

96TH SPECIAL SESSION, WORK SESSION, AND EXECUTIVE SESSION – April 7, 2020

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.

EXECUTIVE SESSION – April 7, 2020

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 meet in closed session to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; #4 (Section 3-305(b)), on Tuesday, April 7, 2020 at 2:39 p.m. in the Council Chamber, 2nd floor, City Hall, Hagerstown, Maryland.

The following people were in attendance: Mayor R. E. Bruchey, II, Councilmember K. B. Aleshire (remotely), Councilmember A. Heffernan (remotely), Councilmember E. Keller (remotely), Councilmember L. C. Metzner (remotely), Councilmember S. McIntire (remotely), City Administrator Scott Nicewarner, Jill Thompson, Director of Community and Economic Development, Michelle Hepburn, Director of Finance, Kathleen Maher, Director of Planning and Code Administration, Doug Reaser, Business Development Specialist, and Donna K. Spickler, City Clerk.

The meeting was held to discuss a business proposal for a new project. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 2:50 p.m.

96TH SPECIAL SESSION AND WORK SESSION – April 7, 2020

Mayor R. E. Bruchey, II called this 96th Special Session and Work Session of the Mayor and City Council to order at 3:00 p.m., Tuesday, April 7, 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 Jennifer Keefer (remotely), City Attorney Jason Morton (remotely), and City Clerk D. K. Spickler.

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 meet in Special Session at 3:00 p.m.

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

Review of Items Under Consideration for Approval

Mayor Bruchey reviewed the items to be voted on prior to the vote. Questions or comments are noted Consent Agenda with the Council prior to voting. Comments and questions are noted with the respective items.

Approval of Consent Agenda

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

A. Department of Parks and Engineering:

1. HP PageWide XL 4100 Printer – Print-O-Stat (York, PA) \$ 23, 725.00
2. Improvements to Heyser Parking Lot, City Park – Kinsley Construction, Inc. (Hagerstown, MD) \$ 261,049.41

Rodney Tissue, City Engineer, reported the Mayor and City Council had previously received copies of a bid protest that was submitted by the attorney for Greenridge Contractors, Inc., stating the low bidder did not acknowledge the addendum. Mr. Tissue pointed out the addendum decreased the overall price in this case. Jason Morton, City Attorney, reviewed the protest and bid documents and noted the Mayor and City Council are within their discretion to award the contract to the low bidder if they choose to. Staff recommend awarding the bid to Kinsley Construction, Inc.

B. Public Works Department:

1. Two Utility Tractors for Snow Operations – Smith’s Implements, Inc. (Hagerstown, MD) \$ 44243.92

C. Utilities Department:

1. Electric – Vegetation Management – All Reliable Services, Inc. (Saint Augustine, FL) \$ 75,000.00
2. Electric – Automated Gate System – Long Fence Co. (Ijamsville, MD) \$ 37,155.00
3. Electric – Automated Gate System – Tele-Plus (Hagerstown, MD) \$ 13,478.00
4. Electric – Decorative Streetlight Assemblies – Signify North America

(Somerset, NJ) \$ 25,824.24

5. Wastewater – Waste Activated Sludge Pump Replacement – Sherwood Logan & Associates (Annapolis, MD) \$ 11,608.00
6. Wastewater – Advanced Oxidation System/EVG Process – Source Technologies, LLC (Lexington, KY) \$ 2,000/month
7. Wastewater – MVP Plan Cloud Based Maintenance Software – CMMS Data Group, Inc. (Chicago, IL) \$ 12,185.00
8. Water – Ductile Iron Pipe – Ferguson Enterprises, LLC (Frederick, MD) \$ 33,203.00

Councilmember Heffernan asked if there are local vegetation management companies. Nathan Fridinger, Electric Operations Manager, stated All Reliable Services (based in St. Augustine, Florida) has a division located in Pennsylvania.

Approval of an Ordinance: Amending the City Code by Repealing and Re-enacting Chapter 140, the Land Management Code

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 an ordinance to amend the City Code by repealing and re-enacting Chapter 140, Land Management Code. The re-enacted Land Management Code includes the 2019 package of revisions finalized by the Mayor and City Council. This re-enacted version of the Land Management Code shall be known as version 3.6.

