

107<sup>TH</sup> SPECIAL SESSION, WORK SESSION, AND EXECUTIVE SESSION – August  
11, 2020

EXECUTIVE SESSION – August 11, 2020

On a motion duly made by Councilmember E. Keller and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to meet in 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, August 11, 2020 at 3:30 p.m. in the Council Chamber, 2<sup>nd</sup> floor, City Hall, Hagerstown, Maryland.

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

The meeting was held to discuss a business proposal. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 3:42 p.m.

107<sup>TH</sup> SPECIAL SESSION AND WORK SESSION – August 11, 2020

Mayor R. E. Bruchey, II called this 107<sup>th</sup> Special Session and Work Session of the Mayor and City Council to order at 4:04 p.m., Tuesday, August 11, 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, and City Clerk D. K. Spickler.

WORK SESSION – August 11, 2020

Proclamation

Mayor Bruchey read a proclamation naming September, 2020 as Forget-Me-Not Month in Hagerstown. Past Commander J. R. Arnold and other members of the Ralph S. Tagg Jr., Chapter 14 of the Disabled American Veterans, were present and accepted the proclamation.

Councilmember Aleshire then left the meeting.

Hagerstown Youth Advisory Council (HYAC) Annual Report

Lauren Metz, Planning and Outreach Coordinator, Lauren Asbury (Chair), Kevin Bokoum, and Maya Murthy, Hagerstown Youth Advisory Council (HYAC), were present

to provide an update of the successes of the first year of the HYAC. Ms. Metz turned the presentation over to the HYAC members.

The HYAC was established by the Mayor and City Council to give Hagerstown youth the opportunity to provide feedback and recommendations regarding community policies and programs that affect their future and to take a leadership role in creating meaningful change. The group meets twice per month at the BuroBox. They discuss issues they are passionate about such as the environment, financial literacy, and wellness. Guest speakers include community members, city officials, and non-profit leaders. The HYAC maintains a social media presence on Instagram and Facebook.

In addition to inviting community members to meetings, they have had the opportunity to speak with local organizations at their meetings. This has included the Hagerstown Kiwanis and Sunrise Rotary Clubs.

HYAC members formed three subcommittees to focus their discussions. Teamwork drives their meetings.

Accomplishments include the following:

1. Planned Earth Day Event – The goal of this event was to celebrate and contribute to the beauty of the City. They met with Parks and Rec of Hagerstown to help plan this event. Unfortunately, due to the COVID-19 pandemic, the event was cancelled.
2. City Christmas Tree – They were given the opportunity to select the City Christmas tree that is placed in the square.
3. Use social media to highlight the accomplishments of the members

Due to COVID-19, they were unable to meet in person so they began meeting virtually via Zoom. One of their first priorities was to recognize their senior members. They continue to meet using a mix of in-person and zoom meetings.

This summer, they met with Police Chief Kifer to discuss current issues and passions in the nation. A majority of the HYAC felt inclined to have this meeting and discuss a difficult topic as a Youth Council.

This year, they've been able to advise multiple city departments, non-profits, and community organizations whose work somehow involves Hagerstown youth. They would like to have more direct advising with the Mayor and City Council regarding current community programs that involve/affect Hagerstown Youth and are looking for ideas on how to forge a more collaborative relationship. One idea is to hold bi-annual joint meetings of the Mayor and City Council and the HYAC.

The group is excited for the incoming cohort of members to be sworn in and join the council. They are excited to have fresh ideas and perspectives on the council.

They thanked their supporters Ms. Metz and Jonathan Kerns, Community Development Manager, and the adult partner group. They especially thanked Councilmember Shelley McIntire for dedicating her time to making the HYAC successful.

Councilmember Heffernan asked what feedback they receive from their peers. Ms. Asbury stated they have a local social media following. Youth involved in other activities routinely reach out to the HYAC.

Mayor Bruchey noted the HYAC gives youth another platform to present ideas. The HYAC can be a liaison with the Mayor and City Council and pass the ideas and concerns on.

Mr. Bokoum stated being from different schools and diverse backgrounds gives them the opportunity to talk about what they are facing.

Councilmember McIntire has been very impressed with the members of the HYAC. They are faithful and dedicated to making their mission known. She is proud of this group and all they do.

