

Mayor R. E. Bruchey, II called this 92nd Regular Session of the Mayor and City Council to order at 7:03 p.m., Tuesday, January 28, 2020, 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 Mayor R. E. Bruchey, II. The Pledge of Allegiance was recited and led by Mayor R. E. Bruchey, II.

Mayor Bruchey announced the Rules of Procedure for this meeting will be followed as effective January 21, 2020. It was announced that the use of cell phones during meetings is restricted and that all correspondence for distribution to elected officials should be provided to the City Clerk and should include a copy for the City Clerk for inclusion in the official record.

The next scheduled meetings are: Work Sessions beginning at 4:00 p.m. on Tuesday, February 4, 2020, Tuesday, February 11, 2020, and Tuesday, February 18, 2020, and the Regular Session on Tuesday, February 25, 2020. A Joint Meeting with the Washington County Commissioners will be held at 3:00 p.m. on Tuesday, February 11, 2020.

APPOINTMENTS

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed to make the following appointments to the Board of Zoning Appeals:

Gregory Deck, Term to Expire January 28, 2023

Aaron Smith, Alternate, Term to Expire May 31, 2021

AGENDA ITEM CITIZEN COMMENTS

Mayor Bruchey announced the meeting order for this and future Regular Session meetings was approved on January 21, 2020. The first time for Citizen Comments are for topics related to items being discussed on this agenda, or items recently discussed. General comments will be heard later in the meeting.

Jason Divelbiss, 11125 Bemisderfer Road, Greencastle, Pennsylvania, watched the deliberation on the proposed I-81/CSX/Halfway Boulevard Annexation and wants to clarify that his clients have not signed pre-annexation agreements with the City. His clients are concerned that the City boundary will be closer to their properties than they anticipated. Annexation has a drastic impact on property taxes. The cases noted for the one mile standard of land annexed involves petitioning property owners. This annexation appears to be the City unilaterally annexing I-81 in order to embark on aggressive annexation strategies. Given the recent annexation of Indian Lane, his clients are concerned about their properties.

Mr. Divelbiss then spoke on the proposed Comprehensive Plan amendments regarding the zoning of the property on Hebb Road. A question was raised why the property had not been sold in the last 40 years. He pointed out the property was annexed at the request of the City as the sewer line on Route 40 was being planned. The project that required the sewer line did not happen at that time. In the last few years, there has been interest in the property.

PUBLIC HEARING

Land Management Code Amendments

This Public Hearing is being held to hear testimony regarding the Annual Land Management Code Update.

Stephen Bockmiller, Development Review Planner/Zoning Administrator, presented a chart of 29 proposals, including page references for easier referral, to the Mayor and City Council. The proposals were reviewed by the Mayor and City Council during a recent Work Session as well.

Proposed amendments include:

1. Twelve items classified as Public Requests and Economic Development.
2. Seventeen items classified as Addressing Code Deficiencies and Updates to meet New Standards
3. Four new items classified as Clean Up to Address Existing PUDs.

Mr. Bockmiller noted that staff noticed a minor disconnect in Proposal 2019-27 – the overhaul of the PUD Overlay requirements. The overhaul creates two types of PUDs – a PUD-R and a PUD-V Overlay. However, there are three existing PUD developments in the city, including the Hager’s Crossing residential area, part of East Ridge, and a quadraplex development off of Haven Road. The proposal is silent on how these are to be treated. Staff recommends adding a statement at the end of the proposal to address this disconnect.

Mr. Bockmiller entered the following Exhibits into the record:

1. The updated proposed amendment to address the change in the PUD regulations
2. Certificate of Advertisement
3. Planning Commission file by reference

The following testimony was presented:

Jason Divelbiss, 11125 Bemisderfer Road, Greencastle, Pennsylvania, thanked City Planning staff for their efforts on these proposed amendments. There are 13 proposed changes to the IMU classification. He requested, on behalf of Meritus Medical Center, consideration of permitting by-right restaurants and pharmacies in the IMU district. He

also asked that the Mayor and City Council consider adding a pharmacy as a permitted, stand-alone use in the IMU.

James Doub, 6417 Pratt Avenue, Baltimore, Maryland, is one of the owners of the Doub Farm, Interstate 70/Route 40, Hagerstown, Maryland. He has had the opportunity to discuss how the Doub Farm property can be develop with Ms. Maher and Mr. Bockmiller. He thanked them for their assistance. The Doub Farm is a gateway to the City from the East and they want to be sure it would be an appropriate property use, and be compatible with uses on nearby properties. Flexibility is still needed in the regulations. With the proposed amendments, an industrial use would not be permitted. If there is interest in the property for an industrial use, the owners would like to maintain flexibility for that use, such as multiple uses on the property with fewer restrictions.

