

Jeffrey Cline, Washington County Commissioners President, called the Joint Work Session to order at 2:04 p.m., Tuesday, August 27, 2019, in the County Commissioners Meeting Room, 100 W. Washington Street, Hagerstown, Maryland. Present were Mayor R. E. Bruchey, II, Councilmembers K. B. Aleshire, A. Heffernan, E. Keller, L. C. Metzner, and S. McIntire, City Administrator Scott Nicewarner, City Attorney Jennifer Keefer, City Attorney Jason Morton, and City Clerk D. K. Spickler. Also present were Washington County Commissioners Terry Baker, Wayne Keefer, Randy Wagner, Cort Meinelschmidt, County Administrator Rob Slocum, and County Clerk Krista Hart.

Vacant/Abandoned/Cyclical Tax Sale Properties – Strategy and Proposed Partnership with Washington County Government

Jonathan Kerns, Community Development Manager, and Paul Fulk, Neighborhood Services Manager, were present to discuss a strategy and potential City-Washington County partnership for reducing the number of vacant/abandoned/cyclical tax sale properties within the City of Hagerstown. This subject was initially discussed with the Mayor and City Council during a previous work session in 2019. A PowerPoint presentation was also shown.

As described on the Washington County Treasurer’s website, the Washington County Maryland tax sale process enables the County to collect all unpaid and delinquent City and County property taxes as required by stature. The annual tax sale typically occurs in June of each year. Properties subject to the annual tax sale can result in the following scenarios: current owner of record retains ownership of property by paying delinquent taxes and interest due, winning tax sale bidder gains ownership of property after a foreclosure process, or property remains in tax sale process due to a bidder’s unwillingness to foreclose or lack of bids.

Each year, numerous properties within the City of Hagerstown and Washington County are subject to the annual tax sale process. Certain tax sale properties, especially vacant and/or abandoned properties, are a nuisance to their respective neighborhoods. The majority of these properties are vacant structures and vacant lots in residential neighborhoods within the City of Hagerstown.

Some of the subject properties include buildings in severe disrepair and have been known to attract illicit activity. This can require demand for and excessive use of HPD, HFD, and even EMS services. City properties are also monitored by City Planning and Code Administration staff and nuisance conditions such as trash, weeds, and snow are often abated throughout the year. These necessary abatements require hours of staff time and the abatement fees continue to increase the delinquent tax amounts on the properties in question. These properties continually put a strain on staff time and resources while negatively impacting the City and County’s assessable property tax base.

Approximately forty properties within the City have been subject to the tax sale process on an annual basis and the process continues to repeat year after year with no change in property ownership. Some of these properties have delinquent tax amounts that far exceed the value of the property. Other factors deterring transfer of ownership include deteriorating property conditions, lot size, and the lack of feasible development options. Once up for tax sale, many of these properties do not receive tax sale bids. Without bids, the property ownership remains with the current owner of record and the property returns to the tax sale cycle the following year. Even if a subject property receives a tax sale bid, the tax sale bidder typically does not follow through with the necessary foreclosure process to gain ownership. This situation can cause the property to remain in limbo for up to two years before eventual return into the tax sale cycle for future years.

Over time, delinquent tax amounts increase on these properties and property conditions continue to deteriorate. This further reduces the likelihood of delinquent property taxes ever being collected by the City and County since the traditional tax sale process is unlikely to produce a transfer of ownership. The properties continue to have a detrimental impact on City neighborhoods.

The problem is not unique to Hagerstown and Washington County. Many jurisdictions across the State of Maryland are experiencing similar problems with blighted properties subject to repeated tax sale.

City staff discovered a “Tax Lien Property Repurpose Program” currently operating in Dorchester County, Maryland. The goal of Dorchester County’s program is to transform problem tax sale properties, obtained by the County through tax lien foreclosure, into productively owned property.

The Maryland General Assembly enacted legislation in 2018 to provide local governments with additional flexibility for removing properties from the tax sale process to facilitate transfer of ownership. The bill expanded several provisions of the existing law that were only applicable in Baltimore City in the past.

Based upon the information received through consultation and research, staff recommend developing a program using an approach similar to the Dorchester County program. A cyclical tax sale property would be obtained by the City via tax sale foreclosure and the property would then be sold or donated shortly thereafter. End users could be identified prior to the City beginning the foreclosure process and once under City ownership, the property could be donated or sold immediately. If a property requires demolition, most cases would permit use of Community Development Block Grant funding for such demolitions. Vacant lots would be available for new construction projects and homeownership opportunities.

