

**REGULAR SESSION (46<sup>TH</sup> VOTING SESSION) – July 26, 2022**

**Mayor E. Keller called this Regular Session (46<sup>th</sup> voting session) of the Mayor and City Council to order at 7:02 p.m., Tuesday, July 26, 2022, in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, R. E. Bruchey, II, T. Burnett, and T. Martinez, City Administrator Scott A. Nicewarner, City Attorney Amy Taylor, and City Clerk D. K. Spickler. Councilmember S. McIntire was not present.**

The invocation was offered by Councilmember T. Martinez. The Pledge of Allegiance was recited and led by Mayor Emily 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, August 2, 2022, Tuesday, August 9, 2022, and Tuesday, August 16, 2022, and the Regular Session on Tuesday, August 23, 2022. There is no meeting scheduled for Tuesday, August 30, 2022.

**APPOINTMENTS**

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 of all members present to make the following appointments:

Historic District Commission:

Glen Grant, Term to Expire July 26, 2025

Matthew Sherman, Term to Expire July 26, 2025

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 of all members present to make the following appointments:

Hagerstown Loan Review Authority:

Leroy Burtner, Term to Expire August 1, 2025

Randy Catlett, Term to Expire August 1, 2025

Micheal Line, Term to Expire August 1, 2025

Brian Selders, Term to Expire August 1, 2025

**CITIZEN COMMENTS**

Citizen Comments were accepted by email at [councilcomments@hagerstownmd.org](mailto:councilcomments@hagerstownmd.org) prior to 5:00 p.m. on Tuesday, July 26, 2022. Citizen Comments were also accepted during the meeting.

The following Citizen Comments were presented during the meeting.

Michael Staup, 18 S. Mulberry Street, Hagerstown, Maryland, stated there are still problems in his neighborhood. People are gathering in the vacant parking deck at the former hospital site. Vehicles are going around the barriers that are blocking Bixler's Alley to be out of sight of the police. The alley has become a place for significant suspicious activity. He is picking up more needles than ever.

Mayor Keller assured Mr. Staup City staff will look into this situation.

Donna K. Spickler, City Clerk, reported one person submitted comments by email. The comments are summarized as follows:

1. Jasmine Mills asked what is being done to help addicts and to clean up Hagerstown. She is concerned there are no intervention programs for youth.

Mayor Keller has reached out to Ms. Mills to discuss her concerns.

A copy of the email, in its entirety, will be included with the meeting packet and will be posted online at [www.hagerstownmd.org/government/agenda](http://www.hagerstownmd.org/government/agenda).

## **MINUTES**

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 of all members present to approve the minutes, as presented, for June 7, 2022, June 21, 2022, and June 28, 2022.

## **CONSENT AGENDA**

On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously approved the Consent Agenda as follows:

- A. Community Engagement:
  1. Street Closure and Open Container Exemption/Application Permit – Wind Down, August 19, 2022
- B. Engineering:
  1. 2022 Pavement Preservation Program – Craig Paving, Inc. (Hagerstown, MD) Not to Exceed \$ 1,245,000.00
  2. Pavement Marking – Midlantic Marking, Inc. (Gaithersburg, MD) \$ 95,000.00
  3. Handicap Ramps – DIR Construction, Inc. (Laurel, MD) Not to Exceed \$ 120,000.00
  4. Curb and Sidewalk Replacement Program – Concrete Central (Hagerstown, MD) \$ 225,000.00

