

Mayor R. E. Bruchey, II called this 106th Regular Session of the Mayor and City Council to order at 7:05 p.m., Tuesday, July 28, 2020, in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, A. Heffernan, E. Keller, L. C. Metzner, and S. McIntire, City Administrator Scott A. 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, August 4, 2020, Tuesday, August 11, 2020, and Tuesday, August 18, 2020, and the Regular Session on Tuesday, August 25, 2020 at 7:00 p.m.

APPOINTMENTS

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 make the following appointments to the Hagerstown Youth Advisory Council Partner Group:

Pieter Bickford, Term to Expire July 30, 2021
Kerry Fair, Term to Expire July 30, 2021
Eric Rollins, Term to Expire July 30, 2021
Shana Ruff, Term to Expire July 30, 2021
Anthony Williams, Term to Expire July 30, 2021

On a motion duly made by Councilmember S. McIntire and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote to make the following appointments to the Hagerstown Youth Advisory Council Youth Members:

Kevin Bokoum, Term to Expire August 31, 2022
Blessing Moses, Term to Expire August 31, 2022
Hailey Olivero, Term to Expire August 31, 2021
Eden Teodorvici, Term to Expire August 31, 2022
Summer Seaward, Term to Expire August 31, 2022
Tina Akongdeng-Azise, Term to Expire August 31, 2022
Jeremy Calcarian, Term to Expire August 31, 2021

GUESTS

Mayor Bruchey, Stephen Bockmiller, Zoning Administrator, and Chris George, Historic District Commission, presented Historic Preservation Awards to the following projects:

1. MSB Architects, 21 W. Franklins Street - rehabilitation of the Pioneer Hook and Ladder Company – Scott and Kim Bowen accepted the award
2. Mark Bartel – rehabilitation of the semi-detached dwelling for offices at 17 East Avenue – Mark Bartel and Sila Alegret-Bartel accepted the award
3. Lloyd Thoburn – exterior rehabilitation of the Massey Building on East Baltimore Street – Lloyd Thoburn accepted the award
4. John Laughlin – rehabilitation of the former factory/warehouse at 22 North Mulberry Street (Aaron Peteranecz was unavailable to accept the award)
5. Maryland Theatre – construction of new lobby and ballroom addition on the front of the Maryland Theatre – Jessica Green, Executive Director, and Benito Vatelano, President accepted the award
6. Board of Education and Bowman Development - construction of new addition to the Barbara Ingram School for the Arts
7. Dieter Bloesel – construction of the new addition to the Schmankerl Stube Restaurant building – Dieter Bloesel, owner, and Scott Bowen, MSB Architects accepted the award
8. City of Hagerstown – preservation, mounting and interpretive signage for the Mt. Aetna Cannon at City Park – Rodney Tissue, City Engineer, accepted the award

CITIZEN COMMENTS

Citizen Comments were accepted by email at councilcomments@hagerstownmd.org prior to 5:00 p.m. on Tuesday, July 28, 2020. Citizen Comments were also accepted during the meeting.

Sean Plaisance, 11682 Rocky Meadow Road, Clear Spring, Maryland, stated the Mayor and City Council left out the most vulnerable part of the population – the unborn - in their recently stated proclamation against hatred and violence. It is contradictory to say life matters and still allow abortions to happen. He urged the Mayor and City Council to stand up for life in all circumstances. Hagerstown Reproductive Services is not consistent with the City's proclamation.

Paul D. Rose, Jr., 6816 Cherry Tree Circle, New Market, Maryland, is legal representation for Valley World, Inc. He addressed the Valley Mall Area Annexation Case No. A-2020-04. Approval of the Annexation Resolution is scheduled for approval during this meeting. Mr. Rose stated his client requests the Mayor and City Council to table this resolution to allow for further discussion of a phase-in of real property taxes.

Mr. Rose submitted a letter to the Mayor and City Council on July 27, 2020 making this request. He stated his clients don't oppose annexation of the property and they

realize they signed a pre-annexation agreement. They do, however, oppose the severe increase in taxes. The pandemic has shredded Valley World's business and a five year phase-in of taxes provides a much better chance for success. One of the hotels and the diner were closed for three months. The diner is now able to serve customers but at 50% capacity. He asked the Mayor and City Council to consider the investment his clients have made over the decades. It is in everyone's best interest for his client to succeed.

