

SPECIAL SESSION (6<sup>TH</sup> VOTING SESSION)  
EXECUTIVE SESSION AND WORK SESSION  
2021  
MAYOR AND CITY COUNCIL

MARCH 16,  
HAGERSTOWN, MARYLAND

SPECIAL SESSION (6<sup>TH</sup> VOTING SESSION), EXECUTIVE SESSION AND WORK  
SESSION – MARCH 16, 2021

EXECUTIVE SESSION – March 16, 2021

On a motion duly made by Councilmember S. McIntire and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote to meet in closed session to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, #1 (Section 3-305(b)), to consult with counsel to obtain legal advice, #7 (Section 3-305(b)), and 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, March 16, 2021 at 3:01 p.m. in the Council Chamber, 2<sup>nd</sup> floor, City Hall, Hagerstown, Maryland.

The following people were in attendance: Mayor E. Keller, Councilmember K. B. Aleshire, Councilmember R. E. Bruchey, II, Councilmember T. Burnett, Councilmember T. Martinez, Councilmember S. McIntire, City Administrator Scott Nicewarner, City Attorney Jason Morton, Nancy Hausrath, Director of Utilities, Jill Thompson, Director of Community and Economic Development, Wes Decker, Communications Manager, Kaitlin Bell, Economic Development Specialist, and Donna K. Spickler, City Clerk.

The meeting was held to discuss membership of the Board of Traffic and Parking, Board of Zoning Appeals, and Hagerstown Loan Review Authority, to obtain legal advice, and a business proposal. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 3:47 p.m.

SPECIAL SESSION (6<sup>TH</sup> VOTING SESSION) AND WORK SESSION – March 16,  
2021

Mayor E. Keller called this Special Session (6<sup>th</sup> Voting Session) and Work Session of the Mayor and City Council to order at 4:00 p.m., Tuesday, March 16, 2021 in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, R. E. Bruchey, II, T. Burnett, T. Martinez, and S. McIntire, City Administrator Scott A. Nicewarner, City Attorney Jennifer Keefer, and City Clerk D. K. Spickler.

SPECIAL SESSION (6<sup>TH</sup> VOTING SESSION) – March 16, 2021

On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously agreed to meet in Special Session at 4:00 p.m.

**Approval of Amendment to Community Development Block Grant (CDBG)  
Program Year 2019 Annual Action Plan for CDBG-CV Funding Allocations**

**Action:** On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote to amend the Program Year 2019 Community Development Block Grant Annual Action Plan in order to receive \$ 274,356 of CDBG-CV Cares Act funding and further authorizing the Mayor to execute all other documents relating to the City's CDBG-CV funding. This funding will be allocated for CDBG eligible Public Service activities that help to prevent, prepare for, and respond to the COVID-19 pandemic. Details of the CDBG-CV amendment and CDBG-CV allocations are as follows:

1. Public Service – Community Free Clinic Health/Mental Health Services - \$ 50,000
2. Public Service – Horizon Goodwill Whole Family Learning Program - \$ 85,260
3. Public Service – Horizon Goodwill Food Resources through Downtown Restaurant Partnership - \$ 36,648
4. Public Service – Washington County Commission on Aging Food Resources and Vaccine Coordination for Seniors - \$ 62,448
5. Public Service – YMCA of Hagerstown Inc. Childcare Program – \$ 40,000

**Approval of Invest Hagerstown: City Center Redevelopment Grant Application for 170 W. Washington Street**

**Action:** On a motion duly made by Councilmember S. McIntire and seconded by Councilmember R. E. Bruchey, II, the Mayor and City Council unanimously agreed by voice vote to approve an Invest Hagerstown City Center Redevelopment Grant application for the renovation project at 170 West Washington Street. The total project cost is \$ 1,100,000. The Invest Hagerstown Redevelopment Grant amount is \$ 250,000.

Staff are authorized to issue a Letter of Commitment in the amount of \$ 250,000. No funds will be dispersed until staff has verified that all work in the development plan is completed to the City's satisfaction and the total project cost expenditure requirements have been met. Funding for this grant will come from the Invest Hagerstown line item in the Fiscal Year 2021 Economic Redevelopment Fund with a project completion deadline of March 1, 2022.

The Special Session was closed at 4:03 p.m.