Jim Castillo, 4711 North 24th Street, Arlington, Virginia, has reviewed the packet of amendments. He agrees with most, but not all, of the proposed amendments. The owners have done a lot of hard work to get the property ready for development. A lot has changed in the last 20 years. Retail is no longer the prime shipping business. He asked if they could have a meeting with the Mayor and City Council prior to a vote on the amendments to discuss their concerns. Some concerns may seem petty, but from a developer's viewpoint, they are important. He feels some of the requirements are an overburden on the developer, especially for large properties. He believes most of their concerns are easily fixed.

No further testimony was presented.

The record will remain open for 10 days for further comments.

MINUTES

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember E. Keller, the minutes from December 3, 2019, December 10, 2019, and December 17, 2019 were unanimously approved as presented.

CONSENT AGENDA

On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember S. McIntire, the Consent Agenda was approved as follows:

Consent Agenda

- A. Department of Community and Economic Development:
 - 1. Street Closure Requests – 2020 Events

- B. Department of Parks and Engineering:
 - 1. 2020 Pool Management Services – Community Pool Service (Columbia, MD) \$ 110,476.00
 - 2. Medal of Honor Triangle Improvements – Advantage Landscape and Construction (Hagerstown, MD) \$ 76,024.74

C. Public Works Department:

1. Air Conditioning Unit for Human Resources – M. S. Johnston Company (Hagerstown, MD) \$ 12,500.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: Amending the Code to Adopt a New Chapter 224, Tax Sale Property Repurpose Program Which Establishes a Program for Addressing Delinquent Tax Sale Properties in the City

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 an ordinance to amend the Code of the City of Hagerstown to adopt a new Chapter 224, Tax Sale Property Repurpose Program which creates a Tax Sale Property Repurpose Program for Vacant and Abandoned Tax Sale Properties. This program will facilitate the repurposing and revitalization of tax delinquent, vacant and abandoned properties located within the City of Hagerstown in order to protect and enhance City neighborhoods. The City will seek opportunities to transition subject properties to new ownership through tax sale foreclosure as permitted by State of Maryland law. The amended City Code section was attached with the motion.

B. Approval of an Ordinance: Tax Sale Property Repurpose Program Process and Guidelines

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 an ordinance to establish process and guidelines for the Tax Sale Property Repurpose Program for Vacant and Abandoned Tax Sale Properties. This program will facilitate the repurposing and revitalization of tax delinquent, vacant and abandoned properties located within the City of Hagerstown In order to protect and enhance City neighborhoods. The City will seek opportunities to transition subject properties to new ownership through tax sale foreclosure as permitted by State of Maryland law. The process and guidelines were attached with the motion.

C. Approval of an Annexation Resolution: I-81/CSX/Halfway Blvd. Right-of-Way Case No. A-2019-01

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember E. Keller, the Mayor and City Council unanimously agreed by voice vote to approve an annexation resolution for an annexation known as the “I-81/CSX/Halfway Blvd. Right-of-Way”, for

the transportation corridor right-of-ways. The portion of property to be annexed is approximately 95.64 acres in size and is intended to be added to and made part of the adjacent municipal lands.

NEW BUSINESS

A. Introduction of an Ordinance: Acceptance of Donation of Real Property at the Greens at Hamilton Run

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 introduce an ordinance accepting the donation of approximately 11.667 acres of land from the Washington County Commissioners of Washington County, Maryland to the City of Hagerstown. This action returns to the City a portion of the golf course conveyed to the Board of Education in approximately 1988.

B. Approval of a Resolution: Adoption of Amendments to Comprehensive Plan, *visionHagerstown 2035*

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 which will adopt the Planning Commission's recommended amendments to the Comprehensive Plan, *visionHagerstown 2035*. All State mandated public input processes and timing of action by the Mayor and City Council have been met.

C. Approval of a Resolution: Amendment to the Lease Agreement for the Property Located at 11850 Indian Lane

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 a resolution authorizing the amendment of a Lease Agreement at the City of Hagerstown property located at 11850 Indian Lane in Hagerstown, Maryland. The amendment will extend the term of the lease.

D. Approval of a Resolution: Accepting a Grant with the Maryland Historical Trust

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve a resolution to accept a \$ 60,000 grant from the Maryland Historical Trust for the rehabilitation of the entrance building and gatekeeper's house at 400/424 North Mulberry Street. The Mayor and City Council further authorized a City match of \$ 75,000 as provided for in the FY 19/20 budget and authorized staff to proceed with the design and repairs to the exterior of the structure.

Discussion: Councilmember Aleshire asked if this property was purchased with Program Open Space funds. If it was, he wonders whether that limits the City's ability to accept the grant from the Maryland Historical Trust. He wondered also if it could be turned over to a private entity as discussed.