With this program, delinquent City tax amounts would likely need to be reduced or forgiven to make resale and reuse feasible. The City would request a partnership with Washington County to also reduce or forgive delinquent County tax to assist with program feasibility.

Staff initially sought solutions that would avoid the City acting as the property owners for vacant and abandoned tax sale properties. After numerous conversations with other jurisdictions and legal counsel, staff still recommend the above program concept as the most viable option of successful repurposing of problem tax sale properties. The goals accomplished by such a program would include elimination of neighborhood blight, demolition of unsafe structures, homeownership opportunities through new construction, reduced strain on Police/Fire/EMS/Code Inspection resources, and vacant/abandoned properties returning to productive and taxable uses.

Commissioner Baker asked why County taxes are lower on these properties. Mr. Kerns indicated many of the properties also have liens on them for City Code actions.

Commissioner Wagner is familiar with the foreclosure process, which can take up to four years to complete. In the meantime, the properties continue to deteriorate. Freddie Mac's plan is to acquire the property, fix it up, and then sell them.

Mayor Bruchey asked if the County would be willing to forego its tax lien on these properties. There are no water and sewer charges on many of these properties, as service is typically terminated.

Councilmember Aleshire stated the average foreclosure in Maryland is 245 days. The bills are so high because the owner walks away and the bank says the owner is still responsible for payments. He is concerned that people are living in hotels. The Housing Authorities have access to grant programs. Some of the vacant properties were transferred to the Hagerstown Housing Authority to rehabilitate since they have access to grants.

The Mayor and City Council have directed City staff to move forward with officially creating a program to repurpose vacant and abandoned cyclical tax sale properties based on the concept discussed above. At this time, City staff continue to work with legal counsel to finalize the necessary details and program guidelines involved for tax sale foreclosure and property resale. One of the final steps needed to move forward with creating the program is Washington County Board of County Commissioner approval to reduce or forgive delinquent County taxes for properties that would be repurposed through such a program.

Todd Hershey, Washington County Treasurer, stated he is not aware of any statute that would prohibit the County from writing off property taxes.

Commissioner Wagner asked if these properties could be re-assessed for lower taxes. Mr. Hershey stated they would like local people to participate in the County tax sale but they don't. Lower assessments could mean fewer bidders.

Commissioner Meinelschmidt and Commissioner Wagner agree that something needs to be done with these properties. Commissioner Cline clarified if the consensus is to support and cooperate in a pilot program. This is correct.

Mr. Slocum stated during County and City staff joint discussions, all agreed that removing the lien is one component. Something then needs to be done with the property rather than have it just sit there in the same condition. Mr. Nicewarner agreed that upkeep is essential. Mr. Slocum pointed out this program will help economic development as well. During prospect visits, blighted properties are negative influences.

Commissioner Baker suggested removing roadblocks with regulations and make it fun to renovate a property.

Once the program is finalized and formally approved by the Mayor and City Council, staff estimate program implementation could begin on a pilot basis during late summer or early fall of 2019. Pilot implementation would target a small number of vacant/abandoned cyclical tax sale properties with a high probability of successful resale and reuse.

Ms. Nicewarner thanked Mr. Hershey for his assistance. Discussions started eight years ago to address this situation.

#### Annual Payment for Consolidated Communications Center

David Hays, Director of Washington County Division of Emergency Services, discussed the City's annual payment for the Consolidated Communications Center. The Center became operational in July, 2009. Since that time, the City of Hagerstown has made annual payments of \$ 406,000.00. County staff has researched how this figure was calculated. Eleven City dispatchers were transferred to the Center and 85% of their salary and wages was to be paid to the County. A memo was located by County staff this week stating the payment would remain unchanged as the employees retired or changed positions.

Mayor Bruchey noted no other municipality in Maryland makes payments for dispatch operations. Mr. Hays noted no other municipalities have two full-time dedicated dispatchers for 24/7 operations.

Commissioner Wagner asked if the Center is fully covered or if more people are needed. He is concerned that costs are increasing, including overtime. Director Hays indicated a scheduling change has allowed adequate daily staffing levels.

Charles Tom Brown Jr., Assistant Director, confirmed that 10 employees and 1 supervisor were transferred to the Center in 2009.

Commissioner Keefer asked if any consideration was given for equipment upgrades and on-going training costs.

Director Hays has reviewed the actions at the time of the opening with retired Director Charles Summers. Mr. Summers indicated there were a number of good reasons to

Mayor Bruchey pointed out City taxpayers also contribute to the 911 Center. No other municipality pays directly for communications. Consolidation was a good thing in 2009, but he did not think the payment was to be paid into perpetuity. He anticipated it would decrease as people left. No agreement has been found. He wants what is best for both the County and the City.