Preliminary Agenda Review

Mayor Keller announced that Citizen Comments for the March 23, 2021 Regular Session may be submitted by email to [councilcomments@hagerstownmd.org](mailto:councilcomments@hagerstownmd.org) prior to

5:00 p.m. that day. The submitters name, address, and a summary of the comments will be announced during the Citizen Comments portion of the meeting. 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. Department of Community and Economic Development:
  - 1. Open Container Law Exemptions – Juneteenth and Augustoberfest
  - 2. Street Closure Requests – USMH Spirit Run 5K and Thunder in the Square
  
- B. Finance:
  - 1. Financial Consulting Services – Davenport & Company, LLC (Towson, MD)
    - a. With Bond Issue - \$ 15,000.00
    - b. Other Services - \$ 150 - \$ 200 per hour
  
- C. Fire Department:
  - 1. Replacement of Personal Protective Equipment (turnout gear) – Witmer Public Safety Group (Williamsport, MD) \$ 29,856.00
  
- D. Parks and Engineering:
  - 1. 2022 and 2023 Pavement Preservation Program
  - 2. City Park Ornamental Fencing – Beitzell Fence Company (Gainsville, VA) \$ 60,750.00
  - 3.. Design/Build of Skatepark in Fairgrounds Park – Spohn Ranch Skateparks (Los Angeles, CA) \$ 555,000.00
  
- E. Planning and Code Administration:
  - 1. Abatement of Weeds, Brush, Rubbish, Debris at W. North Avenue Garages – Allegany Wrecking & Salvage (Maugansville, MD) \$ 15,250.00
  
- F. Police Department:
  - 1. Delinquent Citation Collections – February, 2021 – January, 2022 – Rekor (Columbia, MD) \$ 60,000.00
  - 2. Speed Camera Charges – February, 2021 – January, 2022 – Rekor (Columbia, MD) \$ 403,200.00
    - a. Red Light Camera Charges – January, 2021 – December, 2021 – American Traffic Solutions, Inc. (Mesa, ZA) \$ 165,000.00
  
- G. Public Works:
  - 1. Replacement of Fire Alarm System, Additional Fire Alarm Signals at City Hall – Somerset Fire Alarm and Security, LLC (Hagerstown, MD) \$ 15,283.00

2. Replacement of Three Gas Fired Heaters at Market House – M. S. Johnston Company (Hagerstown, MD) \$ 10,200.00

H. Utilities:

1. Light: Consulting Services – GDS Associates, Inc. (Marietta, GA) \$ 50,000.00
2. Wastewater: Improvements to Existing Pelletizer Infrastructure – Synagro – WWT, Inc. (Baltimore, MD) \$ 100,000.00

Mr. Nicewarner requested the addition of two items to the voting session on March 23, 2021. The first is the purchase of a 2021 Chevy Silverado for the Park Department. The bid was completed earlier today. The second is an additional action for the Plaza project. Staff received a proposed easement for the paper alley adjacent to the District Court building today. The Mayor and City Council agreed to add both items to the agenda for March 23, 2021.

This completed the Preliminary Agenda Review. There were no questions about any items. All items, unless noted, are scheduled for approval on March 23, 2021.

Skatepark Design/Build Contract

Rodney Tissue, Director of Parks and Engineering, was present with a status report on the Skatepark project. Members of the Skatepark Task Force were also present, including Philip Scolaro, Will Boyer, Cindy Burton, and Ryan McAllister.

As a follow-up to the Mayor and Council endorsement of the skatepark project in December, 2020, staff issued a Request for Proposal (RFP) for design/build services. Staff received five proposals and the Task Force met on March 1, 2021 to review them. The Task Force evaluated the proposals based on the criteria in the RFP and they unanimously recommend Spohn Ranch Skateparks from Los Angeles to design and construct the Fairgrounds skatepark. Spohn Ranch has hundreds of successful projects throughout the United States and their proposal was the best combination of experience, public involvement in the design process, incorporating artistic/unique features in their designs and high-quality construction.

Staff and the Task Force recommend awarding the contract to Spohn Ranch. The funding plan of this project is as follows:

1. \$ 375,000 in CDBG funds over fiscal years FY21 and 22
2. \$ 150,000 in FY22 Program Open Space (contingent upon County and State approval)
3. Approximately \$ 30,000 from a fundraising/grant campaign by the Task Force

\$ 200,000 in FY21 funds are ready but the \$ 175,000 in FY22 CDBG funding will be subject to CDBG Action Plan process requirements.

Mr. Boyer reported fundraising efforts are going well. The first event was held at Cushwa Brewery and between the share of refreshment sales and skateboard art, nearly

\$ 10,000 was raised. There is a Go Fund Me account set up for donations. T-shirts and stickers are also for sale. Hub Labels has contacted the group about their community outreach program. A second art show is being planned. Local artists will paint on skateboards and display them at area restaurants. Following the display, the boards will be auctioned off. They have applied to the Tony Hawk Foundation for a grant. The average amount of grants from the foundation is \$ 10,000.

Mr. Tissue stated there may be donations of materials also.

Councilmember McIntire is pleased there is tremendous community support for this project. She thanked the task force for all the work they've done behind the scenes and for their efforts in helping create this skatepark.