#### Request for Exemption from Chapter 155, Noise

Bester Community of Hope has requested an exemption from the City's Noise Ordinance for the 5<sup>th</sup> Annual South Side Community Block Party for the evening of September 19, 2020. The event will be hosted using a virtual platform and livestreaming. They would like to end the evening with a fireworks display at the former Washington County Hospital site on East Baltimore Street.

Kerry Fair, Neighborhood Partnership Coordinator, was unexpectedly unable to attend the Work Session. Mayor Bruchey indicated the exemption is the first step in the process for obtaining a fireworks permit from the State of Maryland and the City of Hagerstown Fire Marshal.

Councilmember Heffernan noted the site would have to be cleared of shells and debris after the event.

Councilmember Metzner asked if the Hagerstown Fire Department is being asked to be spotters for the event and if they are, he is concerned there will be additional costs to the City for the event. It was noted this is a professional show and spotters are not required from the fire department.

Fire Chief Steve Lohr noted he sent a memo to the Mayor and City Council last week expressing concerns about this event. At that time, he was unaware the group was working with Zambelli Fireworks, a professional fireworks vendor. He is concerned the time to obtain permits is short. The City Fire Marshall has to sign off on the application before it is sent to the State.

It was the general consensus to include approval of the exemption on the August 25, 2020 Regular Session agenda.

### Civil War Railroad Trail

Chip Wood, retired engineer and activist for the Civil War Rail Trail, and Justin Mayhew, Guide at Antietam Battlefield and retired Hagerstown firefighter, were present to discuss the Civil War Rail Trail (CWRT). Mr. Wood stated the CWRT will create tourism, economic development and healthy lifestyle opportunities for the Hagerstown and Washington County area.

The CWRT is a proposed 23 mile long trail that is 10 feet wide. It would be situated inside the rail road corridor that is 66 feet wide. The endpoints are City Park and the C & O Canal Towpath. The first two miles in the City limits would be on an active track. The next three miles from the City limits are active tracks within County limits, ending at the DNR Right of Way. The tracks have been removed over the next 18 miles. The CWRT accommodates all ages and physical abilities. It offers walking, bicycling, jogging, and wheel chairing. Other benefits include health, recreational, educational, cultural, commuting, and tourism. It is a safe place to walk and bike and learn history.

The Maryland Department of Natural Resources purchased the rail corridor in 1991 and the project was first considered in 1993-94. The project was halted in 1994 because of a protest. In early 2012, the Washington County Commissioners initiated a study and planning for the project. The Commissioners halted the project in July, 2012 due to resident protests and uncertainty of who owns the rail corridor property. Mr. Wood stated the project is caught in a political deadlock between the County and the State. Other rail trails in Maryland have demonstrated successes with increasing visitors to the area.

The project cost is estimated to be approximately \$ 18 million. However, Mr. Wood indicated there are many grant funding opportunities.

Mr. Wood is not asking for a commitment of financing from the City of Hagerstown. He asking the Mayor and City Council to send a letter of support for the Trail to the Board of County Commissioners, Department of Natural Resources and to Governor Larry Hogan, requesting the State's formal determination as to whether or not the DNR has a legal right to develop the property as originally intended.

Councilmember Heffernan has visited many similar rail trails all around the East coast and they are very popular. He believes having the trail head of the Civil War Rail Trail in the City Center would be a catalyst for Hagerstown. He agrees with submitting a letter of support for the Trail.

Councilmember Metzner has ridden many trails as well and agrees with Councilmember Heffernan.

It was the general consensus of the Mayor and City Council to submit a letter of support to the State of Maryland, Washington County Commissioners, and the Department of Natural Resources for the Civil War Rail Trail.

Mayor Bruchey announced that the discussion regarding the Alexander House Commercial Space Renovation Project – Request for City of Hagerstown Letter of Support for Maryland Rural Council Grant Applications is being removed from the agenda with the intent to be discussed at a later date.

A-2020-04, Annexation of Valley Mall Road Properties – Discussion of tax phase-in

Kathleen Maher, Director of Planning and Code Administration, and Megan Flick, Planner, were present to continue the discussion of whether or not the Mayor and City Council wished to offer phased-in tax terms for this annexation or approve the resolution as originally introduced with no phased-in tax terms. If ready, approval of the resolution is scheduled for a Special Session later today.