Introduction of an Ordinance: Amending Chapter 35, Ethics Commission, of the City Code

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 introduce an ordinance to amend Chapter 35, Ethics Commission, of the City Code. This amendment will permit the Ethics Commission to obtain outside legal counsel in those rare instances when the City attorney cannot provide the Commission with legal advice, due to a conflict of interest.

Introduction of Ordinances to Quit Claim a Portion of Alley #2-57A

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 introduce ordinances making a determination that certain property (a portion of Alley 2-57A) is no longer needed by the City of Hagerstown for a public purpose, and authorizing the execution of a quit claim deed for the following:

1. Fitzgerald, 55 Highland Way
2. Gietka, 650 Sunset Avenue

3. Draper, 648 Sunset Avenue
4. Dieterich, 618 Summit Avenue
5. Browne, 614 Sunset Avenue
6. Thurber, 612 Sunset Avenue
7. Kimmel, 610 Summit Avenue

Introduction of an Ordinance: Adding New Article XIII Stormwater Protection Program to Chapter 213 Stormwater Management

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 introduce an ordinance to create Chapter 213, Article XIII, Stormwater Protection Program to the Code of the City of Hagerstown. This new article will create a Stormwater Utility Fee for impervious areas within the City which fee will fund the Stormwater Protection Program to meet State and Federal requirements.

Introduction of an Ordinance: Amend Chapter 213, Section 5, Definitions

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 introduce an ordinance to amend Chapter 213, Section 5, Definitions, of the Code of the City of Hagerstown. This Code amendment changes the definition of the term “Impervious Area” and adds the definition of the term “Stormwater Management Structure.”

Introduction of an Ordinance: Repeal and Replace Chapter 216, Article II Sidewalks and Curbs, of the Code of the City of Hagerstown

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 to repeal and replace Chapter 216, Article II Sidewalks and Curbs, of the Code of the City of Hagerstown. This Code amendment will change the responsibility of construction sidewalk replacements from the abutting land owner to the City of Hagerstown with exceptions as listed therein. The replacement of curbs will be funded by the Stormwater Utility Fee and the replacement of sidewalks by savings in the Genral Fund where Stormwater Program activities are no longer funded.

Approval of a Resolution: User Agreement with Hagerstown Area Youth Soccer League

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 a resolution to enter into a user agreement

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with the Hagerstown Area Youth Soccer League (HAYSL). The HAYSL will have maintenance responsibility and non-exclusive but priority scheduled use of three multi-purpose fields in Fairgrounds Park. This agreement is for the period of April 7, 2020 through December 31, 2020. User shall have the right to renew this agreement for up to four additional 1-year terms beginning January 1, 2021. The agreement allows HAYSL to sublet the fields to other user groups.

Discussion: Councilmember Aleshire expressed his concern that the renewal language in the agreement appears to be to the benefit of the user and not the City of Hagerstown.

Mr. Tissue stated the language allows the user to be there for the entire term, if they choose to be. There is language elsewhere in the agreement that gives the City the right to terminate the agreement.

Councilmember Aleshire noted that is with cause. He is concerned the language doesn't provide the City the opportunity to terminate the agreement within the four years in order to move in a different direction.

Councilmember K. B. Aleshire move to table approval of the agreement until language is included providing the City of Hagerstown the right to terminate the agreement within the four year renewal period. Councilmember L. C. Metzner seconded the motion. Motion was approved unanimously.

Approval of User Agreement with YMCA of Hagerstown

On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed to table approval of the User Agreement with the YMCA of Hagerstown, pending language providing the City of Hagerstown the right to terminate the agreement within the four year renewal period.

Approval of Resolutions: 2020 Summer Play Camp Operations

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 resolutions to authorize the execution of contracts with the Robert W. Johnson Community Center, Inc., Hagerstown YMCA, and Girls, Inc. of Washington County to operate summer play camps for the 2020 season from June 22 through August 21, 2020. Each Camp will serve approximately 60-100 youths per day. Funding is from the Parks and Recreation operating budget.