Mr. Scolaro stated Mr. Boyer is responsible for marketing. Mr. McAllister is a master skateboarder. Discussions in the community will begin soon. He noted Spohn Ranch relies on a lot of community involvement.

It was the general consensus to include award of the contract to Spohn Ranch on the March 23, 2021 Regular Session agenda.

Mr. Tissue pointed out that if all goes well, the skatepark could be open by October, 2021.

#### Municipal Stadium Operating Agreement

Rodney Tissue, Director of Parks and Engineering, and Travis Poole, Municipal Baseball Group (MBG), were present to review an operating agreement for Municipal Stadium.

As a follow-up to the discussions in January and February and the presentation for the MBG, staff have developed a draft Operating Agreement for Council review. If it is acceptable, it could be approved at the March 23, 2021 Regular Session. Baseball activities would commence April 1, 2021.

Some of the highlights of the Agreement include the following:

1. One year term ONLY

2. MBG would mow the field and maintain the skinned infield and restrooms. They will have access to most of the buildings at the stadium.
3. MBG would pay the City \$ 3,000 per month to cover utility costs and provide insurance.
4. City would pay all utility bills (except video board electric and water is capped at \$ 7,000 to encourage conservation), provide dumpster service and spray the field for weed control.
5. MBG must follow State COVID restrictions which are currently at 50% capacity.
  
6. The MBG would schedule the stadium but the City would reserve two dates per month in order to potentially rent the stadium for non-baseball events

Regarding the last bullet and the potential fourteen events that the City would approve and support, this is proposed for the City to maintain some control of the stadium use. Staff seek Council guidance if this is acceptable. That said, staff simply cannot support that many events with the current staff. They will need someone who could meet with renters, coordinate restroom cleaning and attend all the events. Their hourly wage would be covered by the respective event's rental fees. Staff has developed draft Rental Guidelines that includes a rate schedule and conditions for renting the stadium. The guidelines were included with the meeting material. This would be part of the overall Parks Facility Use Application. The other issue staff need guidance on is if the Council is willing to allow alcohol at these events, which adds another level of complexity.

Finally, staff assume this is only for the 2021 season as specifically directed by City Council in January. This is not a sustainable, long-term plan as the facility needs significant investment. Further, they are making a lot of assumptions on costs and operations that should be re-evaluated after a season.

Mr. Tissue stated there will be 14 opportunities for community rental of the stadium. The Maryland Symphony Orchestra has contacted City staff about having their Salute to Independence concert at Municipal Stadium on July 3, 2021. The proposed fees are in line with other similar facilities, such as the Ag Center and Frederick Fairgrounds. Current City staff cannot manage 14 additional events and hiring a former Suns employee who knows the stadium well to manage these events would be beneficial. The salary would be paid out of the rental fees. If alcohol is permitted, additional requirements will be in place.

Councilmember Aleshire noted he has some bias on this property as it is could be the location for an indoor turf facility and he and City staff have been working through a Request for Proposals. Mr. Tissue indicated the RFP is tentatively scheduled for the April 13, 2021 Work Session.

Councilmember Aleshire recalled that at the January discussion, it was noted the facility needs work and the Council said if individuals and groups in the community wanted to use it, they would make it available. He feels current consideration of the use

are opposite to that approach and it seems the City is handing over the stadium to another entity that will consume all the available time since there are 40 teams in the group. He does not think this matches with the original discussion. In February, staff reported that it would cost approximately \$ 4,000 per month for maintenance of the stadium as it currently stands. If this agreement is approved, the City will likely lose money as the MSB group will only be paying \$ 3,000 per month. Councilmember Aleshire asked if \$ 3,000 per month will cover the City's utility costs. Mr. Tissue indicated it would, based on past usage information.

Councilmember Aleshire stated he did not envision events at Municipal Stadium as being City events. Rather, he thought private groups would be holding events there. Mr. Tissue indicated the 14 days reserved for use by the City could be rented out for other events. It is not the intent for these to be City events. Councilmember Aleshire does not want to hand off scheduling to another entity, especially when many of that entity's users are not from the community. This is different than what was discussed in January.

Councilmember Aleshire reviewed the anticipated costs. He does not want to hear at the end of 7 months that the costs were higher than anticipated. This would be the exact opposite of the Mayor and City Council's discussion and direction in January. There should be some maximum for the costs. Mr. Tissue informed the group there is a cap on the water costs of \$ 7,000. Even though estimating the costs for the lights is difficult, Mr. Tissue thinks a cap of \$ 2,000 would be reasonable. He pointed out if no one uses the stadium, there are still costs to the City.

Councilmember Aleshire does not think another entity (MBG) should be able to rent out the stadium to another party. He pointed out there is no defined MGB entity at this time. Mr. Tissue stated he doesn't think this agreement would prevent the MBG from renting the facility to another group, as long as it isn't on one of the days reserved by the City for other events. Their intention is to play baseball.

