

WASHINGTON COUNTY PRE-LEGISLATIVE FORUM

Members of the Mayor and City Council met with members of the Washington County Delegation at 10:47 a.m. on Tuesday, November 10, 2020, at Hagerstown Community College, Career Programs Building, 11400 Robinwood Drive, Hagerstown, Maryland.

The following people were in attendance: Councilmember Emily Keller, Councilmember Kristin B. Aleshire, Councilmember Shelley McIntire, Councilmember Austin Heffernan, Scott Nicewarner, City Administrator, Jill Thompson, Director of Community and Economic Development, Senator Paul Corderman, Delegate William Wivell, Delegate Brenda Thiam, Delegate Michael McKay, Delegate George Edwards, Delegate Neil Parrot, and Donna K. Spickler, City Clerk.

The following topics were discussed with the Delegation:

1. Scott Nicewarner stated the key issues for the City of Hagerstown in 2021 are:
  - a. Estimated \$ 1.8 to \$ 2.0 million deficit due to the pandemic
  - b. Fair funding of public safety and tax differential
  - c. Concerns about restrictive and due diligence issues with pending police reform legislation
  - d. Encouraging to see increased interest in Economic Development
  - e. Momentum with the Council of diversity and inclusion
  - f. Blight in Hagerstown – need more flexibility for the City to take ownership of these properties
2. Councilmember Aleshire stated the next administration will be seeking partnerships between elected bodies on the following:
  - a. Jonathan Street community – The City of Hagerstown has a vested interest in seeing this community thrive
  - b. Tax Differential – the City is one of three municipalities to provide paid fire service
  - c. Stadium-Event Center – looking for a partnership similar to the Urban Improvement Project
3. Councilmember Keller stated the new administration will be setting goals that will include the following:
  - a. Addressing blight
  - b. Stadium/Event Center – partnering with the community and other elected officials to determine Hagerstown’s next big project
  - c. Overdoses continue to increase – Washington County now has the 5<sup>th</sup> highest rate of overdoses in Maryland

4. Councilmember McIntire agrees that partnerships will be especially important. Addiction and homelessness needs to be addressed.
5. Councilmember Heffernan stated the following items are important:
  - a. Encourage economic development
  - b. Legislation to prevent drug houses from being rented out to future tenants before being cleared of residual fentanyl and other drugs
  - c. Determining if the State has right-of-way ownership needed to complete the Civil War Trail, which will improve the economy and increase property values

Delegate McKay asked if Hagerstown has a landbank program. Mr. Nicewarner indicated not at this time but it has been reviewed. Delegate McKay indicated this has had some success in Cumberland. He serves on a committee to end homelessness and one of the ideas is to repurpose large office buildings and big box stores as residences for homeless people.

Senator Corderman thanked the group for attending this meeting. He and Delegate Thiam will be available to work in partnership with the Mayor and City Council.

Delegate Thiam asked what partnerships have been considered. Councilmember Aleshire noted there have been a few but none have come to fruition. The reality is there is a budget shortfall and balancing priorities and projects that are for the greater good of the community is challenging.

Delegate Parrot asked if the tax differential rate is state law. Mr. Nicewarner stated each county determines its own rate and process. In Washington County, the municipalities do not all provide the same services but they receive the same differential.

Delegate McKay reminded the group to keep in mind mutual aid agreements. The City may need volunteer fire fighters to help with large incidents. He noted it may take a lawsuit and a judge's decision, as happened in Cumberland, to resolve the current way of calculations.

The joint meeting was adjourned at 11:15 a.m.

#### WORK SESSION – November 10, 2020

Mayor R. E. Bruchey, II called this Work Session of the Mayor and City Council to order at 4:03 p.m., Tuesday, November 10, 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.

Proclamation – Municipal Government Works Month

Mayor Bruchey read a proclamation recognizing November, 2020 as Municipal Government Works Month in Hagerstown, Maryland. Scott Nicewarner, City Administrator, accepted the proclamation. He thanked all municipal staff. It has been a difficult year and looks like it will continue. He especially thanked staff who worked through the pandemic and still provided 100% of City services to citizens.

Mayor Bruchey stated it is an honor and privilege to have served as Hagerstown's Mayor for nearly 15 years. City employees are second to none in the country and the world and he thanked all employees.

Events: Street Banner Permission – Maryland Theatre's Donut Drive-By Event and Noise Ordinance Exemption – Mulberry Lofts Jingle Mingle

Kitty Clark, Community Events Coordinator, was present to discuss two upcoming events – Maryland Theatre Donut Drive-By Event and the Mulberry Lofts Jingle Mingle. Representatives for both events were also present.