Councilmember Aleshire stated three documents have been presented that say different things. The main question is what happens from this point. The Center can't be discussed in a vacuum. The entire failing Fire/EMS issue in Washington County has to be discussed.

Councilmember Keller agreed. She stated she tabled the payment so that a conversation would take place.

Mayor Bruchey agreed as well.

It was agreed that City and County staff will meet to discuss the 911 Center payment and have a report for the next joint meeting.

Councilmember McIntire hopes the group won't continue to try to figure out what was intended but rather develop a plan for moving forward.

#### Automatic and Mutual Aid Firefighting, Rescue, and EMS Agreement

Chief Steven Lohr and Director David Hays reviewed the status of the Automatic and Mutual Aid Firefighting, Rescue, and EMS Agreement. This agreement establishes the guidelines for cooperative services between the City and the County.

In the agreement, the County and City agree to dispatch the resources by sending the closest appropriate services in response to a request for mutual aid. The agreement states what will be provided by neighboring jurisdictions in a mutual response situation. Chief Lohr stated the agreement provides a blue print for how services are delivered. The mutual aid is to be provided without reimbursement from each other, unless established by agreement or other binding agreement. At the City's request, a clause was added that nothing in the agreement will have a negative impact on the computation of the tax differential applied to City or County taxpayers.

Director Hays noted that the volunteer companies will have time for comments on the proposed agreement.

Mr. Slocum stated this proactive measure from Chief Lohr and Chief Hays should be applauded. They stepped up for the benefit of all citizens.

President Cline clarified that the City limit line is not the governing boundary under this agreement. Director Hays stated that is correct. The closest unit will be the responding unit.

Chief Lohr pointed out the original boundaries had nothing to do with logical services, they are based on tax maps.

Director Hays stated the elected bodies are the ones that will set the expectation for services.

Councilmember Aleshire respects both Chiefs. He is opposed to the document, as he feels it is a bad deal for the City since there is paid fire service for citizens. He doesn't believe the County will be willing to execute the document without the 26 volunteer companies supporting it.

Commissioner Wagner stated he has faith that the citizens wouldn't be at risk due to political boundaries.

Commissioner Meinelschmidt asked how much funding the City provides for EMS services. He was an EMS driver. The first priority is saving lives. They worried about money later.

Councilmember Aleshire stated he would support the agreement if all 26 volunteer companies signed it. He does not think it is appropriate that one company has to cover for another that may be shut down due to violating regulations.

Councilmember Keller supports the agreement. She believes part of the frustration of Councilmembers is that all these things are not discussed regularly. She would like to discuss the tax differential at the next joint meeting.

Mr. Slocum indicated staff has started discussing the tax differential and the calculation.

Commissioner Meinelschmidt believes the tax differential should be reviewed periodically. He suggested a review every 10 years.

#### Medium-Range Growth Area and Economic Development Goals

In response to the recent increase of requests for water service outside the Medium-Range Growth Area (MRGA), Mr. Nicewarner stated it is important to review the boundary and how it relates to economic development goals.

Kathleen Maher, Director of Planning and Code Administration, and Steve Goodrich, Washington County Planning Director, were present for this portion of the discussion.

Ms. Maher indicated the MRGA was established as the boundary in which the City could reasonably provide City water and wastewater services. A list of exceptions was

created to address potential special circumstances. The increase in the number of recent requests for service has placed stress on the MRGA boundary. The requests for service near the airport are unique in that there is no applicable exception and the Washington County Health Department will not approve a well because it is located within the established MRGA.

Mr. Goodrich noted the County has established an Urban Growth Area (UGA) and some of those areas are outside the City's MRGA. County staff is initiating an amendment to the County's growth area to include factual information and public policy information regarding City services. There is no question that the City has the only service available to some of these areas. He asked for flexibility to work on the amendment at the staff level and to identify solutions for the Commissioners to consider. In the meantime, they will continue to market the County's established growth areas.

Ms. Maher noted the City does not have the capacity to serve the County's entire UGA. The City needs a priority list from the County for service in these areas. This may require a shift in the City's MRGA to accommodate the priority areas.

Councilmember Heffernan noted there have been multiple requests for the area near the airport. The MRGA boundary may have to be shifted to accommodate these requests.

Mr. Goodrich stated one of the concerns about adjusting the MRGA is that it has been in place for 20 years. Staff can't say for sure how it may be adjusted if service is available.

