

WORK SESSION – JOINT MEETING WITH WASHINGTON COUNTY  
COMMISSIONERS - November 12, 2019

In the absence of the Mayor, Councilmember A. Heffernan called this portion of the Work Session of the Mayor and City Council to order at 2:05 p.m., Tuesday, November 12, 2019 in the Council Chamber at City Hall. Present with Councilmember Heffernan were Councilmembers K. B. Aleshire, E. Keller, S. McIntire, and L. C. Metzner, City Administrator Scott A. Nicewarner, City Attorney Jennifer Keefer, and City Clerk D. K. Spickler. Also present were Washington County Commissioners Jeffrey Cline, President, Terry Baker, Vice President, Wayne Keefer, Cort Meinelschmidt, Randy Wagner, Kirk Downey, Interim County Administrator, and County Clerk Krista Hart. Mayor Bruchey was not present.

Fire Chief Steven Lohr and David Hays, Director of Emergency Services, were present to discuss the proposed Automatic and Mutual Aid Firefighting, Rescue, and EMS agreement.

The language that was added at the request of the Washington County Volunteer Fire and Rescue Association (WCVFRA), noting that nothing in the agreement would be construed to allow for an independent fire, rescue, or EMS company to be billed for services has been removed. Language has been added stating that the WCVFRA and its member companies will not be billed, nor have any expectation to pay for any expenses or costs incurred as a result of providing any services.

Chief Lohr believes this is language all parties can be comfortable with. He asked the Mayor and City Council to support the revised document and include it for approval on the agenda for November 26, 2019.

Director Hays concurred with Chief Lohr's statement. This is a good document. He firmly believes the Mayor and City Council's concerns were addressed with the revised language. This agreement addresses the right things for the right reasons. This is an approach to responding in emergencies, regardless of political boundaries.

Commissioner Wagner noted the Emergency Services Advisory Council (ESAC) is supportive of the change.

Councilmember Heffernan pointed out the intent is now clear.

Councilmember Aleshire asked for a definition of the term "first-due host jurisdiction". Director Hays indicated this would be the fire department located within the geographic boundary of the emergency call. The calls would be managed through the home jurisdiction. He pointed out that whatever services are needed would be dispatched, regardless of a boundary.

Councilmember Aleshire asked if one of the jurisdictions is the City of Hagerstown. Councilmember Metzner pointed out there are only two parties in this agreement – the City of Hagerstown and Washington County Commissioners. The agreement is not with the individual companies.

Chief Lohr has never denied an automatic aid request since he has been Chief.

Councilmember Aleshire doesn't want other companies to think they can make the decision for their independent companies. Councilmember Metzner stated he thinks it is clear the individual companies are not part of the agreement. Councilmember Aleshire stated he wants the individual companies to understand they are a single entity, countywide.

It was the general consensus to add approval of the mutual aid agreement to the November 26, 2019 Mayor and City Council Regular Session.

Councilmember Heffernan wants to discuss how this relates to the tax differential to provide some kind of equity. He asked if there is interest in forming a committee of Councilmembers and Commissioners to review the tax differential calculations. He has questions about how it is defined and calculated.

Councilmember Metzner stated the question of consolidating services used to be asked often. People stopped asking when he said a serious discussion would include talking about consolidating public safety services. This would mean a county-wide fire and police department. He invited the County to look at this issue and realize how much it would cost to provide adequate coverage county-wide. He doesn't think anyone believes a metropolitan type of department is feasible in Washington County. Consideration of the City's fire department should be included in the tax differential for Hagerstown. This would be a good place to start the discussion.

Councilmember Keller stated the tax differential needs to be reviewed. For the record, she stated she has no intention of consolidating emergency services.

Councilmember McIntire stated any discussion needs to have a timeline for completion. Otherwise, the issue will never be resolved.

Councilmember Metzner suggested discussions be completed prior to the next election.

Commissioner Meinelschmidt agreed that a timeframe is needed. He suggested also including finance and operations in the review.

