

EXECUTIVE SESSION – May 4, 2021

Councilmember T. Burnett made a motion to meet in closed session to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State (#4) (Section 3-305(b)), and to consider the acquisition of real property for a public purpose and matters directly related thereto (#3) (Section 3-305(b)), on Tuesday, May 4, 2021 at 3:03 p.m. in the Council Chamber, 2nd floor, City Hall, Hagerstown, Maryland. Councilmember T. Martinez seconded the motion.

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

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 (remotely), City Administrator Scott Nicewarner, Michelle Hepburn, Chief Financial Officer, Jill Thompson, Director of Community and Economic Development, Kathleen Maher, Director of Planning and Code Administration, Stephen Bockmiller, Zoning Administrator/Planner, Doug Reaser, Business Development Specialist, Jonathan Kerns, Community Development Manager, Megan Flick, Planner, Paul Fulk, Neighborhood Services Manager, Wes Decker, Communications Manager, Dan Spedden, Executive Director of Visit Washington County, Michael Fitzgerald, Gideon Properties, and Donna K. Spickler, City Clerk.

The meeting was held to discuss two business proposals and to consider acquisition of land for a community project. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 4:07 p.m.

WORK SESSION AND SPECIAL SESSION (12TH VOTING SESSION) – May 4, 2021

Mayor E. Keller called this Work Session and Special Session (12th Voting Session) of the Mayor and City Council to order at 4:16 p.m., Tuesday, May 4, 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 (remotely), City Administrator Scott A. Nicewarner, and City Clerk D. K. Spickler.

Proclamation: Motorcycle Safety Awareness Month

Mayor Keller read a proclamation recognizing May 2021 as Motorcycle Safety Awareness Month in Hagerstown, Maryland. The City of Hagerstown encourages motorcyclists and motorists to share the road, to stay alert and be aware of their surroundings. Councilmember Tiara Burnett presented the proclamation to Rick Barlup, Jane Barlup, Scott Snow, Susie Snow, Erik Viar, and Fritz Sine, members of the

Update on Holly Building Project, 72 West Washington Street

Michael Fitzgerald, Gideon Properties, was present to discuss his project at 72 West Washington Street. This building is also known as the Holly Building. He stated he is passionate about changing downtown Hagerstown. He believes this project will spur other projects. The project consists of 43 residential units, underground parking, and a tennis court on the roof. There will be 43 modernized, residential units. His investment in every unit will be \$ 200,000. Total investment will be \$ 6 million.

As this project will be an economic driver for the community, he requested an economic development incentive of \$ 750,000 over the next three years. He indicated the County Commissioners are willing to invest in this project, if the City does.

Mayor Keller stated there is support of the Mayor and City Council for this request. Councilmember Aleshire was correct with an earlier statement that this project will begin modernizing housing in Hagerstown.

Preservation Maryland – Jonathan Street Discussion

Nicholas A. Redding, President and CEO of Preservation Maryland, and Katie Parks, Vice-President of Preservation Maryland, were present to discuss Preservation Maryland's work in the Jonathan Street community.

Preservation Maryland was founded in 1931. Preservation Maryland has worked to save, protect, invest in, and enhance historic places across Maryland. In 2019, they began working in the Jonathan Street community due to the loss of structures and possibility of future losses. Their first project was acquisition of 417 N. Jonathan Street, which was threatened with demolition due to a vehicle accident. They worked with the owner, Mr. Davis, to acquire the property and are currently working at the site. In the Fall of 2020, they partnered with the State Highway Administration to host a professional excavation of the site. Based on the chronological study, the structure was built on site in 1830 from logs that were harvested in 1739. In 1739, there was one person living in Hagerstown and that was Jonathan Hager. He built two log structures before building the current Hager House. The building at 417 N. Jonathan Street is likely the original structure built by Jonathan Hager. With assistance from Habitat for Humanity, the restored structure will hopefully be occupied by a new owner in the fall of 2021. It will be open for visiting this summer.

