

WORK SESSION AND EXECUTIVE SESSION – October 8, 2019

Prior to the Work Session and Executive Session, the following people met at the Fairgrounds Entrance Building to view the structure and surrounding area: Councilmember Emily Keller, Councilmember Shelley McIntire, Scott Nicewarner, City Administrator, Charlotte Lake, Maryland Historical Trust (MHT), Ennis Smith, MHAA/MHT, Doug Reed, MHT, Rachel Nichols, Heart of the Civil War Heritage Area, Rodney Tissue, City Engineer, Mark Haddock, Parks and Recreation Manager, Virginia MacGruder, Hagerstown resident, Dave McMillion, Herald Mail, and Donna K. Spickler, City Clerk.

EXECUTIVE SESSION – October 8, 2019

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 of all members present at the time of the 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)), and to consult with counsel to obtain legal advice; #7 (Section 3-305(b)), on Tuesday, October 8, 2019 at 3:07 p.m. in Room 407, 4<sup>th</sup> floor, City Hall, Hagerstown, Maryland. Councilmember Aleshire was not present at the time of the vote but arrived at 3:15 p.m.

The following people were in attendance: Mayor R. E. Bruchey, II, Councilmember K. B. Aleshire, Councilmember A. Heffernan, Councilmember E. Keller, Councilmember S. McIntire, Councilmember L. C. Metzner, City Administrator Scott Nicewarner, City Attorney Jason Morton, Michelle Hepburn, Director of Finance, Don Francis, Director of Human Resources, Nancy Hausrath, Director of Utilities, William Luhn, Water Operations Manager, D. Bruce Poole, Attorney at The Poole Law Group, Kathy Poole, The Poole Group, and Donna K. Spickler, City Clerk.

The meeting was held to discuss various personnel issues and options regarding pending litigation. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 4:22 p.m.

WORK SESSION – October 8, 2019

Mayor R. E. Bruchey, II called Work Session of the Mayor and City Council to order at 4:33 p.m., Tuesday, October 8, 2019 in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, A. Heffernan, E. Keller, S. McIntire, and L. C. Metzner, City Administrator Scott A. Nicewarner, and City Clerk D. K. Spickler.

Proclamation: Fire Prevention Month

Mayor Bruchey read a proclamation naming October, 2019 as Fire Prevention Month in Hagerstown, Maryland. The 2019 theme is “Not Every Hero Wears A Cape. Plan and Practice Your Escape!” This year’s campaign recognizes the everyday people who motivate their households to develop and practice a home fire escape plan; these seemingly basic behaviors can have life-saving impact.

Doug DeHaven, Fire Marshall, accepted the proclamation and invited all members of the Hagerstown Fire Department to come forward.

Local Government Insurance Trust (LGIT) Training Grant Award to Hagerstown Police Department

Tim Ailsworth, LGIT Executive Director, presented a training grant award in the amount of \$ 1,172.92 to the Hagerstown Police Department. Chief Paul Kifer and Sergeant Ben Lyncha accepted the award.

Sgt. Lyncha stated the Department was fortunate to find this grant to assist with training that focuses on the causes of accidents and how to use the principals provided to reduce the accident rate.

Maryland Theatre Pre-Grand Opening Update

Benito Vattelana, President, and Jessica Green, Executive Director, were present to provide an update of the work at the Maryland Theatre and the coming grand opening.

Ms. Green stated the big grand opening day is less than 72 hours away and work continues in order to be ready. Not all work will be finished but all are working together, including the City’s inspection staff, in order to be able to hold Friday’s events as planned. The contractor, Morgan-Keller, is working toward completion of the project. Maryland Theatre staff are being contacted every day for rentals. A four-day international conference was just booked.

Mr. Vattelana stated the last couple of years have been amazing. This project took a leap of faith by many people. He thanked the Mayor and City Council and City staff for their support. The City’s inspection employees have been phenomenal to work with. Friday’s event will be successful and a great boost for downtown. Partnerships with other organizations has been increasing.