Mr. Slocum asked for a definition of available service. Mr. Goodrich indicated if lines are installed, water is available. This does not necessarily mean that water is in the lines.

Ms. Maher pointed out the State of Maryland requires municipalities to define their service area. Mr. Goodrich indicated the same regulations apply to the County.

Commissioner Keefer stated there has been growth in all areas of the County. He wondered if a larger water supply is needed, rather than an adjustment in the boundary. He asked how much longer the current supply can meet the demand.

Councilmember Aleshire stated the Maryland Department of the Environment (MDE) requires local jurisdictions that own water supplies to develop a capacity plan. MDE also requires the County to set the supply regulations. The parameters are becoming more overwhelming and the City is not the only system that uses the Potomac River as their water supply. MDE is making it more difficult to maintain a secondary water supply, i. e. a dam. The County needs to decide which areas are priority areas. He noted there are now 10 exceptions, and they don't cover all possible scenarios.

Mr. Nicewarner reported City staff will be meeting with MDE next week to discuss the requirements for repairs to the Edgemont dam.

There were no other topics on the agenda for this joint meeting. The meeting was closed at 3:40 p.m.

EXECUTIVE SESSION – August 27, 2019

Mayor Bruchey was not present for the beginning of the Executive Session. It was the general consensus that Councilmember L. C. Metzner chair the meeting in the Mayor’s absence.

Councilmember S. McIntire made a motion to meet in closed session 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, August 27, 2019 at 5:32 p.m. in the Mayor’s Office, 2<sup>nd</sup> floor, City Hall, Hagerstown, Maryland. Councilmember A. Heffernan seconded the motion.

Motion carried 4-1 with Councilmember Aleshire voting No.

The following people were in attendance: Mayor R. E. Bruchey, II, Councilmember K. B. Aleshire, Councilmember A. Heffernan, Councilmember E. Keller, Councilmember L. C. Metzner, Councilmember S. McIntire, City Administrator Scott Nicewarner, Senator Andrew Serafini, Delegate Paul Corderman, Mary Teal Medina, Howard “Blackie” Bowen, and Donna K. Spickler, City Clerk.

The meeting was held to discuss a business proposal. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 6:04 p.m.

WORK SESSION – August 27, 2019

Mayor R. E. Bruchey, II called with Work Session to order at 6:13 p.m., Tuesday, August 27, 2019, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, A. Heffernan, E. Keller, L. C. Metzner, and S. McIntire, City Administrator Scott Nicewarner, and City Clerk D. K. Spickler.

Maryland Stadium Authority Timeline for East End Study and Phase 2 Discussion

Mayor Bruchey invited Delegate Paul Corderman and Dan Spedden, Director, Washington County Visitors Bureau, to the table.

Delegate Corderman stated there have been multiple discussions about the timeline required for further site study by the Maryland Stadium Authority (MSA). Originally, he understood from a conversation with members of the MSA that study of an additional site could be completed fairly quickly. The reality is that a report would not be available until late November or December, which isn’t the timeline that was hoped for. Not having the additional study completed that late would create a significant delay for future actions, especially since the next General Session will begin in January. He knows some members of the Mayor and City Council are looking for and hoping for State support and

involvement. He wants to have information before the next legislative session begins so that another year is not lost. He needs to be able to present requests to the State that would include what the project is intended to be, the location, and the estimated costs.

Mr. Spedden has met with the Washington County Community Coalition as they work on their January session agenda. Two things that could be accomplished during the

coming legislative session is securing capital funding for the design and amending legislation to make the State's third of the funding easier to secure. If the Phase 2 study

is in process, it will lend credibility to the request for State funding. Access to a second lobbying firm is also available.

Mayor Bruchey stated he understands a study of the East End site is wanted, but moving forward with the Phase 2 study needs to be considered for additional credibility.

Delegate Corderman stated a site needs to be chosen because the MOU would likely be different for different sites.

Councilmember Keller thought the Council agreed they wanted the other site reviewed before moving on to Phase 2.

Councilmember Metzner asked what the additional study will cost. The cost will be \$ 5,000.00. He asked if Phase 2 could be completed for the downtown site while review of the East End site is being completed. This would ensure time is not lost if the downtown site is the best site. He believes there is momentum for the project. This project is the stakeholder's project and they brought it to the City and put together a financing plan. As long as the City isn't being asked to provide anything other than approval to go forward with the Phase 2 study, he will support it. The downtown site is their project. The East End site would be a City site.