In order to complete the project, Preservation Maryland received private and public funding and also received funding from a bond bill submitted by the Washington County Delegation. Prior to the pandemic, private funding was used in the community for preservation. Preservation Maryland started a community asset mapping project that was

interrupted by the pandemic. This will be resumed soon. They also received funding from the Department of Housing and Community Development (DHCD) to map projects in neighborhoods.

Preservation Maryland has had numerous conversations with property owners, in particular with the R. W. Johnson Center. They have been working with Jessica Scott, Board President, to install high speed broadband service to the Center. Other acquisitions have been discussed, but they could not provide any details due to confidentiality regulations.

Preservation Maryland made an offer to the Doleman Black Heritage Museum (DBHM) Board for the use of the former Coke Building at 465 Pennsylvania Avenue. DBHM declined the proposal and Preservation Maryland understands their decision.

Mr. Redding thanked the Mayor and City Council for their support of Preservation Maryland's work. They have offered one on one meetings with Councilmembers and the group during the last several weeks. The Jonathan Street story is one worth preserving.

Councilmember Martinez asked if she and Councilmember Burnett can be part of what they are doing. Many times people or groups say they talked to the community but if she and Councilmember Burnett have not been involved, they really haven't talked to the whole community. They are two elected officials from the Jonathan Street Community.

Mr. Redding indicated Preservation Maryland would be happy to have Councilmember Martinez and Councilmember Burnett engaged in that way. A weekly update call is held that both Councilmembers will be included in.

Ms. Parks would especially appreciate the Councilmembers' input on how to proceed when a timeframe for work in the community is established.

Councilmember Martinez pointed out it is bad just two blocks from 417 N. Jonathan street. An open house will not draw the community to the new site. Even though this makes the community appear to be divided, it is not. She stated it breaks her heart that DBHM is not a part of the process. The people in the community need to be working together.

Councilmember Bruchey understands there is a proposal from Preservation Maryland to make the former Coca Cola plant into a full, black heritage museum. He would like to see the plan.

Councilmember Martinez stated it seems there are competing efforts in the community and it can't work that way. Right now, she sees division between parties that want to

reach the same goal but it doesn't appear there is any discussion amongst the parties.

Councilmember R. E. Bruchey, II stated in April, 2020, the City had a conversation with Secretary Holt, which started the process. The conversation was to include Secretary Holt, Preservation Maryland, and Doleman Black Heritage Museum representatives, at the same time, to discuss how to preserve the Jonathan Street community's history. This did not happen. These parties have held separate discussions with the Mayor and City Council but not as a group.

Mayor Keller indicated Preservation Maryland was not invited to attend the Work Session when the DBHM representatives were on the agenda. Her intent was to have all three groups together at a Work Session. Soon after she invited all to a meeting, DBHM turned down the offer from Preservation Maryland. At that time, Secretary Holt was no longer involved and he declined the invitation. Alesia Parson-McBean, DBHM Projects Director, submitted a letter to the Mayor and City Council that she asked be noted in the record. Mayor Keller read the letter and asked that a copy be included in the record. In particular, the following statements from the letter were noted:

"In addressing Preservation Maryland's initial proposal, the DBHM Board's response addressed only Preservation Maryland's proposed terms, as presented.

No agreement can be expected to be comprehensive or satisfactory when created unilaterally, without meaningful input from all parties involved. Mutual agreement is essential in the formation of any contract.

While Preservation Maryland has described the Doleman museum as a 'dynamic and necessary project,' it has declared that approval of its written proposal is non-negotiable. Preservation Maryland's response was both unexpected and disturbing. The Board's initial response to the specific proposal submitted was not intended as an expression of disinterest.

Any proposal which furthers the Museum and the community in which it is proposed is of interest to DBHM. However, only when properly considered and restructured can such an agreement be supported.

Constructive discussion should always precede drafting.

