

103RD REGULAR SESSION AND WORK SESSION – June 23, 2020

In response to the Mayor's declaration of a Civil Emergency, this Mayor and City Council meeting was held virtually.

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 virtually.

WORK SESSION – June 23, 2020

Mayor R. E. Bruchey, II called Work Session of the Mayor and City Council to order at 6:00 p.m., Tuesday, June 23, 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, and City Clerk D. K. Spickler.

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.

Mayor Bruchey reminded everyone that Mayor and City Council meetings will be held on site at City Hall beginning July 7, 2020. Meetings will continue to be streamed live.

Fairgrounds Park Fireworks and Imagine Hagerstown

Scott Nicewarner, City Administrator, discussed the tentative plans for the annual Fourth of July Fireworks display at Fairgrounds Park and the Imagine Hagerstown July (and future) events in University Plaza. He stated the COVID-19 pandemic and the subsequent re-opening of activities through the State have been challenging to navigate as staff look to re-open larger mass outdoor gatherings and maintain as much safety and organization as possible. This new environment creates obstacles to organization and enforcement that are normally not necessary to consider. The State Fire Marshall has approved the City's July 4th Fairgrounds Park Fireworks permit. The event is scheduled for Saturday, July 4, 2020. No rain date is scheduled.

In order to help protect visitors to Fairgrounds park, staff propose not allowing vehicles in the park. People will be able to walk in. There will be no entertainment. Moving the fireworks to a different location is not possible for several reasons – the permit would have to be transferred, canisters are larger than what would be allowed at municipal stadium, and there is no way to reduce the size of the canisters.

Some towns are cancelling fireworks while others are holding their shows. Fireworks will be taking place in Waynesboro, Pennsylvania, Williamsport and Boonsboro, Maryland. The Salute to Independence at Antietam Battlefield has been cancelled for this year.

Councilmember Heffernan supports holding the City's fireworks as planned, at Fairgrounds Park. People should be reminded of social distancing and urged to pay attention to the health safety guidelines. He does not want the Hagerstown Police Department to be responsible for enforcing social distancing and face covering requirements.

Councilmember McIntire agreed.

Councilmember Metzner has considered the risks and rewards of holding the event. It is a nice thing to have for citizens. However, inviting a large group of people to attend an event creates a potential risk. He supports postponing the event until a later date. If the event is held, traffic in the park should not be prohibited. Adults should be responsible to take care of themselves if they attend a large gathering like this.

Councilmember Keller agrees that congregating people in a large group is a mistake. She would prefer the event be held at Municipal Stadium but that isn't possible. Vehicles should not be prohibited. Ideally, people will stay in their cars if they attend.

Mayor Bruchey understands the feelings of the Councilmembers and he realizes the Governor's orders and Health Secretary's orders allow parades and outdoor events at this time. With all that has occurred in the last four months, people need something positive to look forward to. People can be on the streets around Fairgrounds Park and in the parking lots. He has enough faith in mankind that they will do what is necessary to stay safe if they attend.

Councilmember Keller is also concerned that City staff would be required to be at the event and would not have a choice of whether to attend or not.

Councilmember Heffernan asked what staff feel is best.

Fire Chief Steve Lohr reported face masks and proper personal protection equipment will be provided to all fire department employees. He agreed it is too late to move the fireworks to another location.

Rodney Tissue, City Engineer, reported Parks Staff will be there and follow the same routine as they do every year. All staff will be fully protected and would support the event if the Mayor and City Council decide to move forward with it.

Councilmember Aleshire has asked for liability insurance information. He has not seen a document that delineates if the City would be liable if someone gets sick. He asked if the County Health Officer was consulted. Mr. Tissue indicated he was, and the

basic direction was that, if the event is held, the City should do whatever possible to minimize the number of people in close proximity to each other. This is why staff proposed closing the park to vehicles. Councilmember Aleshire asked if any Executive Orders have been issued by the Local Health Officer. Mr. Tissue stated not that he is aware of. Councilmember Aleshire does not think this type of event is allowed until Phase 3 of Governor Hogan's reopening plan. It does not seem there is enforcement of the Governor's directives. His main concern is liability for the City.

Mr. Nicewarner noted the State Fire Marshall delayed approval of the permit waiting on the Governor's directions. When it was approved, the message was that the Governor was permitting fireworks events, not just the City. A legal opinion was not sought.

