

In response to the Mayor's declaration of a Civil Emergency, this Mayor and City Council meeting was held virtually through Go-To-Meeting software and was made available for public viewing.

Mayor and City Council members and meeting participants were provided with a specific meeting ID prior to the meeting. This meeting ID is required in order to join the meeting as a participant.

The meeting was streamed live through the City of Hagerstown's Cable Channel 25, Facebook, and YouTube accounts. All members of the public were welcome to view meetings through these platforms, but only able to participate in public meetings through Go-to-Meeting with the published meeting ID.

98TH SPECIAL SESSION AND WORK SESSION – May 12, 2020

Mayor R. E. Bruchey, II called this 98th Special Session and Work Session of the Mayor and City Council to order at 4:00 p.m., Tuesday, May 12, 2020 in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire (remotely), A. Heffernan (remotely), E. Keller (remotely), L. C. Metzner (remotely), and S. McIntire, (remotely) City Administrator Scott A. Nicewarner, City Attorney Jason Morton (remotely), and City Clerk D. K. Spickler.

98TH SPECIAL SESSION – May 12, 2020

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember A. Heffernan, the Mayor and City Council unanimously agreed by voice vote to meet in Special Session at 4:00 p.m.

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember A. Heffernan, the Mayor and City Council unanimously agreed to suspend the Rules of Procedure as to subsections 6.1, 6.2, and 6.4.

Introduction of an Ordinance: Tax Rates Beginning July 1, 2020

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 on May 12, 2020 to establish the City's tax rates for the fiscal year July 1, 2020 through June 30, 2021 on the basis of \$ 1.002 per \$ 100 of assessed value of all real property excluding properties designated as Apartments which will be \$ 1.032 per \$ 100 of assessed value and \$ 2.505 per \$ 100 of assessed value of all business personal property within the City of Hagerstown. These rates are the same as current FY20 rates.

Introduction of an Ordinance: Budget FY 2020/21

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 introduce an ordinance on May 12, 2020 to adopt the City's budget for fiscal year July 1, 2020 through June 30, 2021 in the total amount of \$ 157,531,087.

Introduction of an Ordinance: Deed and Easement Agreement with Seven Hundred Frederick Street LLC

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 introduce an ordinance authorizing the execution of a Deed and Easement Agreement with Seven Hundred Frederick Street LLC. For no financial consideration, this easement will allow the City to improve the sidewalk on the southeast corner of Frederick Street and Eastern Boulevard and move the curb line back to better accommodate truck traffic.

Approval of a Resolution: 2020 National Incident Based Reporting System (NIBRS) Grant Sub-Recipient Agreement between Hagerstown Police Department and Washington County Sheriff's Office

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 execute a Sub-Recipient agreement between the Washington County Sheriff's Office and the Hagerstown Police Department for the purpose of completing the NIBRS Transition project approved in January, 2020. HPD will ensure that the Subaward in the amount of \$ 68,943.00 is paid directly to Keystone Public Safety, Inc., for the required upgrades to the County's RMS for transition to NIBRS. Said upgrade will benefit the operations of the City and the County.

Hagerstown Police NIBRS Transition Grant (Award # 2019-FY-CX-K007) will fund the purchase.

Approval of Application/Permit User Agreement and an Exemption from City Code Chapter 155, Noise

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 an Application/Permit User Agreement for use of the Central Lot and an exemption from the City of Hagerstown's Noise Ordinance under section 155-5 of the City Code.

These approvals are for the Abundant Life Tabernacle to hold drive-in worship services on Sundays, from 12:00 p.m. to 1:00 p.m., beginning May 17, 2020, and continuing until the Order of the Governor of the State of Maryland, Number 20-03-30-01, is no longer in effect, is superseded by another order, or this agreement is terminated by either party, whichever comes first.