Councilmember McIntire asked if both studies could be completed at the same time.

Mr. Nicewarner noted Delegate Corderman has indicated that is not the best scenario per the MSA.

Councilmember Keller stated the Council has repeatedly said they want more information and more meetings are held. She feels as though the site has already been chosen. She asked several times about the details of this meeting and did not receive an answer. She asked if the \$ 300,000 for the study was secured last December.

Delegate Corderman indicated it was secured during the session, but if a request for additional funding for the design is not ready in December, it will be difficult to move to the next step. The reason this meeting is being held is because of the decision earlier to move forward with Phase 2.

Councilmember Keller stated a downtown stadium has been tried several times.

Mayor Bruchey stated a downtown stadium was only discussed once, and that was in 2012. Councilmember Aleshire stated a stadium was considered for the former hospital site in 2015.

Mr. Spedden indicated a complete Phase 2 study would show commitment for the project. If the Phase 2 study isn't completed before the next session, that is not possible.

Councilmember Aleshire pointed out the Coalition cautioned the City not to make capital requests during the next session. He wondered if capital requests should even be presented.

Delegate Corderman will review the conversation. Work needs to be done to get funding together ahead of the implementation of the Kirwan education requirements. Legislative tax incentives will be difficult to secure.

Councilmember Aleshire wondered why previous requests for the 1/3 funding formula couldn't be considered without the next study.

Mr. Spedden indicated the legislation they are researching would make it easier for the State to participate in the 1/3 funding model because it would come from the Governor's budget and it could make the MSA eligible for bond funding. This has happened twice – once for the Ocean City Convention Center and then for the Baltimore City School construction.

Councilmember Aleshire asked if Phase 2 includes a feasibility analysis.

Mr. Spedden stated when the study is complete, everyone will know what it will look like and what it will cost. He doesn't know if it will include a feasibility analysis. The MOU will be drafted by the MSA and will contain specific components.

Councilmember Aleshire noted the Phase 1 study included minimal information of how the analysis was completed. Phase 2 is supposed to have more information. He doesn't understand how delaying the start of the Phase 2 study is a problem. There is already \$ 300,000 in place for the study. The City can ask for legislation regardless of whether or not the study is completed.

Delegate Corderman stated detailed information is needed for pursuing legislative changes or requests for funding.

Mayor Bruchey stated the East End site is only a block from the Baltimore St. /Summit Avenue site. He doesn't understand why a study of a site so close is wanted.

Councilmember Metzner is tired of the conversations and wants to move forward with the Phase 2 study.

Councilmember McIntire supports moving forward with Phase 2.

Councilmember Heffernan stated there are many things in Hagerstown that need to be addressed. If the City doesn't move forward with this and get it resolved, nothing else can be addressed. His preference is for an entertainment venue.

Councilmember Aleshire does not support the Phase 2 study. He thinks the same conversation will be held in a year and a half.

Councilmember Keller does not support the Phase 2 study without having an analysis of the other site.

Mr. Nicewarner clarified that the consensus is to move forward with the Phase 2 study and not complete a study of the East End site. That is correct.

Mr. Spedden stated a downtown site can take advantage of opportunity zones.

The Work Session was closed at 6:44 p.m.

### **81<sup>ST</sup> REGULAR SESSION – August 27, 2019**

**Mayor R. E. Bruchey, II called this 81<sup>st</sup> Regular Session of the Mayor and City Council to order at 7:05 p.m., Tuesday, August 27, 2019, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, A. Heffernan, E. Keller, L. C. Metzner, and S. McIntire, City Administrator Scott Nicewarner, City Attorney Jason Morton, and City Clerk D. K. Spickler.**

The invocation was offered by Rabbi Ari Plost. The Pledge of Allegiance was recited and led by Councilmember Heffernan.

Mayor Bruchey announced the Rules of Procedure for this meeting will be followed as adopted December 20, 2016. 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, September 10, 2019, Tuesday, September 17, 2019, and the Regular Session on Tuesday, September 24, 2019. There is no meeting scheduled for Tuesday, September 3, 2019.

### **APPOINTMENTS**

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 approve the following appointments:

Hagerstown Housing Authority – George Hill, Term to Expire August 30, 2024

It was noted the appointment to the Hagerstown Housing Authority is at the Mayor’s discretion and does not require consent of the Council.

**PROCLAMATION**

Mayor Bruchey read a proclamation recognizing September, 2019 as Washington Goes Purple Month in Hagerstown. Washington Goes Purple is a local movement to bring awareness to the overwhelming opioid epidemic in the community. A coalition of professionals and volunteers have combined efforts to reach out to high school and middle school students to have a serious and new conversation with them about prescription pain killers and other drugs.