E. Approval of a Resolution: Agreement with Rekor Recognition Systems, Inc., f/k/a Brekford Corp., for the Purposes of Providing an Automated Speed Enforcement System

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 to approve a new Automated Speed Enforcement (ASE) Contract with Rekor Recognition Systems, Inc., f/k/a Brekford Corp. Both parties wish to terminate the 2017 Collections Contract, except as set forth therein in the parties' new ASE contract.

Benefits of the new contract include:

1. Reduced cost per month
2. Remain cost neutral to the City
3. Term of one year, terminable by either party with 90 days' notice
4. Rekor will maintain insurance coverage
5. Option of payment by credit card for violators

The term of the new contract is from February 1, 2020 to January 31, 2021.

F. Approval of a Resolution: Agreement with Rekor Recognition Systems, Inc., f/k/a Brekford Corp., for the Purposes of Providing Collection Services Relating to the City's Automated Speed Enforcement System Contract

Action: On a motion duly made by Councilmember A. Heffernan and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve a resolution to approve a Contract for Collection Services as to delinquent accounts with Rekor Recognition Systems, Inc., f/k/a Brekford Corp. Both parties wish to terminate the 2017 Collections Contract. The term of the new contract is from February 1, 2020 to January 31, 2021.

G. Approval of Purchase of Programming, Software, and Training for the NIBRS Transition Project

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 of the purchase of

programming, software, and training for the completion of the NIBRS transition project from Keystone Public Safety, Inc. Keystone is the sole source provider for this project, as they are HPD's and the Washington County Sheriff's Department's current Records Management System (RMS) provider. HPD and WCSD share the RMS system.

The project will run during FY 20 and FY 21 and the total project cost from Keystone is for \$ 214,619.00. Hagerstown Police NIBRS Transition Grant (Award #2019-FU-CX-K007) will fund \$ 196,866.00 of the purchase. The remaining balance will be covered by HPD approved operating budget and the Washington County Sheriffs' Department.

H. Approval of Acceptance of HPD Recruiting and Retention Grant

Action: On a motion duly made by Councilmember A. Heffernan and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve and accept a Governor's Office of Crime Control and Prevention Grant for \$ 61,000.00. The purpose of the grant is to assist in the Hagerstown Police Department's Recruitment and Retention program to recruit and retain sworn officers. The program efforts are to attract more qualified candidates that can successfully complete the hiring process and police academy, and retain existing sworn personnel. Grant funding provides incentives.

Acceptance of the grant will not require additional funding to the approved budget, and will run through the remainder of FY20.

I. Approval of Policy: Handicap Accessible Parking Designation

Action: 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 a policy entitled "Handicap Accessible Parking Designation". This policy will provide guidance to staff on the designation and installation of handicap accessible parking within the City of Hagerstown.

J. Approval of Public Exhibitions at Dangerous Elevations Exemption - Boys and Girls Club of Washington County's "Over the Edge" Event

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 exemption from the City of Hagerstown's Public Exhibitions at Dangerous Elevations Ordinance under section 173-5 of the Code of the City of Hagerstown for the Boys and Girls Club of Washington County's "Over the Edge" event on April 25, 2020.

K. Approval of Amendments to Community Development Block Grant (CDBG)

Action: 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 amend the FY19 and FY20 Community Development Block Grant Annual Action Plans in order to reallocate CDBG funding to the Mitchell Avenue Traffic Signal project, City Park Upper Parking Lot project, and Medal of Honor Triangle project. Details of the CDBG amendments and reallocations were included with the motion.

GENERAL CITIZEN COMMENTS

Wayne Hose, 7918 Pendleton Court, Boonsboro, Maryland, was present to speak for the customer service employees. He expressed his concern that work to remove asbestos floor tiles recently took place during regular business hours. He stated he is concerned the employees were put at risk of exposure to asbestos. Customer Service employees are hardworking employees who are often confronted by angry citizens. He urged the Mayor and City Council to consider the safety and welfare of employees and customers and schedule work like this on weekends.

T. J. Bowser, Fellowship Bible Church, 160 Daniel Road, Shenandoah Junction, West Virginia, was present to discuss the Hagerstown Reproductive Services. He provided examples of how legislation can protect the unborn. He asked the Mayor and City Council to consider the rights of the child who has not been born.

Anthony Cangemi, 10363 Brindle Court, Hagerstown, Maryland, thanked the Mayor and City Council for their hard work. He left cards inviting them to visit the church. He appealed to the Mayor and City Council to consider an ordinance protecting the unborn.