Councilmember Aleshire stated it seems there is significant authority and responsibility being provided to a group that doesn't really exist yet. This is a risk he is not comfortable with. Mr. Poole indicated they would expect to be able to rent the facility to another baseball group that is not part of their group. Councilmember Aleshire sees that as a problem, as they could charge whatever they wanted to for the use of a public facility. He believes the original intent of the Council was to provide an opportunity for local youth to have the opportunity to play baseball on a professional field. Mr. Poole indicated there are local youth teams and groups who have joined the MBG. Councilmember Aleshire asked if high school teams will be able to hold their season at Municipal Stadium and what the fee will be. Mr. Poole stated high schools will not be charged to use the stadium. They can play at the stadium, if the Board of Education allows them to. Spectators would have to pay admission fees.

Councilmember Aleshire asked if members of the group have to pay a fee. Mr. Poole indicated members are expected to pay their share of the overall season fee. There would not be additional rental fees for these groups. They will attempt to offset the costs for each member organization. This agreement is intended to be an exclusive user agreement. It is similar to the little league agreements and the softball league agreement. Part of the benefit to the City of the user groups is having someone use the field instead of it being vacant all summer. The MBG includes adult leagues such as the Hagerstown Braves and the Smithsburg Blue Crabs. There is also a representative from the Board of Education in the group.

Councilmember Aleshire stated the ice rink board, as an established group, provides an annual report to the Mayor and City Council. The MBG does not appear to be an established group. He is concerned someone will want to use the stadium and it won't be available because of the baseball schedule. He is also concerned there will be an exorbitant fee for other private users.

Councilmember Bruchey asked if the MBG is a tax exempt organization. Mr. Poole indicated it will be. He intends to file the paperwork if the agreement is approved and anticipates approval of the entity within 7 days. When an entity has been granted a pending classification, it may operate as a non-profit organization until the certification is received. He anticipates the MBG will be tax exempt but cannot guarantee it will be classified as tax exempt. Councilmember Bruchey clarified the MBG will carry insurance for the use of the stadium.

Councilmember Aleshire is opposed to the possibility of future extensions of this agreement and the requirement to submit an annual report in order to be considered for an extension. He doesn't see the purpose of this component if the use is for one season only. Mr. Tissue indicated a report of the expenses, income, and attendance would provide accountability. Mr. Poole agreed.

Councilmember Bruchey pointed out if an RFP is released in April for an indoor facility, the turn around time would likely be 90 days, which would be in mid-July. Even if the RFP is favorable and approved, allowing the MBG to operate at the stadium for 7 months is not going to overlap any construction for an indoor facility.

Councilmember Aleshire is concerned the agreement allows for a request for an extension of the contract into 2022. Mr. Tissue stated this is included in the agreement in case there is nothing planned for 2022.

Mayor Keller asked how someone joins the group. Mr. Poole stated a number of organizations have been working together on this since the beginning. They are not soliciting new members but are not opposed to other members. If others want to join, the original group would consider their request. They would have to agree to share the

overall costs for the season. Mr. Tissue stated they would also have to agree to share in the maintenance responsibilities.

Councilmember Aleshire is concerned the agreement puts the City in a position of managing the MBG and is responsible for overseeing the terms of the agreement are met. He does not want to hear people can't reserve the stadium because of the baseball schedule Mr. Tissue and Mr. Poole stated they do not want this to happen either.

Councilmember McIntire asked which 14 days would be reserved by the City. Mr. Tissue stated all the days would be a Friday or a Saturday. If the stadium is not booked, the MBG would use it for baseball. Councilmember McIntire asked who would manage the coordinator. Mr. Tissue stated a coordinator would only be working during events,

on a part time basis. The stadium is a large area and someone is needed who is familiar with the electric and water shut offs as well as other things.

Councilmember McIntire asked Mr. Poole what the MBG's plan is if the community falls in love with the baseball venue and experience and the City decides to move in a different direction. Mr. Travis stated they have not discussed this. The opportunity for play at Municipal Stadium is not something that anyone envisioned. They realize this is not the desired long term use for the stadium and that it will end at some point. They hope this provides a good experience for players and for others to forget what we have all experienced during the past year. He understands this is a big ask of the City and a lot of responsibility to transfer to another group. He believes everyone involved will look back and think, "Wow, what a great experience that was".

Councilmember Aleshire reviewed a map showing where a stage would be placed within the stadium. He wants to make sure the placement fits within other considerations at the stadium. Mr. Tissue indicated the stage on the map is probably small for the MSO request. They would stay on the skin of the field as much as possible. Fans would be in the stands, not on the field.