Councilmember Aleshire asked if it is a safe assumption that not allowing cars will provide the ability for social distancing. Mr. Nicewarner noted that enforcement would not be provided by the City.

Councilmember Aleshire thinks it would be hypocritical of the City to not allow the fireworks event since two large events have already been allowed.

Councilmember Heffernan thinks this would be the same as opening the swimming pool. He is concerned about the liability question. Holding the event is a way to get started to being back to normal. However, the new normal isn't what it was in February. People are allowed in the parks and the playground equipment is accessible. It is up to people to be responsible and follow the guidelines.

Councilmember McIntire thinks people are policing themselves and each other. Hagerstown's citizens need something good happening. She thinks the fireworks event should be held as planned, on July 4th.

Mayor Bruchey stated Marty Snook Park was full this weekend with tournaments and little league games. It is impossible to police a large crowd to make sure they are following CDC guidelines. He understands Councilmember Aleshire's concerns.

Councilmember Aleshire asked if a notice will be issued saying the City expects the attendees to follow the guidelines but City staff will not be enforcing the guidelines.

Councilmember Keller thinks the City should encourage people to follow CDC guidelines.

Mr. Tissue pointed out there are signs in all parks. Banners could be put up.

Councilmember Aleshire wants it to be clear to attendees that enforcement will not be coming from the City. He is opposed to not allowing vehicles in the park.

Mr. Nicewarner suggested discouraging people from gathering in the tighter spaces. He thinks providing something positive is a good plan.

Mayor Bruchey summarized the consensus as being moving forward with the fireworks event at Fairgrounds Park as originally planned, with vehicles being allowed in the park.

Mr. Nicewarner pointed out the next Imagine Hagerstown event is scheduled for July 24, 2020 at University Plaza. Two bands are scheduled to perform. He suggested following the same process as for fireworks, with encouraging social distancing and asking people to follow the CDC guidelines. Staff would also like to hold the scheduled outdoor movies and music at City Park using the same guidelines.

Councilmember Keller asked if vendors are planned for the Imagine Hagerstown event. Jill Thompson, Director of Community and Economic Development, (participating remotely) stated there are not in order to eliminate people standing in lines. Councilmember Keller stated this would be a good opportunity to encourage people to visit a downtown restaurant.

Ms. Thompson stated past performances have included the availability of alcoholic beverages. The intended alcohol vendor for the Imagine Hagerstown event is the CVB. In response to the question about social distancing (eliminating lines waiting for drinks), the Liquor Board has authorized the alternative of allowing people to bring their own alcoholic beverages for this event. Another option for this event is to not have or allow alcoholic beverages.

Councilmember Keller noted restaurants are still under the Governor's Executive Order permitting them to sell alcohol to go. She mentioned this would be another option for attendees.

Ms. Thompson asked what alcohol would be permitted if a bring your own format is used.

Kitty Clark, Community Events Manager, (participating remotely), summarized three options for alcohol at the event:

1. A licensed vendor selling alcohol (same format as in the past)
2. BYOB (Bring your own alcohol) – would be difficult to monitor the type of alcohol
3. No alcohol sales

Councilmember Heffernan suggested coordinating alcohol sales with restaurants in a designated cup if the BYOB option is chosen.

Councilmember Metzner noted restaurants may not be permitted to sell off premises by that time.

Councilmember McIntire thinks people are used to social distancing and having a beer truck at the event would not be a problem. She does not support a no alcohol event.

Mr. Nicewarner stated staff will follow the Mayor and City Council's discussion here and existing CDC guidelines for alcohol sales at the July 24, 2020 event. It will be as simple as possible, while maintaining social distancing.

A break was taken at 6:47 p.m.

103rd Regular Session- June 23, 2020

Mayor R. E. Bruchey, II called this 103rd Regular Session of the Mayor and City Council to order at 7:00 p.m., Tuesday, June 23, 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.

The invocation was offered by Mayor R. E. Bruchey, II. The Pledge of Allegiance was recited and led by Mayor R. E. Bruchey, II.

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 suspend the Rules of Procedure as to subsections 6.1, 6.2, and 6.4.

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, July 7, 2020, Tuesday, July 14, 2020, and Tuesday, July 21, 2020, and the Regular Session on Tuesday, July 28, 2020 at 7:00 p.m.