Mayor Keller stated if Preservation Maryland still wishes to be involved in the DBHM, there needs to be a group meeting. She assured Mr. Redding and Ms. Parks that she will forward a copy of the letter to them.

Mr. Redding stated this is the first they have heard of this. He thinks the Community Center is a worthwhile effort for the community. There are other important projects in the community and they are willing to have conversations with anyone, especially with Councilmember Martinez and Councilmember Burnett. They will take the DBHM

Councilmember Martinez appreciates the work that is being done at the R. W. Johnson Center.

Councilmember Burnett stated it is important to get boots on the ground to talk to community members. Both she and Councilmember Martinez grew up in that area. She was the first recipient of the Memorial Recreation (now Robert W. Johnson Center) scholarship fund. She is also a former board member. She wants to see the center and the Board members succeed. That community is home to her and she is glad to hear there is interest in the area.

Mr. Redding stated they have been looking at black-owned consulting firms to work with as well. He and Preservation Maryland members would be thrilled to have her and Councilmember Martinez's assistance with the community discussion.

Councilmember Aleshire has attempted to express the desire for as great as clarity as possible in these efforts. There has been some confusion between the ask and the application for the \$ 200,000.00 through the DHCD process for the City's ongoing efforts within the community. Now the City will be receiving a separate \$ 25,000.00 and there is ambiguity about how those funds would be applied to a project. There is also the question of whether the funds were to be accounted for as the ask that the City made. He thinks that is part of the difficulty that the elected body has in communicating their priorities with community partners and citizens. It is difficult when funding is provided in a different amount than the original ask and when there does not appear to be a collaborative effort.

Mr. Redding indicated Preservation Maryland was not part of the grant agreement Councilmember Aleshire is referring to. This is a question that could be better answered by the Mayor and City Administrator. Ms. Parks stated they are looking forward to collaborating with the Mayor and City Council on the best path forward for the Jonathan Street Community.

Councilmember Bruchey left the meeting temporarily.

FY21 Change to Funding Sources for 2 Projects and FY22 Budget Review

Michelle Hepburn, Chief Financial Officer, and Brooke Garver, Accounting and Budget Manager, were present to continue review of the proposed FY22 Budget and to discuss a change to funding sources for previously approved projects.

Ms. Hepburn noted the Mayor and City Council approved the purchase of a fire pumper in November, 2020. At that time, the source of funds was to be strictly General Fund balance reserves. Upon further reconciliation and completion, there is

approximately \$ 252,000 remaining unspent in 2019 bond proceeds for a Fire Pumper. This will be applied to this purchase first and then any remaining balance will be from GF fund balance reserves.

The Pangborn Lake and Stream Improvement project was approved for reconstruction in July, 2020. At that time, funding was indicated as a proration between General Fund and Stormwater Fund debt proceeds. At this time, the portion that could be Stormwater eligible is considerably under budget. In addition, the 2019 bond documents were executed prior to this project and split and have no reference to Stormwater proration. For these reasons, all the annual debt service for this project will remain in the General Fund with a 15 year repayment term.

Ms. Hepburn indicated a significant amount of time will be devoted to discussions about the American Rescue Plan Act of 2021 (ARPA) funds when the regulations and funding are released.

Section 7 of the Budget Book is devoted to the Capital Improvement Program. Projects are listed individually, with funding sources noted. For FY22, there is \$ 4.2 million, including CIP projects in bond financing. This funding is restricted and staff does not have the ability to move funding to other projects. Funding from reserves, or unassigned funding, which has been accumulating in prior years, can be utilized for one-time projects. This funding cannot be utilized for ongoing, routine costs. The Cable Franchise Agreement provides funding to the City and a portion of that funding is restricted to capital projects.

Grant funds are also utilized for CIP projects, typically with very specific purposes. Other funding sources include reforestation funds, State Highway User Revenue, and transfers from other City funds to the CIP fund.