Approval of a Resolution: Parking Lease with the Bryan Centre, LLC

Action: Councilmember K. B. Aleshire made a motion to approve a parking lease agreement between the City of Hagerstown and The Bryan Center, LLC for the rental of six parking spaces located at 49-53 W. Franklin St. for use by the general public.

The term of the lease is monthly. The monthly rent to be paid to The Bryan Center, LLC is \$ 150.00.

Councilmember A. Heffernan seconded the motion.

Motion carried 4-1, with Councilmember L. C. Metzner abstaining.

Approval of a Resolution: Addendum to Purchase Agreement for Sale of 36-40 N. Potomac Street

Jonathan Kerns, Community Development Manager, stated in early March, the Mayor and City Council approved an ordinance authorizing the sale of City-owned property located at 36-40 N. Potomac Street. The buyer, 339 Antietam, LLC intends to purchase the property for ongoing redevelopment and private investment opportunities. Mr. Lloyd Thoburn is the Managing Member of 339 Antietam, LLC. Mr. Thoburn is an experienced local property-owner and developer. He has completed numerous property redevelopment projects in Hagerstown and this includes the current redevelopment of the former Massey Property at 28 E. Baltimore Street.

The approved purchase agreement language required settlement to occur on or before July 31, 2020 and it did not contain a feasibility period provision for the buyer. The buyer has still expressed a desire to move forward with the purchase of the property but the COVID-19 pandemic has resulted in the buyer's lending institution temporarily suspending investment property mortgage financing. The period of suspended mortgage financing, coupled with the general economic uncertainty resulting from the pandemic, has caused the buyer to request the addition of an economic feasibility period provision to the previously approved purchase agreement language.

A proposed addendum for the purchase agreement adding a feasibility period and extending the settlement deadline has been drafted by the City attorney. The addendum would give the buyer an economic feasibility study period until July 10, 2020 and extend the settlement deadline to October 1, 2020. If the buyer would decide to terminate the agreement during the economic feasibility study period, the buyer would not be penalized and the buyer's required deposit would be returned in full.

Although this is an atypical request coming so soon after approval of the original purchase agreement language, Staff feel the request is reasonable considering the current circumstances and recommend Mayor and City Council approval of the addendum.

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 authorizing an addendum to the purchase agreement for the sale of property located at 36-40 N. Potomac Street. This City-owned property is currently under contract to be sold to 339 Antietam LLC. The addendum will add an economic feasibility study provision for the buyer with a deadline of July 10, 2020 and will extend the settlement deadline from July 31, 2020 to October 1, 2020.

Approval of an Amendment to a License Agreement with Central Chemical Respondent Group

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 second amendment of a license agreement between the City of Hagerstown and the Central Chemical Respondent Group for the installation of groundwater monitoring wells in the public rights-of-way in the vicinity of the Central Chemical property. This amendment allows for additional wells on Kasinof Avenue and Matthew Court.

Approval of Memorandum of Understanding with the Maryland Department of Transportation – Safe Routes to Schools

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 enter into an agreement with the Maryland Department of Transportation on behalf of the State of Maryland, to receive a grant in the amount of \$ 156,000 with a City match of \$ 39,000 for the installation of two radar speed boards on Maryland Avenue, two radar speed boards on Summit Avenue, and crosswalk beacon on Northern Avenue at Fountaindale Elementary School.

Approval of Hagerstown Suns Fireworks Schedule for 2020

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 four regular season fireworks shows after Hagerstown Suns baseball games on 6/19/20, 7/3/20, 7/31/20, and 8/14/20 and that the Mayor and Council's approval will exempt these shows from the City of Hagerstown's Noise Ordinance under Section 155-5 of the Code of the City of Hagerstown.

The Special Session was closed at 3:35 p.m.

Scott Nicewarner, City Administrator, and Michelle Hepburn, Director of Finance, were present to discuss the FY 21 Proposed Budget.

On Tuesday, March 31, 2020, copies of the FY21 Proposed Budget were distributed to the Mayor and City Council. An electronic version was made available on the City's website.

Due to the COVID-19 pandemic, there will be significant changes that need to be made to current FY20 forecasts as well as the proposed FY21 budget. Ms. Hepburn recommends adoption of the FY21 proposed budget as is so that efforts can be spent over the next few months on developing and implementing new strategies to address evolving social, economic, and financial conditions.

