

Mayor Emily Keller held a press conference at 2:00 p.m. on Tuesday, January 17, 2023 to announce she has been named as the Special Secretary of Opioid Response by Maryland's Governor Elect Wes Moore. As she graciously accepts this position, she will be resigning as Mayor at the end of January, 2023.

WORK SESSION, SPECIAL SESSION (59TH VOTING SESSION, AND EXECUTIVE SESSION – January 17, 2023

EXECUTIVE SESSION – January 17, 2023

Mayor Keller called the Executive Session to order at 3:02 p.m.

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 meet in closed session to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, designation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; (#1) (Section 3-305(b)), and 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)), on Tuesday, January 17, 2023 at 3:02 p.m. in the Council Chamber, 2nd floor, City Hall, Hagerstown, Maryland.

The following people were in attendance: Mayor E. Keller, Councilmember K. B. Aleshire, Councilmember R. E. Bruchey, II, Councilmember T. Burnett, Councilmember T. Martinez, City Administrator Scott Nicewarner, Amy Taylor, City Attorney, Police Chief Paul “Joey” Kifer, Fire Chief Steven Lohr, Jill Thompson, Director of Community and Economic Development, Chris Siemerling, Economic Development Specialist, and City Clerk D. K. Spickler. Councilmember S. McIntire was not present.

The meeting was held to discuss membership of the Board of Zoning Appeals, two separate personnel matters, and two business proposals. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 3:57 p.m.

SPECIAL SESSION (59th VOTING SESSION) AND WORK SESSION – January 17, 2023

Mayor E. Keller called this Work Session, Special Session (59TH voting session) and Executive Session of the Mayor and City Council to order at 4:09 p.m., Tuesday, January 17, 2023 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, and City Clerk D. K. Spickler. Councilmember S. McIntire was not present.

Lobbyist Service for Maryland Municipal Electric Companies

Nathan Fridinger, Electric Operations Manager, was present to discuss funding for lobbyist services at the 2023 Session of the Maryland General Assembly. The Easton Utilities Commission entered into a contract with Kress Hammen, Inc. as a consultant for the 2023 Maryland Legislative Session. The services will monitor and report matters, such as renewable energy standards, that could potentially affect electric costs to customers and lobby on their behalf to promote, oppose, or amend legislation to their best interest.

These efforts not only benefit Easton, but all five municipal electric utilities in the State, which include the Town of Williamsport, the Town of Thurmont, and the Town of Berlin. Representatives from each utility are invited to collectively review bills presented by the House and Senate, discuss strategy, and plan goals to serve in the best interest of their communities.

The cost to Easton totals \$ 60,000.00. Although they are not expecting compensation, Hagerstown Light Department staff recommends a contribution of \$ 10,000.00. Funding and participation will help maintain the efforts put forth in the past and promote municipal utility awareness so that the City's best interests are not lost in the best interest of the Investor-Owned or Cooperative utilities.

It was the general consensus of the Mayor and City Council to provide funding for this lobbyist. Formal approval will be scheduled for the January 31, 2023 Regular Session.

Update on Land Acquisition for Wakefield

Fire Chief Steven Lohr and Rodney Tissue, City Engineer, were present to provide an update on the land acquisition of property on Wakefield Road.

Chief Lohr stated staff is seeking final approval to proceed with the acquisition and settlement of multiple parcels of property redefined in a single plat of 1.65 acres and currently owned by the Calvary Grace Brethren Church known as the even side of the 100 block of Wakefield Road. A draft final purchase and sales agreement was provided to the Mayor and City Council. The agreement includes a proposed settlement date of on or before September 30 , 2023.

The agreement and the ordinance outlines a revised site plant that clearly delineates 3 acres of the purchase and the terms and conditions for the sale, including a first right of refusal for the future acquisition of 0.24 acres improved with a single family dwelling, and parking agreement reviewed by the Mayor and City Council on December 6, 2022.

The negotiated purchase price is \$ 200,000. The assembly of these properties into a single plat is intended to site a future fire station that adequately serves existing and

future planned annexations. Staff recommends moving forward immediately with the property acquisition deferring design and build to the future when capital funds are available.

It was the general consensus to include introduction of the ordinance to purchase the property on the January 31, 2023 Regular Session Agenda. Anticipated passage of the ordinance is on February 28, 2023, with an expected effective date of March 31, 2023.