The Maryland Theatre has requested permission to place a temporary banner above South Potomac Street near the intersection of Antietam Street on Thursday, December 31, 2020. Per Section 216-17 of the City Code, banners within the right-of-way of the City must be approved by the Mayor and Council.

Jessica Green, Maryland Theatre Executive Director, stated the banners will showcase sponsors of the event and the wording will be "Donut look back – honk to say goodbye to 2020" or something similar.

This is a replacement event for the annual Donut Drop. Donuts and coffee will be given away between 7:00 a.m. and 10:00 a.m. on New Year's Eve day, via the right lane of South Potomac Street. Event organizers have met with the City's logistics committee to review auxiliary police needs, the banner, traffic signage, and traffic flow.

Jingle Mingle is an outdoor holiday marketplace taking place in the parking lot of Mulberry Lofts on December 12 and 13, 2020. This event is an initiative of Charlie & Sam's Bakeshop and River Bottom Roasters. Marilisse Gonzalez, Patriot Eagle Services is the event organizer and she stated plans include a DJ playing amplified music throughout the event, from 9:00 a.m. to 4:00 p.m. each day. As planned, the event will require an exemption by the Mayor and City Council from Chapter 155-Noise, of the City Code.

It was the general consensus to approve both these exemptions/variances and to include formal approval on the November 17, 2020 Regular Session agenda.

Mayor Bruchey announced that Citizen Comments for the November 17, 2020 Regular Session will be welcome either in person, or by submitting comments by email to [councilcomments@hagerstownmd.org](mailto:councilcomments@hagerstownmd.org). If by email, the submitters name, address, and a summary of the comments will be announced by the City Clerk. The email will not be read in its entirety but it will be included in the public record for the meeting and may be viewed by the public at any time.

### **Consent Agenda**

#### **A. Fire Department:**

1. Annual Uniform Purchase – BJ’s Custom Creations (Hagerstown, MD)  
Estimated Cost \$ 35,000.00
2. Triple Combination Attack Pumper – 4 Guys Stainless Tank and Equipment (Meyersdale, PA) \$ 573,259.00

#### **B. Information Technology:**

1. Tyler PACE-15 Training Package – Tyler Technologies (Dallas, TX)  
\$ 11,775.00
2. Barracuda Essentials Security Software Renewal – System Source (Hunt Valley, MD) \$ 12,986.00

#### **C. Department of Parks and Engineering:**

1. Mitchell Avenue at Railroad Overpass Traffic Signal – Milton Stamper Builders (Hagerstown, MD) Not to Exceed \$ 199,754.00
2. Deck Replacement Hamilton Run Box Culvert – Jefferson Boulevard – Concrete General, Inc. (Gaithersburg, MD) \$ 94,800.00

#### **D. Utilities:**

1. Wastewater: Sludge Holding Tank Cleaning Services – Synagro (Baltimore, MD) \$ 25,857.00

This completed the Preliminary Agenda Review. There were no questions about any items. All items, unless noted, are scheduled for approval on November 17, 2020.

### **Lobbyist Services for Maryland Renewable Portfolio Standard – Cap for Solar Requirements**

Nathan Fridinger, Electric Operations Manager, and Nancy Hausrath, Director of Utilities, were present to discuss lobbyist services for Maryland Renewable Portfolio Standard Cap for Solar Requirements.

The 2019 Maryland’s Clean Energy Jobs Act increased the Renewable Portfolio Standard requirements for the State to reach a renewable energy source requirement of 50% by 2030. Additionally, the requirements for solar energy sources increased from 2.5% to 6% for 2020 and are on a path to increase annually until they reach 14.5% by

2028 and beyond. All Electric Utility Companies in Maryland must meet this requirement with the exception of Cooperative Electric Utilities, which are provided a 2.5% cap on their solar requirements.

The five Municipal Electric Utilities in Maryland are collectively seeking assistance in the Maryland legislature to provide a cap on the required percentage for solar renewables while meeting the State's renewable energy resource goal of 50% by 2030. The Town of Easton acquired lobbyist services from Old Line Government Affairs to assist all five Municipal Electric Companies through the general assembly. Easton generously offered to be 100% responsible for the service fees totaling \$ 45,000, however, staff recommends assisting with these charges. Using a load sharing method, HLD contributed 44.5% of the total combined megawatt-hours purchased in 2019, which equates to a \$ 20,014 share.

HLD purchases energy through a full requirements wholesale power contract and adhering to the requirements of the Renewable Energy Portfolio Standard (RPS) is a function of the wholesale power suppliers. There is a true-up built into the contract beginning June 1, 2022 that will adjust the RPS component of the wholesale power rate for renewable energy resources which will then be calculated through the Purchase Power Cost Adjustment and reflected on customers' electric bills.

