

EXECUTIVE SESSION AND REGULAR SESSION (80<sup>TH</sup> VOTING SESSION) –  
November 21, 2023

EXECUTIVE SESSION – November 21, 2023

Mayor Martinez called the Executive Session to order at 6:15 p.m.

On a motion duly made by Councilmember M. J. Schindler and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to meet in closed session to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; (#1) (Section 3-305(b)), on Tuesday, November 21, 2023 at 6:15 p.m. in the Council Chamber, 2nd floor, City Hall, Hagerstown, Maryland.

Participating with Mayor Martinez were Councilmembers K. B. Aleshire, T. Burnett, S. McIntire, and M. J. Schindler, City Administrator Scott Nicewarner, Ann Rotz, City Attorney, Don Francis, Director of Human Resources, and City Clerk Donna K. Spickler.

The meeting was held to discuss various personnel issues. On a motion duly made, seconded, and passed, the meeting was adjourned at 6:49 p.m.

REGULAR SESSION (80<sup>TH</sup> VOTING SESSION) – November 21, 2023

**Mayor T. Martinez called this Regular Session (80<sup>th</sup> voting session) of the Mayor and City Council to order at 7:01 p.m., Tuesday, November 21, 2023, in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, T. Burnett, S. McIntire, and M. J. Schindler, City Administrator Scott A. Nicewarner, City Attorney Ann Rotz, and City Clerk D. K. Spickler.**

The invocation was offered by former Mayor and Councilmember Robert E. Bruchey, II. The Pledge of Allegiance was recited and led by Robert E. Bruchey, II.

Mayor Martinez presented a certificate of appreciation to former Mayor and Councilmember Robert E. Bruchey, II for his 18 years of dedicated service as an elected official to the citizens of Hagerstown. A video was shown of Mr. Bruchey's accomplishments.

Mayor Martinez stated it has been an honor to know and work with Mr. Bruchey.

Mr. Bruchey stated it has been an honor to serve the citizens of Hagerstown during his time as Mayor and Councilmember. People often ask him what he considers his biggest accomplishment. He stated it's not the big things but the little things that positively affect someone's life every day. He thanked the Mayor and City Council for the beautiful tribute. When you serve as an elected official, your family serves with you. He thanked his wife for being his sounding board over the years and for her good advice. He

thanked his family. He also thanked Hagerstown's citizens for allowing him to represent them.

Mayor Martinez 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 5, 2023, December 12, 2023, and Regular Session on Tuesday, December 19, 2023. No meeting is scheduled for Tuesday, December 26, 2023.

### **APPOINTMENT OF COUNCILMEMBER PETER E. PERINI, SR.**

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 appoint Peter E. Perini, Sr. as Councilmember, effective November 21, 2023.

Councilmember Perini is being appointed to fill the vacancy and complete the remaining term created by the resignation of Councilmember Robert E. Bruchey, II. Councilmember Bruchey's resignation was effective October 10, 2023 and the Mayor and City Council do hereby accept said resignation.

Mayor Martinez provided the Oath of Office to Mr. Perini. Councilmember Perini then took a seat at the table.

Councilmember Perini stated he is humbled and appreciative of the Mayor and City Council's support. He thanked the people in the audience who attended to show their support, especially his wife Cynthia, daughter Meridith and her husband Ryan, son Peter, Jr., and son Noah. He thanked Secretary and former Mayor Emily Keller for her continued support. Others in attendance included Starr (colleague of Emily Keller), Al and Claudia Martin, John Barr, Washington County Commissioners President, and Larry and Judy Barron. He is honored to be a member of this Mayor and City Council that is also part of Washington County.

### **APPOINTMENTS**

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 make the following appointments:

Terry Wishard, Board of Code Appeals – Term to Expire November 30, 2027  
Janice Kelsh, Board of Zoning Appeals – Term to Expire November 30, 2026  
Richard Willson, City Ethics Commission - Term to Expire September 1, 2027

Mayor Martinez administered the Oath of Office to Richard Willson. Ms. Kelsh and Mr. Wishard will receive the Oath at a later date.

### **PROCLAMATION**

Mayor Martinez read a proclamation naming November, 2023 as Municipal Government Works Month in Hagerstown, Maryland. Municipal Government Works Month promotes education of citizens about municipal government and the importance of their participation.