Community Coalition Partnership

Paul Frey, CEO/President of the Washington County Chamber of Commerce, and Jim Kercheval, Executive Director of The Greater Hagerstown Committee, were present to request the City of Hagerstown’s continued participation in the Community Coalition. The City of Hagerstown is a founding member of the Coalition. Since 2005, a number of dedicated community stakeholders have joined together to advance Washington County’s interest at the state level, including the CVB, the Washington County Free Library,

Washington County Government, the City of Hagerstown, the Greater Hagerstown Committee, Hagerstown Community College, CHIEF, the Town of Williamsport, and the Chamber of Commerce.

As the community continues to change and grow, the Coalition partners see the need to supplement the work of the Delegation and help promote Washington County in Annapolis. Over the last 15 years, they have seen the value of a concerted effort to speak with one voice and be heard alongside larger, more urban areas. As a result, the Coalition's efforts have elevated the community's stature and helped build State support for the issues the stakeholders bring to the table.

As in the past, the Coalition will hire a lobbyist to push the community's state-level agenda during the 2020 General Assembly session. In addition, they will be organizing the Day in Annapolis on Wednesday, January 29, 2020, where members flock to Annapolis to meet with state decision makers to talk about the community and issues of concern. The day will conclude with a Washington County: "We Mean Business" reception, highlighting the strengths of the region and value it brings to Maryland. The program will also keep partners posted on issues of concern throughout the year, serving as an early warning system for anything in Annapolis that may affect Hagerstown or Washington County.

The lobbying process starts in the summer when the Coalition partners decide on the list of community priorities, and they appreciated the City's willingness to join in crafting that agenda. Again this year, they ask the partners to participate financially, and the Chamber will manage the program. The Coalition is asking the City of Hagerstown to contribute \$ 5,000 as it did last year.

Mr. Kercheval reported the agenda from the end of August has not changed significantly. The Urban Improvement Project (UIP) is nearing completion, with just two components left. The Coalition will work to make sure it stays within the State budget.

Other agenda items include:

1. Sales Tax exemption for small aircraft parts – Sales tax exemption for aircraft parts and components will allow Maryland's repair stations to compete on a level playing field, attract business back into the State, support expansion of existing General Aviation repair and installation businesses and grow employment in the aviation sector again. This item was presented during the last session but was not approved. A strategy will be developed for presentation in the next session.
2. Legislation for blighted housing – if additional information is available, this will be presented for consideration.
3. National Park Service (NPS) Headquarters and Visitor Center – Support Williamsport as it seeks additional gap funding for this project from various state sources including a \$ 300,000 capital request and possible bond bill for

\$ 100,000.

4. Multi-Use Sports and Events Center (MUSEC) – The City approved a Phase 2 study for the downtown MUSEC on October 1, 2019 for a more thorough review of the Baltimore Street site in regard to environmental impacts, various design, and layout options, and projected costs. The State is aware of this possible project. The General Assembly awarded \$ 300,000 last session to cover the cost of the Phase 2 study.
5. Hagerstown BMX Track – Support a \$ 225,000 Bond Bill to fund improvements to the Hagerstown BMX track so that our community can bid on and host national championship events.
6. Request state grant for installation of solar parking lot on campus at Hagerstown Community College – Governor is putting aside \$ 4 to \$ 5 million of state money for grants for solar powered projects on state properties, including colleges. The Coalition will request funding out of this fund.
7. Medicaid Reimbursement – Submit legislation to increase the amount paid to emergency services agencies for ambulance calls. The ask may be for \$ 200.00 per call, plus mileage.
8. Prisoner Release Bill – Support the prisoner release bill which requires that prisoners to be released back into the jurisdiction from which they were arrested, or to where they have a good support system already in place.

The 2020 Watch List includes the following:

1. Gaming revenue protection
2. Shifting of liabilities from state to localities
3. USMH operational funding
4. Office of Tourism Development
5. Highway User Revenue Restoration
6. Route 11 Potomac River Bridge deterioration
7. Localized distribution by Community Colleges of Maryland Promise program funding
8. State funding of K-12 education
9. 21<sup>st</sup> Century School Construction Commission

Information will also be provided to legislators regarding local educational initiatives like OnTrack, WorkKeys and workforce development issues, awareness for Doleman Black Heritage Museum, and an update on USMH.

2020 day in Annapolis will be held on Wednesday, January 29, 2020. The Washington County Legislative Reception will also be held that day.