Yousry Juakm, Saddleridge Drive, Myersville, Maryland, is the owner of the Valley Mall Diner business. He stated the restaurant was totally closed during the month of May. They opened gradually for delivery and pick up. In June, they reopened at 50% capacity but most times the tables are not filled. The owner is pushing them to pay the rent but they are not able to. If this continues, he will have to permanently close the diner. He stated he supports the request made by Mr. Rose on behalf of his clients.

PUBLIC HEARINGS

Annexation Case No. A-2020-05: Thomas Bennett Hunter & Other Lands

Megan Flick, Planner, and Kathleen Maher, Director of Planning and Code Administration, were present to conduct the public hearing.

The City of Hagerstown is initiating annexation Case No. A-2020-05 by activating pre-annexation agreement Case No. WS-2015-07. The property owners at the time signed the pre-annexation agreement which states that the City has the right to annex when the property becomes contiguous to the corporate boundary, in exchange for water service.

The proposed annexation area includes the Thomas Bennett Hunter property and a portion of Halfway Boulevard and CSX Right-of-Way.

The properties proposed for annexation consist of properties including: Thomas Bennett Hunter, 11661 Hopewell Road, Halfway Boulevard right-of-way, and CSX right-of-way, totaling 21.15 acres. Currently, the properties are zoned HI (Highway Interchange) and IG (Industrial General) in the County. The proposed City Zoning is IG (Industrial General). The properties are within the City MRGA (Medium Range Growth Boundary), within the County UGA (Urban Growth Area), and the State's designated Priority Funding Area. The undeveloped property is not currently served by water or wastewater. However, there is an approved site plan showing City water service. The property will be served by City water and County wastewater upon annexation. There is no change in ownership or service of Halfway Boulevard. The City will provide police and fire services to the properties.

The proposed annexation was introduced on May 26, 2020. The Annexation Plan was also adopted at that time. As required by State Law, there were four published notices advertising the Hearing and the Annexation Plan was provided to the appropriate County, Regional, and State Planning Agencies at least 30 days prior to the Public Hearing.

After the Public Hearing, the Mayor and Council may pass or reject the annexation resolution. If the resolution is approved the annexation becomes effective in 45 days.

Ms. Flick entered the following into the record:
Exhibit 1 – Certificate of Advertisement
Exhibit 2 – Planning File by Reference

There was no testimony presented, either in favor of or against the annexation.

Councilmember Heffernan clarified that Express Approval is not required for the anticipated zoning on this property. Ms. Flick indicated the City's proposed zoning is consistent with the current County zoning and express approval is not required.

This portion of the hearing was closed at 7:45 p.m. The record will remain open for 10 days for additional comments.

MINUTES

On a motion duly made by Councilmember E. Keller and seconded by Councilmember L. C. Metzner, the minutes from June 9, 2020, June 16, 2020, and June 23, 2020 were unanimously approved as presented.

CONSENT AGENDA

On a motion duly made by Councilmember S. McIntire and seconded by Councilmember L. C. Metzner, the Consent Agenda was approved as follows:

- A. Human Resources Department:
 - 1. Liability and Property Insurance – Local Government Insurance Trust (Hanover, MD) \$ 421,841.00
 - 2. Employee Assistance Plan Annual Premium – ComPsych (Chicago, IL) \$ 9,936.00

- B. Department of Information Technology and Support Services:
 - 1. Server Licenses – SHI International Corporation (Philadelphia, PA) \$ 20,080.68

- C. Department of Parks and Engineering:
 - 1. Reconstruction of Pangborn Park Lake and Restoration of Hamilton Run – C. William Hetzer, Inc, (Hagerstown, MD) \$ 700,000.00

- D. Police Department:
 - 1. Bullet Recovery System – CyberNational, Inc. (Murfreesboro, TN) \$ 49,780.00
 - 2. Monthly Speed Camera Charges – Rekor (Hanover, MD) \$ 235,200.00
 - 3. Monthly Red Light Camera Charges – American Traffic Solutions (Mesa, AZ) \$ 82,500.00

4. Monthly Delinquent Citation Collections – Rekor (Hanover, MD)
\$ 35,000.00
5. NTF Reimbursement for FY21 – Washington County Treasurer
(Hagerstown, MD) \$ 320,000.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: NP Hagerstown Industrial, LLC

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 convey four undeveloped sections of public right-of-way to NP Hagerstown Industrial, LLC. These rights-of-way, comprising portions of Center Street, Edgewood Avenue, and Alley 2-50 have been determined to no longer be needed for a public purpose. The total area of this conveyance is approximately 0.7 acres.