Vicki Sterling, Program Director – Behavioral Health, Washington County Health Department, Councilmember Emily Keller, Chief Steven Lohr, and Captain Thomas Alexander, Hagerstown Police Department, accepted the proclamation.

**GUESTS**

2019 Highlight Hagerstown Awards

Mayor Bruchey, II, Kathleen Maher, Director of Planning and Code Administration, and Megan Flick, Planner, presented Highlight Hagerstown awards to the following:

Commercial:

1. Anthony’s Pizza – 420 East Antietam Street
2. Burger King – 503 Dual Highway

Residential:

1. 443 N. Potomac Street – Edward and Meredith Williams
2. 36 E. Washington Street – Freedom Equity
3. 1411 Oak Hill Avenue – John Carbone

Public Space:

1. Thomas Kennedy Park – Thomas Kennedy Center, 50 E. Baltimore Street
2. Monarch Way – Brianne Berese
3. Vietnam War Veterans Monument – Joint Veterans Council of Washington County

**CITIZEN COMMENTS**

Patrick Prudhomme, 136 N. Mulberry Street, Hagerstown, Maryland, stated he has turned in a list of sidewalks that need to be repaired. He received a letter indicating sidewalks are only taken care of when the streets are redone. Mulberry Street was redone with gas lines three years ago and he is wondering why the City code is not being followed for this. He was told staff would review the trash receptacles. This has not been addressed yet. There are more than 400 trash cans in violation of the City code.

One of his neighbors was found deceased in her yard after she fell through a railing in July. He is concerned the railing was faulty, causing her death, and it is being swept aside.

Lisa Plaisance, Hilltop Christian Fellowship, Clear Spring, Maryland, thanked the Mayor and City Council for their dedication to Hagerstown citizens. She spoke during comments in July. Since then, she has been praying for the Mayor and City Council to hear her message about abortion being murder. She hopes the elected officials lead the City in a manner pleasing to God.

Andrew Durham, 465 N. Potomac Street, Hagerstown, Maryland, asked the Mayor and City Council to consider not changing the 200 block of Jefferson Boulevard from east to west bound. He submitted a letter previously stating the reasons for his request. He is concerned about the safety issues that a change would create.

Rabbi Ari Plost, Congregation B-nai Abraham, 53 E. Baltimore Street, Hagerstown, is proud to live in a country that allows differing opinions to be presented. Society advances when awareness of rights that are not always extended are recognized. For so long, one half of the human population, women, did not have a voice in society. He is glad rights have been afforded to them, including the right to choose.

Jason Physioc, no fixed address, thinks the splash pad is a good idea. He thinks the alleys need to be repaved.

#### **CITY ADMINISTRATOR COMMENTS**

*Scott Nicewarner, City Administrator*, thanked the City's employees for all they do. He reminded everyone City offices will be closed on Monday, September 2, 2019 in recognition of Labor Day.

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

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

*Councilmember A. Heffernan* thanked Mr. Nicewarner for having a vulnerability study done for City buildings. Investments need to be made to keep City employees safe. He supports training for employees on how to deal with people in the building and when to call someone. He thanked Officer Patterson for his assistance in identifying a brazen robber. He would like to see more cameras on utility poles in the areas most often targeted for robberies.

Mayor Bruchey received a notice from Antietam Cable that there may be some grant funding available for ring doorbell systems.

*Councilmember E. Keller* thanked Mr. Prudhomme for keeping an eye on his neighborhood. She does not think the police department is "sweeping" his neighbor's death under the rug. She thanked Ms. Plaisance and Rabbi Plost for stating their opposing views respectfully. The Summer Slide event was a great event. Attendance was light and she hopes more people participate in the many events that happen every weekend. If someone has ideas for additional advertising, she is willing to listen.

*Councilmember L. C. Metzner* does not think Ms. Plaisance was very pleasant. She mentioned murder several times and the address of the abortion clinic. She didn't talk about something that is illegal. Abortion is legal in the United States. He asked if something can be done to stop the mention of murder and specific addresses.

*Councilmember S. McIntire* thanked the Washington County Commissioners for hosting the joint meeting earlier today. She would like to have more joint meetings. She thinks the 2x2 committee should continue meeting.

Councilmember Keller reminded everyone that the kickoff event for Washington Goes Purple is Saturday, August 31, 2019 at 6:00 p.m. at City Park. There will be a lot of information available and fun activities.