Mr. Nicewarner stated he had met with Rob Slocum (former County Administrator), Michelle Hepburn, City Director of Finance, and Sara Greaves, County Director of Finance, earlier this year as an overview of the tax differential. He stated there is a method in the calculations and it needs further review. He believes an annual

presentation of the tax differential would be beneficial. He thinks it should be reviewed during each budget cycle.

Councilmember Aleshire stated there are four municipal paid fire departments in the State of Maryland, including Hagerstown. All these municipalities, except for Hagerstown, receive sizeable funding for the department from the respective counties. Currently, 33 cents of every City tax dollar goes toward public safety. There will be an affordability breaking point on this issue. The volunteer companies located within the City limits are not eligible for the same funding opportunities from the County because the City provides the funding.

Commissioner Keefer pointed out 50% of the County's budget goes toward the Board of Education. Municipal budgets don't include funding for education.

Councilmember Metzner stated people living in the City are paying the same tax as County residents for schools. However, people in the City are paying for fire services and police services for the entire county.

Councilmember Metzner suggested the review be started with City and County staff, as they are the ones who deal with the differential. Commissioner Cline agreed. A report to the elected officials would then be made. The group agreed there may be further information for the next joint meeting. Mr. Nicewarner stated staff from both groups will meet well before the next joint meeting.

The group then continued the discussion of blighted properties from the joint meeting on August 27, 2019.

Jonathan Kerns, Community Development Manager, clarified that the properties highlighted in the previous meeting were not associated with the City's rental licensing or vacant structure properties. Most of these properties have been to tax sale for a decade or more at times. They have been vacant for a long time and no maintenance is being performed. Staff is in the process of finalizing the program with the City Attorney. When the program is approved, staff will move forward with a few properties to test the program. He noted it sometimes takes two years for a new owner to gain complete ownership of tax sale properties.

Mr. Nicewarner pointed out these properties are not in foreclosure or in any type of sale activity. The City is responsible for abatement of maintenance issues on these properties. They are basically zombie properties.

Commissioner Wagner thinks the program is a good idea. He thinks the presentation in August was incorrect and included two properties that have since been sold through his real estate business.

Mr. Nicewarner stated the two properties Commissioner Wagner sold were not on the delinquent tax list. He thinks there was a misunderstanding of the definitions in the presentation.

Mr. Kerns stated staff has identified five properties to include in the pilot phase. Professional contractors would rehab these properties in preparation for resale. The City has to abate the properties currently and does not want to own them.

Commissioner Baker clarified that the request is for the County to waive the delinquent taxes on these properties (approximately \$ 3,000) to clear a portion of the liens. Mr. Kerns indicated this is correct. He also noted that the exact amount is dependent on the individual properties and when the sale occurs.

Commissioner Meinelschmidt clarified that the liens on these properties include taxes and abatement fees. This is also correct.

Councilmember Aleshire stated he believes taxpayers would support a minimal amount added to their tax bills to fund a program to eliminate blight.

Commissioner Wagner supports the request. Blight has to be eliminated because these properties negatively impact the whole neighborhood. He wants to be sure taxes won't be forgiven for a bank.

Councilmember Aleshire commended staff for turning over some properties to non-profit entities. He suggested determining if for-profit organizations may be interested in the rehabilitated properties.

Commissioner Baker asked why the City wouldn't consider forgiving their delinquent amount and let the other liens stay in place. Mr. Nicewarner stated owners are looking to have an interest in a property first, without significant fees. State legislation is now less restrictive for new owners of tax sale properties. There needs to be a way to move the properties quicker than two years.

Commissioner Meinelschmidt suggested adding the condition that the current owner can't purchase the property after the delinquency is forgiven.

Commissioner Cline indicated there is consensus of the Commissioners to support the request and the program.