The City of Hagerstown initiated annexation Case No. A-2020-04 by activating pre-annexation agreement Case No. WS-2005-20. The property owners 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 was introduced on April 28, 2020 and the Annexation Plan was also adopted at that time. The public hearing was held on June 23, 2020. The properties proposed for annexation consist of properties including: Marriott Spring Hill Suites; Marriott Courtyard; and Restaurant, totaling approximately 4.88 acres. Currently, the properties are zoned PB (Planned Business) in the County and are proposed to be zoned CR (Commercial Regional) in the city.

The owner's representation requested a phased-in approach on the City property taxes based on the COVID-19 pandemic creating severe financial hardships for the two Marriott Hotels and the Restaurant. They contend that businesses will not return to normal for quite some time. Th owner originally suggested a 10 year phase-in of City property taxes.

Staff felt there was some merit to this argument and suggested an alternative shorter term phase-in plan due to the City's own financial hardships related to the pandemic. This proposal was for a three-year phase-in with no tax payment in the current fiscal year, 50% for July 1, 2021, and full tax on July 1, 2022. The three year phase-in proposal was included in the resolution as Exhibit E for approval on July 28, 2020.

On July 27, 2020, the applicant submitted a request for a counter proposal of five-year phase-in with no tax payment in the current fiscal year, 25% on July 1, 2021, 50% on July 1, 2022, 75% on July 1, 2023, and full tax on July 1, 2024.

The Mayor and City Council tabled action on the resolution on July 28, 2020 to allow for consideration of alternative tax phase-in proposals. The alternatives were discussed on August 4, 2020 and continued to August 11, 2020.

After further consideration, City staff continue to recommend moving forward with a three-year phase-in of City property taxes with the condition that this phase-in is contingent upon the owner not seeking a lowering of their property tax assessment. If they do seek a reduction in their tax obligation with SDAT, the city will claw back any reduction previously received and the full tax liability will be reinstated.

Staff strongly recommends moving forward with this annexation either with the phase-in or with no phase-in, because activating these pre-annexation agreements when possible is a critical step towards strengthening the city tax base so the City has the resources necessary to provide the level of services citizens expect and which help to attract new residents and investors.

Councilmember McIntire stated she does not wish to discuss this important topic without a full council being present. Councilmember Keller and Councilmember Metzner agreed.

Mayor Bruchey announced this will be discussed during the Work Session on August 18, 2020. There will be no Special Session later today.

Public Input: A-2020-05 Annexation of Thomas Bennett and Hunter (TBH) Annexation

Kathleen Maher, Director of Planning and Code Administration, and Megan Flick, Planner, were present to review public input regarding the annexation of Thomas Bennett Hunter & Other Lands. The City of Hagerstown has initiated 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 SCX Right-of-Way.

The location of this annexation is 11661 Hopewell Road, Tax Map 48, Block 11, Parcels 572 and 865, Halfway Boulevard right-of-way and CSX right-of-way. The area is 21.15 acres in size. County Zoning is HI (Highway Interchange), and IG (Industrial General). Proposed City zoning is IG (Industrial General). The property is within the City MRGA (Medium Range Growth Area) and within the County UGA (Urban Growth Area). It is within the State's designated Priority Funding Area. The undeveloped property is not currently served by water or wastewater, but has an approved site plan utilizing City water. It will be served by City Water and County Wastewater upon annexation. There is no change in ownership or service of Halfway Boulevard as a result of this annexation. The City will provide police and fire service.

The proposed annexation was introduced on May 26, 2020 and a public hearing was held on Tuesday, July 28, 2020 at 7:00 p.m. 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.

Staff received feedback from the State in which they agree that the zoning is consistent. The County has not provided feedback at this point. Staff has not received any other public input at this time.

It was the general consensus of the Mayor and City Council to include approval of this annexation resolution on the August 25, 2020 Regular Session agenda.

### Street Closures for Outdoor Dining in Response to COVID-19 Crisis

Jill Thompson, Director of Community and Economic Development, and Kaitlin Bell, Economic Development Specialist, were present to participate in a discussion for the closure of the Unit Block of South Potomac Street for Outdoor Dining in response to the COVID-19 crisis.

A street closure for outdoor dining was done in the Unit Block of South Potomac Street on Saturday, June 13, 2020 from 3:00 p.m. to 9:30 p.m. to facilitate outdoor dining from 4:00 p.m. to 9:00 p.m.

The Mayor and City Council and restaurant owners have expressed interest in scheduling additional street closures.