Ms. Garver pointed out the Parking Fund is an Enterprise Fund. There is \$ 25,000 from the parking revenue for ongoing maintenance. FY24 and FY25 projections include funding of a potential third parking deck. This funding is \$ 8 million, utilizing bond financing. Ms. Hepburn noted a third parking deck has been included and deferred in several past budgets.

Councilmember Aleshire stated the City will never recoup the cost of a third parking deck.

Ms. Garver stated there is approximately \$ 1 million budgeted in the Stormwater Fund for curb and sidewalk replacement. There is also \$ 500,000 budgeted for other Stormwater Fund functions. Curbs and sidewalks are now a City responsibility and will be fully funded by the Stormwater Fund. Ms. Hepburn pointed out this is one positive impact of the Stormwater Fees that residents will see immediately.

Councilmember Bruchey returned to the meeting at this time.

Ms. Hepburn noted the Parking Fund is to be self-sustaining and tax dollars would not be deferred to it to cover the costs. For FY22, a deficit is anticipated. FY20 was the first time in many years the Parking Fund operated at a deficit. This is primarily due to the COVID-19 pandemic. Businesses closed and parking was free. Things have changed for FY21; however, fewer people are using the City's parking facilities. In FY22, one bond will be paid off for an existing parking deck. It is anticipated that in FY26, another bond will be issued for a third parking deck.

Ms. Hepburn stated that, as of today, the Stormwater Fund is showing a deficit of \$ 158,000. Stormwater fee bills are just beginning to be sent to customers. Payments will not reach the level to cover the cost of the fund for FY21.

Review of the FY22 Budget will continue next week with information regarding Community Development Block Grant (CDBG), Economic Development, and Utilities.

County Tax Differential Presentation/Discussion

Scott Nicewarner, City Administrator, and Michelle Hepburn, Chief Financial Officer, presented information related to the history and current status of the County's process to establish and apply a tax differential to the taxpayers of the City of Hagerstown.

The Mayor and City Council and staff have recently discussed City/County issues including the 911 Center and fair level funding for fire services. An additional concern is the property tax differential.

Definitions of the Tax Differential is as follows:

1. Method of compensating for double taxation that directly benefits the municipal taxpayer by decreasing the amount of tax paid to the county.
2. Double taxation occurs when municipal residents pay property taxes to the local governments of the municipality and the county in which they reside to finance identical or similar services that they received only or primarily from one source.
3. State law requires that counties shall meet annually with the governing body of each municipality to discuss the rate of county property taxation, but the law does not require each county to adjust its tax rate to compensate for double taxation.
4. It is possible that no tax differential could be awarded to small municipalities that provide very few services. In order to justify a tax differential from the county, a municipality must provide a sufficient number of services to offset the state-shared revenue that it receives.
5. The alternative to differential is "rebate", where the county will cut a yearly check to the municipality for the costs related to redundant services.

The City of Hagerstown received a "payment in lieu" or "rebate" until FY11. On

September 29, 2009, the City received a notice from the County that the “rebate” or “setoff” was being changed to a “differential” for redundant services. The purpose for the change by the County includes allowing each municipality to charge tax rates directly reflecting the services they provide. It was also stated that this could accurately reflect the County tax required in municipalities to fund only the services municipal residents use. It was noted that it would cost the County more, but was a fairer allocation and municipalities would realize more revenue.

The City responded to the County on December 30, 2009 requesting continuation/expansion of the PILOT (Payment In Lieu of Taxes) for HPD/Parks/Highways that had been in place since 1986. The City also requested a phase-in of the Annapolis/Anne Arundel County tax differential model over a two year period, with the rebate to continue in Year 1 (FY11) and Differential in Year 2 (FY12).