COVID-19 Update

Scott Nicewarner, City Administrator, informed everyone that Mayor and City Council meetings will be held in the Council Chamber at City Hall beginning on Tuesday, July 7, 2020. CDC guidelines for social distancing will be followed. The lobby at City Hall opens to customers on Monday, June 29, 2020. Access will be restricted to the first floor for utility payments and tax bill payments. All other buildings, including the upper floors at City Hall, will open on Monday, July 13, 2020. Face coverings will be required.

Potterfield Pool opened today for guests. Capacity is reduced during this time. There is a real time indicator on the City's website showing the number of patrons at the pool at any given time. The July 4th at Fairgrounds Park event will proceed as planned.

Utility customers with outstanding bills will receive reminder notices next week. The current arrears amount is nearly \$ 1 million. This is approximately three times the

normal arrearages at this time of the year. City staff is working with the Community Action Council to get information to utility customers about resources for payment assistance. A media campaign is planned, as well as a press conference and social media postings. He encouraged customers to contact Customer Service for help with contact information for agencies that have assistance funds.

APPOINTMENTS

On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed to make the following appointments to the Historic District Commission:

Chris George, Term to Expire November 30, 2020
William Doug Carroll, Term to Expire June 30, 2023
Robert Powell, Term to Expire July 23, 2023

CITIZEN COMMENTS

Citizen Comments were accepted by email at councilcomments@hagerstownmd.org prior to 5:00 p.m. on Tuesday, June 23, 2020.

No Citizen Comments were submitted.

PUBLIC HEARINGS

Annexation Case No. A-2020-03: Cole Road Properties

Megan Flick, Planner, announced this annexation hearing is being postponed because the legal advertisement of the public hearing contained incorrect addresses from the State Department of Assessment and Tax records.

Annexation Case No. A-2020-04: Valley Mall Road Properties

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-2020-04 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. The Annexation Plan was also adopted at that time.

The properties proposed for annexation consist of properties including: Marriott Fairfield; Marriott Courtyard; and Restaurant, totaling approximately 4.88 acres. Currently, the properties are zoned PB (Planned Business) in the County.

The properties zoned PB in the County are proposed to be zoned CR (Commercial Regional) in the City. The zoning classifications are mostly consistent with one another; however, the County's PB district does not permit residential uses whereas the City's CR district permits residential uses in mixed-use buildings. Furthermore, the property is designated as Commercial General on the City's Future Land Use Map which is also consistent with the proposed zoning.

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 have received feedback from the Maryland Department of Planning including the consensus that the proposed City zoning designation is consistent with the current County zoning designation. The record will be held open for a period of 10 days following 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

The following testimony was presented:

Noel Manalo, Miles and Stockbridge, 30 West Patrick Street, Suite 600, Frederick, Maryland, represents the owner of Valley World, Inc. (owner of 17276 Valley Mall Road and Cole Road Holdings, LLC 9 owner of 17270 & 17280 Valley Mall Road) (collectively, the "Owners" and the "Property"), with regard to the Valley Mall Road Annexation. Mr. Manalo participated in the meeting remotely.

Mr. Manalo submitted a letter previously requesting that the Mayor and City Council table the resolution for ninety days, which would allow time to discuss options for a phased-in approach with the City. The letter is made part of the record.

The owner of the property is requesting the delay of the annexation due to the closure of the two hotels and the restaurant on the property. The businesses have suffered during the government ordered shut down.

The City's proposed annexation will increase the real estate taxes by more than 82%. The owners will not be able to pass the cost on to guests and diners. The owner's bank will not make any concessions on the financing. The restaurant is not current on rent.

Because the nearby Country Inn, Holiday Express and Ramada are not subject to the annexation and the increased property taxes, it will provide these competing businesses with a significant advantage over the Marriott hotels.

The owners think a gradual increase in taxes is more logical. The increase in taxes following the pandemic and expected economic downturn would have a devastating effect on the hotels.

The owners understand their obligations under the Pre-Annexation Agreement. Although they are not in a position to oppose the annexation, they are requesting relief from the increase in real estate taxes.

Councilmember Heffernan asked if any of these properties received any of the federal government loans or grants that could be earmarked for property taxes.

Mr. Manalo stated the property owner encouraged the diner to seek assistance. He understands they did not receive the first award.

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

This portion of the hearing was closed at 7:20 p.m. The record will remain open for 10 days for additional comments.

Local Conversion District Overlay – 202 Howard Street

Councilmember Shelley McIntire recused herself from this discussion and left the meeting.