Councilmember Aleshire asked if people could spread out across the field at an event. Mr. Tissue indicated they could, if they pay a field damage fee. Councilmember Aleshire noted that a \$ 3,000 per day fee and a field damage deposit for a single user is about the same amount the City would be charging another group for an entire month. This seems odd to him. This relationship is not cost neutral. He is concerned this is a City owned facility that is being handed over to a group with members across the tristate area and the fee will be exorbitant for individuals to use.

Councilmember Bruchey asked how the fee was determined. Mr. Tissue stated the fee is similar to that of the Ag Center and Frederick Fairgrounds. The facility has to be cleaned before and after an event and an attendant is needed during the event. The MBG is taking care of all these things, which is why they are paying \$ 3,000 per month. Councilmember Bruchey pointed out a non-profit organization could rent the stadium for

\$ 1,500 per day and charge a fee. The money they charge their patrons to enter is their money. Mr. Tissue indicated that is correct. A group holding a concert at any venue would probably charge a fee to help pay for the event.

Mayor Keller asked if there is a consensus for the proposed fees. The majority agreed the fees are appropriate. It was also the consensus to allow groups to have alcoholic beverages available. They will have to follow all established guidelines. Councilmember Aleshire stated he is not in agreement.

Approval of the agreement will be included on the agenda for the March 23, 2021 Regular Session.

Traffic Issues: Converting East North Avenue and East Avenue to One-Way and May Street at Woodland Way

Rodney Tissue, City Engineer, was present to review the following two traffic related requests received from residents:

1. Convert East North Avenue and East Avenue to one-way streets: Both of these streets are 25 feet wide and have two-way traffic with parking on one side. Residents complained of numerous sideswipes of parked cars and asked the streets be made one-way. Surveys show that a majority the residents prefer that North Avenue be one-way westbound and East Avenue be one-way eastbound.

North Avenue: The Board of Traffic and Parking recommends converting the street to be one-way westbound from Mulberry Street to Potomac Street as an extension of Cannon Avenue one-way traffic. Fifteen of the 18 residents that responded to a survey request it be converted to one-way. Hagerstown Police Department management recommends that traffic remain two-way on both streets for better response times. Hagerstown Fire Department management prefers that traffic remain two-way on both streets for better response times. This will require modifications to traffic signals and additional signs to direct traffic. Parking should also be switched to the north side of the street so spaces will be on the typical right side of traffic.

East Avenue: The Board of Traffic and Parking recommends converting the street to be one-way eastbound from Potomac Street to Cannon Avenue. Eighteen of the 24 residents that responded to a survey request it be converted to one-way. Those that disagreed often cited that East Avenue is used as a detour route for incidents on Franklin Street. Hagerstown Police Department management recommends that traffic remain two-way on both streets for better response times. Hagerstown Fire Department management prefers that traffic

remain two way on both streets for better response times. This will require modifications to the traffic signals and additional signs to direct traffic.

2. Convert the intersection of May Street at Woodland Way to a four-way STOP: Currently Woodland Way has STOP signs but May Street does not. Residents have complained about the limited visibility of approaching May Street traffic.

The Board of Traffic and Parking recommends converting the intersection to a four-way STOP. The four-way STOP is unwarranted per the manual of Uniform Traffic Control Devices (MUTCD) based on traffic volumes and accident history. However, there are contributing factors of limited visibility due to private shrubs, a horizontal curve in May Street and speeds higher than 25 MPH that should be considered.

It was the general consensus to approve the traffic changes as recommended by the Board of Traffic and Parking. Formal approval will be scheduled for March 23, 2021.

#### Consolidated General Services Agreement (CGSA) Presentation

Nancy Hausrath, Director of Utilities, and Kellen Douglas, Water and Wastewater Engineer, were present to provide an update of the Consolidated General Services Agreement (CGSA). Staff continues to work with Washington County to update the CGSA. Updates include the creation of a comprehensive map to identify approved service areas from previous amendments to the agreement. Work also includes “clean-up” along property boundaries to address those properties that are only partially in the CGSA. Additionally, staff is working to incorporate the Flow Transfer Agreement into the CGSA.

The current CGSA was approved by the Mayor and City Council and the Washington County Commissioners on September 16, 1997. The agreement incorporated all agreements in place between 1977 and 1996. There have been twelve proposed amendments beginning in October 1997 through February 2021 with all amendments being approved except the following:

1. Amendment 5: Original Flow Transfer Agreement which was later approved as a stand-alone agreement in August, 2003
2. Amendment 8: Amendment 8 includes 18.79 acres of the remaining lands of the Martial Trust (Joseph Swartz). Amendment 8 was later approved as part of Amendment 10 in February, 2011.
3. Amendment 11: This amendment has not been presented for approval but will be incorporated into the new CGSA and will remove the Maugansville area from the agreement with all flow being transferred back to the County once the County completes the improvements to the sewer service area.