Mr. Nicewarner stated the budget presentation he anticipated at this time last month is drastically different. This budget was presented with two main focus areas in mind – economic development and public safety. While still a focus, due to the uncertain times with the coronavirus, the ability to provide what was originally planned is unclear. Prior to mid-March, he intended to begin a full re-evaluation of City operations to address budgetary issues.

In December, staff received a tentative report from the State Department of Assessments and Taxation that property values were expected to increase. However, the Constant Yield Tax Rate notice showed that assessment values remained stagnant. This news required an evaluation of the proposed budget.

Mr. Nicewarner identified four themes for the coming fiscal year that remain relevant with the City's current situation, although there is uncertainty due to the pandemic.

The four themes are:

1. Re-invention and Re-thinking of City Government – City operations need to be evaluated to ensure services are provided in the most efficient and cost effective manner possible. Mandates, such as the Stormwater Management Program, will require fair and equitable implementation. This program has been developed with joint public/private cooperation, and if approved would be implemented sometime during FY21.
2. Raising Up Neighborhoods – Blight holds neighborhoods down. The City needs to be more aggressive to identify, abate, rehabilitate and/or demolish blight. The new Chronic Tax Sale Property program is just beginning and is a first step in reducing blight. Public Safety operations have been more aggressive with increased activity to make neighborhoods and downtown safer.
3. Stewardship of Taxpayer Dollars – This is even more relevant than it was before the pandemic reached the community. While revenue will be uncertain for some time, the City must ensure transparency and stewardship of the spending of tax dollars.

4. Maintaining Momentum of Economic Development – City operations directly relate to the retention and desirability of people to work, live and play in the City of Hagerstown. This means more now than ever before. The City is fortunate to have been able to maintain relationships with long time investors and partners and gain some new private partners. The small businesses are the foundation and backbone of the City’s economic sustainability. These businesses have been hit the hardest in the economic shutdown. The City will do as much as possible within the budget to help them and to maintain the momentum of revitalizing Hagerstown.

Mr. Nicewarner thanked City staff for their efforts to make the best of difficult economic environments and for their commitment.

Ms. Hepburn echoed Mr. Nicewarner’s concerns on the FY21 proposed budget. Prior to the pandemic declaration, the proposed budget was balanced with a \$ 3,000.00 surplus. With the uncertainty of how long Maryland’s State of Emergency and the City’s Civil Emergency will last, she asked and recommended that the Mayor and City Council move forward with adopting the proposed budget as it has been presented. Then, during the next six weeks, the Mayor and City Council and City staff could focus on strategies for revenue and expenses to address the pandemic impact. She noted the public hearings on the tax rate and the budget would be held as required.

Some of the major highlights that are included in the FY21 proposed budget are below, separated by fund. In addition, the City Administrator’s Message portion of the budget includes forty-six pages of summary information by fund and city-wide for reference.

General Fund:

1. Balanced budget with a \$ 3K surplus
2. No change in real estate tax rates in FY20: \$1.002 per \$100 assessed value (excluding Apartments) and \$ 1.032 per \$100 assessed value for Apartments
3. No change in corporate personal property tax rates in FY20: \$2.505 per \$100 assessed value
4. Assessed value growth of 2.0%
5. Cable franchise revenue is included at full annual amount of \$334K even though there are some changes in FCC regulations
6. HUR (Highway User Revenue) of \$80K included to cover portion of eligible annual debt service retirement and \$1.6M for capital projects
7. One-time transfer from Health Insurance Fund of \$380K due FY19 surplus within Fund Balance/Retained Earnings policy guidelines
8. Utilization of GF Fund Balance Reserves of \$160K from previously approved budget; \$1.4M from FY19 surplus; and \$800K for Wesel Boulevard Reconstruction while maintaining Fund Balance/Retained Earnings policy guidelines
9. Utilization of existing and unrestricted CIP Fund balance of \$311K for capital infrastructure and projects

