

EXECUTIVE SESSION AND WORK SESSION – August 3, 2021

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On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to meet in closed session to consider the acquisition of real property for a public purpose and matters directly related thereto (#3) (Section 3-305(b)), and to discuss (i) 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)), on Tuesday, August 3, 2021 at 3:01 p.m. in Room 407, 4<sup>th</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, Michelle Hepburn, Chief Financial Officer, City Attorney Jason Morton, Attorney Brian Kurtyka, Jill Thompson, Director of Community and Economic Development, Rodney Tissue, City Engineer, Jonathan Kerns, Community Development Manager, Lauren Metz, Planning and Outreach Coordinator, Wes Decker, Communications Manager, and Donna K. Spickler, City Clerk. City Administrator Scott Nicewarner was not present.

The meeting was held to discuss acquisition of a downtown property for City operations, and membership of the Hagerstown Youth Council, City Ethics Commission, and Planning Commission. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 3:30 p.m.

WORK SESSION – August 3, 2021

Mayor E. Keller called this Work Session of the Mayor and City Council to order at 4:01 p.m., Tuesday, August 3, 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, S. McIntire, Michelle Hepburn, Chief Financial Officer, and City Clerk D. K. Spickler. City Administrator Scott A. Nicewarner was not present.

Proposed City Code Amendment – Hagerstown Loan Review Authority (HLRA)

Jonathan Kerns, Community Development Manager, Ashley Newcomer, Business/Community Development Finance Specialist, and Randy Catlett, Chairman of the HLRA, were present to review a proposed City Code amendment that would add formal membership qualifications for applicants seeking appointment to the Hagerstown Loan Review Authority (HLRA).

The HLRA is established under the City of Hagerstown Code Section 10-61 for the purpose of reviewing, approving and/or denying loan applications for the various loan

programs administered by the City of Hagerstown. The HLRA may also promulgate rules, regulations, procedures, criteria, and guidelines necessary for the proper and timely review of loan applications received through the City's loan programs.

Through the City's loan programs, the HLRA is responsible for decision making on residential loans and/or business loans with loan amounts ranging from \$ 10,000 to \$ 200,000. Residential and commercial lending decisions require specialized knowledge and expertise. Typically, HLRA members have backgrounds related to one or more of the following fields:

1. Banking
2. Accounting
3. Lending
4. Financial management

Although the HLRA has been an established Board/Commission in the City Code for a significant period of time, HLRA membership has never formally required specific qualifications per the existing City Code language. It is recommended formal qualifications also be added to the City Code for the HLRA. This is not uncommon as formal qualifications are also required and established in the City Code for the City's Board of Code Appeals and the Historic District Commission.

The proposed code amendment language would be added to section 10-64 of the City Code. The City Attorney was consulted on this matter and has suggested the following code language update:

Section 10-64. Qualifications of members. The Board shall be comprised of persons with knowledge and experience in fields such as banking, lending, accounting, or financial management.

Current HLRA members would not be impacted by this code amendment.

Mr. Catlett, who is a 30 year member of the HLRA, pointed out the nature of proposals reviewed requires an appropriate financial background.

Mayor Keller thanked Mr. Catlett for his years of service to the City and for his service to the country.

It was the general consensus to move forward with the proposed amendments.

#### Proposed Amendment to Land Management Code (LMC) for Breweries

Megan Flick, Planner, was present to review a proposed Land Management Code (LMC) Amendment for breweries.

In response to inquiries received by the Department of Community and Economic

Development (DCED) Staff, the Planning Commission recommends the following amendments to the small-scale brewery, distillery, and winery section of the City's zoning code:

1. Change the definition of small-scale brewery, distillery, and winery to an establishment that is 25,000 square feet or less
2. Increase the maximum square footage to 25,000 square feet permitted by Special Exception in the CC-MU and C zoning districts and for industrial buildings built before October 1, 1956 by Special Exception in the CG, POM, IR, and IG zoning districts
3. Continue to allow breweries by right at 15,000 square feet in CC-MU and C
4. Remove the prohibitions on outdoor speaker systems.