Amendments 1-3 to the existing CGSA Agreement transferred the flow from the Sharpsburg Pike area back to the County. The Sharpsburg Pike sewer flows were transferred to the City in the original agreements.

Amendments 4, 6, and 7 added the Maugansville area and Amendment 9, 10, and 12 added properties in the Leitersburg Pike area. A map showing the areas currently served by the CGSA and the Flow Transfer Agreement was provided with the meeting material. The map also includes the Maugansville area that is proposed to be transferred back to the County.

Ms. Hausrath indicated the map fully represents the area that is transferred into the City. Moving forward, the language will remain the same unless there is a request from the County Commissioners or the Mayor and City Council to adjust it. Previous direction from the Mayor and City Council for infrastructure improvements will allow flow from the Flow Transfer Agreement area back into the City system.

It was the general consensus of the Mayor and City Council to move forward with the CGSA amendments as presented.

#### Expansion of Enterprise Zone

Doug Reaser, Business Development Specialist, and Jill Thompson, Director of Community and Economic Development, were present to review the expansion of the Enterprise Zone. Washington County and the City of Hagerstown are working to jointly submit an application by April 15, 2021 to Maryland Commerce for the expansion of the Enterprise Zone. The Enterprise Zone provides property tax credits for construction or rehabilitation investments and provides income tax credits for job creation.

The Board of County Commissioners of Washington County (County) and the Mayor and Council of the City of Hagerstown (City) submitted a joint application to the Maryland Department of Business and Economic Development (DBED) for the establishment of an Enterprise Zone in 1992. The Enterprise Zone was designated on December 14, 1992 for a period of ten years. In 2002, the County and City achieved the redesignation of the Enterprise Zone for a period of ten years. The Enterprise Zone was renewed in 2002 and 2012, both for ten years each. The current designation expires on December 14, 2022. There are a total of 37 Enterprise Zones in the State of Maryland. Additional Enterprise Zones in Washington County include 1,871 acres at Hancock.

To qualify for the Enterprise Zone benefits, a business must be located within the zone and meet the minimum requirements for construction/rehabilitation investment or job creation. In addition, the program is restricted to certain business types. For investment, machinery and equipment are not eligible purchases.

The Enterprise Zone incentives are available to commercial projects only. The two components of the incentive are Real Property Tax Credits and Income Tax Credits.

Eligible areas for expansion of the enterprise zone must meet one of the following:

1. Average rate of unemployment that is at least 150% of the greater of the average rate of unemployment in either the State or the United States during the most recent 18-month period
2. The population in the area qualifies as a low-income poverty area
3. 70% of families in the area have incomes that are less than 80% of the median family income in the political subdivision
4. The population in the area has decreased by 10% between the most two recent censuses with either significant abandonment/demolition of property or significant property tax arrearages.

The City and County propose expansion of the boundaries of the zone from the current 4,084 acres to 4,376 acres.

At this time, the City and County propose to expand the Enterprise Zone only in the 10.01 Census Tract which is an eligible and qualified area. This includes industrial

properties along Maryland Avenue, Sweeney Drive, Sherman Avenue, and Oak Ridge Avenue.

The application deadlines for the Enterprise Zone review are April 15 and October 15. The City and County wish to submit the expansion application by April 15. However, Maryland Commerce is flexible in receiving resolutions from jurisdictions for applications due to COVID-19.

In order to meet the application requirements, staff is proposing a Public Hearing during a Special Session on April 6, 2021, and a Special Session to adopt the resolution on April 20, 2021.

The Washington County Commissioners are expected to hold their public hearing on March 30, 2021.

Councilmember Aleshire asked if all the proposed areas are zoned Industrial. Mr. Reaser indicated a few on Sweeney Drive are but the expansion has to be contiguous to the existing Enterprise Zone. Councilmember Aleshire is concerned residential properties are included in the expansion area and potential developers may believe they can apply for the tax credits in an area not zoned for industrial. He thinks this should be discussed with citizens before proceeding any further.

Mr. Thompson indicated staff can clarify with the State that some of these properties are residential.

It was the general consensus to move forward with the request for the expansion of the Enterprise Zone on the proposed schedule.

#### Hagerstown Fire Department Strategic Plan

Fire Chief Steven Lohr and Battalion Chief Mark Cleck presented the Hagerstown Fire Department's (HFD) Annual Strategic Plan Update for FY21 to the Mayor and City Council.

One-Year Accomplishments include the following:

1. Developed an in-service inspection and pre-planning program for non-sprinklered, commercial buildings using ISO criteria.
2. Identified and have initiated negotiations for land acquisition of two properties for future, strategically located, fire-rescue station locations.
3. Began the implementing of the ESA/Firehouse software records management program.
4. Maintained adequate staffing and continuity of operations throughout the duration of the COVID-19 pandemic.