Scott Nicewarner, City Administrator, and Donna Spickler, City Clerk, accepted the proclamation.

### **CITIZEN COMMENTS**

Citizen Comments were accepted by email at [councilcomments@hagerstownmd.org](mailto:councilcomments@hagerstownmd.org) prior to 5:00 p.m. on Tuesday, November 21, 2023. Citizen Comments were also accepted during the meeting.

Jack Miller, 11905 Sycamore Drive, Hagerstown, Maryland, asked why the Council did not use the same application process to fill the most recent vacancy. He had previously discussed this with the Mayor.

Mayor Martinez stated the elected body was within their rights to choose a process to fill a vacancy, either by application or appointment.

Mr. Miller asked if there is a process established in the City Charter.

Mayor Martinez noted it would take three Council votes to amend the City Charter.

Andrew Keller, 14319 Rockdale Road, Clear Spring, Maryland, has created the Learnicity app that will transform the way people visit Hagerstown. Users gain coins that can be used at local businesses. The app provides a three-party benefit: 1) users learn about financial literacy, 2) business owners have increased transactions, and 3) there are more feet on the street. With the use of the app, he envisions a city where youth are equipped with essential life skills while learning about new cities.

Emily Keller, 851 Summit Avenue, Hagerstown, Maryland, congratulated Peter Perini on his appointment as Councilmember. She congratulated the Council for making the decision to appoint Councilmember Perini. He has incredible connections in Annapolis.

Mayor Martinez thanked Commissioner President John Barr for attending this meeting.

**MINUTES**

On a motion duly made by Councilmember T. Burnett and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote of all members present to approve the minutes as presented for October 3, 2023, October 10, 2023, October 17, 2023, and October 24, 2023.

**CONSENT AGENDA**

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 of all members present to approve the Consent Agenda as follows:

- A. Engineering:
  - 1. Greens at Hamilton Run Stream Restoration Surveying and Construction Management Services – Frederick Seibert & Associates, Inc. (Hagerstown, MD) \$55,380.00
  
- B. Fire:
  - 1. Turnout Gear Replacement – Witmer Public Safety Group (Williamsport, MD) \$ 36,280.00
  
- C. Planning and Code Administration Information Technology:
  - 1. 2024 Ford Maverick – Keystone Ford (Chambersburg, PA) \$ 27,330.00
  
- D. Police:
  - 1. 2023 Ford Explorer – Keystone Ford (Chambersburg, PA) \$ 39,700.00
  - 2. Two 2023 Ford Inceptor Utility AWD Vehicles (\$ 44,596.00/each) – New Holland Auto Group (New Holland PA) \$ 89,192.00
  
- E. Public Works:

Pricing for Bulk Diesel and Gasoline Purchase is the total Washington County bid price – the original City Purchase Order for each component will be the approved FY24 budget totals.

  - 1. Bulk Diesel Fuel and Gasoline Purchase – Tank-Wagon Deliveries – A.C. & T. Co., Inc. (Hagerstown, MD) \$ 449,930.29
  - 2. Bulk Diesel Fuel and Gasoline Purchase – Transport Deliveries – Petroleum Traders Corporation (Fort Wayne, IN) \$ 3,390,993.50
  - 3. Rental of 20 Golf Carts for The Greens at Hamilton Run Golf Course – Capitol Golf Cars & Utility Vehicles, LLC (Frederick, MD) \$ 149,414.40
  - 4. Two 2024 Ford F-150's for Parks (Replacing # 302 and # 313) – Keystone Ford (Chambersburg, PA )) \$ 88,400.00
  - 5. Open Container Exemption/Application Permit – Christkindl Markt, University Plaza – December 8 and 9, 2023

F. Utilities:

1. Water: Fire Hydrant Purchase – Core & Main (Martinsburg, WV) \$ 81,129.24
2. Wastewater: Muffin Monster Bottom Purchase – JWC Environmental (Santa Ana, CA) \$ 49,275.00
3. Wastewater: Ferric Pumps – Sherwood Logan (Annapolis, MD ) \$ 24,470.00
4. Wastewater: Liquid Oxygen Purchase – AIRGAS USA, LLC (Horsham, PA) \$ 24,340.00
5. Wastewater: Oxygen Building Roof Repair – Bonded Applicators, Inc. (Waynesboro, PA) \$ 12,366.00
6. Wastewater: UV Bulbs and Assemblies – Veolia Water Technologies Treatment Solutions USA, Inc. (Leonia, NJ) \$ 41,530.20
7. Wastewater: Methanol Metering Pumps – Sherwood Logan (Annapolis, MD) \$ 28,194.00