Councilmember Aleshire noted during discussions of the multi-use center, two, very specific asks would be required for the coming Legislative Session. One is the adjustment in the legislative authority of the Maryland Stadium Authority (MSA) to be the entity to carry the debt service and the other is a request for funds for a portion of the project. It was stated that selecting a site moving forward with the Phase II study was essential in order to be able to ask these things of the legislators. He is concerned these two “asks” are not on the agenda.

Mr. Kercheval indicated those requests can still be part of the Coalition’s presentation. He believes there is a geographic disparity throughout the State for the funding through the MSA. They are researching which would be the best specific ask for these items. It may be a change in the MSA bylaws or new legislation.

Councilmember Aleshire thinks the last sentence of the description of the Multi-Use Sports and Events Center agenda item is an attempt to deflate the earlier message for the need to act quickly in considering moving forward with the Phase II study.

Mr. Kercheval believes there will be a specific ask identified within the next three months. Updates will be provided as things develop.

Mayor Bruchey stated he and Delegate Corderman have discussed this as well.

#### 2019 Hagerstown Ice and Sports Complex Annual Report

Rodney Tissue, City Engineer, Paul Sweeney, HIAAA President, and Dan Lavalliere, General Manager, were present to provide an update of the Hagerstown Ice and Sports Complex (HIAAA) Annual Report. Members of the HIAAA have managed the ice rink facility for the City since April, 2014. They presented their annual report as required by the agreement.

As a reminder to the Mayor and City Council, the agreement includes the following:

1. The City pays the utility bills at the rink, capped at \$ 85,000 per year
2. The HIAAA pays rent in the amount of \$ 36,000 per year
3. The City pays 75% for certain capital improvements at the rink as stipulated in the Agreement
4. The agreement with the HIAAA expires June 30, 2024

Mr. Sweeney reported public skating revenue was slightly lower, due to a slight price increase for the season.

The following programs are operated at the Hagerstown Ice and Sports Complex:

1. Adult Hockey – 624 participants
2. Youth Hockey – 276 participants
3. Figure Skating – 333 participants

Detailed analysis of separate rink functions continues to be examined by HIAAA board members and recommendations are made at monthly board meetings. HIAAA Board members chair each subcommittee to ensure a fair workload and input from each user group and volunteers. A new ticketing system has been implemented to alert management of items in disrepair. The physical state of the ice and boards is in very good condition.

All bills (as of September, 2019) are current. New security cameras were installed as the network upgrades made this possible. Monthly payments continue to be made on the Zamboni, which was purchased in FY 17-18. The Interim General Manager was hired as the full-time General Manager last spring.

Future maintenance and reinvestments include enhancing the current alarm system and conversion of the cooling system.

Vision for 2019-2020 include community partnerships, travel youth and adult tournaments, and roller hockey.

Adding another sheet of ice would allow for more ice time for more teams and individuals to participate in ice sports at reasonable hours. A planning subcommittee has met over the past two years to assess costs and produce recommendations for moving forward.

The Rink Expansion Committee has made progress with fundraising efforts and initial design concepts. The HIAAA intends to present an additional floor plan with costs before the end of the year.

Mr. Tissue reminded the Mayor and City Council the ice rink expansion was discussed with them earlier this year as well.

Councilmember Metzner thanked Mr. Sweeney for the report.

#### Fairgrounds Park Entrance Building and Gatekeeper's House

Rodney Tissue, City Engineer, reported that Dr. Charlotte Lake, the Capital Grant and Loan Program Administrator for Maryland Historic Trust met with members of the Mayor and City Council and others at the Fairgrounds Entrance Building earlier today.

In 2002, the City spent about \$ 144,000 to "mothball" and stabilize the Entrance Building and the Gatekeepers House and the work was funded in large part by a Preservation Maryland Grant for \$ 30,000 and a Maryland Historic Trust (MHT) Grant for \$ 43,122. A condition of the grants was that the City convey a perpetual historic preservation easement on the property to MHT. This requirement in the law is meant to protect the State's investment in historic preservation projects.

Last September, Council directed staff to apply for a Maryland Historical Trust Capital Historic Preservation Grant to address the numerous issues with this unused structure. Staff was successful in obtaining a \$ 60,000 grant and the City's FY20 budget, CIP #626, provides for \$ 75,000 in City general funds to meet the required match.