**Approval of the Barbara Ingram School for the Arts (BISFA) Foundation
Graduation Lamp Post Decorating Project**

Action: On a motion duly made by Councilmember E. Keller and seconded by Councilmember A. Heffernan, the Mayor and City Council unanimously agreed by voice vote to approve the Barbara Ingram School for the Arts (BISFA) Foundation Graduation Lamp Post Decoration Project. The BISFA Foundation will pay for, install, and take down these decorations that honor its 80 graduating seniors. BISFA Foundation volunteers and/or a contractor will follow City guidelines for installation. Volunteers will sign hold harmless agreements and/or the contractor doing the installation will provide the City with a certificate of insurance.

**Approval of Review Committee Flexibility for Unused FY20 and FY19 Invest
Hagerstown Program Funds**

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 grant flexibility to the Review Committee for the unused FY19 and FY20 Invest Hagerstown program funds. The Review Committee may use the total of \$ 228,000 in unused funds across any of the program's 5 categories: 1) the City Center Redevelopment Grant Program; 2) the City-wide Redevelopment Grant Program; 3) the Homeownership Grant Program; 4) the Rental Property Rehabilitation Grant Program; and 5) the Façade Grant Program.

The Special Session was closed at 4:09 p.m.

COVID-19 Update

Scott Nicewarner, City Administrator, is anticipating announcements from Governor Hogan regarding additional plans for reopening businesses and recreational facilities, possibly this week. When the announcement is made, City staff will determine what needs to be done to move toward reopening City facilities. Staff has been reviewing protection for employees and customers including plexiglass shields and floor markings for social distancing. He met with Parks and Recreation Staff today to discuss what portions of the parks can be reopened. The restroom facilities will be open this weekend. The Hager House, dog park, and playground equipment remain closed. The Hagerstown

Municipal Band season and the summer concert series at City Park won't begin until July.

Mayor Bruchey asked why the dog park will be closed. Mr. Nicewarner stated maintaining social distancing within the enclosed area would be difficult.

Jill Thompson, Director of Community and Economic Development, has been working with the Emergency Operations Center (EOC) on business stabilization activities and use of potential State funding, which is expected to be distributed soon. It is anticipated the funds will be funneled through the City's existing incentive programs. The Chamber of Commerce, Greater Hagerstown Committee, and other business organizations are part of a group that will assist businesses with meeting regulations for reopening.

Ms. Thompson stated a business support team of community partners started meeting seven weeks ago as a function of the EOC. They began gathering information for emergency support of the EOC. They are now in a recovery support status for reopening plans. Washington County will be launching the Together We Rise website to assist with business reopening's. There will be a checklist of items businesses should be thinking about as they prepare to reopen. A detailed tool kit will be available that includes resources owners can use in their businesses. Future actions will be based on Governor Hogan's guidance for specific types and categories of businesses.

Councilmember Aleshire pointed out even though there are parameters for all the specific types of business, there is confusion about how the Governor's directives apply to individual businesses. There has to be more information provided to businesses, in addition to a website. There needs to be an opportunity for guidance to business owners through a question and answer format.

Ms. Thompson stated a Q/A session is an excellent idea. Earlier today, the group discussed a possible web seminar.

FY21 Budget Review

Michelle Hepburn, Director of Finance, and Jonathan Kerns, Community Development Manager (remotely), were present to continue review of the FY 21 Proposed Budget.

The focus of the discussion was the Community Development Block Grant (CDBG) and Economic Redevelopment Funds. Both of these funds are part of the City's Special Revenue Fund found in Section 4 of the budget book.

Ms. Hepburn pointed out that revenue has decreased and arrearages are increasing, which isn't surprising. Customers are taking longer to make payments on their accounts. An accounts receivable report was previously provided to the Mayor and City Council, which they said is helpful.

Ms. Hepburn received information that Admissions and Amusement tax payments are also decreasing. The average monthly revenue for the City of Hagerstown is \$ 17,000.00. The March payment was about \$ 3,000.00. The current economic situation will continue to have an effect on the City's revenue and expenses.