The County responded on February 8, 2010 that no negotiation on the differential would be entertained, but County staff would explain it to the elected body. The new differential would be effective on July 1, 2010, or approximately six months after the notification. The County indicated the motivation is to ensure taxpayers have incentive to move into municipal areas. The core services now placed on the largest tax base, the unincorporated areas of the county (62%) using the most services. Hagerstown, at the time, was about 27% of the population in Washington County.

The model used in the County’s calculation is the Anne Arundel County model. This model exists between that County and its only municipality – Annapolis. All other areas are unincorporated, and Annapolis is the only municipality. The Anne Arundel County model assumes one tax differential for all municipalities. Washington County is different than Anne Arundel County in that there are nine municipalities.

In the Allegany County model, each municipality receives their own specific, yearly differential based upon the services they provide. For reference, all 9 municipalities in Washington County receive \$0.1250 real property tax differential (subtracted from the overall County tax rate). The Allegany County unincorporated tax rate (FY19) was \$ 0.9750. The differential for each municipality in Allegany County during that time is shown below:

1. Cumberland - \$0.1365 for a County tax rate of \$0.8385
2. Frostburg - \$0.1256 for a County tax rate of \$0.8494
3. Barton - \$0.0787 for a County tax rate of \$0.8963
4. Lonaconing - \$0.1109 for a County tax rate of \$0.8641
5. Luke - \$0.1130 for a County tax rate of \$0.8620
6. Midland - \$0.0787 for a County tax rate of \$0.8963
7. Westernport - \$0.0787 for a County tax rate of \$0.8963

This model is more representative of the true double taxation of services provided by

the municipality vs. the County. The municipal taxpayer pays for those services the municipality does not budget for, including education, County parks, County road use, etc. Allegany County presents its tax differential to each municipality each year.

This differential, specific to the City of Hagerstown, does not include a full realization of the redundant services as originally specified that the City taxpayer pays to the County including fire services, 911 communications center use, and general government services. City taxpayers are receiving the same tax discount (differential) as all other towns in the County that do not pay their town tax for those services. As is required by State law in many counties of Maryland, Washington County staff have not provided an explanation of what is being included in the City of Hagerstown tax differential equation since its inception in FY11.

Hagerstown taxpayers pay 22%, or \$ 1,268,490 toward 911 fees. Unincorporated taxpayers provide 51% of the total funding while other municipal taxpayers provide 5% of the funding. In addition to the tax payment from City residents for this service, Hagerstown residents cover \$ 405,000 of additional 911 expenses included from the City's General Fund. City taxpayers also pay a 911 fee on their telecommunications bills that goes towards the operation of the Center. There is no signed agreement which stipulates the payment of this additional fee by City taxpayers. The payment was discussed but there is no signed agreement. Until very recently, the County has not been open to any discussions with staff about the payment. Mr. Nicewarner stated no one is saying the City is completely right about the calculations or that City staff has all the evidence to make the assumption. If the City is wrong in their assumptions, then so be it. City elected officials and staff want to meet with the County to discuss and understand the calculation. The most important component of the discussion is that City taxpayers receive a fair rate.

Hagerstown taxpayers pay 21%, or \$ 537,359 toward County fire operations. Unincorporated taxpayers provide 72% of the total funding while other municipal taxpayers provide 7% of the funding. This payment to the County receives no discount (differential) from the County for this redundant service. City taxpayers pay \$ 8,600,000 for Fire Operations expenses from the General Fund. City taxpayers pay for a 24/7 professional fire operation, which should be accounted for in the County differential, effectively lowering the City's specific differential amount from the overall \$0.125. City of Hagerstown taxpayers receive no consideration of a differential for fire service.

Mayor Keller pointed out County taxes do not pay for the City's fire service. Mr. Nicewarner stated Hagerstown is the only paid fire service in Washington County. Therefore, the City differential should be higher to reflect this.

Mr. Nicewarner stated the "Ask" of the County is as follows:

1. An open and transparent discussion to the City taxpayers of what goes into the yearly calculation of the tax differential which is paid by each of the City residents

to the County each year.