Approval to Submit Applications for Senator George C. Edwards Fund

Christopher Siemerling, Economic Development Specialist, was present to review the Senator George C. Edwards Fund.

This is a fund set up during the 2022 Legislative Session in order to establish the Western Maryland Economic Future Investment Board to review, evaluate and rate applications for funding from the program. A total of \$ 20 million is being offered between three counties (Washington, Allegany, and Garrett) during the first round, with all final applications due by January 31, 2023.

Staff is seeking approval from the Mayor and City Council to submit and receive funds for three grant request applications for the Senator George C. Edwards Fund for the following projects:

1. Hagerstown Field House – Request \$ 4,000,000
2. Hagerstown Revolving Loan Fund – Request \$ 250,000
3. Invest Hagerstown Program – Request \$ 750,000

Letters of Intent for each of the three projects were included with the meeting material.

It was the general consensus to submit the three grant requests as presented.

Heart of Art Grant Program – ARPA Funding

Brittany Arizmendi, Community Engagement Officer, was present to review the Heart of the Art Grant Program overview and application.

The Heart of Art Grant Program, funded by the American Rescue Plan Act (ARPA), is focused on providing opportunities to local artists to showcase and sell their work in the Hagerstown Arts & Entertainment District. The goal is to bridge the gap of connecting artists with customers, to lift the burden of paying a vendor fee to attend an event, and to ensure the artists will receive payment after each market.

This grant program will fall under the federal ARPA expenditure category “Negative Economic Impacts – Aid to Impacted Industries: Aid to Tourism, Travel, or Hospitality”. The Mayor and City Council approved the allocation of \$ 25,000 to “provide incentives and support to local artists”. This grant program will use \$ 12,000, with the remaining

It was the general consensus to move forward with this program.

Ms. Arizmendi stated coming events include a hand-made market, Imagine Hagerstown, a weekly music and market event, and many others.

The Hagerstown Arts and Entertainment District is in a federal Qualified Census Tract which is considered to be disproportionately impacted by the pandemic.

SPECIAL SESSION – January 17, 2023

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 meet in Special Session at 4:15 p.m.

Introduction of an Ordinance: Purchase Meritus Holdings

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 introduce an ordinance to approve the Contract of Sale for purchase of real property from Meritus. The sale will be in accordance with all of the terms and conditions outlined in the Contract of Sale, which is attached with the ordinance.

Discussion: Councilmember Aleshire stated he is in favor of introducing this ordinance however he has concerns about this project. There are two major economic development projects that will be anchors in a two block direction. This is the largest undeveloped tract of land in the City's downtown and it is strategically located between these two major projects. He wonders if this is the best and highest use of that land. There is no turning back once this approved. The City is putting preservation agencies in control of this property for the next 100 years with the agreements that are part of the contract. The property will not be able to be sold.

He is also concerned about the City owning another property for Parks staff to maintain. He does not want to turn over ownership of the property to a State or Federal recreational agency because of where it sits. The proposed use will limit the actual openness of the property. The design he has seen is not really engaging but more of a memorial park that kids will not actively engage with.

Approval to Submit Applications for the Senator George C. Edwards Fund

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 authorize

City staff to submit applications to, and receive funds from, the Western Maryland Economic Future Investment Board for funding from the Fiscal Year 2023 of the Senator George C. Edwards Fund. The applications will be for the following projects:

1. Hagerstown Field House – Request \$ 4,000,000
2. Hagerstown Revolving Loan Fund – Request \$ 250,000
3. Invest Hagerstown Program – Request \$ 750,000

Removal from the Table: Approval of an Ordinance to Add Chapter 230, Transient Housing, to the City Code

Action: Councilmember K. B. Aleshire made a motion to remove from the table approval of an ordinance to add Chapter 230, Transient Housing, to the Code of the City of Hagerstown. Councilmember T. Martinez seconded the motion.

Motion carried 3-1 with Councilmember R. E. Bruchey, II voting no.