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10. Total transfer to Economic Redevelopment of \$1.03M for various incentives and costs which includes \$804K for Invest Hagerstown program incentives
11. Includes continued funding of \$405K for 911 center
12. No changes in full-time staffing over currently approved Mayor and Council levels
13. Salary and benefit increases of \$2.1M or 6.8% more than approved FY20 budget amounts
14. Estimated deficit in FY22 of \$3.6M to balance if no changes are made from FY21

Electric Fund:

1. Wholesale power contract is in place through May 31, 2022 with an extension after that time through May 31, 2024 which sets both the revenue and majority of all expenses (75.6%)
2. One full-time position was unfunded in FY20
3. Includes \$51K surplus for FY21

Water Fund:

1. Cost rate model approved and effective FY20 through FY24 (3.0% annual increases)
2. No change in full-time staffing levels
3. Includes \$54K surplus for FY21

Wastewater Fund:

1. Cost rate model approved and effective FY20 through FY24 (2.0% annual increases)
2. No change in full-time staffing levels
3. Includes \$1.1M surplus for FY21

Parking Fund:

1. Rates approved and effective through FY22 (\$2.00 annual increases)
2. No change in full-time staffing levels in FY21 but need to evaluate for future
3. Third Parking Deck construction beginning in FY21 with revenue and operating expenses included beginning in FY23
4. Includes \$123K surplus for FY21

The proposed budget does not include a tax increase for utility businesses. The Highway User Revenue is one of the revenue items that will likely be significantly impacted by the pandemic shut down.

This pandemic is not just an economic crisis, it is a social and demographic crisis as well. It will affect hotel/motel tax revenue, admissions and amusements revenue, and income tax revenue. Unemployment rates are expected to be at an all-time high. The proposed budget will have to change to reflect the reduced revenue.

Mayor Bruchey stated Congressman Trone is hoping there will be a relief package for municipalities in the next round of assistance from the State of Maryland.

There were no immediate questions from Councilmembers. Mayor Bruchey asked members to reach out to Mr. Nicewarner and Ms. Hepburn with questions and recommendations.

Councilmember Heffernan has faith in staff moving forward. At this point in time, a business as usual thought is not sustainable.

Review of the FY21 budget will continue on April 14, 2020.

Transportation Priorities

Rodney Tissue, City Engineer, reported that each year, the Maryland Secretary of Transportation and Department of Transportation (MDOT) seeks to obtain priorities from the local jurisdictions to facilitate their preparation of the Consolidated Transportation Plan (CTP).

Staff will send to MDOT the priorities from the City elected officials. Staff offers the following items as suggested priorities:

1. Eastern Boulevard Corridor Improvements – Staff support this Washington County led, multi-phase project that consists of a multi-modal transportation system connecting US Route 40, Maryland Route 64, and Maryland Route 60. Future phases include construction of new streets to disperse traffic and reducing traffic volumes on State routes. One such route is the construction of Professional Court extended which Phase I is now under construction.
2. I-81 Widening – Widening from the Potomac River bridge to approximately Route 11 is underway. Staff advocate for the widening to the Pennsylvania line over the next ten years.
3. Tourist Signs – In April of 2016, the Mayor and Council approved a State Highway plan to install new “Tourism” signs. These signs would replace the faded and outdated brown signs around the community and would direct motorists to downtown, City Park, Fairgrounds Park, Municipal Stadium, etc. Staff understand that the timetable for the installation has been advanced to summer of 2020. Staff are grateful for this advanced schedule and request that this schedule not slip any.
4. Continue to fund Retrofit Sidewalk Installation, Bikeway Grants (to implement the 2016 Master Plan), Transportation Alternatives Program (for the Marsh Run Trail, and Safe Routes to School Program (for sidewalks and traffic signals) all of which the City has successfully used many times in the past.
5. Highway User Revenues: Continue funding at the levels received for FY20 (\$ 1,720,000) or higher.

Washington County Engineering staff indicated they have not finalized their list but it will be substantially similar to their Transportation Priority 2019 letter. They are reviewing this with the County Commissioners very soon.

Mr. Tissue realizes many projects are in doubt at this time, but he still recommends submitting the City's priority list. This letter does matter and the projects are important. He pointed out the Highway User Revenue is in jeopardy again, after finally getting close to being stabilized.

