

EXECUTIVE SESSION AND REGULAR SESSION (20TH VOTING SESSION) AUGUST 24, 2021

MAYOR AND CITY COUNCIL HAGERSTOWN, MARYLAND
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EXECUTIVE SESSION – August 24, 2021

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 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, August 24, 2021 at 6:00 p.m. in Room 407, 4th 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, Kathleen Maher, Director of Planning and Code Administration, Jill Thompson, Director of Community and Economic Development, Blaine Mowen, Chief Code Official, Doug Reaser, Business Development Specialist, Senator Paul Corderman, Sean Griffith, Executive Director of the Hagerstown Housing Authority, Aaron Peteranecz, Developer, Wes Decker, Communications Manager, and Donna K. Spickler, City Clerk.

The meeting was held to discuss a business proposal. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 7:10 p.m.

REGULAR SESSION (20TH VOTING SESSION) – August 24, 2021

Mayor E. Keller called this Regular Session (20th voting session) of the Mayor and City Council to order at 7:24 p.m., Tuesday, August 24, 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 Jason Morton, and City Clerk D. K. Spickler.

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

Mayor Keller announced the Rules of Procedure for this meeting will be followed as adopted December 15, 2020. It was announced that the use of cell phones during meetings is restricted and that all correspondence for distribution to elected officials should be provided to the City Clerk and should include a copy for the City Clerk for inclusion in the official record.

The next scheduled meetings are: Work Sessions beginning at 4:00 p.m. on Tuesday, September 14, 2021, and Tuesday, September 21, 2021, and the Regular Session on Tuesday, September 28, 2021. No meeting is scheduled for Tuesday, September 7, 2021.

APPOINTMENTS

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 appoint Matthew Schindler to the City Ethics Commission with a term to expire September 1, 2022.

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 appoint the following members to the Hagerstown Youth Council:

Natalie Asbury – Term to Expire August 24, 2023
Alexander Duncan – Term to Expire August 24, 2022
Tanish Gupta – Term to Expire August 24, 2022
Natalie Hewage – Term to Expire August 24, 2022
Ella Murthy – Term to Expire August 24, 2023
Manraj Singh – Term to Expire August 24, 2022
Haileigh Taylor – Term to Expire August 24, 2023

Mayor Keller then administered the Oath of Office to the Hagerstown Youth Council. All members were present with the exception of Ella Murthy.

CITIZEN COMMENTS

Citizen Comments were accepted by email at councilcomments@hagerstownmd.org prior to 5:00 p.m. on Tuesday, August 24, 2021. Citizen Comments were also accepted during the meeting.

The following Citizen Comments, received by email, were read and summarized during the meeting. The full email is included with the meeting packet and posted with the online agenda:

1. Ted Atkinson, 308 Hebb Road, Hagerstown, Maryland, is concerned that the Harrison Tract Proposal for a warehouse. He stated the increased truck traffic, deforestation creating major flooding, and pollution from run off will negatively impact the community.
2. Ginny Atkinson, 308 Hebb Road, Hagerstown, Maryland, is concerned about the negative impact of the Harrison Tract Proposal. She stated truck traffic will increase, there will be a negative effect on emergency services responses, it will create major flooding, and there could be pollution from chemical in the asphalt.
3. Bette Jo Shifler, 20017 Beaver Creek Road, Hagerstown, Maryland, asked the Mayor and City Council to reconsider all the warehouses. They cause the loss of agriculture, traffic accidents will increase, and there are too many empty buildings. She questioned where the money is coming from to purchase the properties.

Robbie Soto, 3735 Sportsman Road, Greencastle, Pennsylvania, was present. He expressed his concern for the proposal being considered for the City to provide funding to the Hamilton Hotel project. He stated, as a former employee of the owner, he was forced to falsify information to different organizations and agencies. His current business, Authentic Community Theatre, paid a portion of a contract that was to be reimbursed. This has not occurred. He understands the need to repair the building but he urged the Mayor and City Council to make the funding a loan, rather than a grant and a loan to grant.