Sean Paisance, 11682 Rocky Meadow Road, Clear Spring, Maryland, is concerned the Mayor and City Council have considered limiting comments to citizens of Hagerstown. He believes anyone should have the liberty to stand up for what they believe, no matter what jurisdiction they live in. He and others have asked for assistance from the Mayor and City Council to protect the unborn.

Jeff Brlecic, 46 S. Cannon Avenue, Hagerstown, Maryland, retired from the army seven months ago. He stated there is a significant drug and crime problem in the Cannon Avenue neighborhood. He informed the Mayor and City Council he was recently assaulted after asking a drug dealer to move his operation. He was hunted by the drug dealers in his own back yard. He stated he has contacted the police department and has not received any assistance with this problem. He is concerned that these issues will escalate.

Councilmember Metzner made a motion to adjourn the meeting. Councilmember Aleshire seconded the motion. Mayor Bruchey urged the Council to not adjourn the meeting and to allow the other people who signed the comment sheet to speak.

Councilmember Metzner agreed to withdraw the motion, if the Mayor follows the recently adopted rules regarding time limits for comments. Councilmember Aleshire stated he thought the other people who signed in gave Mr. Brlecic their time. If they wish to speak, he will withdraw the second. The motion was withdrawn.

Rachel Faulkner, 36 S. Cannon Avenue, Hagerstown, Maryland, stated she is also having problems with people using drugs and fighting on her property. She has had people move in under her deck. The area is getting worse and large groups of people are gathering at the Sheetz store. She does not feel safe letting her child play on her deck.

Karen Barham, 112 S. Cannon Avenue, Hagerstown, Maryland, stated the situation with drug use and the homeless population in the area of Cannon Avenue is getting worse. There are needles and baggies left on the ground everywhere and it is not a safe environment. She has contacted police about a known drug house in that area. More surveillance and police in the area is needed.

Kevin Spielman, Potomac Towers, Hagerstown, Maryland, uses the CVS Pharmacy on Cannon Avenue and he agrees the drug activity and alcoholism has gotten out of control.

Gerald Rostov, 24 S. Cannon Avenue, Hagerstown, Maryland, has had several people sleeping on his front porch. Police officers come wake them up and remove them. Moving the bus stop will help the situation some. He often feels unsafe, even during the day. A visible police presence will also help the situation.

Danny Barham, 112 S. Cannon Avenue, Hagerstown, Maryland, is concerned for the residents' safety.

Wanda King, Franklin Street, Hagerstown, Maryland, talks to people often. She likes Hagerstown and doesn't want to leave. There are many things that are sad and she is glad she has Jesus in her heart.

CITY ADMINISTRATOR COMMENTS

Scott Nicewarner, City Administrator, had no additional comments.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember K. B. Aleshire had no additional comments.

Councilmember A. Heffernan thanked everyone who spoke during the meeting. He has discussed Mr. Brlecic's concerns with him. Something has to be done about the problem. There seems to be a catalyst that draws this type of activity. A similar situation improved drastically on Potomac Avenue after the Sheetz store closed. He heard a report of shots fired on Potomac Street today.

Councilmember E. Keller will contact the Washington County Health Department Behavioral Health Services Team, who will go to troubled areas like Cannon Avenue. They go to high risk areas and help clean up the neighborhood. The reality is this country has a drug problem, which adds to homelessness, crime, prostitution, reports of shots fired, etc. Until there is someplace for people to go when they want to get help, the problems will continue. Everyone needs to stop pretending there isn't a problem. Resources are needed to combat the drug problem.

Councilmember L. C. Metzner pointed out the neighbors near the Sheetz on Potomac Avenue got it shut down. They communicated with the Sheetz Corporation central office. Citizens and businesses contact elected officials often about the crime. The elected officials say they will have to raise taxes to cover increased public safety departments. He wishes he had the answers to solve these problems. He does know that one answer is to provide police officers with everything they need to fight these crimes and issues.

Councilmember S. McIntire stated no one should feel unsafe in their home. The Mayor and City Council want to find a solution to these issues and figure out how make everyone feel safer. She trusts the officers of the Hagerstown Police Department and is confident they know where to attack the drug problem.

Mayor R. E. Bruchey, II has been in the Cannon Avenue area often. He called the police department and it took 22 minutes for an officer to respond. He understands the residents' frustration and concerns. These incidents are not isolated to one neighborhood. There were shots fired four houses from his recently. This is a nationwide problem. He believes in saving all the people he can, but he also believes not every individual can be saved. He stated there is a treatment side and an enforcement side. HPD is working feverishly to get more police officers.

Ms. Barham suggested installing city wide surveillance cameras. Mayor Bruchey indicated HPD is looking for grant funds for additional cameras.

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 8:51 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: February 25, 2020