**UNFINISHED BUSINESS**

**A. Approval of an Ordinance: Amending Chapter 64 of the City Code Building Standards**

**Action:** On a motion duly made by Councilmember M. J. Schindler and seconded by Councilmember T. Burnett , the Mayor and City Council unanimously agreed by voice vote of all members present to approve an ordinance to amend the Code of the City of Hagerstown, Chapter 64, Article I by deleting and repealing Chapter 64 Building Construction, Article I, Building Standards, and replacing it with a new Article I, Building Standards, which provides for updated building requirements, licensing, and penalties. With this ordinance, the present code provisions will be enforced through December 31, 2023, and the new code provisions would become applicable January 1, 2024.

**B. Approval of an Ordinance: Amending Chapter 64 of the City Code – Property Maintenance Standards**

**Action:** On a motion duly made by Councilmember S. McIntire and seconded by Councilmember M. J. Schindler, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance to amend the Code of the City of Hagerstown, Chapter 64, Article III by adding to or amending sections of Chapter 64 Building Construction, Article III, Property maintenance Standards, which provide requirements for safe use of heating, electrical, plumbing, and mechanical systems and occupant health, well0being, and safety. With this ordinance, the code provisions shall become effective immediately upon the effective date of this enacting ordinance.

**C. Approval of an Ordinance: Amending Chapter 64 of the City Code – Electrical Standards**

**Action:** On a motion duly made by Councilmember T. Burnett and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance to amend the Code of the City of Hagerstown, Chapter 64, Building Construction, Article IV, Electrical Standards, by deleting and repealing Chapter 64 Building Construction, Article IV, Electrical Standards, and replacing it with a new Article IV, Electrical Standards, which provides for updated building requirements, licensing, and penalties. With this ordinance, the present code provisions will be enforced through December 31, 2023, and the new code provisions would become applicable January 1, 2024.

**D. Approval of an Ordinance: Amending Chapter 64 of the City Code – Plumbing Standards**

**Action:** On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember M. J. Schindler, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance to amend the Code of the City of Hagerstown, Chapter 64, Building Construction, Article V, Plumbing Standards, by deleting and repealing Chapter 64 Building Construction, Article V, Plumbing Standards, and replacing it with a new Article V, Plumbing Standards, which provides for updated building requirements, licensing, and penalties. With this ordinance, the present code provisions will be enforced through December 31, 2023, and the new code provisions would become applicable January 1, 2024.

**E. Approval of an Ordinance: Amending Chapter 64 of the City Code – Mechanical Standards**

**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 an ordinance to amend the Code of the City of Hagerstown, Chapter 64, Building Construction, Article VI, Mechanical Standards by deleting and repealing Chapter 64 Building Construction, Article VI, Mechanical Standards, and replacing it with a new Article VI, Mechanical Standards, which provides for updated building requirements, licensing, and penalties. With this ordinance, the present code provisions will be enforced through December 31, 2023 and the new code provisions would become applicable January 1, 2024.

**F. Approval of an Ordinance: Amending the City Code by Repealing and Re-enacting Chapter 140, Land Management Code**

**Action:** On a motion duly made by Councilmember M. J. Schindler and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance to amend the City Code by repealing and re-enacting Chapter 140, Land Management Code. The re-

enacted Land Management Code includes a second collection of annual revisions for 2023 finalized by the Mayor and City Council. This re-enacted version of the Land Management Code shall be known as version 3.11.

**G. Approval of an Ordinance: Local Conversion District Overlay  
Amendment – 4 Cypress Street**

**Action:** On a motion duly made by Councilmember T. Burnett and seconded by Councilmember M. J. Schindler, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance for an amendment to the Local Conversion District Overlay at 4 Cypress Street, including the proposal for a front addition endorsed by the Planning Commission.