*Mayor R. E. Bruchey, II* reminded everyone there is no Mayor and City Council meeting on Tuesday, September 3, 2019. He encouraged everyone to attend the annual Gridiron Classic Football Game at Callas Stadium on Saturday, September 7, 2019. He noted the elected officials took an oath to defend the constitution and that includes the first amendment.

## **MINUTES**

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember E. Keller, the minutes from July 2, 2019, July 16, 2019, July 23, 2019, and July 30, 2019 were unanimously approved by all members present as presented.

## **CONSENT AGENDA**

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

### **Consent Agenda**

- A. Department of Community and Economic Development:
  - 1. 2019 Trick or Treat Date – October 31, 2019 – 6:00 p.m. to 8:00 p.m.
  
- B. Fire Department:
  - 1. Emergency Repair to Reserve Engine 1 – Matheny Fire & Emergency (Hagerstown, MD) \$ 13,865.26
  
- C. Department of Information Technology & Support Services:
  - 1. VxRail Infrastructure Upgrade – Mavenspire (Annapolis, MD) \$ 184,746.81
  - 2. Annual Telephone System Maintenance Contract – Glessner Communications (Hagerstown, MD) \$ 10,998.00
  
- D. Planning and Code Administration Department:
  - 1. Demolition of Property at 335 N. Jonathan Street – Allegany Wrecking & Salvage (Hagerstown, MD) \$ 17,000.00

- E. Department of Parks and Engineering:
  - 1. Replacement of Potterfield Pool Whitecoating and other Repairs – DRD Pool Management, Inc. (Hunt Valley, MD) \$ 90,000.00
  - 2. Handicap Ramp Construction – MIM Construction, Inc. (Frederick, MD) Not to Exceed \$ 100,000.00
  
- F. Police Department:
  - 1. Annual Software Maintenance Agreement – Keystone Public Safety, Inc. (Maple Shade, NJ) \$ 93,629.00
- G. Utilities Department:
  - 1. Light – GIS Mapping Software License – Milsoft Utility Solutions (Abilene, TX) \$ 10,700.00
  - 2. Light – Substation Testing and Inspection Services – Electric Power Systems (Cockeysville, MD) \$ 49,485.00
  - 3. Wastewater – Vehicle Replacement Truck 536 – Keystone Ford (Chambersburg, PA) \$ 37,500.00
  - 4. Wastewater – Stainless Steel Discharge Assemblies - Fluid Solutions, Inc. (Westminster, MD) \$ 23, 525.00
  - 5. Wastewater – Replace Cooling Tower Condensing Unit – MS Johnston Company (Hagerstown, MD) \$ 16,894.00

### **UNFINISHED BUSINESS**

#### **A. Approval of an Ordinance: Execution of a Deed of Easement and Maintenance Agreement with the Housing Authority for Public Art Installation**

**Action:** On a motion duly made by Councilmember S. McIntire and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance authorizing the execution of a Deed of Easement and Maintenance Agreement between the City of Hagerstown and the Housing Authority of the City of Hagerstown, Maryland for use of a portion of the Housing Authority property in connection with the installation and maintenance of a public art sculpture entitled “Moller’s Sacred Wind” by David Gibney.

### **NEW BUSINESS**

#### **A. Introduction of an Ordinance: Quit Claim Request for Alley #5-71**

**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 introduce an ordinance to quit claim the unimproved portion of Alley 5-71 between 827 and 829 View Street, as it is no longer needed for a public purpose.

#### **B. Approval of Resolutions: Residential Lease Agreements at City Properties**

**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 resolutions as follows, authorizing the execution of lease agreements between the City of Hagerstown and:

- 1) Dwayne Miller, for the residence located at 12727 Ritchie Road, Smithsburg, Maryland
- 2) John and Michele Rinehart for the residence located at 23510 Warner Hollow Road, Smithsburg, Maryland
- 3) Charles and Laurie Henson for the residence located at 12140 Crystal Falls Road, Smithsburg, Maryland

**C. Approval of a Resolution: Acceptance of Additional Right-of-Way in Wareham Alley**

**Action:** On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve a resolution accepting the offers of dedication from the Board of County Commissioners of Washington County and Carmel Enterprises, LLC for additional right-of-way along Wareham Alley. The City will commence full maintenance responsibilities of the widened portion of Wareham Alley after improvements have been completed by the County and inspected by the City.