The HFD placed 86 grant funded breathing apparatus's in-service. The total grant was for \$ 673,076.00 and the required City match was \$ 67,308.00.

Chief Lohr stated one of the biggest challenges facing the HFD is the potential annexation to the south on Route 65. In order to adequately serve this proposed 1.5 mile City limit expansion, the HFD really needs to reconsider the plan to merge five engine companies into four. He still recommends the First Hagerstown Hose Company relocation out of the South Potomac Street unit block. A proposed location will be discussed with the Mayor and City Council during an April 6, 2021 Work Session.

HFD and the Water Division have been working together to increase the ISO rating.

HFD participates in campaigns to reduce the 911 call. They also support Washington Goes Purple and HFD staff wear purple on Fridays to show their support.

Unfortunately, there have been four civilian fire deaths so far this year. There was nothing HFD could have done in either of these incidents that would have prevented the deaths.

Long-time Fire Marshall Doug DeHaven retired in December, 2020 and G. Dale Fishack has been promoted to Fire Marshall. A third Deputy Fire Marshall started work yesterday.

The HFD is on-site at the NorthPoint development at least three times per day inspecting the fire suppression systems.

Chief Lohr indicated they anticipate losing two firefighters to the new County system. He would expect a two week notice from any employee leaving City employment.

He anticipates another retirement in the Fire Marshall's office by the end of the year. He will be asking for support to enroll another candidate in the Hagerstown Police Academy in anticipation of that retirement.

Battalion Chief Cleck stated the ideal Standard of Cover and Deployment is a station every 1.5 miles. HFD staff have looked at additional properties in the west end to serve growth to the west. One of the oldest fire stations in Maryland is in Hagerstown. Some updates have been made to that station but it is still an outdated facility.

Two pumper trucks have been ordered and delivered. A third pumper is expected to be ordered during the summer. Two other vehicles will also be replaced.

Staff is using the best technology the HFD can afford in the ESA software. Staff is continuing to plan for future radio and capital projects. They are working with the County for grant opportunities and other economies of scale projects. A grant request has

been submitted to the Federal Emergency Management Agency (FEMA) for portable radio upgrades.

Staff have reviewed the Policies and Procedures manual and made updates. For some time, there have been 16 firefighter life initiatives and progress has been made in

implementing them. They are in the process of developing polices that will hopefully reduce accidents and the severity of accidents. Some portion of every shift is dedicated to training. The City has a burn training center on Bowman Avenue that has been used by volunteer companies, free of charge, across the County. Chief Lohr is disappointed that the two highest priorities for the Fire Department – funding and governance have stalled with zero progress with the County. For two years, the County has included a match of \$ 500,000 for upgrades to the Bowman Avenue facility and the funding was removed both years. He was notified last week that the County is moving forward with their own training facility on Sharpsburg Pike and not including any funding for upgrades at the Bowman Avenue site. Chief Lohr stated the Bowman Avenue facility is a true burn practice area and he recommends maintaining it.

An amendment to the City Charter is being drafted to maintain the fire and emergency rescue services. The amendment would include that HFD is responsible for all elements of the all-hazards conditions, including haz-mat, specialty rescue, and emergency medical services. This amendment would reflect what the fire department does.

Fire department staff has completed Phase 1 of a three person/company staffing plan. This will be brought to the Mayor and City Council in the near future. Replacement of the retiring Fire Chief will also need to be discussed. Additional administrative support is also needed.

Chief Lohr reported two strategically located sites are being considered to complete Phase 1 of the Strategic Plan. Relocation of the Washington Square facility and a new facility on W. Oak Drive (for the imminent annexation to the south) are also being reviewed.

Chief Lohr reported to the Mayor and City Council that Will Ball was assigned to the Emergency Operations Center (EOC) early in the pandemic due to his skill set. He spent 86 days on site and spent 300 days fielding phone calls. Any exposure Hagerstown fire fighters experienced was referred to AFC Ball. Thanks to him and the Health Department, HFD was able to limit exposure and deal with more than 40 exposures. He thanked the Mayor and City Council for 5 ½ hours of support of the fire department and their trust in him. The relationship with the police department and other City divisions has improved during the last 5 years. He knows the City will continue to have a world class fire department in the future.

The HFD had to assemble 41 apparatus for a recent fire on Linganore Avenue to successfully attack the fire. Unfortunately, there were 3 fatalities at that fire. Staff for all the apparatus is a challenge. The 2020 Gold Standard has ranked fires based on risk. The HFD cannot effectively go to high risk fires at current staffing levels.

Chief Hopkins responded to a fire in Black Rock Estates earlier today and Chief Lohr thanked him for his efforts at the site.