Approval of an Ordinance: Add Chapter 230, Transient Housing, to the City Code

Action: Councilmember K. B. Aleshire made a motion to approve an ordinance to add Chapter 230, Transient Housing, to the Code of the City of Hagerstown. This added chapter will:

1. Establish a licensing program for transient housing facilities which includes hotels, motels, inns, bed & breakfast structures and short-term rentals; Enact license fees for transient housing facilities based on their level for hotels and license fees for bed & breakfasts and short-term rentals;
2. Create a tier structure related to calls for service ratio for hotels;
3. Establish inspection requirements for transient housing facilities;
4. Require training for transient housing owners, managers, and staff on human trafficking activities, human trafficking victims and overdoses response program; Create transient housing facility guest register requirements pertaining to transient visitors letting any transient housing unit; Enact premises requirements prohibiting hourly rates and letting transient housing units for illegal purposes;
5. Provide processes to deny, suspend, or revoke transient housing facility applications and licenses.

Motion died for lack of a second.

Removal from the Table: Approval of an Ordinance to Amend Chapter 65, Habitual Offender, to Enhance Support to the Transient Visitors and Neighborhoods

Action: Councilmember K. B. Aleshire made a motion to remove from the table the approval of an ordinance to amend Chapter 65, Habitual Offender, of the Code of the City of Hagerstown.

Motion died for lack of a second.

Removal from the Table: Approval of an Ordinance to Amend Chapter 85, Excessive Use of City Services, to Impose Fees for Police, Law Enforcement Services, and Code Administration Services Which are Over and Above the Costs of Providing Normal Police Protection, Law Enforcement, and Code Administration Services at Transient Housing Facilities

Action: Councilmember K. B. Aleshire made a motion to remove from the table the approval of an ordinance to amend Chapter 95, Excessive Use of City Services, of the Code of the City of Hagerstown.

Motion died for lack of a second.

The Special Session was closed at 4:26 p.m.

CITY ADMINISTRATOR'S COMMENTS

Scott A. Nicewarner, City Administrator, congratulated Mayor Emily Keller for being selected by Governor-Elect Wes Moore to be the Special Secretary for Opioid Response. He is thrilled for her. He stated there is no one more qualified than Mayor Keller and he knows she will take the same enthusiasm and results orientated approach to ending addiction to her new role. Staff appreciates her enthusiasm and passion.

MAYOR AND COUNCIL COMMENTS

Councilmember R. E. Bruchey, II is glad he encouraged Mayor Keller to run for office seven years ago. She wished her well in her new role.

Councilmember Bruchey stated he is not against protection for transient residents or for holding people to certain standards when dealing with the public. He feels the City has not addressed its own addiction issues yet. Until that occurs, the City shouldn't make someone else do something it hasn't done yet. He hopes staff meets jointly with hotel and bed/breakfast owners to develop regulations that are acceptable by all parties.

Councilmember T. Burnett congratulated Mayor Keller on her appointment. She stated it has been an honor to serve with Mayor Keller. She is proud of what Mayor Keller has accomplished.

Councilmember K. B. Aleshire congratulated Mayor Keller on her appointment. He stated that the Governor knows what this administration already knew – that Mayor Keller is a great asset.

Councilmember Aleshire disagreed that the City isn't addressing the issues. The Mayor and City Council continually receive reports from public safety staff who are repeatedly required to respond in the best manner they can with the number of personnel

they have. Public safety response has not changed. The issues the ordinances attempted to address are a result of how those entities choose to operate. Other jurisdictions have implemented similar regulations successfully for many years. This is similar to what staff showed the Mayor and City Council when Rental Licensing was implemented. The City has to do something to address the conditions at some of the lodging establishments.

Councilmember T. Martinez agreed something has to be done. She works with non-profit entities and the homeless and she knows the conditions and the situation has to be addressed.

Councilmember Martinez congratulated Mayor Keller also. Mayor Keller set out to make government and Hagerstown a better place. She knows that opioid use is a health concern. She congratulated Mayor Keller for showing her daughter and other daughters that you can be both a mother and a politician and make a difference.

Councilmember Martinez also congratulated Governor-elect Moore and Lt. Governor-elect Miller, Maryland's first black Governor and first black Lt. Governor.

Mayor E. Keller appreciates the kind words and support from everyone. She is honored and excited to be appointed to the Special Secretary position, even though it is bittersweet. She congratulated Governor-elect Moore and Lt. Governor-elect Miller.

Mayor Keller announced this body will work together to determine who will replace her as Mayor.

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 4:36 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: February 28, 2023