Mr. Tissue would also like to include the railroad crossing at Park Circle to the priority list.

It was the general consensus of the Mayor and City Council to submit the priority list, including the railroad crossing.

Comprehensive Rezoning Requests

Megan Flick, Planner, was present to discuss additional requests regarding the Comprehensive Rezoning.

Shaool Property On Eastern Boulevard:

At the public hearing on February 25, 2020, a request was submitted from Dan Shaool for the 6 acre property on the east side of Eastern Boulevard near Antietam Drive to be included in the Comprehensive Rezoning. The property is currently RMOD (Moderate Density Residential) and the owner is requesting a rezoning to RMED (Medium Density Residential). The owner's request for RMED zoning is based on the setbacks and density requirements of the zoning district. It requires smaller lot sizes and therefore greater density is allowed. The RMED district also allows townhouses while the RMOD district does not.

There are specific development constraints on this site including part of the property being in the floodplain. The floodplain on the property includes both 500 year floodplain (which is not regulated) and 100 year floodplain. The most feasible residential development would be a single row of homes – regardless of types dictated by zoning – facing Eastern Boulevard.

During the 10 day public input period, staff received public input from County residents on Antietam Drive who live adjacent to this property. They are opposed to the rezoning to RMED. Their comments and signatures are included in the meeting packet material.

The Planning Commission's consensus was that including this specific property in the Comprehensive Rezoning goes against appropriate zoning practices that maintain comparable zoning to surrounding areas of land. The surrounding City land is zoned RMOD (Moderate Density Residential) and the surrounding County land is zoned RS

(Residential Suburban). Therefore, the Planning Commission recommends that this property be excluded from the Comprehensive Rezoning.

Alter Property on Security Road:

During the 10 day public input period following the public hearing on February 25, 2020, staff received a request from Trey Alter to include his property on Security Road in the proposed Comprehensive Rezoning. The property is currently zoned RMOD (Moderate Density Residential) and they are requesting a rezoning to RMED (Medium Density Residential). His email is quoted directly below:

“We would like to request consideration of Mayor and Council to change the current zoning of our property (Tax acct # 22 001523) located on Security Blvd with this most current comprehensive plan. We have owned the property for almost 15 years, and have worked with multiple potential interested parties to develop the parcel unsuccessfully. The current density allows for at most duplexes, and the economics of this type of development have not been enough for a developer to move forward. We understand clearly that the City prioritizes owner occupied housing and would prefer less future apartment development. We do however believe a zoning classification allowing for the development of townhomes is appropriate. This parcel has several townhouse developments near it with one being contiguous. We believe a reclassification to a zoning allowing townhomes is likely to lead to be enough to finally find an interested developer willing to proceed. Your consideration is very much appreciated. Thank you.”

There are similar development constraints on this site including floodplain. However; the area is bounded by townhouse development on two sides – Pangborn Park Townhomes to the east and the Park Overlook Townhomes to the west. Because the surrounding area has comparable density, the Planning Commission recommends that this parcel on Security Road be included in the Comprehensive Rezoning. Furthermore, the Planning Commission recommends that the Pangborn Townhome development also be rezoned from RMOD to RMED to more accurately reflect the use and density.

In conclusion, the Planning Commission recommends to exclude the property on Eastern Boulevard from the Comprehensive Rezoning and to include the property on Security Road along with Pangborn Townhomes in the Comprehensive Rezoning. The addition of these two properties to the Comprehensive Rezoning would require the Mayor and City Council to hold another public hearing to give adjacent property owners the chance to provide input. Staff anticipate that hearing would be held on April 28, 2020.

Councilmember Aleshire wondered why the owners did not make this request sooner. Ms. Flick stated one request was made during the public hearing and the other was received within the 10 day comment period after the hearing. Both these properties were included in the Planning Commission review for the update but no recommendations for change were made.

Councilmember Aleshire stated he thinks these two property owners should request rezoning for these two properties at a future date. He does not support more developments like Pangborn Townhomes and Park Overlook.

It was the general consensus of the Mayor and City Council to support the recommendation from the Planning Commission. Ms. Flick noted this will require a public hearing for the addition of the Alter property.