The proposed budget revenue for the CDBG is \$ 1.2 million. Use of this revenue is restricted per CDBG guidelines. Mr. Kerns reviews the use to ensure the City is in compliance with those restrictions. Projects that fall within the Public Facilities and Improvements designation include handicap ramps, downtown surveillance cameras, traffic signal replacement, Medal of Honor Triangle improvements, and crosswalk construction and improvements. Public Services includes REACH Shelter Security, Community Free Clinic, Girls, Inc. Supper Program, Children in Need, Senior Living Alternative Meals and Together with Families.

The amount allocated for City Structure Improvements under the Public Facilities and Improvements category was originally \$ 655,000. Ms. Hepburn noted the City expects to receive the full amount because it is funded through the Federal government. However, the needs of the City may need to be re-evaluated due to the pandemic.

The City of Hagerstown will be receiving additional funding from CDBG due to the pandemic in the amount of \$ 470,000. It will be designated as CDBG-COVID. There will be additional restrictions for the use of this funding.

Mr. Kerns noted the Consolidated Plan is due to be reviewed and updated this year. A Fair Housing Report is also required. A public hearing will be held on both these components of the CDBG program later this month. All the documents will be presented to the Mayor and City Council in June for approval.

The City has recently been successful with the sale of two properties to private owners, 117 S. Locust Street, and 261 Prospect Avenue.

Even with the uncertainty of the current economy, the Economic Redevelopment Fund is moving forward. Two City owned properties are held within this fund. They are Indian Lane and 170 W. Washington Street. The property at 170 W. Washington Street is part of the Consolidated Negotiated Sale (CNS) program. Staff has shown 170 W. Washington Street to several interested parties.

The Invest Hagerstown is a popular incentive program with property owners. Revenue of \$ 804,000 from the tiered tax rate funds a variety of incentives under the Invest Hagerstown umbrella.

Councilmember Heffernan inquired about the increase in the Partners in Economic Progress (PEP) subsidized rent program. Jill Thompson, Director of Community and Economic Development, reported PEP awards are often multi-year commitments to the business and a portion of the award is included in the next budget year. There is also some flexibility to add new buildings tot the program and utilize the rental income

component as partial funding for the program. This may be a high projection but it provides the ability to encourage large projects.

Hagerstown Suns: Request for Rent and Utility Relief

Rodney Tissue, Director of Parks and Engineering, was present to follow-up on the April 21, 2020 discussion regarding the requested rent and utility relief from the Hagerstown Suns.

The City Attorney drafted a letter for review based on direction provided in April. The City agrees to reduce the rent by \$ 500.00 for each game that is cancelled due to any COVID-19 restrictions. The maximum rent reduction for 2020 shall be \$ 15,000, because the City has already expended \$ 20,000 toward Capital Improvements in 2020. In addition, the City shall reduce the 2020 Capital Improvements by one dollar, for each dollar in rent abatement. The maximum Capital Improvement reduction shall be \$ 15,000.

Because Municipal Stadium is presently “unusable” for reasons not caused by the Suns, in accordance with the Lease Agreement, the Suns shall not be charged for utilities for the period during which the Suns are prohibited from playing baseball games at Municipal Stadium due to any COVID-19 restrictions. The City acknowledges that said suspension began on March 17, 2020.

Councilmember Aleshire clarified this is a request for the current season. Mr. Tissue indicated that is correct.

Mayor Bruchey pointed out if the relief is capped at \$ 20,000 and the Suns are unable to play the entire season, they would be paying half the rent for a facility they couldn't use. Mr. Tissue indicated that is correct.

Mayor Bruchey stated he does not agree with that plan. As a landlord, the City has the responsibility for upkeep and maintenance of the facility. The Suns should not have to pay the rent if the season is cancelled.

Councilmember Metzner agrees with Mayor Bruchey. He pointed out the lease indicates no rent is owed if they can't use the stadium due to something beyond their control.