2. A reason as to why the City taxpayer pays twice (or three times) for some services that were originally supposed to be included in the differential.
3. A reason as to why the County does not apply different differentials (discounts) to each municipality based upon services rendered instead of using the City of Hagerstown's "discount" across the board?
4. What services are Washington County municipality taxpayers paying for that are not used at all by them?
5. A pledge to have this open discussion each year to fully explain the differential calculation to the City taxpayer.

Mr. Nicewarner thanked the Mayor and City Council and Washington County Commissioners who have agreed to meet in Joint Session next week to begin the discussion. Having a fairly distributed differential will help answer the question of why someone should want to live in the City. Taxpayers would know exactly what they are paying for.

Councilmember Aleshire stated it is also important for citizens to understand that there are 27 volunteer fire stations in Washington County. The County allots a lump sum of funding through multiple sources to be administered and divided amongst the 27 stations. One part is an equal distribution, another part is for the volunteer stations to distribute at their discretion and another part is for direct County operations. There is also a third party entity funding for stations in need of a stipend for providing paid fire fighters. Not only does the City not receive credit for the \$ 8 million paid fire service it provides, but the volunteer stations located within the City are not allowed to ask for that same stipend. The City is penalized for doing the responsible thing for City taxpayers. He pointed out City volunteer stations received one lump sum to be divided among all of them. Volunteer stations in other locations receive individual lump sum amounts.

Fire Chief Steven Lohr stated this allocation began in 1946. Since that time, City stations receive half of what all the other stations do. Washington County also provides a stipend for vehicle equipment and other equipment. This issue is worthy of a conversation for City taxpayers. He stated he is also concerned that the City does not have a governance vote for any of this funding. He noted both Councilmember Aleshire and Mayor Keller were basically shunned while they served on the Emergency Services Advisory Council (ESAC).

Mayor Keller stated the City should look at requesting legislation for the next General Assembly making it a requirement that the County discuss and review the tax differential with each municipality annually.

Follow Up on Land Management Code (LMC) Amendments: Fence Provisions

Megan Flick, Planner, was present to follow up on the Public Hearing for the Land

On April 27, 2021, the Mayor and City Council held a public hearing on the Planning Commission's proposed amendments to the front yard fences section of the LMC. No public testimony was received at the hearing or to date. Testimony in support of the amendments was received at the Planning Commission hearing on March 31, 2021.

The Proposed LMC Amendments are as follows:

1. Increase the maximum height of front yard fences from 3 feet to 4 feet
2. Retain the front yard fence requirements for side and rear yards that front major collector or arterial roadways, and remove them for side and rear yards that face minor collector roadways
3. Reduce the spacing requirement for front yard fences to 1 inch wide or half the width of the picket, whichever is greater.

It was the general consensus to include the amendments to the fence section with the entire 2020 package of LMC Amendments, which is scheduled to be introduced on May 11, 2021 and approved on May 25, 2021.

City Code Prohibition on Livestock/Farm Animals

Kathleen Maher, Director of Planning and Code Administration (PCAD), Paul Fulk, Neighborhood Services Manager, and Crystal Mowery, Washington County Humane Society Field Services Director, were present for the Mayor and City Council discussion regarding the City Code Prohibition on Livestock/Farm Animals. The Mayor and City Council have received a citizen request to allow farm animals (ducks, specifically) to be allowed in the residential neighborhoods. City Code does not allow farm animals due to a variety of concerns about the impact of such uses, particularly if not managed well, on neighbors in the densely developed neighborhoods. The following is information staff feel would be helpful for the discussion.

Current Code provisions limiting or prohibiting the keeping of farm animals or livestock are found in Chapter 87, Dogs and Other Animals, Chapter 140, Land Management Code, and Article 4 of the Zoning Ordinance.