Councilmember Heffernan then began a discussion of water and wastewater issues. Approval of City service outside the Medium Range Growth Area (MRGA) boundary requires City and County agreement on a corresponding revision of the Urban Growth Area (UGA) and MRGA boundaries, based upon capacity constraints as defined by the City. He noted a developer wants service near the airport. He would like to discuss how to keep development moving forward without overextending the City's water and wastewater resources.

Mr. Nicewarner indicated City staff submitted several amendments to the County's Comprehensive Plan that seem to be acceptable for areas that appear to have water and wastewater service in certain locations. It is difficult to maintain the system with the allocation restrictions. City staff are attempting get the Washington County Health Department to approve the use of a well where there is City infrastructure. There has been good progress with discussions so far. He believes the proposed amendments will be presented to the County Commissioners soon for consideration.

Nancy Hausrath, Director of Utilities, stated they are also working on completing a history of the Consolidated General Services Agreements for wastewater. There needs to be balance within the service areas. The MRGA is the City's boundary for services. To increase the UGA and MRGA in one area, they must be collapsed in another area. City and County staff are developing a priority list for services.

Councilmember Heffernan indicated it would be good to consider alternatives for the established boundaries since there are specific requests for service for the airport area.

Ms. Hausrath stated City staff requested County staff to include Enterprise Zones in revised mapping at the last meeting. Staff continues moving forward as this is a priority issue for both utilities and planning staff. Mr. Nicewarner indicated Delegate Corderman is aware of this issue and is included in continuing discussions.

Councilmember Keller announced that a grant supporting a crisis center has been awarded to Washington County. This is a huge win for the community.

There being no further business for the joint session, the meeting was adjourned at 3:05 p.m.

#### 87<sup>TH</sup> SPECIAL SESSION AND WORK SESSION – November 12, 2019

Mayor Bruchey, II called this portion of the 87<sup>th</sup> Special Session and Work Session of the Mayor and City Council to order at 4:00 p.m., Tuesday, November 12, 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.

#### 87<sup>th</sup> Special Session – November 12, 2019

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 meet in Special Session at 4:01 p.m.

**Approval of a Resolution: Execution of a Residential Lease Agreement for the Property Located at 38 North Potomac Street Apt. #1**

**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 a resolution authorizing the execution of a residential Lease Agreement for the property located at 38 North Potomac Street in Hagerstown, Maryland. The lease will be between the City of Hagerstown and Kaitlin Bell and shall be in effect from November 15, 2019 to November 30, 2020.

**Approval of Invest Hagerstown: City Center Redevelopment Grant Application for 58 S. Potomac Street – Schmankerl Stube**

**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 an Invest Hagerstown City Center Redevelopment Grant application of the renovation project at 58 South Potomac Street. The total project cost is \$ 3,300,000. The Invest Hagerstown Redevelopment Grant amount is \$ 250,000. This is a Mayor and City Council directed incentive and this grant application and related development plan meets the City’s Vision for the Redevelopment of the City Center and is in compliance with the program guidelines.

Staff are authorized to issue a Letter of Commitment in the amount of \$ 250,000. No funds will be dispersed until staff has 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 Fiscal Year 2020 Economic Redevelopment Fund with a project completion deadline of July 1, 2020.

**Approval of Invest Hagerstown: City Center Redevelopment Grant Application for 7 E. Washington Street – Alexander House Public Square Retail Space**

**Action:** On a motion duly made by Councilmember S. McIntire and seconded by Councilmember A. Heffernan, the Mayor and City Council to approve an Invest Hagerstown City Center Redevelopment Grant application of the renovation project at 7 East Washington Street/Alexander House Public Square Retail Space. The total project cost is \$ 4,657,000. The Invest Hagerstown Redevelopment Grant amount is \$ 100,000. This is a Mayor and City Council directed incentive and this grant application and related development plan meets the city’s Vision for the Redevelopment of the City Center and is in compliance with the program guidelines.