Councilmember Metzner asked how a public hearing could be held during the Civil Emergency. Mr. Nicewarner stated staff has been looking at ways to meet the requirements of a public hearing and for public input. A process will be established in time for the Regular Session on April 28, 2020.

Review of Upcoming Annexations in April, 2020

Megan Flick, Planner, and Kathleen Maher, Director of Planning and Code Administration, were present to review several upcoming annexations.

It is a goal of the Mayor and City Council to ensure that the City of Hagerstown has a diverse, business-friendly economy that supports the community's needs. In order to implement that goal, the Mayor and City Council have prioritized the review of pre-annexation agreements and the exploration of new possibilities for annexation opportunities. Annexation, particularly of properties utilizing City services, is a fiscally responsible way to grow the assessable base and ensure that customers and citizens continue to benefit from high-level municipal services and outstanding quality of life.

As a result of this initiative, Planning staff are proposing the following four annexations be introduced on April 28, 2020:

1. A-2020-01: Annexation of Review and Herald, 55 West Oak Ridge Drive – the applicant is the Review and Herald Publishing Company. The land area is 126.09 acres and is currently zoned HI (County – Highway Interchange). The proposed City zoning is I-MU (Industrial Mixed-Use). The property is within the City MRGA (Medium Range Growth Area Boundary), the County UGA (Urban Growth Area) and the State's designated Priority Funding Area. The property will be served by City Water and County Wastewater. There is no change in ownership or service of West Oak Ridge Drive and Downsville Pike. The City will provide police and fire service.
2. A-2020-02: Annexation of I-70 and MDOT, MVA, MSP State Facilities, 18300 Col. Henry Kyd Douglas Drive, 18306 Col. Henry Kyd Douglas Drive, and 18345 Col. Henry Kyd Douglas Drive. The applicant is the City of Hagerstown. The land area is 31.79 acres and is currently zoned HI (County-Highway Interchange). The proposed City zoning is INST (Intuitional) or CR (Commercial Regional). The property is within the City MRGA, County UGA, and State's designated Priority Funding Area. It will be served by City water

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and County wastewater. There will be no change in ownership or service of Col. Henry Kyd Douglas Drive. The City will provide police and fire service.

3. A-2020-03: Annexation of Valley Mall Properties on Cole Road, 17225 – 17239 Cole Road, 17145 Cole Road, and 17111 Cole Road. Pre-Annexation Agreement Case No. WS-2004-03 activated by the City of Hagerstown. The property is 34.31 acres and is currently zoned BG (County- Business General). The proposed City zoning is CR (Commercial Regional). The property is within the City MRGA, County UGA, and State’s designated Priority Funding Area. It will be served by City water and County wastewater. There will be no change in ownership or service of Cole Road. The City will provide police and fire service.
4. A-2020-04: Annexation of Valley Mall Property on Valley Mall Road (17270 Valley Mall Road, 17280 Valley Mall Road, 17276 Valley Mall Road. Pre-Annexation Agreement Case No. WS-2005-20 activated by the City of Hagerstown. The property is 4.88 acres in size and is currently zoned PB (County - Planned Business). The proposed City zoning is CR (Commercial Regional). The property is within the City MRGA, County UGA, and State’s designated Priority Funding Area. It will be served by City water and County wastewater. There will be no change in ownership or service of I-81. The City will provide police and fire service.

Annexation of the Review and Herald property, case A-2020-01, will extend the corporate boundary and make it contiguous to the state properties proposed for annexation in case A-2020-02. The City is proposing to take in a stretch of I-70 in order to get to the State properties.

Annexations of Valley Mall properties, cases A-2020-03 and A-2020-04, represent activation of pre-annexation agreements obtained in 2004 and 2005. Property owners initiated development plans and submitted pre-annexation agreements in exchange for City water services. This agreement is signed by the property owner and the Mayor and recorded in the Washington County land records. As a condition of receiving City water services, the property owner agreed that the property would be subject to annexation when it becomes contiguous to the corporate boundary. Earlier this year, the City annexed sections of I-81, CSX, and Halfway Boulevard rights-of-way in the vicinity of the I-81/Halfway Boulevard interchange. This annexation makes these properties contiguous to the corporate boundary of Hagerstown and therefore subject to the annexation conditions in the pre-annexation agreement.