Megan Flick, Planner, stated this public hearing is being held to receive testimony on the proposed Local Conversion District Overlay at 202 Howard Street, Hagerstown, Maryland

The City of Hagerstown Planning Commission has made a recommendation to the Mayor and City Council to approve the rezoning application for a Local Conversion District Overlay at 202 Howard Street. The application has been filed by Daniel Wolfe of Gideon Properties, 382 S. Cleveland Ave., #1, Hagerstown, Maryland 21740. The Local Conversion District is for the purpose of converting the vacant structure on the northwest corner of West Howard Street and Maryland Avenue to a dwelling containing 3 residential units and 1 commercial unit as it was configured for occupation before losing its non-conforming status. The property at 202 Howard Street is considered a vacant mixed-use building and is currently zoned RMOD (Residential Moderate Density). The RMOD zoning district would only allow a 1-2 family dwelling on this property.

Below is an explanation of the purpose of the LCD overlay:

The purposes of this district are to stimulate the adaptive reuse of existing, nonresidential and mixed-use structures embedded within developed residential districts and communities, to maintain and increase the city's assessable tax base, and to expand business and employment opportunities. The LCD Overlay District allows for alternate forms of use and development for buildings and/or spaces that are part of or very close to residential uses in residential districts. Allowing such

uses to fit into existing commercial and mixed use structures re-establishes the historically mixed use nature of the City's 19th and early 20th Century residential communities.

The LCD Overlay provides an alternative development concept for underutilized structures while protecting the general health, safety, welfare, and aesthetics in the vicinity of the site through the commitment to an approved development concept plan. It is acknowledged that such uses will be outwardly commercial in nature and operation, but are reviewed individually to ensure the proposed use or uses and improvements are not an undue burden on the surrounding area.

No public input has been submitted for this case. The Planning Commission therefore recommends approval of the Local Conversion District Overlay at 202 Howard Street. Staff believes that the building was always used as a mixed-use building and that the reoccupation as was occupied previously with 1 commercial unit and 3 residential units will fit the character of the surrounding area. It is important to note that the application will expand the parking lot to assign 2 spaces per unit.

Ms. Flick entered the following into the record:

1. Exhibit A – Certificate of Advertisement
2. Planning File by Reference

There was no testimony presented, either in favor of or against the Local Conversion District Overlay.

This portion of the hearing was closed at 7:25 p.m. The record will remain open for 10 days for additional comments.

Councilmember McIntire returned to the meeting.

MINUTES

On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember A. Heffernan, the minutes from May 5, 2020, May 12, 2020, May 19, 2020, May 26, 2020, and May 29, 2020 were unanimously approved as presented.

CONSENT AGENDA

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

- A. Fire Department:
 1. Turnout Gear – Witmer Public Safety Group (Williamsport, MD)
\$ 24,356.00
- B. Department of Information & Technology:
 1. Annual MUNIS Support and Maintenance Agreement – Tyler

- Technologies (Dallas, TX) \$ 246,006.84
2. Hosting and Software Support Agreement – Intellitime Systems Corporation (Santa Ana, CA) \$ 52,852.98
- C. Department of Parks and Engineering:
1. LED Retrofit Module for Neighborhood Lights – Traffic Systems and Technology (Manassas, VA) \$ 13,800.00
 2. LED Type III, 3000K, Post Top Fixtures for University Plaza – Signify North America (Somerset, NJ) \$ 18,640.00
 3. Pavement Preservation – Craig Paving, Inc. (Hagerstown, MD) NTE \$ 815,564.50
 4. Pavement Markings – Midlantic Marking, Inc. (Gaithersburg, MD) \$ 100,000.00
 5. Final Design & Construction Drawings for City Park Train Hub Locomotive Refurbishment and Pavilion Replacement – Proffitt & Associates Architects, PC (Frederick, MD) \$ 27,500.00
- D. Police Department:
1. Downtown Fiber Loop Phase 4 – FiberPlus (Jessup, MD) \$ 94,724.00
 2. Updated iRecord System – McEnroe Voice & Data (Hunt Valley, MD) \$ 24,856.29
- E. Utilities Department:
1. Light – Blanket Contract for Tree Trimming Services – All Reliable Services, Inc. (Saint Augustine, FL) \$ 293,800.00
 2. Light – Blanket Order to Provide Services for Distribution Transformer, Substation Class Voltage Regulator, and Switchgear Repair and Refurbishment – Southeastern Transformer Co. (Dunn, NC) \$ 60,000.00
 3. Light – Blanket Contract for Substation Testing and Maintenance Services – TRC Companies (Lancaster, PA) \$ 110,000.00
 4. Light – Blanket Contract to Provide Linework Services as-needed – Everhart & Hoover Power Line Construction, Inc. (Hustontown, PA) \$ 150,000.00
 5. Light – Distribution Transformers of Various Types, Voltages, and Sizes – National Transformer Sales (Raleigh, NC) \$ 120,000.00
 6. Water – Emergency Jack and Bore under Norfolk-Southern Railroad – Snyder Environmental Services (Kearneysville, WV) \$ 92,343.76
 7. Water and Wastewater Rate Study Update – Municipal & Financial Group (Annapolis, MD) \$ 16,040.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: To Establish a Deed of Easement for 9238 Sharpsburg Pike – Public Safety Training Center