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MAYOR AND CITY COUNCIL

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\$ 100,000. No funds will be dispersed until staff has 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 Fiscal Year 2020 Economic Redevelopment Fund with a project completion deadline of December 31, 2020.

The Special Session was closed at 4:04 p.m.

#### Main Street Hagerstown's Christkindl Markt

Kaitlin Bell, Economic Development Specialist, Monika Wertman, Chair of the Main Street Organization Work Group, and Dieter Bloesel, Owner of the Schmankerl Stube, were present to provide an update on Main Street Hagerstown's Christkindl Markt event scheduled for Saturday, November 30, 2019 and Sunday, December 1, 2019.

Christkindl Markt is a German Christmas shopping tradition that originated in the streets of Germany. Main Street Hagerstown will be replicating several aspects of a traditional Christkindl Markt in downtown Hagerstown to help usher in the holidays. Main Street Hagerstown is pleased that the annual Holly Fest program and the City Center Tree Lighting will complement the Christkindl Markt weekend. Augustoberfest is sponsoring the children's activities for the day.

Holly Fest will be held at the Maryland Theatre on Saturday, November 30, 2019 from 1:30 p.m. to 3:00 p.m. The City Center Tree Lighting at Public Square follows Holly Fest at 4:00 p.m. The Christkindl Markt will be held at University Plaza on November 30, 2019 (from 10:00 a.m. to 4:00 p.m.) and December 1, 2019 (from 12:00 p.m. to 4:00 p.m.).

Anyone interested in volunteering during the Christkindl Markt is encouraged to contact Main Street.

#### Update on the Warner Hollow Dam/Edgemont Reservoir Project

William Luhn, Water Operations Manager, and Nancy Hausrath, Director of Utilities, were present to provide an update on the Warner Hollow Dam/Edgemont Reservoir project. Following the meeting on August 20, 2019, City staff met with Delegate Corderman on September 5, 2019 to discuss the project history, MDE requirements and funding needs.

Water Division staff was notified on September 27, 2019 that the State has programmed funding for the City of Hagerstown project from the FY2017 IUP as follows:

1. WQSRF Loan Amount: \$ 4,237,500
2. WQSRF Loan Principal Forgiveness: \$ 1,412,500

MDE recognizes the City re-applied for funding during the FY2018 solicitation and was not awarded funding because the project fell below the fundable line. It was noted the anticipated project cost remains at approximately \$ 12 million. This estimate does not include Breichner Plant upgrades to meet DBBP2 or LT2ESWTR requirements.

The original funding package did not include the demo and reconstruction of the emergency spillway and associated structures. MDE had previously conveyed to staff that the scope/project summary could not be amended and a separate funding application had to be submitted for the emergency spillway portion of the work. Subsequent to the FY18 funding application, MDE added additional requirements to include screening associated with cold water fishery limitations and additional appropriation restrictions associated with flow-by.

MDE continues to recommend that all work at Edgemont be considered “one project” to include the grouting, reconstruction of the ogee and emergency spillway, screening, and flow-by. MDE has requested the City submit a new funding request for FY20/FY22 that covers the entire project. Staff will work with Hazen and Sawyer to prepare the funding application to ensure the engineering estimate accurately reflects the funding need. MDE has advised once again that the project cannot be funded through the Safe Drinking Water Act and that the funding will come from the Clean Water Act Program and will be tied into downstream water quality.

The Probable Maximum Precipitation (PMP) analysis is still on-hold pending the completion of the Pennsylvania PMP Model. The City has completed the PMP analysis using the Maryland and Virginia models. As a result, the design is still on-hold until there is clear direction from MDE on actual requirements for PMP, Screening, and Flow-By. Work is underway for the Water Capacity Management Plan and Water Conservation Plan. This work must be done to meet MDE requirements of the Edgemont Allocation.

Neither the Federal government nor the State government does not have money identified for dam projects. Realistically, the Federal government needs to be pushed to provide assistance.

Councilmember Heffernan stated it is disheartening there is no funding from the Federal government given how often infrastructure is discussed.