To compare, the 2022 energy market projects the unit cost for Tier 1 renewable resources in Maryland to be approximately \$ 11.13 per REC (renewable energy credit) where a solar REC, or SREC, has a market rate of \$ 56.59. Assuming energy purchases are roughly 330,000 MWh, meeting the State requirements of 24.6% Tier 1 and 8.5% Solar, the total cost burden would equate to \$ 2,409,882.90. Should the municipalities be provided a 2.5% cap, similar to the Cooperatives, a savings of \$ 900,108 would be realized.

Approval of the City's portion of the lobbyist fees will be included on the November 17, 2020 Regular Session.

#### Request to Fill Three Firefighter Positions and One Position Over Complement

Fire Chief Steve Lohr was present to discuss existing vacant firefighter positions. Staff recommends that in addition to the three firefighter roster vacancies presently funded in the FY20-21 budget, a fourth position be approved and hired to backfill the retirement of Fire Marshal Doug DeHaven who has announced his last day as December 31, 2020. This allows all four positions to begin daywork joint training classes on January 4, 2021. Approval of this request will ensure that four personnel will be available to be moved to shiftwork, minimum staffing positions in approximately 8-10 weeks.

These roster vacancies coupled with the unplanned impacts of COVID-19, and relaxed sick and safe leave practices mandated by law have imposed unusual hardships to maintain minimum staffing levels in the HFD without excessive overtime usage. In addition, and as has been previously reported, the availability of previously trained and

certified candidates is significantly reduced due to the hiring by similar agencies in the surrounding area.

This fall, staff has completed an eligibility list designed to last two years. Given the eminent hiring of 33 firefighters by Washington County on or before March 15, 2021, the urgency of this request is self-evident. In order to be timely in our efforts and to ensure that we hire the best available personnel, we would like to extend job offers immediately for four candidates.

HFD is aware that several senior people are considering positions with Washington County while at least one other existing employee is expected to accept a conditional job offer from Howard County in the coming weeks. These projections do not include vacancies that may occur if HFD personnel compete for vacancies created by recent resignations of key managers at the Washington County Department of Emergency Services (WCDES).

Chief Lohr asked that the Mayor and Council treat this request as a time-sensitive, high priority request with the earliest possible approval.

It was the general consensus to support the request to overfill one position and to fill three firefighter positions as requested. Formal approval is scheduled for November 17, 2020.

#### Proposed "Holiday Cheer" Grant Program

Kaitlin Bell, Economic Development Specialist, Kitty Clark, Community Events Coordinator, and Rachel Poffenberger, Economic Development Program Assistant, were present to introduce drafted applications, guidelines, and requirements for a proposed "Holiday Cheer" grant.

Parks and Recreation approached DCED staff with a question regarding the Downtown business owners' ability/interest to participate in a "Holiday Lights Driving Tour". Acknowledging that the COVID-19 pandemic has affected all business owners in a variety of different ways, staff could not guarantee that there would be a large amount of participation due to a lack of extra funds this year/season. With this intriguing idea of creating a socially distanced and safe way of indulging in holiday fun, and the cancellation of the Christkindl Markt and other Main Street events, DCED drafted an idea that would benefit and support businesses and economic development. DCED proposes creating and administering a grant fund that would provide funds to Main Street district located business owners who would like to participate in lighting up the city with holiday cheer.

One of the goals of this proposed program is to provide Hagerstown business owners with a stress free and exciting opportunity to decorate their shops and invite patrons in for a meal, a purchase, and closer look. Additionally, a goal is to provide the community an opportunity to safely engage in a holiday event and encourage patrons to walk the streets

or drive around to view the creatively decorated storefronts. Voting for the best decorated storefront will be a virtual activity that many people can participate in whether they walk, drive by, or view the storefront photos on social media. Not only does this program grow the business's confidence in the City's support, but it bolsters economic and community development during a year of unprecedented events.

DCED proposes grant applications be solicited from for-profit and non-profit businesses in the Main Street District until November 25, 2020 at 12:00 p.m. The grants will be used by businesses in the district to aid in increased foot traffic, community engagement, economic development, and of course holiday cheer. Businesses and/or property owners could apply for up to \$ 300 in funding, while consideration of funding up to \$ 900 for multi-tenant buildings would be evaluated on a case by case basis with submittal of a detailed proposal from the property owner.