**NEW BUSINESS**

**A. Approval of a Resolution: Authorizing the Sale of Property Located at 263  
S. Prospect Street**

**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 a resolution authorizing the sale of property at 263 S. Prospect Street, Hagerstown, Maryland, to Sven Alstrom for a purchase price of \$ 185,000. The sale will be in accordance with all of the terms and conditions outlined in the Contract of Sale.

**B. Approval of a Resolution: Public Art Agreement for Hub City Garage**

**Action:** On a motion duly made by Councilmember M. J. Schindler 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 Nigel Sussman Illustration, LLC for a digital design applied as a vinyl covering on the windows in the stairwells of the Hub City Parking Garage that face the Hagerstown Cultural Trail. Funding for the project is \$ 4,500 from the Capital Improvement Project for Public Art.

**C. Approval of a Revised Subrecipient Agreement for Hagerstown Youth News  
Corps Internship Program**

**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 a revised subrecipient agreement for the Hagerstown Youth News Corps Internship Program. The revised agreement includes an additional option to request payment in the form of a two-party check made payable to the subrecipient and the vendor. This

revised subrecipient agreement replaces the original agreement in Resolution R-23-44 approved on October 24, 2023.

The time of performance shall be approximately 12-months beginning on the 14<sup>th</sup> day of October, 2023 and ending on the 31<sup>st</sup> day of December, 2024, or the date that all available funds up to the maximum of \$ 25,000 have been disbursed, whichever occurs sooner. Any unused portion of the funding shall remain at the City and will be reallocated to another project or program at that time.

**D. Approval of a Memorandum of Understanding: Washington County Police Academy**

**Action:** On a motion duly made by Councilmember S. McIntire and seconded by Councilmember M. J. Schindler, the Mayor and City Council unanimously agreed by voice vote to approve a Memorandum of Understanding (MOU) with the Hagerstown Community College and the Washington County Sheriff's to renew an agreement regarding the Washington County Police Academy.

This MOU will terminate and replace the previously entered into Memorandum of Understanding dated March 21, 2019.

The term of this agreement shall be for a period of one year from date of signature through September 30, 2024, and will automatically renew unless otherwise terminated as set forth hereinafter.

**E. Approval of Power Purchase and Sale Agreement with AEP Energy Partners, Inc.**

**Action:** On a motion duly made by Councilmember T. Burnett and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve the Master Power Purchase and Sale Agreement, the associated Cover Sheet, and Full Requirements Confirmation Letter with AEP Energy Partners, Inc. for energy delivery through December 31, 2025 at \$ 54.05 per Megawatt-hour.

**F. Approval of Request for Proposals (RFP) for Developer for Strategic Properties Grant Program**

**Action:** Councilmember K. B. Aleshire made a motion to and second by Councilmember M. J. Schindler, the Mayor and City Council unanimously agreed by voice vote to authorize staff to post a Request for Proposals (RFP) for the Strategic Properties Grant Program. The program is funded through a Maryland Community Legacy Grant to the City of Hagerstown. Councilmember M. J. Schindler seconded the motion.

Motion carried 4-1 with Councilmember S. McIntire abstaining.

**G. Approval of Request for Proposals (RFP) for Developer for Upper Floor Housing Grant Program**

**Action:** Councilmember M. J. Schindler made a motion to authorize staff to post a Request for Proposals (RFP) for the Upper Floor Housing Grant Program. The program is funded through a Maryland Community Legacy Grant to the City of Hagerstown. Councilmember T. Burnett seconded the motion.

Motion carried 4-1 with Councilmember S. McIntire abstaining.

**H. Approval of Invest Hagerstown: City Center Redevelopment Grant Application for 105-107 N. Potomac Street – Firehouse Rentals, LLC**

**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 an Invest Hagerstown City Center Redevelopment Grant application for the renovation project at 105-107 North Potomac Street with estimated total project costs of \$ 642,602.44. Staff are authorized to issue a Letter of Commitment to Firehouse Rentals, LLC for a grant in the amount of up to \$ 250,000 with a project completion deadline of March 31, 2025.

No funds will be dispersed until staff have verified that all work in the development plan is completed to the City's satisfaction and the total project cost expenditure requirements have been met. Funding for this grant will come from the Invest Hagerstown line item in the Economic Redevelopment Fund.

**CITY ADMINISTRATOR COMMENTS**

*Scott Nicewarner, City Administrator*, announced City offices will be closed Thursday and Friday in observance of Thanksgiving. Thursday trash pickup will be delayed by one day.