The May 15, 2017 MHT inspection letter identified the following issues with the buildings including: roof integrity; roof failure between buildings; windows shifting, rotting, and vandalized; cornice water damage; front columns rusting; siding holes and inappropriate siding used in past; exterior paint; hole in wall caused by drainage; chimneys failing; crumbling concrete; and general interior vandalism. Addressing these issues would not make the buildings habitable as the buildings have no interior systems (HVAC, plumbing, electric) and the entrance building is structurally substandard.

With this MHT grant and the matching funds, the City can meet the obligation to keep the structure, maintain an acceptable appearance and address the MGT easement inspection concerns. Plans will need to be developed for requests for bids for the work. The structure would remain uninhabitable and much of the same work will need to be repeated in 15-20 years.

During the site visit, Ms. Lake, MHT, stated some of the options for the City are:

1. Request MHT to grant permission to remove the building. She stated this would likely initiate a law suit as it would be a breach of the easement agreement.
2. Allow demolition by natural progression – This would also be a breach of the agreement.
3. Use the façade of the building and construct something behind it
4. Accept the \$ 60,000 grant and use the City's \$ 75,000 to mothball the building again.

She noted a new use would essentially be against the easement as well.

Councilmember Keller asked at what point the structure moves from a matter of preservation to a matter of public safety.

Councilmember Metzner stated this is a hugely significant historical structure for many people. This is not the elected body that made the decision to accept the grant and save the building for historical purposes. It's not shocking that it has deteriorated in the last 17 years. From a budgetary standpoint, the only option is to mothball the structure again. Litigation would be costly. Demolition by doing nothing is not acceptable. He likes the option of keeping the façade and creating some use behind it.

Mayor Bruchey asked when a decision has to be made about accepting the grant. He suggested sending a letter to MHT asking for permission to use the façade for another use for the building.

Councilmember Heffernan would support determining another use, rather than spending another \$ 75,000 to mothball it again.

Mr. Nicewarner noted it was stated at the site that a matching amount may not be required for a grant awarded to a non-profit organization. Partnering with a non-profit may be a good option for determining future use of the structure.

Councilmember McIntire pointed out the area is sloped and would be a good location for an amphitheater. The Mayor and City Council have to consider what the community wants and what the community needs.

It was the general consensus to investigate possibilities for the building in the next 60 days, including a partnership with a non-profit organization.

The following three agenda items were postponed:

FY21 Preliminary Budget for General Fund Agency Contributions

Code Requirements for Obstructing Public Sidewalks

Discussion on Legislative Priorities for 2020 Session

### **CITY ADMINISTRATOR'S COMMENTS**

*Scott A. Nicewarner, City Administrator*, will be attending the MML Fall conference on October 13 and 14, 2019. He will be meeting with the legislative committee during the conference to discuss what other communities are doing to address vacant and blighted legislation. There may be legislation that provides flexibility for more control of blight eradication.

Harvest Hoedown will be held on Saturday, October 12, 2019 at Fairgrounds Park from 1:00 p.m. to 4:00 p.m.

### **MAYOR AND COUNCIL COMMENTS**

*Councilmember S. McIntire* thanked Mr. Nicewarner for participating with her as a guest server at the Hospice Fundraiser this past weekend.

*Councilmember L. C. Metzner* mentioned that, for the first time he can remember, there will be two Senators and the Governor in Hagerstown at the same time on Friday, October 11, 2019. They will be attending the Thomas Kennedy Park dedication and the

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2019

OCTOBER 8,

MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

Maryland Theatre Grand Opening. Both of these events are great highlights of Hagerstown.

*Councilmember A. Heffernan* thanked City staff for working with the Maryland Theatre staff and contractors to get as much completed as possible for the Grand Opening.

*Councilmember K. B. Aleshire* asked if there is a specific reason a discussion is scheduled for sidewalk and shrub violations. Mayor Bruchey stated there have been concerns raised about the sidewalk clearance when there is ample room for passage. Another question is the requirement to clear the sidewalk to 4 feet when there isn't enough space to do so. Councilmember Aleshire stated the folks that use the 4-foot clearance should be asked for their opinion on an adequate clearance.

*Councilmember E. Keller* had no additional comments.

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

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 5:32 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: November 26, 2019