Businesses are also encouraged to correlate their holiday decorating efforts in with local events such as the Downtown City Center Tree Lighting on November 23, 2020 and an ongoing Holiday Lights Driving/Walking Tour from November 25, 2020 to December 31, 2020.

Grant awards are proposed to be first come first serve. Program is proposed to be subject to availability and grants will be awarded up to the total funds available.

Eligible uses are to purchase holiday decorations or services that can be seen and/or heard from the street when patrons walk by, or seen from the road via a vehicle. Indoor décor that cannot be seen/heard within 4 feet of walking by the building will not be eligible. All indoor and outdoor decorations must be permitted and in compliance with lease terms provided by the landlord/building owner and in good standing with City Code.

In order to service grant reimbursements for purchase, applicants must receive an approval via email and have receipts turned in by December 21, 2020. The budget for this program would be up to \$ 17,000 from the General Fund Main Street Program line item. This would leave approximately \$ 4,500 in the line item for additional Main Street activities through June 20, 2021.

Councilmember McIntire admires staff's creativity to think in a different direction with holiday recognitions this years. She suggested getting the Hagerstown Youth Advisory Council (HYAC) involved and use their expertise with social media.

It was the general consensus to move forward with this holiday decorating program.

#### 36-40 N. Potomac Street – Strategy for Filling Current and Future Vacancies

Jonathan Kerns, Community Development Manager, was present to discuss a strategy for filling current and future vacancies at 36-40 N. Potomac Street.

The 36-40 North Potomac Street mixed-use property contains two commercial units on the first floor and four residential artist live/work apartments on the upper floors. Three of the four residential apartments are currently occupied by tenants selected through the Artist Lofts application process. One first floor commercial space is occupied by Hana Thai Restaurant and the second commercial space has been programmed by the City Department of Community and Economic Development as the Engine Room Art Space. The gallery has held rotating art exhibits by both the resident artists and other community artists. The Engine Room Art Space was closed during the pandemic and has not reopened.

This property was recently subject to a purchase agreement contract and planned sale but the buyer, 339 Antietam LLC, opted out of the purchase due to financial feasibility concerns related to the COVID-19 pandemic. With the property now back in the Competitive Negotiated Sale program, staff are proposing a new property management strategy for current and future vacancies.

Existing lease agreements for resident artists include a monthly rent of \$ 500.00 for the 2<sup>nd</sup> floor efficiency units (approximately 800 square feet) and \$ 450.00 for the 3<sup>rd</sup> floor efficiency units (approximately 600 square feet). Resident artists are required to provide 5 volunteer hours weekly to staff the gallery space when open. Staff recommend no changes to the payment terms of the existing resident leases.

For current and future residential vacancies, staff recommend seeking tenants at market rate rents. Tenants would be selected with standard leasing procedures through an application process and not through an artist qualification process. Based on research of rent rates for comparable apartments, the approximate market rate rent range for the 2<sup>nd</sup> and 3<sup>rd</sup> floor efficiency units would be \$ 650 to \$ 725 per month.

Staff also recommend exploring possible commercial tenant options for the current art gallery space. This space is approximately 1,500 square feet and if a new commercial occupant is sought, the space could also be rented at a market rate. The current art gallery use is a City program function and it does not generate rent revenue for the property. If the Mayor and City Council direct staff to seek a new tenant for the commercial space and art gallery operations eventually cease, residential artist tenants would no longer be obligated to provide volunteer hours to staff the gallery.

In 2011, the City acquired the property located at 36-40 N. Potomac Street for the creation of Artist Housing. The majority of the property had been vacant for an extended period of time and the existing residential units were substandard. Under City ownership, major renovations commenced in 2012 and were completed in late 2013. The renovations transformed the upper floors into fully renovated artist live/work spaces and the vacant retail space into a cooperative art gallery. Since 2014, the property has housed a total of 13 artists and the gallery has hosted various art exhibits. The majority of the project was funded via Community Development Block Grant (CDBG) funds.

Councilmember Heffernan asked if the artist program dwindled. Mr. Kerns stated the closing of the gallery eliminated the volunteer part of the rental agreement. Most of the apartments were completed to student housing standards.

Councilmember Aleshire did not anticipate the current commercial use would generate the foot traffic that was anticipated. He thought it was to encourage individuals who would not normally consider downtown and do so with the vision they would become engaged in downtown. He anticipates that another offer to purchase the building will be made within 6 months. He doesn't think it makes sense to increase the rent at this time. The apartments should encourage the type of renters that the City wants downtown to provide a spirit of good tenancy. He agrees something more actively engaging has to be located in the former gallery.

Councilmember Keller and Councilmember McIntire agreed.