Staff has discussed logistics for future street closures and offer the following points for consideration:

1. Business responsibilities would include:
  - a) Request a café license showing proposed layout that is adjacent to place of business, utilizing the City's streamlined process
  - b) Fully staff, manage, clean/sanitize their individual outdoor dining area according to CDC guidelines
  - c) Provide their own tables and chairs
  - d) Setup and take down tables and chairs for each event.
  - e) Limit alcohol sales and consumption to areas approved by the Liquor Board
2. City of Hagerstown responsibilities would include:
  - a) Setup and take down street closure barricades
  - b) Setup and take down of traffic control signage/equipment and communicate a traffic advisory for each event

3. Additional points of consideration include:
  - a) HFD recommends closing and barricading the entire street to assure the safety of patrons within the event area. HFD does not recommend allowing traffic through the block with patrons in the street.
  - b) Setup of tables, chairs and equipment would need to be coordinated and done in such a way so as to leave open an unobstructed emergency fire lane though the closed street.
  - c) Survey of South Potomac Street restaurants to determine if they plan to participate.
  - d) Downtown restaurants not located in the Unit Block of South Potomac Street would be encouraged to promote take out orders for customers to enjoy outdoor dining in public spaces such as University Plaza and the Cultural Trail.
  - e) Survey and communicate with all residents, property owners and non-restaurant businesses in the Unit Block of South Potomac Street related to impacts of the street closure.
  - f) Review any City staffing, overtime impacts and budget considerations.

Two options are being offered for consideration. The first is to close the street on Saturdays from 3:00 p.m. to 9:30 p.m. to facilitate outdoor dining from 4:00 p.m. to 9:00 p.m.. The second option is to close the street on Sundays from 9:30 a.m. to 4:00 p.m. to accommodate outdoor dining from 10:00 a.m. to 3:00 p.m.

Ms. Bell reported feedback indicates several restaurant owners are interested in this program. Councilmember McIntire asked if they had a preference for which day to close the street. Ms. Bell stated Jay Zuspan, Bulls and Bears and 28 South, would support either day.

Councilmember Keller suggested alternating Saturday and Sunday closures each week through September. Councilmember McIntire supports alternating weeks. The City needs to support the restaurants however they can.

Mayor Bruchey is in favor of closing the unit block of South Potomac Street all the time. He suggested scheduling the first closure and then determining how the restaurants want to proceed from there.

Ms. Bell hopes to hear from other restaurant owners tomorrow. Public Works is helping with signs that will be placed tomorrow for curbside pickup. She also wants to discuss the limited curbside pickup during a street closure with restaurant owners.

It was the general consensus to close the unit block of South Potomac Street for weekend dining beginning this weekend. The first closure will be on Saturday, August 15, 2020, followed by Sunday, August 23, 2020, the next weekend etc.

Alexander House Commercial Space Renovation Project – Request for City of Hagerstown Letter of Support for Maryland Rural Council Grant Application

This item was removed from the agenda and will be discussed at a later date.

**CITY ADMINISTRATOR'S COMMENTS**

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

**MAYOR AND COUNCIL COMMENTS**

*Councilmember A. Heffernan* had no additional comments.

*Councilmember E. Keller* had no additional comments.

*Councilmember S. McIntire* had no additional comments.

*Councilmember L. C. Metzner* stated a great person was lost last week. Bill Breichner, Mr. Hagerstown, passed away last week. Councilmember Metzner was appointed to Council in 1994 and was lucky enough to service with Bill for the next 16 years. Within 48 hours, Bill was taking him all around Hagerstown and showed him and told him things he didn't know about Hagerstown. He was kind to all and his wife, Gann, is the same type of person. Bill was the first City Administrator and what a difference that change in government made. Bill then went on to serve as Mayor and as Councilmember. Prior to being City Administrator, Bill had many years as the water plant superintendent? He recommended adding a new category for the list of people to honor in the Hall of Fame. The new category would be a list of people recommended by the Mayor and City Council to keep in mind in 20 years. Bill should be added to this list.

*Mayor R. E. Bruchey* agreed with Councilmember Metzner. He and Bill got along well while they both served on the Mayor and City Council. They both supported the City in every way. Bill was the person he asked about things because of his history with the City. He was the patriarch of Hagerstown and brought a history to the table that was unmatched. He will be greatly missed. He agreed that Bill should be considered for the Hall of Fame at Memorial Park.

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 5:12 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: September 29, 2020