilmember S. McIntire and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote to approve a resolution to approve a parking lease agreement between the City of Hagerstown and 664 Oak Hill, LLC for the rental of six parking spaces located at 49-53 W. Franklin Street for use by the general public.

The term of the lease is monthly and shall commence on January 1, 2022. The monthly rent to be paid to 664 Oak Hill, LLC is zero dollars and no cents.

**D. Approval of a Resolution: Agreement for Public Art, 000 Block West Lee Street**

**Action:** On a motion duly made by Councilmember T. Martinez and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously agreed by voice vote to approve a resolution authorizing an agreement for public art between the City of Hagerstown and Carol Jarvis and Gregory Gannon in the 000 block of West Lee Street on the structure installed by John Barr. A formal donation agreement between John Barr and the City of Hagerstown will be finalized at a later date. Funding for the project is from CIP #868, in the amount of \$ 17,800.00.

**E. Approval of a Resolution: Agreement for Public Art, 300 Block of West Washington Street**

**Action:** On a motion duly made by Councilmember T. Burnett and seconded by Councilmember R. E. Bruchey, II, the Mayor and City Council unanimously agreed by voice vote to approve a resolution authorizing an agreement for public art between the City of Hagerstown and Donald Ely in the 300 block of West Washington Street to replace the existing deteriorated mural. This agreement is conditioned on staff obtaining a \$ 20,000.00 Public Art Across Maryland grant to fund the project.

Discussion: Councilmember McIntire hopes this project is heavily promoted on Facebook. It is important to let the community know the mural is being updated.

**F. Approval to Enter into a Grant Agreement with the Maryland Department of Housing and Community Development for a FY 2021 Community Legacy Grant Award for the Doleman Black Heritage Museum Project**

**Action:** On a motion duly made by Councilmember T. Martinez and seconded by Councilmember R. E. Bruchey, II, the Mayor and City Council unanimously agreed by voice vote to authorize the City to enter into a grant agreement with the Maryland Department of Housing and Community Development for the FY 2021 Community Legacy award for the Doleman Black Heritage Museum project at 465 Pennsylvania Avenue. This \$ 325,000.00 Community Legacy grant will pass through the City to the Doleman Black Heritage Museum, Inc., via a sub-recipient agreement, and will be used for acquisition costs for the property and for architectural and engineering designs associated with adaptation of 465 Pennsylvania Avenue for the museum.

**G. Approval to Enter into a Sub-Recipient Agreement with the Doleman Black Heritage Museum, Inc. for the FY 2021 Community Legacy Grant Award for the Doleman Black Heritage Museum Project at 465 Pennsylvania Avenue**

**Action:** On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously agreed by voice vote to authorize the City to enter into a sub-

recipient agreement with the Doleman Black Heritage Museum, Inc. (DBHM), for the FY 2021 Community Legacy award for the Doleman Black Heritage Museum project at 465 Pennsylvania Avenue. This \$ 325,000.00 Community Legacy grant will pass through the City to DBHM and will be used for acquisition costs for the property and for architectural and engineering designs associated with adaptation of 465 Pennsylvania Avenue for the museum, as specified in the Grant Agreement between the City and the Maryland Department of Housing and Community Development.

**H. Approval of the FY23 Imagine Hagerstown Budget**

**Action:** On a motion duly made by Councilmember T. Martinez and seconded by Councilmember R. E. Bruchey, II, the Mayor and City Council unanimously agreed by voice vote to approve the FY23 budget for Imagine Hagerstown events. The approved net cost for five Fourth Friday events taking place between July 1, 2022 and June 30, 2023 is \$ 44,100.00.

**I. Approval of Mayor and City Council Strategic Plan**

**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 the updated Strategic Plan outlining the Mayor and Council's Vision and Mission for Hagerstown along with the goals and objectives that will guide the City's current and future focus and work plan.

**J. Approval of Funding for a Community Coalition Lobbyist**

**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 authorize the expenditure of \$ 5,000.00 from the General Fund operating budget in order to contribute toward hiring John Favazza with the firm of Mannis, Canning & Associates, as the Community Coalition Lobbyist. Other committed partners include the Washington County Commissioners, Convention and Visitors' Bureau, Washington County Free Library, Greater Hagerstown Committee, the Community Foundation, Hagerstown Community College, Town of Williamsport, Washington County Chamber of Commerce, and CHIEF (Washington County Industrial Foundation).

**K. Approval of Improvements Master Plan Wheaton Park**

**Action:** On a motion duly made by Councilmember T. Burnett and seconded by Councilmember R. E. Bruchey, II, the Mayor and City Council

unanimously agreed by voice vote to approve an attached Improvements Master Plan for Wheaton Park.

The Mayor and City Council further authorize staff to commence steps to implement Phase I of the improvements that includes the misting pad, parking lot, plaza and building structure removal as funds allow.

The funding plan for the project shall be as follows:

1. \$ 318,469.39 CDBG funds in FY22 for Phase I contingent upon CDBG Plan Amendment
2. Funds included in upcoming annual capital budgets

All CDBG funding is pending and subject to CDBG Action Plan processes and citizen participation plan requirements. Phase I design contract will be awarded after the CDBG Plan Amendment is approved.

Discussion: Councilmember Burnett is looking forward to the improvements at Wheaton Park. The kids will be ecstatic. She anticipates morale in the surrounding area will improve.

Mayor Keller appreciates Councilmember Burnett's dedication to this project.

### **CITY ADMINISTRATOR COMMENTS**

*Scott Nicewarner, City Administrator*, reminded everyone that the City Park Tree Lighting will be held on Friday, December 3, 2021 at 7:00 p.m. The ceremony will be streamed live. The musical trees will be lit that evening too. Silhouettes are spread throughout the park, creating a drive through experience.

Mr. Nicewarner offered his condolences to the family of Doug Fowler, who passed away yesterday. He and Mr. Fowler coached together at the YMCA when their kids starting playing together. They both were very passionate about South High and their kids and their teams. Mr. Fowler was instrumental in forming the Washington County Football League.

He wished everyone a Happy Thanksgiving. He thanked staff for all their efforts throughout the year.

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

*Councilmember K. B. Aleshire* had no additional comments.

*Councilmember R. E. Bruchey, II* had no additional comments.

*Councilmember T. Burnett* encouraged people to reach out to some non-profits in the area to help give back to the community. She wished everyone a Happy Thanksgiving.

*Councilmember T. Martinez* encouraged neighbors to help each other with leaf clean up and snow shoveling.

*Councilmember S. McIntire* encouraged everyone to keep law enforcement and fire department employees in mind on Thanksgiving day. Thanksgiving looks different for them. One year ago today, this administration took office. She is super blessed to serve with all the members.

*Mayor E. Keller* thanked staff for putting together the downtown tree lighting event. She suggested holding this event on a Friday next year and make it a grand event. She congratulated Mr. Polly for being awarded the People's Choice Award. She thanked him for all he does. She wished everyone a Happy Thanksgiving. There are a lot of people in the community who are hurting. She urged anyone struggling with substance abuse to reach out to someone who can help.

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 7:42 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: January 25, 2022