The Planning Commission held a public review meeting on June 30, 2021 and has not yet received public input. However, staff have received support from DCED.

It was the general consensus to move forward with the proposed amendments to the Land Management Code. A Public Hearing to receive testimony on the amendments will be scheduled for August 24, 2021.

#### Proposed Development at Harrison Tract at 1527 Howell Road

Doug Reaser, Business Development Specialist, Kathleen Maher, Director of Planning and Code Administration, and Rodney Tissue, City Engineer, were present to present information about a proposed development at the Harrison Tract at 1527 Howell Road. Fred Fredericks, Frederick, Seibert and Associates, was also present as the owner's representative.

A summary of the project is as follows:

1. Parcel at 1527 Howell Road is under contract by development partners Harris Lopato, Curated Development group, and David Strouse, Birchwood Capital Partnership
2. Proposed 1.91 million Square Foot Warehouse/Distribution Center
3. Development is built on speculation, and possible build-to-suit
4. Estimated investment of \$ 140 million and estimated 2,200 jobs

The Comprehensive Plan has included a proposed new road alignment since 2008 for a road to run through the Harrison tracts on either side of Edgewood as a way to open the land for development and to relieve pressure on Howell Road, the Edgewood and Dual Highway intersection, and the Hebb/Emmert intersection. The intent was that this would be a four-lane road, with two lanes in either direction. It would connect to Dual Highway near Mt. Aetna Road and connect to Alternate 40 near Funkstown. This proposed road is known as R. Paul Smith Boulevard. The LMC has a provision that states if a proposed Comp Plan road alignment is overlaid on a parcel, the developer must at least offer the land to the City for the road and might also be required to build a portion of the road to

help address the traffic impacts of the development.

R. Paul Smith Boulevard was also a recommended road alignment in the 2005-2018 long range transportation plans of the Hagerstown-Eastern Panhandle Metropolitan Planning Organization (HEPMPO). The challenge is that the County's 2002 Comprehensive Plan was never updated to include the transportation plan recommendations of those HEPMPO plans, and so the County felt they could not require provisions for the road when reviewing development plans outside the City.

The status of R. Paul Smith Boulevard is that no portion has been built north of Edgewood. A two-lane section was built on the south side of Edgewood running back to the rear of Comfort Suites in conjunction with development in that area. Since being included in the Comp Plan, the County has allowed development to occur which precludes the connection at Dual Highway/Mt. Aetna and at Alternate 40. An alignment south of Edgewood to the Dual Highway is still possible, and an alignment that extends south of Hebb to Beaver Creek Road might still be possible.

The Planning Commission has recommended that the City not abandon plans for the North Leg of R. Paul Smith Boulevard.

Staff recommend directing the Planning Commission to remove from the Transportation Plan improvements recommended in the Comprehensive Plan that section of R. Paul Smith Boulevard planned from Howell Road/Dual Highway to Edgewood Drive. A draft motion stating this direction was presented for review. A Special Session is tentatively scheduled for August 10, 2021.

Mr. Tissue stated 15 years ago, there were plans to widen Route 40. The idea was to create a road straight across the Dual Highway that would cross Edgewood Drive and Hebb Road to Funkstown. This was planned in order to take some of the traffic pressure off of Edgewood Drive and Route 40. It was included in the Comprehensive Plan. Unfortunately, this was not upheld by the County and they allowed development on the proposed land for the roadway. At the other end of the planned road, farmland that was annexed into Funkstown is now being developed. This has eliminated the opportunity for a through road, as both ends are compromised. The road cannot function as originally intended.

Staff proposes to eliminate the Howell Road to Edgewood Drive section and keep the current R. Paul Smith Boulevard. A condition of this proposed development would be to take the road to Route 40 and create a new intersection. This new intersection sets up the road for future development of the farm across the road. It is still good planning to have this road improvement occur, even if the original intent is not possible.

Councilmember Aleshire thinks it was unrealistic to think that the County would agree to the road extension as planned years ago.