B. Approval of an Annexation Resolution: Annexation of Valley Mall Road Properties Case No. A-2020-04

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 table approval of an Annexation Resolution for Annexation Case No. A-2020-04. This will be discussed during the Work Session on August 4, 2020.

NEW BUSINESS

A. Introduction of an Ordinance: Authorizing the Acceptance of Property Located at 216 South Prospect Street

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 authorizing the acceptance of a donation of the real property located at 216 South Prospect with the goal of demolishing the property as determined to be the best path forward for the surrounding community, and selling it thereafter. The property had significant damage due to a fire and rehabilitation of the property far exceeds the value of the property. The property is being donated in “as-is” condition.

Discussion: Councilmember Aleshire Kristin appreciates the correspondence from neighbors about this property. It is unfortunate the owner allowed the significant deterioration continue.

B. Introduction of an Ordinance: Local Conversion District Overlay, 202 Howard Street – ZM-2020-01

Action: Councilmember L. C. Metzner made a motion to introduce an ordinance for a Local Conversion District Overlay, including the parking conditions endorsed by the Planning Commission, on property located at 202 Howard Street. Councilmember A. Heffernan seconded the motion.

Motion carried 4-1, with Councilmember S. McIntire abstaining.

C. Introduction of an Ordinance: Deed of Easement from 114 East Magnolia Avenue

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 introduce an ordinance authorizing the City to enter into a Deed of Easement for the future re-construction of a retaining wall for Alley 5-62 adjacent to 114 East Magnolia Avenue.

D. Introduction of an Ordinance: Deed of Easement from 118 East Magnolia Avenue

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 an ordinance authorizing the City to enter into a Deed of Easement for the future re-construction of a retaining wall for Alley 5-62 adjacent to 118 East Magnolia Avenue.

E. Approval of a Resolution: Extending the Hagerstown Youth Advisory Council

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 extending the term of the Hagerstown Youth Advisory Council ad hoc committee. The goal of the Council is to facilitate communication and participation by City youth regarding City government decision making and planning.

F. Approval of a Resolution: Amending the Financial Incentive with ConAgra Foods Packaging Foods, LLC

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 financial incentive agreement for the creation of jobs and investment previously with Pinnacle Foods, LLC on July 8, 2016. ConAgra Foods Packaging Foods, LLC became the successor to Pinnacle Foods on May 27, 2019 and assume all rights and obligations with respect to the financial incentive agreement under the amendment. All other terms and conditions of the financial incentive agreement will remain the same.

G. Approval of a Resolution: Second Rental Guarantee Agreement for 100 N. Potomac Street Student Housing Project – Catalyst Project #3

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 enter into a Student Housing Rental Guarantee Agreement with Blackwell2, LLC for the Student Housing Project located at 100 N. Potomac Street. This is the second agreement for the first model student housing project under Catalyst Project #3 – USMH Expansion Support.

H. Approval of Amendment to Annexation Plan, Annexation Case No. A-2020-03 – Cole Road Properties

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 amendment to the Annexation Plan for Annexation Case No. A-2020-03 known as “Pre-Annexation Agreement Case No. WS-2004-03 Cole Road Properties: Kohl’s; Bob’s Discount Furniture; Christmas Tree Shop; Ross; DSW; and Remaining Vacant Storefronts.” The amendment corrects the addressing for a portion of the annexation.

I. Approval of Invest Hagerstown Grant Program Funding Levels and Updated Guidelines for the Grant Programs

Action: On a motion duly made by Councilmember K. Aleshire and seconded by Councilmember E. Keller, the Mayor and City Council unanimously agreed by voice vote to approve the Invest Hagerstown Grant Program’s funding levels and updated guidelines. The program includes five 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. Mayor and City Council approve the City Center Redevelopment Grant applications making up \$ 500,000 of the total \$ 804,000 in FY2021 funds. The Program Review Committee approves the grant applications for the remaining \$ 304,000 in FY2021 funds. For monitoring during the COVID-19 crisis, staff will update the Mayor and City Council once the Review Committee has awarded \$ 121,600 (40% of the \$ 304,000 in FY2021 funds) and again once the Review Committee has awarded \$ 182,400 (60% of the \$ 304,000 in FY2021 funds). Funding of this program will come from the Economic Redevelopment Fund Invest Hagerstown line items in the Fiscal Year 2021 budget.