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5. Improvements to West Hillcrest Road – Advantage Landscape & Construction, Inc. (Hagerstown, MD) \$ 235,232.68
  6. 2022 Ranger Supercab – Replacement of Unit 709 – Keystone Ford (Chambersburg, PA ) \$ 29,765.00
- C. Human Resources:
1. FY 2023 Liability and Property Funds Insurance – Local Government Insurance Trust (Hanover, MD) \$ 533,131.00
- D. Information Technology:
1. Telephone System Annual Support and Maintenance – Glessner Technologies (Hagerstown, MD) \$ 26,755.00
- E. Police:
1. Emergency Purchase – Sallyport Handrail Replacement - Hagerstown Metal Fabrication (Hagerstown, MD) \$ 13,817.25
- F. Public Works:
1. Street Closure Approval – Donut Alley 5K Run – August 12, 2022
  2. Open Container Exemption/Application Permit – Freedom Fest – July 30, 2022
- G. Utilities:
1. Light: LED Streetlights – FY22 MSEC Grant – Signify North America (Somerset, NJ) \$ 29,712.00
  2. Light: LED Streetlights – Inventory – Signify North America (Somerset, NJ) \$ 83,791.50
  3. Light: Vehicle Replacement – Unit 124 – Over-center Insulated Bucket w/Material Handler – Altec Industries (Birmingham, AL) \$ 279,505.00
  4. Water: Double Check Detector Assemblies – Ferguson Waterworks (Frederick, MD) \$ 65,356.00
  5. Water: Aggregate – Martin Marietta (Williamsport, MD) \$ 26,180.00
  6. Water: Change Order to Filter Media Replacement – HRI, Inc. (State College, PA) \$ 241,254.00
  7. Wastewater: Local Limits Study – Black and Veatch Corporation (Gaithersburg, MD) \$ 83,680.00
  8. Wastewater: Plant Nutrient Load Re-Rating – Black and Veatch Corporation (Gaithersburg, MD) \$ 218,500.00
  9. Wastewater: Treatment Plant Replacement of Waste Activated Scum Pumps - Sherwood Logan (Warrington, PA) \$ 89,828.00
  10. Wastewater: FY 22 Pelletizer Operating and Pass-Through Expense Increase for May and June – Synagro Technologies (Chicago, IL) \$ 169,788.00
  11. Wastewater: FY23 Pelletizer Operating Cost - Synagro Technologies (Chicago, IL ) \$ 1,639,093.00
  12. Wastewater: Pelletizer Pass-Through Expenses - Synagro Technologies (Chicago, IL) \$ 100,000.00
  13. Wastewater: Collections Muffin Monster Cartridge for Pump Station 18 – JWC Environmental (Santa Ana, CA) \$ 13,417.00

**UNFINISHED BUSINESS**

**A. Approval of an Ordinance: Conversion District Overlay, 535 Summit Avenue (ZM-2022-01)**

**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 of all members to approve an ordinance and findings of fact to amend the Zoning Map for the City of Hagerstown to apply a Conversion District Overlay on property located at 535 Summit Avenue. The findings of fact include alternate Concept Plan #4 as the Mayor and City Council's condition of approval.

**B. Approval of an Ordinance: Local Conversion District Overlay, 245 North Potomac Street (ZM-2010-02)**

**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 of all members to approve an ordinance for a Local Conversion District Overlay on property located at 245 North Potomac Street.

**C. Approval of an Ordinance: Illicit Discharge Ordinance**

**Action:** On a motion duly made by Councilmember T. Burnett and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote of all members present to approve an ordinance to amend Chapter 213 of the City Code to add provisions to allow the City to deal with illicit discharges to the stormwater system.

**D. Approval of an Annexation Resolution: Lands of Unger Properties, LLC (A-2022-01)**

**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 of all members present to approve an Annexation Resolution for Annexation Case No. A-2022-01 known as "Lands of Unger Properties, LLC." The portion of property to be annexed is approximately 115.84 acres in size and is intended to be added to and made part of the adjacent municipal lands with RMOD zoning. The resolution package has been updated with the corrected metes and bounds description, annexation plat, and zoning exhibit as forwarded by the applicant's engineer, and amended to include a requirement for a tot lot to be part of the plans for the future development of the tract.

**NEW BUSINESS**

**A. Introduction of an Ordinance: Code Amendments to Chapter 238 and 240 of the City Code**

**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 of all members present to introduce an ordinance to amend Chapter 238 and Chapter 240 of the City Code to establish guidelines for transferring Water and Wastewater Allocation. The amendments also establish a Benefit Fee rate differential for Water Allocation for properties outside City Corporate Boundaries. The amendments are detailed in the body of the ordinance.

**B. Approval of a Resolution: Subrecipient Agreement for \$ 125,000 ARPA Funding to Support Marketing and Advertising Plan for Hagerstown/Washington County Convention and Visitor's Bureau (CVB)**

**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 of all members present to approve a resolution and subrecipient agreement for a total of \$ 125,000.00 American Rescue Plan Act (ARPA) funds to support the new marketing and advertising plan for the Convention and Visitor's Bureau. The funding will help support new marketing initiatives, advertising, promotion, and event sponsorship in accordance with the submitted marketing plan. This activity will help to reduce the negative economic impact to tourism, travel or hospitality due to COVID-19.

The time of performances shall be 21 months beginning on the 26<sup>th</sup> day of July, 2022 and ending on the 31<sup>st</sup> day of march, 2024, or the date that all available funds have bene reimbursed, whichever occurs sooner.

**C. Approval of a Resolution: Amendment to Deed of Perpetual Easement and Right-of-Way Between the City of Hagerstown and Hagerstown Industrial Properties, LLC – 55 West Oak Ridge Drive**

**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 of all members present to approve a resolution for the execution of an amendment to a sewer line easement agreement for the real property known as 55 West Oak Ridge Drive, Tax Map 57, Grid 3, Parcel 635 consisting of +/- 47.56 acres as described in the resolution, which is attached.

The parties understand and agree to the eventual conveyance of a sewer pump station and the property on which the pump station is located via a separate ordinance.