Councilmember Aleshire finds it ironic that the City is attempting to approve a water source in order to provide public water for other areas.

Ms. Hausrath pointed out growth in Smithsburg, Maryland will create additional demand on the City system. She thanked the Mayor and City Council and Delegate Paul Corderman for their assistance to get the dialog with MDE started again. Staff’s goal is to keep the conversation going.

Neighborhood Protection – Abatement of Snow and Ice

Paul Fulk, Neighborhood Services Manager, was present to discuss amendments to the Planning and Code Administration snow and ice abatement code and resolution to provide more time to clear public sidewalks following an ice or snow event.

The City's Code Administration Office conducts snow and ice abatement under the direction of the resolution passed by the Mayor and City Council on September 28, 2004. The resolution has given staff general guidance on enforcement of the snow and ice abatement code. The snow and ice section of the Property Maintenance Code has been in place since 1982.

The current code requires properties located within the business district to remove all snow and ice conditions from public sidewalks four hours after the storm subsides. Any property located outside of this district is to have snow and ice conditions removed within ten hours. Public sidewalks are to have a four foot wide path cleared or the entire width of the sidewalk, whichever is less.

The 2004 resolution directs staff not to enforce abatements on private property until they receive the all clear on City owned properties. The City of Hagerstown has averaged 26.6 inches of snow per winter over the last 20 years. The City has not abated a public sidewalk since 2016 due to lower snow totals and rising temperatures shortly after a snow event.

The Planning and Code Administration inspection staff will respond to a concern by a citizen or will identify properties with snow and ice conditions on public sidewalks during routine patrols. If the department has not received the all clear from all departments identified in the adopted resolution, inspection staff will notify the property owner of the snow and ice condition with a door hanger. When an all clear is received, the department will post abatement notices on properties. Traditionally, they focus on the vacant and/or abandoned properties first and properties along walking routes to schools.

Typically, City Departments supply Planning and Code Administration with all clears within 24 hours after a snow event. Staff is recommending a change to the code to remove special conditions for the downtown business district and to allow property owners 24 hours to clear snow and ice conditions from public sidewalks. This would provide a community/business friendly approach and be more consistent with neighboring communities. They are also recommending an update to the resolution allowing staff to abate vacant and/or abandoned properties prior to the all clear. This change will allow staff to focus efforts quickly on neighborhood concerns with properties not maintained.

Councilmember McIntire commended staff for being proactive and business friendly.

Councilmember Keller asked who is responsible for clearing sidewalks on the route students use to walk to the Barbara Ingram School for the Arts. Mr. Fulk indicated that responsibility is the abutting property owners.

It was the general consensus to include approval of the recommendations on the November 26, 2019 agenda.

**CITY ADMINISTRATOR'S COMMENTS**

*Scott A. Nicewarner, City Administrator*, had no additional comments.

**MAYOR AND COUNCIL COMMENTS**

*Councilmember S. McIntire* stated she and Councilmember Keller will hold a community forum on December 3, 2019 from 10:00 a.m. to 11:30 a.m. and 6:00 p.m. to 7:30 p.m. at Bridge of Life Center, S. Potomac Street. This forum will be to discuss why people feel downtown is not safe and to figure out ways to make Hagerstown better.

*Councilmember L. C. Metzner* had no additional comments.

*Councilmember A. Heffernan* had no additional comments.

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

*Councilmember E. Keller* stated it is obvious from the recent wage study that City employees are underpaid, and especially police officers. She wants to make it abundantly clear she is committed to correcting this. She recognizes the absolute urgency of making sure the City is competitive for police officers. There needs to be a safe environment for citizens and officers. She talked with someone in the West End Community recently and heard that 900 gallons of trash were picked up. She will be holding a community meeting at Elgin Station, 40 Elgin Boulevard, on Wednesday, November 20, 2019 to talk about issues in the West End.

*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 4:35 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: December 17, 2019