Councilmember Bruchey thanked Chief Lohr and all fire department staff for their dedicated service. The Mayor and Council have heard for years that staffing is an issue and have tried to address this as much as possible with a limited budget. The fire department staff remain trained professionals who step up and do their job every day. The Hagerstown Fire Department is the cream of the crop.

Mayor Keller stated the HFD is incredible. Fair funding and good governance has to be discussed jointly with Washington County. It seems the County is ignoring the City at this point. There seems to be a stalemate over the funding for the 911 Center. The City has indicated they will release the funds, if the County Commissioners agree to discuss fair funding and governance. She asked if any progress has been made.

Chief Lohr indicated fire staff have exhausted every effort they can think of to participate to assist the volunteer base in any way. He has asked that the Emergency Services Advisory Council (ESAC) include a representative of the Hagerstown Fire

Department. The request has not been granted. He and the Police Chief signed a document in November which requested fixing the fair level funding. He has not received any answer, even though he has asked repeatedly. He does not know how to move forward. The people who are paying extra are the taxpayers of Hagerstown. This is not fair.

Mayor Keller thinks the only thing left is to schedule a discussion of this during a future Work Session and discuss the issues publicly. Repeated requests and efforts for a meeting have not been honored. Hagerstown citizens need to be aware of what is happening.

Mr. Nicewarner stated City staff have also tried to discuss the issue with County representatives and are receiving no response. The ultimate goal is protection for the citizens of Hagerstown. City staff will continue to request meetings to discuss this.

Councilmember Aleshire stated the City taxpayer cannot keep paying 30% of their taxes for this one service they want and need and then receive the lowest per capita funding than any other municipality in Washington County. City taxpayers are paying a higher per capita rate than other Washington County taxpayers, even though they are also County taxpayers. Fair reciprocation of services provided is needed. Hagerstown is the only one of four paid fire departments in the State that receives no recognition or reimbursement from their respective county.

Councilmember Bruchey pointed out the first responding unit to the fire at Black Rock today was Funkstown, with only a driver. Hagerstown also responded with three engines, a ladder truck and the Fire Chief acted as the incident commander. Councilmember Bruchey pointed out this is outside the City's jurisdiction and Hagerstown was not the first due responder.

Chief Lohr noted Hagerstown Fire Department does receive reciprocal services, for example at the fire on Linganore Avenue. The support system is stretched so thin he believes it is close to collapsing. He respects the volunteer companies and know they are doing all they can to provide services. Somehow the volunteer system has to be enhanced. The County intends to hire firefighters in time for an academy that begins in two weeks. It appears the County is relying on City services. If this is not acceptable to the Mayor and Council, he has the responsibility to relay that to the County.

Councilmember Aleshire reiterated the City taxpayer is footing the bill for reciprocal services.

Chief Lohr fought for a reciprocation clause in the agreement. Emergency services should not be based on any political jurisdiction. If a citizen needs an emergency service, no matter where they are, the nearest resource should be dispatched to them.

Councilmember Aleshire stated he has no issue if volunteer companies inside the City limits receive the same funding from the County as those outside the City limits do.

Chief Lohr stated he has presented that opinion to four different County Administrators since he started as Chief.

Mr. Nicewarner stated staff talk about how to address this issue on a daily basis.

Councilmember McIntire thanked the group for this open discussion and bringing some things to light that need to be discussed. She is convinced citizens believe the Mayor and City Council and the County Commissioners are working together for the benefit of all. This issue needs to be resolved.

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

*Scott A. Nicewarner, City Administrator*, reported the City Hall lobby will be open on a regular schedule beginning March 22, 2021. Service terminations for non-payment will resume on April 1, 2021. He urged customers who need assistance to contact Customer Service. Customer Service representatives can provide information about assistance programs to customers. The City wants to help people get assistance for their utility bills.

### **MAYOR AND COUNCIL COMMENTS**

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

*Councilmember R. E. Bruchey, II* implored customers who have received a third stimulus check to consider paying their utility arrears with it. Please reach out to the City if you are having trouble paying your bills.

*Councilmember T. Burnett* noted it has been a year since COVID-19 impacted our lives. She expressed sympathy to those who lost loved ones and sympathy to businesses forced to close and those who have struggled to stay open.

*Councilmember T. Martinez* had no additional comments.

*Councilmember S. McIntire* had no additional comments.

*Mayor E. Keller* congratulated Aaron Brooks, Penn State wrestler and Hagerstown native, on his recent #1 ranking for his weight class.

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 6:03 p.m.

Respectfully submitted,

SPECIAL SESSION (6<sup>TH</sup> VOTING SESSION)  
EXECUTIVE SESSION AND WORK SESSION  
2021  
MAYOR AND CITY COUNCIL

MARCH 16,  
HAGERSTOWN, MARYLAND

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: April 27, 2021