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 ordinance for a deed of easement between the Board of County Commissioners of Washington County Maryland to grant and convey a perpetual and permanent easement for the water service at 9238 Sharpsburg Pike as described in the ordinance and supporting documents.

B. Approval of an Ordinance: City of Hagerstown Comprehensive Rezoning, Case No. ZM-2019-01

Action: Councilmember S. McIntire made a motion to approve an ordinance for a Zoning Reclassification and Zoning Map amendments, Case No. ZM-2019-01, to rezone those areas which are associated with the Comprehensive Rezoning, based on the 2018 Comprehensive Plan. A chart and map are attached to and made part of this ordinance. Councilmember A. Heffernan seconded the motion.

Motion carried 4-1 with Councilmember K. B. Aleshire voting No.

NEW BUSINESS

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

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 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 a Resolution: Establishing a Hagerstown Youth Advisory Council Partner Group Ad-Hoc Committee

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 establishing a Hagerstown Youth Advisory Council Partner Group ad-hoc committee.

The goal of the Partner Group is to assist with the review of applications and serve as mentors and advisors to the Hagerstown Youth Advisory Council throughout the program year.

C. Approval of a Resolution: To Set the Annual Rate per Stormwater Billing Fee Unit for the Stormwater Utility Fee for Calendar Years 2021, 2022, and 2023

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember A. Heffernan, the Mayor and City Council unanimously agreed by voice vote to approve a resolution to establish the annual rate of the Stormwater Utility Fee for calendar years 2021, 2022, and 2023. The annual rate shall be \$ 32 per 1000 square feet of impervious surface for calendar year 2021, effective January 1, 2021. The annual rate shall be \$34 per 1000 square feet of impervious surface for calendar year 2022, effective January 1, 2022. The annual rate shall be \$36 per 1000 square feet of impervious surface for calendar year 2023, effective January 1, 2023.

D. Approval of a Resolution to (1) Rescind “Curb and Sidewalk Improvement Program – Notices to Construct or Replace” to Property Owners Issued on or After April 9, 2019; (2) Reimburse Property Owners who have incurred Costs to Construct or Replace Sidewalks and/or Curbs after Receiving Notices to do so from City; and (3) to Forgive Loans made to Property Owners to Construct or Replace Sidewalks and/or Curbs after Receiving Notice to do so from City

Action: On a motion duly made by Councilmember A. Heffernan and seconded by Councilmember E. Keller, the Mayor and City Council unanimously agreed by voice vote, in light of the passage of the amendment to Code of the City of Hagerstown Chapter 216, Article II Sidewalks and Curbs, for the approval of a Resolution to (1) rescind “Curb and Sidewalk Improvement Program – Notices to Construct or Replace” to property owners on or after April 9, 2019; (2) to reimburse property owners who have incurred costs (for the period from April 9, 2019 – present) to construct or replace sidewalks and/or curbs after receiving notice to do so from the City; and (3) to forgive loans made to property owners to construct or replace sidewalks and/or curbs after receiving notice to do so from the City (for the period from October 1, 2017 – present).

Discussion: Rodney Tissue, City Engineer, noted reimbursement will occur after January 1, 2021.

E. Approval of a Policy: Curb and Sidewalk Replacement Program

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 a policy entitled Curb and Sidewalk Replacement Program. This policy will provide guidance to staff for evaluating and prioritizing curb and sidewalk repairs to be completed by the City of Hagerstown as required by Code Chapter 216.

Discussion: Mayor Bruchey stated there is finally a curb and sidewalk replacement program that is not the responsibility of the citizens.