Following introduction of the four annexation resolutions on April 28, 2020, a public hearing will be scheduled. At a meeting following the public hearing, the Mayor and City Council vote on approval of the annexation resolutions. Annexations become effective 45 days following approval.

Councilmember Keller asked if the City has the resources to provide police and fire service to all these areas. Ms. Maher indicated both the police chief and fire chief have been included in all the review correspondence and no negative feedback was given.

It was the general consensus of the Mayor and City Council to move forward with the proposed schedule for these annexations.

CITY ADMINISTRATOR'S COMMENTS

Scott A. Nicewarner, City Administrator, has participated in the daily briefings of the Emergency Operations Center (EOC) since the State of Emergency was declared for the pandemic. A daily management team meeting is held following the briefing to discuss the state of the City and other directives and regulations. Beginning Monday, April 13, 2020, the briefings will be provided on Mondays, Wednesdays, and Fridays. He has provided as much information as possible to the Mayor and City Council and City staff. Staff is doing everything possible to keep from shutting City operations down. The City is the local source of services for many citizens and he wants to continue this as safely and efficiently as possible. Hagerstown is operating similarly to other towns and cities. The daily review by the management team ensures staff is doing everything possible to get through this – both medically and financially. He noted that the 1918 Mayor and City Council created a Health Commission after they started meeting again following the bird flu outbreak. He thanked the Mayor and City Council for their support to citizens and City staff so far.

Mr. Nicewarner announced that NorthPoint Developers will be donating 1,000 facemasks to the City. Goodwill Horizon is also making and distributing facemasks.

MAYOR AND COUNCIL COMMENTS

Councilmember Keller thanked Mr. Nicewarner for his leadership through this pandemic. She thanked City staff, citizens, people who are donating masks, and struggling restaurants donating food to make sure kids are fed. There are some really beautiful things happening with people helping each other during this crisis.

Councilmember S. McIntire agreed with Councilmember Keller, She stated the creativity of businesses to stay in business is inspirational. She urged people to follow what Governor Hogan said today and to follow guidelines for social distancing.

Councilmember L. C. Metzner also agreed. He specifically thanked staff immensely for working through this challenge. There are people sitting home wondering where the money is going to come from and those working and wondering how long they can work without getting sick. He noted the EOC briefings are intended to be confidential but the information is released on the daily media release. He stated Maryland citizens have the right to know what the surge plan is for Maryland. The EOC is doing a great job but there needs to be better communication.

MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

Councilmember A. Heffernan also agreed. A lot of citizens are going above and beyond in helping others and thinking of new ways to do things. But it is troubling that some people don't seem to take this pandemic seriously. He thanked staff for this first attempt at a remote meeting. He stated Mr. Nicewarner has done a tremendous job of keeping the City operations in place during this time. He believes some of the changes to deal with the virus will be a new normal. He urged everyone to follow the directives of social distancing; sanitizing, hygiene, and covering your face if you sneeze.

Councilmember K. B. Aleshire thanked City staff for their work. No government is prepared for anything like this pandemic. The public is looking to the government to provide immediate answers, even if the answer doesn't fully exit. He urged everyone to try to ignore the politics and pay attention to their family and friends and monitor their health. He believes the City government's job is to stay positive, keep people as safe as reasonably possible (by continuing water, sewer, electric, street maintenance, etc. operating), and keeping the economy moving in every aspect possible (public works and construction projects moving forward). This is difficult for a government entity to do if there is not clarity of the plans.

Mayor R. E. Bruchey, II agrees with the thanks and frustration expressed. He pointed out New York's governor talks about a surge plan many times a day. He doesn't know where the surge plan for Hagerstown comes from. Washington County is in a better position than other places, as there are 57 confirmed cases of the coronavirus and 5 people are hospitalized. He isn't sure when the surge will happen but he knows Meritus is prepared. He stressed the need for testing kits in Washington Count. He believes the EOC is trying to be the glue that is keeping everything together. He thanked all participants in the EOC. He also urged people to use common sense and follow the social distancing directives.

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 4:59 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: May 26, 2020