Mr. Nicewarner thanked the Mayor for allowing him to present a proclamation recognizing Donnie Stotlemeyer's retirement as the Williamsport Town Clerk. He has done great things for Williamsport and in turn Hagerstown.

Last weekend's activities downtown were wonderful. Hollyfest, the Christmas Market, and downtown tree lighting were well attended. He thanked Mrs. William King for taking good care of this year's tree before donating it to the City.

He encouraged people to shop locally on Saturday, November 25, 2023 during Small Business Saturday.

This weekend's activities include the City Park tree lighting on Friday, and the Santa Com on Saturday.

On behalf of all City staff, Mr. Nicewarner wished the Mayor and City Council a Happy Thanksgiving and thanked them for their support throughout the year.

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

*Councilmember M. J. Schindler* agreed that last weekend downtown was great. He welcomed Councilmember Perini to the table. There is a lot of work to do in the next 11 months. The Mayor and City Council are a team and will do all they can to get Councilmember Perini acclimated. He wished everyone a Happy Thanksgiving.

*Councilmember S. McIntire* congratulated Andrew Keller for creating the Learnicity app. What he is doing with the app and those supporting him is a testament to the youth in Washington County.

She congratulated Councilmember Perini and is looking forward to meetings in Annapolis. Councilmember Perini is a great addition to this Council.

Councilmember McIntire congratulated Jay Zuspan, owner of 28 South, who completed the JFK 50 Mile run.

She wished everyone a Happy Thanksgiving and thanked those who won't be able to enjoy the holiday with their family because they are protecting the community. She is thankful for her colleagues and City staff.

*Councilmember T. Burnett* attended the Maryland Area Roller Junior Sports Derby that was held at the Noland gym. Secretary Keller was there watching her daughter as well. The events this past weekend were great. She was happy to see so many people downtown. She wished everyone, especially City staff, a Happy Thanksgiving.

*Councilmember K. B. Aleshire* welcomed Councilmember Perini to the body. He thinks the Council made the correct decision with this appointment. Tonight, during the invocation, former Mayor and Councilmember Bruchey mentioned fairness in the governance of this community. He thinks fair is the best word he would use in selecting an individual for the vacancy. He thanked Mr. Miller for his comments. He was also contacted by someone else. He thinks it is fair for this body to reach this decision. They could have decided to follow the same application process and it would have taken 2-3 months to make a decision and fill the vacancy. At that point, there would have been even fewer months left in this term. If the vacancy had occurred at the beginning of the term, they may have decided to use an application process. The State legislative session begins in January, there are major topics to discuss with the County Commissioners, and budget discussions begin soon. There aren't many people who engage in these types of topics like Councilmember Perini does. He volunteers his time and efforts. He has been a candidate in recent local elections, including the City election. He is sure there will be

political fodder. In fairness, he had to look at the person who would be the right person to finish out the important and good things this administration has left to do before November, 2024.

*Councilmember Perini* thanked Delegate Brooke Grossman for being here earlier. He thanked her for the incredible amount of work she does in session and out of session. She is always thinking about what is best for the people of Hagerstown. Delegate Grossman is Hagerstown's delegate. He thanked the Council members again for their trust and their vote. He will do his best and not let them down.

*Mayor T. A. Martinez* stated this is a historical administration and as Thanksgiving comes, it is important to understand the meaning of being a team player. She doesn't know of many people that start more fights than she does. Being Mayor has caused her to pause and consider how her actions would affect the rest of the Council. This group is a team and when they were elected, they voted they were going to serve together, be present, and lead with respect.

She visited Pleasant Valley and Boonsboro Elementary schools this week and had some powerful moments with the students. She thanked the Washington County Public School system for allowing her to show up and do things like that. It is an honor to be part of the Washington County Museum of Fine Arts 8-week art programs as a teacher. The kids are excited about what Hagerstown has to offer. She doesn't know of other museums that offer free art programs like the one here does.

The events downtown last weekend felt like a Hallmark movie. She is noticing the same families showing up for all the events. She thanked Mrs. King for donating this year's tree.

Mayor Martinez congratulated the North Hagerstown High School sports teams for back-to-back championships.

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 8:04 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: December 19, 2023