Mr. Tissue stated it was a dream that the road would be realigned when it was extended. Based on similar projects, it is anticipated that 1,200 large trucks will travel the road once full build-out occurs. The expected truck traffic at the NorthPoint project on Wesel Boulevard is generating \$ 8 million in investment in dualizing egress and ingress to Halfway Boulevard. Mr. Tissue pointed out this road will be one through lane with a number of turn lanes.

Councilmember Aleshire pointed out there will be twice as many trucks, driving on a single lane road versus \$ 8 million the government by and large funded for four lanes at the NorthPoint project. He is concerned if the road is widened to two lanes in sections and then reduced to a single lane in other sections there will be significant congestion. He would rather complete the total road project now, since it is known what traffic levels will be, instead of requiring each business to dualize the roadway in front of their specific location. Otherwise, the City will have to go back later and move water and sewer lines and widen the road. He doesn't anticipate the connection to the State road will be inexpensive.

Mr. Tissue stated there will be two lanes emptying onto the Dual Highway for outbound traffic. The heaviest traffic will definitely be in bound from the Dual Highway. The platting needs to be very specific and the roads would be dedicated to the City.

Councilmember Aleshire pointed out this would be in addition to the regular residential traffic. He does not want to have to go back years from now to do more work.

Councilmember Bruchey supports requiring four lanes from the Dual Highway and providing assistance to accomplish this. He believes if it is not done now, it will cost 10 times as much 20 years from now.

Mr. Tissue stated the road to the Dual Highway is essential for this development. An agreement will be needed with details of what is required and a timeline for completion. He asked when the Mayor and City Council would want the work to be completed – at occupancy, completion of the building, etc. Councilmember Aleshire and Councilmember Bruchey both stated definitely by occupancy.

Mr. Tissue summarized that the Mayor and City Council agreed that creating four lanes to the Dual Highway would be part of the requirement for this development. Mr. Fredericks indicated he believes this is reasonable. His client is also looking into purchasing the undeveloped land and providing a right of way dedication to the City of 90' or 120'. They will dedicate it to the City and continue to mow the undeveloped land.

Councilmember Aleshire stated he does not think a project should receive an exemption from contributing to the road improvements, no matter where it is developed.

Any agreement has to prevent a new owner from being able to refuse to contribute to the improvement.

Mr. Fredericks pointed out any development on the vacant land would require a bridge across the flood plain. His client is going to purchase the right of way and build the road extension.

Councilmember Bruchey clarified the City is ok with abandoning the portion of R. Paul Smith Boulevard as discussed. Mr. Tissue indicated a statement will also be included noting the developers will be responsible for road improvements as discussed. responsible

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

*Michelle Hepburn, Chief Financial Officer*, encouraged everyone to attend the National Night Out event, which begins today at 6:00 p.m. at Fairgrounds Park.

### **MAYOR AND COUNCIL COMMENTS**

*Councilmember T. Martinez* had no additional comments.

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

*Councilmember T. Burnett* reminded everyone the neighborhood clean up day is Saturday, August 7, 2021. She has received requests from residents to include recycling bins for the next clean up.

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

*Councilmember S. McIntire* congratulated the Skate Park Task for a big victory of additional funding from the County Commissioners today. The community's support of this project is exciting. The skatepark will be a phenomenal addition to the City and the County. Discovery Station celebrated 25 years with a ribbon cutting on Sunday, July 25, 2021. The Discovery Station is developing displays that are inclusive. During the MML Conference, she attended an inclusive and diversity work shop to make sure the City is doing things right. She thinks the City should publish documents in Spanish, including the online meeting packet. She would like to discuss this further.

*Mayor E. Keller* stated it was awesome to see the support of the skatepark task force during the County Commissioners meeting earlier today. She congratulated Kalim Johnson for putting together an awesome Freedom Fest event last weekend. The Community Clean-Up Day is this weekend.

Mayor Keller stated a letter of support for the Doleman Black Heritage Museum (DBHM) has been request from the Maryland Department of Housing and Community Development. For the FY 2021 grant award (Jonathan Street Revitalization – Doleman Museum), DHCD is requesting a letter showing the City and DBHM are working

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together on the project. It was the consensus to provide a letter detailing the steps the City has taken over the years that show support of the project.

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 4:38 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: September 28, 2021