Mr. Kerns summarized that artist occupancy will continue on the upper floors and staff will begin marketing the gallery space.

#### CDBG Amendment for Capital Improvement Project Funding Transfers

Jonathan Kerns, Community Development Manager, and Rodney Tissue, City Engineer, were present to discuss an amendment to the Community Development Block Grant (CDBG) Action Plan. The amendment is required for reallocation of CDBG funding for in-progress and upcoming CDBG funded capital improvement projects. The proposed amendment will reallocate additional CDBG funding to two planned projects: Handicap Accessibility Ramps and Mitchell Avenue Signal/Underpass Improvements.

The Mitchell Avenue Signal/Underpass Improvement project is a FY20 CIP with a previously approved CDBG allocation of \$ 150,000. The Handicap Accessibility Ramp project is a FY21 CIP with a previously approved CDBG allocation of \$ 100,000. Utilizing \$ 50,000 of available CDBG CIP funding, proposed reallocations would be as follows:

1. Mitchell Avenue Signal Project – CDBG Funding increased from \$ 150,000 to \$ 180,000. This increase is necessary due to project costs being higher than anticipated. Sealed bidding was completed in October and the additional \$ 30,000 in CDBG funding will be needed to complete the project.
2. Handicap Accessibility Ramps Project – CDBG Funding increased from \$ 100,000 to \$ 120,000. The additional \$ 20,000 in CDBG funding allows \$ 20,000 of State Highway User Revenue funding originally budgeted for this project to be reallocated for alley reconstruction (HUR funding transfer already approved by Mayor and City Council).

The Handicap Accessibility Ramps project is currently in progress and completion for the contract is expected in the coming weeks (final payment estimate has been processed

and would result in total contract amount of \$ 120,700). The Mitchell Avenue Signal/Underpass project contract is scheduled for the November 17, 2020 Regular Session approval and is expected to break ground in late 2020.

The available \$ 50,000 of CDBG funding is to be sourced from the City Park Asphalt Paths Paving capital improvement project. This project was originally approved to use \$ 50,000 of CDBG funding and contract approval occurred in April of this year. After contract approval, staff discovered a CDBG eligibility concern requiring the City Park Path Paving project to use non-CDBG funding sources. The eligibility concern was related the CDBG Environmental Review process requirements and timing of the project's sealed bid.

Amending the CDBG Action Plan involves routine processes typically handled by staff and this includes a public notice and 30 day citizen comment period. The amendment for this current case will also require Mayor and City Council approval since the City Park Path Paving project is removed from the CDBG Action Plan and now funded with non-CDBG funds.

It should be noted the initial public notice for the planned reallocation amendment reflected a reallocation of all \$50,000 of CDBG funds from the City Park Paths Paving project to the Handicap Accessibility Ramp project. After the public notice was advertised in mid-October, the Mitchell Avenue Signal/Underpass Project bid opening occurred and the Engineering Department's CDBG funding priority shifted from the Accessibility Ramps project to the Mitchell Avenue Signal project. Based on the City's CDBG Citizen Participation Plan requirements, the Mayor and City Council are authorized to approve the amendment as advertised and subsequently approve the final funding amounts of \$ 180,000 for Mitchell Avenue Signal project and \$ 120,000 for the Handicap Accessibility Ramps project.

It was the general consensus to support reallocation of the CDBG funds as discussed.

### **CITY ADMINISTRATOR'S COMMENTS**

*Scott A. Nicewarner, City Administrator*, reminded everyone tomorrow, November 11, 2020, is Veteran's Day. City Hall will be closed in observance of Veteran's Day. He encouraged people to pay honor to all veterans who have allowed us to be here as we are. There is no change in the trash collection schedule. The swearing in ceremony will take place on Monday, November 23, 2020. Governor Hogan is holding a press conference later today. His directives may impact the location of the ceremony.

### **MAYOR AND COUNCIL COMMENTS**

*Councilmember K. B. Aleshire* had no additional comments.

*Councilmember A. Heffernan* had no additional comments.

WORK SESSION  
2020

NOVEMBER 10,

MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

*Councilmember E. Keller* had no additional comments.

*Councilmember L. C. Metzner* noted a Women's March was held in Washington, DC in 2017. At that time there was a call to elevate women and a call for women to run for local offices. He pointed out a woman has been elected as Mayor, three women were elected as Councilmembers, and a woman is representing Hagerstown in Annapolis. Three of these women are of color. He stated this is a proud day for Hagerstown.

*Councilmember S. McIntire* had no additional comments.

*Mayor R. E. Bruchey, II* had no additional comments.

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 4:43 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: December 15, 2020