**D. Approval of a Resolution: Granting a Licensing Agreement to the Maryland Theatre**

**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 granting a license agreement to the Maryland Theatre authorizing the Theatre to install canopies, signs, and hydraulic lifts within the public right-of-way of Potomac Street and Rochester Alley as described herein.

**E. Approval of a Resolution: Acceptance of Second Amendment to Memorandum of Understanding (MOU) with the Washington County Historical Trust (WCHT)**

**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 accepting a second amendment to the MOU with the Washington County Historical Trust to amend the terms and re-define the scope of work to be completed by the WCHT. It is further authorized for staff to seek to reallocate Program

**F. Approval of Traffic Pattern Changes in 100 and 200 Block of N. Cannon Avenue and 200 Block of Jefferson Street**

**Action:** On a motion duly made by Councilmember S. McIntire and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to authorize staff to change the 100 and 200 blocks of Cannon Avenue to one-way northbound from “old” Franklin Street to Jefferson Street and to reverse the direction of one-way traffic in the 200 block of Jefferson Street to westbound. The Mayor and City Council further authorized staff to make all necessary changes to signs, pavement markings, and traffic signals as outlined in the August 20, 2019 presentation to the Mayor and City Council, as well as removing up to three parking spaces as needed for safety. The cost is estimated at \$6,000.00 and will be funded by FY20 budgets of Public Works and Engineering.

**Discussion:** Rodney Tissue, City Engineer, reported additional feedback was provided this week regarding the proposed changes to Jefferson Boulevard. Staff could review the additional information and still move forward with the changes to Cannon Avenue. Councilmember Metzner recommended not moving forward with the proposed changes to Jefferson Boulevard until the Board of Traffic and Parking reviews the feedback. The consensus was to move forward with changes to Cannon Avenue.

**G. Approval of Master Agreement with Maryland Department of Transportation**

**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 approve a Master Agreement between the City of Hagerstown and the Maryland Department of Transportation. This agreement provides procedures and conditions for projects that receive Federal Aid. This Agreement supersedes the 1978 Agreement currently in place.

**H. Approval of Exemption for Utility Keystone Trailer Sales Requests for Water Under the City's Water and Wastewater Policy**

**Action:** 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 to approve the request from Utility Keystone Trailer Sales for water services for a portion of the Airport Business Park located in the area of Citi Corp Drive and Breeze Hill Drive, located beyond the

Hagerstown Medium-Range Growth Area, for a proposed new tractor trailer sales and repair facility. The property is approximately 16 acres and is identified on the attached map. Approval is granted for the property outside the City's Medium Range Growth Area under Exception #6 of the City's Water and Wastewater Policy. The approval is only for the specific project presented, and any additional construction on the parcel will require separate approval. The approval requires a pre-annexation agreement with the City of Hagerstown.

**I. Approval of Exemption for Hagerstown Mason RE Request for Water Under the City's Water and Wastewater Policy**

**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 the request from Hagerstown Mason RE for water services for a portion of the Airport Business Park located in the area of Citi Corp Drive and Mason Dixon Road located beyond the Hagerstown Medium-Range Growth Area for a proposed convenience store and fuel station. The property is approximately 5 acres and is identified on the attached map. Approval is granted for this property outside the City's Medium Range Growth Area under Exception #6 of the City's Water and Wastewater Policy. The approval is only for the convenience store and fuel station project, and any additional construction on the parcel will require separate approval. The approval requires a pre-annexation agreement with the City of Hagerstown and a 12-inch water main extension on Citicorp Drive and Mason Dixon Road as shown on a drawing included with the motion.

**J. Approval of Amendment to Power Service Agreement between the City of Hagerstown and First Energy Solutions Corporation**

**Action:** 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 to approve Amendment No. 6 to the Power Service Agreement between the City of Hagerstown and First Energy Solutions Corporation. The power Service Agreement has been amended to address the March 31, 2018 First Energy Solutions Corporation Bankruptcy filing and to extend the contract term for a period of two years, from the initial expiration date of May 31, 2022 through the new expiration date of May 31, 2024. The MWh (megawatt hour) charge for service during the aforementioned two year period will be \$ 46.98.

**K. Approval of Implementation of Hagerstown Police Department Management Step Scale**

**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 and implement the Hagerstown Police Department Management Step Scale (approved on August 13, 2019) as follows:

- 1) Employees will be transitioned to the appropriate years of service step based on their hire date anniversary as of October 7, 2019. This is not necessarily the same step as they currently are on the MG salary scale.

Thereafter, employees will advance on the HPD Step Scale annually, based on their hire date anniversary.

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 8:00 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: September 24, 2019