Councilmember Heffernan understands what the lease indicates, but he is concerned about the \$ 20,000 that has already been expended. He asked if that amount could be put towards the City's commitment for next year.

Councilmember McIntire is aware the Suns were not awarded funds under the Federal government's Payroll Protection Program in the first round. She asked if they applied in the second round. Mr. Tissue will find out this information.

Councilmember Keller understands why the request was made; however, there are many businesses struggling that will not survive the economic shutdown. Baseball is a multi-million dollar industry and will likely survive.

Councilmember Aleshire stated the lease indicates the City will provide \$ 35,000 in maintenance projects. He asked if the projects already completely are considered investments in the property.

Mayor Bruchey stated he is focused on the fact that the City is the landlord and has a responsibility to maintain the property. He noted abatement of the rent is not in the contract, but the utility costs are. If the Suns can't use the facility, they shouldn't be required to pay rent.

Councilmember Aleshire asked if other City property agreements include rent and utility terms. Councilmember Metzner recalled the City assisting a restaurant by reducing the rent. Mr. Nicewarner indicated this was done with Hana Thai.

Jason Morton, City Attorney, noted the 2007 agreement with the Hagerstown Suns states rent will be abated in the event the stadium is unusable through no fault of the Suns. There is no question about the rent being abated. The question becomes what formula is used to determine the amount to be abated.

The consensus of the Mayor and City Council is to remove the cap of \$ 35,000, leave the letter as it stands and include an amendment stating it would be \$ 500 per game, moving forward from the original number.

Councilmember Keller supports Mr. Tissue's original proposal.

Councilmember McIntire stated if the Suns are awarded PPP funds, they should utilize it to pay the rent to the City.

Mr. Morton stated a percentage of PPP funding is to be used toward rent and retention of employees.

Mayor Bruchey asked Mr. Tissue to draft another letter to the Suns indicating the consensus of the Mayor and City Council. Mr. Tissue clarified that the consensus is the rent will be reduced by \$ 500 per game not played, remove the cap of \$ 20,000, and if the amount is greater than \$ 15,000, it is credited toward next year's City expenditures. Mayor Bruchey indicated that is correct.

Safety Training Center – Water Easement Agreement with Washington County

Nancy Hausrath, Director of Utilities, was present to review a water easement agreement for the Safety Training Center.

In a correspondence dated January 31, 2019, the Washington County Commissioners requested the Mayor and City Council approval for water service for the Public Safety Training Center to be constructed at 9238 Sharpsburg Pike. This request was for 5-EDU's or 10,000 gallons of water per day.

The Mayor and City Council subsequently approved Exemption 10 of the Water and Wastewater Policy (Facility for an Essential Public Service) and granted water service to this property.

The new water service will require a meter vault and meter as detailed on an attached drawing. In order for the City to consistently maintain City owned infrastructure (meter vault, meter, service line, etc.), an Easement Agreement is required.

Staff, with the assistance of Legal Counsel, has reviewed the documentation to ensure consistency with City Code and Water Policy.

Staff is requesting approval of the ordinance to provide an easement for the aforementioned property for the construction of a regional public safety training center to be utilized by both the City and County for police academy training purposes and for emergency services and fire personnel training.

Ms. Hausrath stated the Safety Training Center is located on what is considered a private road. This easement would be similar to the one for Showalter Road to provide City access to infrastructure not necessarily in a public utility right of way.

It was the general consensus of the Mayor and City Council to move forward with easement. Introduction of an ordinance approving the easement will be included on the May 26, 2020 Regular Session agenda.

Update on the Warner Hollow Dam/Edgemont Reservoir Project

Nancy Hausrath, Director of Utilities, was present (remotely) to provide an update on the Warner Hollow Dam/Edgemont Reservoir Project – FEMA Grant Opportunity. Following the Mayor and City Council meeting on November 12, 2019, City staff met with Maryland Department of the Environment (MDE) on February 28, 2020.