**D. Approval of a Resolution: Accepting the Memorandum of Agreement with The Maryland Historic Preservation Officer for the Wheaton Park Improvements**

**Action:** On a motion duly made by Councilmember T. Burnett and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a resolution approving a memorandum of agreement (MOA) with the Maryland Historic Preservation officer regarding the Wheaton Park Improvements Project. The MOA allows the project to continue as planned and the Mayor and City Council further authorize staff to comply with the MOA including contracting with EAC Archaeology, Inc., to document the structure and develop and install interpretive markers.

Discussion: Councilmember Burnett thanked City staff for moving this project forward. She is excited to see this happen for the kids. They deserve a nice place to play.

**E. Approval to Apply for a State of Maryland Law Enforcement Training Scholarship Grant (LETS)**

**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 of all members present to authorize staff to apply for a State of Maryland Law Enforcement Training Grant in the amount of \$ 3,800.00.

**F. Approval of a New Position – Hagerstown Police Department Community Liaison Coordinator**

**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 of all members present to approve hiring one full-time, temporary American Rescue Plan Act (ARPA) grant funded position of Community Liaison Coordinator.

**G. Approval to Accept Grant from Maryland State Arts Council**

**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 of all members present to accept a Public Art Planning grant from Maryland State Arts Council in the amount of \$ 5,000.00. This grant will be used to obtain public input on the triangular island near Park Circle, and to develop a call for artists and recommend artist(s) to City Council.

**H. Approval of Funding Source for Police and Fire Pension Plan Experience Study**

**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 of all members present to authorize funding for the Experience Study directly from the Police and Fire Pension Plan. The cost for the study is \$ 12,000.00.

This study is a highly recommended and necessary action by the City's actuary, CBIZ. Completion of the Experience Study was approved on June 28, 2022.

**I. Approval of FY2023 Invest Hagerstown Program and Fire Suppression System Grant Guideline Changes**

**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 of all members present to approve revised guidelines and application forms for the following programs:

1. Invest Hagerstown Commercial Sign and Façade Grant
2. Invest Hagerstown Rental Rehabilitation Grant
3. Fire Suppression System Grant (formerly known as the Life Safety Infrastructure Grant)

Staff may make administrative edits from time to time with the approval of the City Administrator.

The revised guidelines and application forms are attached with the meeting material.

**J. Approval to Add Alms House – 239 N. Locust Street to the City's Competitive Negotiated Sale (CNS) Process**

**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 of all members present to approve the addition of 239 North Locust Street to the City's Competitive Negotiated Sale (CNS) Process, with the goal of transferring the property to the private sector and returning the property to the tax rolls. Purchase proposals will be evaluated based on both offer price and how the future use of the property will contribute to the vitality of the neighborhood.

**K. Approval of City Event Sponsorship Criteria and FY23 Event Sponsorships**

**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 of all members present to approve revised Event Sponsorship criteria and FY23 Event Sponsorships.

This criteria is being established to make the process equitable. Event sponsorships provide support for events taking place in the City which have a positive impact on local businesses and offer benefits to citizens.

The criteria and funding spreadsheet are attached with the meeting packet information.

**L. Approval of FY23 City Funding Support for Heart of the Civil War Heritage Area: Agency Contributions**

**Action:** Councilmember T. Martinez made a motion to approve \$ 7,200.00 in City agency contribution funding to support the Heart of the Civil War Heritage Area. Staff from Heart of the Civil War Heritage Area requested funding from the Mayor and Council at the July 19, 2022 meeting. This \$ 7,200.00 would be paid quarterly in even payments in compliance with the City's Agency Contribution Policy throughout FY23. The funding source is from the FY23 General Fund Unspecified Agency Contributions budgeted line item. Councilmember T. Burnett seconded the motion.

Motion carried, 3-1 with Councilmember K. B. Aleshire voting No.

**CITY ADMINISTRATOR COMMENTS**

*Scott Nicewarner, City Administrator*, announced next week's meeting will begin at 2:00 p.m., followed by an Executive Session at 3:00 p.m. Guide Studios will be presenting the results of the branding and imaging review during the Work Session.

**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* had no additional comments.

*Councilmember T. Martinez* had no additional comments.

*Mayor E. Keller* congratulated Councilmember Burnett and everyone involved with the Ruth Ann Monroe annual basketball tournament for a successful event. She thanked the County Commissioners for their support of Washington Goes Purple. There are a lot of events happening this weekend in Hagerstown. Facebook posts have all the details.

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 7:25 p.m.

Respectfully submitted,

REGULAR SESSION (46<sup>TH</sup> VOTING SESSION)  
2022  
MAYOR AND CITY COUNCIL

JULY 26,

HAGERSTOWN, MARYLAND

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: August 23, 2023