F. Approval of a Policy: Stormwater Protection Program – Credit & Incentive Manual

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 Credit and Incentive Manual for the new Stormwater Protection Program that provides criteria to enable property owners to reduce their stormwater utility charges and partner with the City to install stormwater facilities on their property. By statute, a means of providing credits is required with the implementation of a Stormwater Utility Fee.

G. Approval of a Resolution: FY 2021-2025 Five Year Consolidated Plan, the FY 2020/2021 Annual Action Plan, and the 2020 Analysis of Impediments to Fair Housing Choice

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve a resolution approving the FY 2021-2025 Five Year Consolidated Plan, the FY 2020/2021 Annual Action Plan, and the 2020 Analysis of Impediments to Fair Housing Choice for the Community Development Block Grant program, authorizing the Mayor to file an application for financial assistance with the U.S. Department of Housing and Urban Development in the amount of \$ 803,803 for the Community Development Block Grant program, and further authorizing the Mayor to execute all other documents relating to the City's Community Development Block Grant program for FY 2020/2021.

H. Approval of a Resolution: Second Addendum to Purchase Agreement for Sale of 36-40 N. Potomac 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 approve a resolution authorizing a second 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 second addendum will extend the buyer's economic feasibility study period deadline from July 10, 2020 to September 10, 2020. All other terms and conditions of the purchase agreement will remain the same.

I. Approval of Updates to the Community Development Block Grant Citizen Participation Plan

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 of required updates to the Community Development Block Grant (CDBG) Citizen Participation Plan. The updates to the plan align with CDBG citizen participation requirements and will ensure ongoing compliance with federal regulations.

J. Approval to Add 14 N. Potomac Street to the City’s Competitive Negotiated Sale (CNS) Process

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember A. Heffernan, the Mayor and City Council unanimously agreed by voice vote to approve the addition of 14 N. Potomac Street to the City’s Competitive Negotiated Sale (CNS) Process, with the goal of transferring the property to the private sector and returning the property to the tax rolls. The property will be added to CNS with a list price of \$ 2,458,000 based on a recently conducted appraisal. Purchase proposals will need to accommodate existing City offices located in the building and will be evaluated based on both offer price and how the future use of the property will contribute to the vitality of downtown.

K. Approval of On-Call Electrical Maintenance Services Contract: 07/01/2020-06/30/2021

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 authorize and approve the renewal of the On-Call Electrical Maintenance Contact for the contract term of July 1, 2020-June 30, 2021. This is year two of five optional one-year renewals. MEC Inc.’s pricing is as follows:

Regular Hourly Rate 8:00 a.m. to 4:30 p.m. (M-F)	\$ 55.00/hr
After Hours Rate (M-F)	\$ 82.50/hr
Weekend Rate	\$ 82.50/hr
Holiday Rate	\$110.00/hr
Material Mark-Up on Supplies	10%

L. Approval of HVAC Service and Maintenance Agreement Contract: 07/01/2020-06/30/2021

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember E. Keller, the Mayor and City Council unanimously agreed to authorize and approve the renewal of the HVAC Service and Maintenance Agreement for the contract term of July 1, 2020 – June 30, 2021. This is year two of three optional one-year renewals. M. S. Johnston Company Inc’s FY21 annual amount is \$ 36,584.00 with a departmental breakdown below:

Light Department	\$	1,880.00
Parks Department	\$	6,582.00
Public Works	\$	14,312.00
Wastewater Department	\$	8,000.00
Water Department	\$	4,240.00
Fire Department	\$	<u>1,570.00</u>
Grand Total	\$	36,584.00

M. Approval of FY20 General Fund Transfers to CIP for Approved HUR Projects

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 the transfer amount necessary to cover the FY20 year to date spends for the C0025 Pavement Preservation Program. This project was originally approved with 100% funding source of Highway User Revenue (HUR). Due to the pandemic, the State of Maryland has issued a notification that the FY20 funding is being reduced.

N. Approval of Request for Water Under City's Water and Wastewater Policy: 2005 Greencastle Pike LLC

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 the request from 2005 Greencastle Pike LLC for water services for a land parcel in the area of Maryland Route 63 and Business Parkway which is located beyond the Hagerstown Medium Range Growth Area for the proposed new development of two industrial flex buildings. The property is designated as Parcel 827 on Tax Map 48.