Discussion: Councilmember Aleshire noted the incentive program is successful. Many of the projects that were highlighted earlier this evening

used Invest Hagerstown incentives. Invest Hagerstown provides enough incentive to be enticing to developers. He remains committed to adjusting the tax rate and using the additional income for economic development improvements. He would like to inform the landlords of the incentives that are available. If the incentives are not high enough to encourage rental unit improvements, he would support an additional increase in the tax rate.

J. Approval of Open Container Exemption for Visit Hagerstown CVB

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 an exemption from the City of Hagerstown's Open containers regulations under section 173-6 of the Code of the City of Hagerstown for Visit Hagerstown Convention and Visitor's Bureau at University Plaza on September 11, 2020.

K. Approval of 2020-2025 (5 year) Axon Body Camera Contract Renewal

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 renew the Axon Body Camera contract. This is a multi-year contract that will run through FY25 and will cover new body cameras, their maintenance, the associated video storage and management software, hardware, licensing fees and warranties.

The purchase will be made with funds from the Hagerstown Police annual operating maintenance budget 01 10401-5378. The total cost of the contract is \$ 339,237.60 and will be paid annually at \$ 67,847.52 on the anniversary date for the duration of the contract.

This is a sole source project as the goods and services required are only manufactured and available from Axon. Furthermore, allied law enforcement agencies in the county, along with the Washington County State's Attorney's Office utilize the same platform for joint investigations and prosecutions.

L. Approval of Sale: Gamewell Fire Alarm Boxes

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 of the sale of 70 Gamewell Fire Alarm Boxes to Mr. Lloyd Thoburn of Coin Op Warehouse. He has offered \$ 14,000.00 for 70 Gamewell Boxes that range in condition from good/fair to rough. Gamewell Boxes were the primary alerting system that activated bells in the fire stations to ring, sirens blow and notch a tape with the box number where an incident was occurring. The system was removed from

service in 2004/2005. The Gamewell Boxes have been in storage since that time.

M. Approval of Donation of Municipal Airport Plaque to the Hagerstown Aviation Museum

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 donate the 1934 Hagerstown Municipal Airport plaque to the Hagerstown Aviation Museum. The Hagerstown Aviation Museum will include the plaque in their museum collection.

This is a gratis donation from the City of Hagerstown.

CITY ADMINISTRATOR COMMENTS

Scott Nicewarner, City Administrator, thanked the Parks Department and Community and Economic Development for teaming up to put on a very nice Imagine Hagerstown event. The entertainment was The Plate Scrapers and Steve Jorell. Josh Morningstar, originally from Funkstown, Maryland, will be performing in August. The last Music at City Park will be this Saturday.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember K. B. Aleshire had no additional comments.

Councilmember A. Heffernan had no additional comments.

Councilmember E. Keller had no additional comments.

Councilmember L. C. Metzner had no additional comments.

Councilmember S. McIntire has had many people ask her about a skateboard park. She announced a Skatepark Steering Committee is being formed and urged interested individuals to submit an application. On Wednesday, August 5, 2020, the third Washington County Recovers event will be held at University Plaza. This event brings organizations helping people with addictions together in one place. If you know someone who needs recovery or are curious about recovery, this is the event to attend for help. She would like to have a discussion about closing streets again for outdoor dining. The City should help businesses be creative during the challenges presented by the pandemic.

Mayor R. E. Bruchey, II shared the following good news from the Hagerstown Police Department. On July 10, 2020, Officer Kylee Hill and PO Tyler Nichols performed the Heimlich Maneuver on a choking subject, saving his life. Officer Richie Dean, Officer Tyler Helman, Officer Mitch Filges, Officer Jason Batistig, and Officer Kylee Hill prevented a female from jumping off a roof with an extension cord wrapped around her neck on July 23, 2020. They saved her life. On July 24, 2020, Officer Tyler Repp,

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2020

JULY 28,

MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

Officer Kylee Hill, PO Tyler Nichols, and Officer Joseph Brady located a stabbing victim and applied a tourniquet to save his life. These are just three instances where the men and women of the Hagerstown Police Department go above and beyond to save people's lives in Hagerstown. He thanked them for their service and he appreciates all they do every day.

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 8:09 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: August 25, 2020