The meeting focused on funding needs and as well as MDE design criteria for the Ogee and Emergency Spillway. MDE acknowledged receipt of the funding application in January and indicated they were working through the ranking/rating process to develop the Intended Use Plan (IUP).

The City presented the work that has been completed thus far as well as the nearly \$ 1.0 million dollar investment and still have no direction from MDE on their expectations for the final design of the emergency Spillway and Ogee. A discussion ensued regarding the Maryland, Virginia, and Pennsylvania methodology for calculating

the probable maximum precipitation (PMP) and MDE indicated they would have internal discussions and follow-up with the City.

Unfortunately, shortly after the meeting, the Governor issued the COVID-19 Executive Order and all work has halted. City staff plans to reach out to MDE once restrictions are relaxed and request a follow-up meeting to resolve the PMP design issues.

On May 6, 2020, the City received very good news from the MDE Dam Safety Division regarding a Federal Emergency Management Agency (FEMA) appropriation grant under the National Dam Safety Program to rehabilitate high hazard dams. Staff expect the Notice of Funding Opportunity (NOFO) to be announced in May with funding applications due in June.

The State indicated “After a thorough evaluation of the State’s Dam Inventory, Maryland’s Dam Safety Program has selected the Edgemont Dam as a candidate for FEMA’s High Hazard Potential Dam (HHPD) grant program.”

With the Mayor and Council’s permission, Water Division Staff will complete the required Notice of Intent (NOI). The NOI is due on May 22, 2020. If the NOI is approved, the City will be eligible to apply for the grant for up to 65% of the authorized/approved cost. There is a 35% match and Staff will work closely with the Funding Agencies to ensure all grant and/or loan criteria are met.

The HHPD grant application will be administered by the State’s Dam Safety Program in coordination with the Maryland Emergency Management Agency.

It was the general consensus to move forward with the Notice of Intent.

Application of 2020 BJAG Coronavirus Emergency Supplemental Funding Program Grant

Chief Paul J. Kifer was present to seek approval to apply for the 2020 Coronavirus Emergency Supplemental Funding Program Grant. This grant will provide funding to prevent, prepare for, and to respond to the coronavirus. It is a formula grant for which the Hagerstown Police Department has been allocated \$ 60,473. Funds will be used for PPE equipment and overtime for officers.

It was the general consensus of the Mayor and City Council to apply for the grant.

CITY ADMINISTRATOR’S COMMENTS

Scott A. Nicewarner, City Administrator, thanked everyone for their efforts to start the City Farmers’ Market over the weekend. Despite the 30 degree weather and snow, people visited the reopened market. He thanked the vendors for working with the City. He hopes it can be moved inside soon.

Councilmember K. B. Aleshire had no additional comments.

Councilmember L. C. Metzner had no additional comments.

Councilmember E. Keller congratulated the new police officers and deputy fire marshal that received the Oath of Office today. She noted Deanna Pelton is the first female Fire Marshall for Hagerstown. She thanked Tim Luipersbeck for his Friday night DJ show and for highlighting small business and restaurant owners. Posting pictures of food from the restaurants has made an impact.

Councilmember S. McIntire agreed that posting pictures of restaurant food on social media helps encourage people to pick up meals from there. She asked people to remember to order food directly from the restaurant, not through third party delivery services. Businesses lose money when a delivery service is used.

She has spoken with Dana Jenkins, REACH Coordinator, and hopes the Bridge to Change crew will be back soon. She is glad the program is starting again and helping individuals in need.

Councilmember A. Heffernan had no additional comments.

Mayor R. E. Bruchey, II is glad to hear some positive news about grants and possible moves forward to get businesses open again. He reported additional good news – he has selected the If I Were Mayor contest winners. The winners will attend the May 28, 2020 Regular Session to assist in leading the meeting. The winners are as follows:

1. Hayley Akinwande – Paramount Elementary
2. Shayla Z. Iargadas – Jonathan Hager Elementary
3. Allison Trumble – Emma K. Doub Elementary

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 5:22 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: June 23, 2020