Approval is granted for this property outside the City's Medium Range Growth Area under Exception #6 of the City's Water and Wastewater Policy. The approval is only for the specific project presented per the attached request. The approval requires a pre-annexation agreement with the City of Hagerstown. An exception granted pursuant the City's Water and Wastewater Policy is void if the following has not occurred within 18 months of the approval by the Mayor and City Council: 1) site plan approval by Washington County; 2) building permit filed with Washington County; and 3) all City water fees paid. Any request for a variance or extension of the 18 month time limit must be submitted for consideration by the Mayor and City Council at least 60 days prior to the expiration date and is subject to approval by the Mayor and City Council.

Discussion: Councilmember Aleshire hopes the County Commissioners recognize the City is acting in good faith to extend the water service beyond the MRGA.

**O. Approval of Request for Water Under City's Water and Wastewater Policy:
Heritage Huyett LLC**

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember A. Heffernan, the Mayor and City Council unanimously agreed by voice vote to approve the request from Heritage Huyett LLC for water services for land parcels in the area of Maryland Route 63 and Maryland Route 40 which are located beyond the Hagerstown Medium-Range Growth Area for a proposed new warehouse distribution center project. The property is designated as Parcels 393, 561, 91, and 568 on Tax Map 36.

Approval is granted for this property outside the City's Medium Range Growth Area under Exception #6 of the City's Water and Wastewater Policy. The approval is only for the specific project presented per the attached request. The approval requires a pre-annexation agreement with the City of Hagerstown. An exception granted pursuant to the City's Water and Wastewater Policy is void if the following has not occurred within 18 months of the approval by the Mayor and City Council: 1) site plan approval by Washington County; 2) building permit filed with Washington County; and 3) all City water fees paid. Any request for a variance or extension of the 18 month time limit must be submitted for consideration by the mayor and City Council at least 60 days prior to the expiration date and is subject to approval by the Mayor and City Council.

**P. Approval of FY20 Non-Payment for 911 Funding to Washington County
Government**

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 direct staff to not pay Washington County \$ 405,630 for FY20 funding of the 911 Center and wages. Staff is directed to only pay FY20 when a signed agreement and resolution can be reached.

Discussion: Mayor Bruchey stated he and Mr. Nicewarner discussed this issue earlier today and realized that only 2 of the 11 transferred City employees are still at the 911 Center.

Councilmember Keller noted this issue is about more than the 911 Center payment. Fair funding to the City's citizens for fire and EMS services also needs to be discussed.

Councilmember Aleshire understands this issue was being discussed between City and County staff and was derailed by a County staffing

change and the COVID pandemic. He wondered why a vote to not pay, rather than just not paying the invoice, is needed.

Mayor Bruchey stated the payment is due by June 30, 2020. Voting to not pay the invoice may cause discussions to resume.

Mr. Nicewarner stated he reached out to the Interim County Administrator to schedule a meeting. He is waiting on a response.

Q. Approval of Acceptance of Coronavirus Response Initiative Grant

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 and accept the Coronavirus Response Initiative Grant in the amount of \$ 60,473.00.

This grant will provide funding to prevent, prepare for, and respond to the coronavirus.

CITY ADMINISTRATOR COMMENTS

Scott Nicewarner, City Administrator, announced that City offices will be closed on Friday, July 3, 2020 in recognition of the 4th of July holiday. He is looking forward to having in person meetings beginning July 7, 2020.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember S. McIntire was glad to see 75% of the outdoor dining space at Salsa Mama's filled this evening. This is encouraging. She is encouraged by Chief Paul "Joey" Kifer's and the Hagerstown Police Department's sincere interest in racism and how it affects Hagerstown. She knows there are practices being reviewed and training and discussions are being scheduled.

Councilmember A. Heffernan had no additional comments.

Councilmember L. C. Metzner had no additional comments.

Councilmember K. B. Aleshire is also looking forward to meeting in person. He believes it is more productive to discuss issues and concerns face to face rather than in a virtual/remote format.

Councilmember E. Keller has received positive feedback on the one evening closure of South Potomac Street for additional outdoor dining space. She suggested scheduling another closure. She thanked City staff for everything they have done and are doing to continue to provide services to citizens. Fire department and police department employees often have to go into people's houses during this time and she appreciates that they do.

Mayor R. E. Bruchey, II wished everyone a happy 4th of July. He encouraged people to celebrate with their families and to stay safe.

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 7:56 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: July 28, 2020