Ducks are frequently raised for their egg production and as a meat source, no different than chickens or turkeys. Although the word duck is not specifically used in the definition in the City Code, domesticated ducks are poultry and fowl and, therefore are "livestock" as defined in the Land Management Code. Based on the information available, it cannot be reasonably interpreted otherwise.

Backyard farming comes with special conditions that can easily create a nuisance or public health concern for neighbors, particularly if living quarters are close as they typically are in most neighborhoods in the city. Many city dwellings are houses with

minimal setbacks from one another, duplexes with very narrow yards, houses and duplexes which have been divided into apartments, fairly large apartment buildings, and located in old subdivisions with very little yard area. As a result, City residents are often living in very close proximity to one another. Property management issues are often a source of concern or nuisance for residents. And this is without livestock being permitted.

All farm animals come with their own set of issues. Chickens are the most commonly requested or enforced farm animals that PCAD has experienced, however, they have been called to investigate complaints about a variety of farm or exotic animals.

If the Mayor and City Council determine it would be in the best interest of the community to amend City Code to allow farm animals, staff would offer the following caution from an enforcement standpoint. If backyard farmers are not responsible owners, neighbors will complain and the City and the Humane Society will be called to address issues such as:

1. Complaints about dirty coops, hutches, sheds, and pens which are creating unpleasant odors and attracting flies, rodents, and roaches
2. Complaints about the neighbor's farm animals attracting predators to the neighborhood – raccoons, skunks, opossums, roaming dogs, feral cats, etc.
3. Complaints about free range or escapee farm animals, chickens in particular, eating neighbor's gardens or dropping manure all over the neighbor's property
4. Complaints about noise from the farm animals (it is not only roosters that make noise)
5. Complaints about unhealthy, overcrowded farm animals
6. Complaints about coops, hutches, sheds, and pens being "too close" to a neighbor's house or yard

PCAD is routinely contacted by citizens with complains about farm animals in their neighborhoods. While they may occasionally receive a complaint from a dissatisfied resident who wants to keep poultry, they receive exponentially more complaints about people keeping poultry. If the regulations are changed to permit this, the elected officials can expect to receive more complaints about the change than about the current state of the Code. At present, because farm animals are prohibited, staff just inform the owner that the animals must be removed. If farm animals are allowed by City Code, enforcement of livestock condition complaints would be beyond the expertise of PCAD and would fall to the Humane Society. Staff contacted the Humane Society and were advised they do not have the resources to respond to complaints associated with backyard farming mismanagement in the City. This issue comes up occasionally, and in the past, both the Planning Commission and the Mayor and City Council have determined that keeping of poultry or other farm animals in the City is not advisable and should not be permitted by the Land Management Code.

Staff also provided information on how other jurisdictions that allow backyard farming regulate the activity.

It was the general consensus to not amend the City Code to allow farm animals.

Increase in Dirt Bike Calls for Service

Police Chief Paul “Joey” Kifer, and Sergeant Andrew Lewis, were present to provide information on the issue of dirt bikes. They discussed the police department’s limitations, statistics and, to the extent possible, their enforcement efforts. Chief Kifer hopes this discussion will be seen as an education opportunity to get public involvement to help the police department stop this activity.

HPD has experienced an increase in calls for service for people riding dirt bikes and ATV’s on sidewalks, parks, and parking lots in an unsafe manner.

Sgt. Lewis showed a video of several dirt bike riders on a school field running from police officers. Police officers are not chasing the riders but they do try to move them off the field.

Last week, HPD received 25-30 calls about dirt bikes being driven unsafely and without regard for anyone else. A review of the cameras in the area of Locust Street and Franklin Street showed 14 dirt bikes being ridden on the streets and sidewalks and weaving between vehicles.

There are small to medium groups of dirt bike/ATV riders within the City with complete disregard for criminal and traffic laws. They always refuse to pull over for law enforcement. They are mimicking a group from Baltimore, Maryland called the “12 o’clock boys”. Riders go to areas where they can show off and perform dangerous stunts. Riders are not limited to any one area of the city. This trend comes and goes every so often, usually dependent on weather.

Councilmember Aleshire pointed out this is also quelled because HPD starts to identify the riders and contacting them. Chief Kifer stated they investigate and find out who they are. Sometimes the bike is stolen and other criminal charges are attached to a theft charge.

Sgt. Lewis stated they have been addressing this issue in a number of ways. Special operations are held using Detectives and Officers. They are asking for any and all public videos and photos related to the riders. They use multiple sources to identify the riders, including social media. They are identifying locations the dirt bikes/ATV’s are stored. They secure search warrants on residences/garages used to store dirt bikes/ATV’s that were used in criminal/traffic offenses. Suspects will be charged criminally, if applicable, and/or issued traffic citations.

HPD will not pursue any dirt bikes/ATV’s, or use spike strips or roadblocks. The risk to the general public such as pedestrians and other motorists is not worth traffic citations or minor criminal charges. The risk to the suspect and HPD officers is also very high during any type of pursuit.

Mayor Keller asked how Chief Kifer and Sgt. Lewis prefer people to contact HPD. Chief Kifer stated people may report this activity at pdinfor@hagerstownpd.org, by calling, or using the See It/Say It phone app. He is anticipating the public will get involved and let the department know where the riders are so officers can address the individuals. The department wants riders to be responsible and are concerned for their safety as well as the safety of the public. This activity is frightening for people in the community. Although riding dirt bikes and ATV's is not illegal, there are traffic laws in place. Chief Kifer has approached Senator Paul Corderman about legislation to make some of these activities criminal in nature. HPD is also using drones to locate the riders.

Councilmember Aleshire clarified that pictures of the riders sent to HPD would be preferred, as riders are gone by the time an officer arrives at the location of a call. Chief Kifer indicated that is correct. HPD is pleading with the community to let them know who the riders are. Chief Kifer stated reporting this information could save someone's life. One rider now has brain damage due to an accident on his dirt bike. No one tried to stop him from doing this dangerous activity and he wouldn't stop. Chief Kifer is concerned even more serious injuries or fatalities will occur if this doesn't stop.

Chief Kifer stated there are sometimes 50 to 100 people in groups riding dirt bikes. Some riders are as young as 8 or 9. He again asked the community for help in providing information and pictures to the Hagerstown Police Department.

CITY ADMINISTRATOR'S COMMENTS

Scott A. Nicewarner, City Administrator, announced Music on the Square will be held Friday, May 7, 2021, weather permitting. He encouraged people to have dinner downtown and enjoy the music.

MAYOR AND COUNCIL COMMENTS

Councilmember K. B. Aleshire is glad to be able to attend meetings in person.

Councilmember R. E. Bruchey, II reiterated there will be no change in the City Code to permit farm animals in the City of Hagerstown.

Councilmember T. Burnett thanked all the teachers for their efforts and hard work. Today is Teacher Appreciation Day. Today is also International Firefighters Day and she thanked the men and women who sacrifice every day to keep citizens safe.

Councilmember T. Martinez announced Friday (May 7, 2021) is Hagerstown Cease Pain Weekend. For 72 hours, people are encouraged to not hurt themselves or anyone else. She wished all mothers a Happy Mother's Day.

Councilmember S. McIntire had no additional comments.

WORK SESSION AND EXECUTIVE SESSION
2021

MAY 4,

MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

Councilmember Bruchey wished his wife a happy anniversary. Their 40th wedding anniversary is Sunday, May 9, 2021.

Mayor E. Keller congratulated the two ladies who graduated from Brooke's House recently. The ceremony was beautiful. She thanked Commissioner Cline, Commissioner Burkett, and Commissioner Baker for reaching out to her about a 2 + 2 meeting with Commissioners and Mayor and Council members which resulted in a joint meeting being scheduled for May 11, 2021 at 10:15 a.m.

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 6:33 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: June 22, 2021