PUBLIC HEARING

2021 Land Management Code (LMC) Amendments – Breweries, Wineries, Distilleries

Megan Flick, Planner, stated this Public Hearing is being held to receive testimony on proposed amendments to the Land Management Code (LMC).

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 received public input. However, staff has received support from DCED.

According to the Brewers Association, Maryland's craft brewing industry grew from 25 to 112 micro-breweries from 2011 to 2019. Adaptive reuse of old buildings is typically a favored property type for these uses.

Ms. Flick entered the following Exhibits into the record:

- Exhibit 1 - Planning Commission file by reference for ZT-2021-02
- Exhibit 2 – Certificate of Advertisement

There was no testimony presented, either in favor of or against the proposed amendments.

The record will remain open for 10 days for additional comments.

The Public Hearing was then closed.

MINUTES

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 approve the minutes, as presented, for July 13, 2021, July 20, 2021, and July 27, 2021.

CONSENT AGENDA

On a motion duly made by Councilmember S. McIntire and seconded by Councilmember R. E. Bruchey, II, the Mayor and City Council unanimously approved the Consent Agenda as follows:

- A. Community and Economic Development:
 - 1. Street Closure – Explore BISFA Event

- B. Engineering:
 - 1. Renovation of Public Restrooms Adjacent FIT Room and BMX Track – PBI Commercial (Hunt Valley, PA) \$ 154,599.00

- C. Information Technology:
 - 1. Tyler PACE-15 Training Package Renewal – Tyler Technologies (Dallas, TX) \$ 12,363.75
 - 2. ESRI-GIS Renewal – ESRI (Redlands, CA) \$ 38,500.00

- D. Planning and Code Administration:
 - 1. Court Ordered Repair – Wall to Open Alley No. 4-2 (Cramer’s Alley) – Gruber-Latimer Restoration (Sharpsburg, MD) \$ 18,662.00

- E. Police:
 - 1. Annual Software Maintenance Agreement – Keystone Public Safety, Inc. (Maple Shade, NJ) \$ 104,439.00
 - 2. 2021 Ford Explorer – Sheehy Ford (Richmond, VA) \$ 35,908.40
 - 3. 2021 Ford F-250 – Keystone Ford (Chambersburg, PA) \$ 33,830.00

- F. Utilities:
 - 1. Wastewater – Grinder Pump Retrofit – Fluid Solutions, Inc. (Westminster, MD) \$ 56,485.00
 - 2. Wastewater – Air Lift Pumps – Parkson (Ft. Lauderdale, FL) \$ 62,662.00
 - 3. Wastewater – Prep and Spray Lining of Sanitary Sewer Manholes – Advanced Rehabilitation Technology (Bryan, OH) \$ 33,810.00

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

A. Introduction of an Ordinance: To Amend the Code of the City of Hagerstown, Chapter 10, Article XIII, Entitled Hagerstown Loan Review Authority to add Qualifications of Members

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance to amend the Code of the City of Hagerstown, Chapter 10, Article XIII to add a Section 10-64 establishing certain qualifications for members being appointed to the Hagerstown Loan Review Authority. This code amendment will require the Hagerstown Loan Review Authority to be comprised of persons with knowledge and experience in fields such as banking, lending, accounting, or financial management.

B. Approval of a Resolution: Parking Lease for Central Parking Lot with the State of Maryland - Department of Assessments and Taxation (SDAT)

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 approve a resolution approving a parking lease agreement between the City of Hagerstown and the State of Maryland for the rental of ten parking spaces in the Central Parking Lot for use by the Maryland Department of Assessments and Taxation (SDAT).

The terms of the lease is two years and commences on November 1, 2021. The annual rent to be paid to the City is \$ 6,720.00.

C. Approval of a Resolution: Parking Lease for the University District Parking Deck with the State of Maryland for use by the District Court of Maryland

Action: 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 approve a resolution approving a parking lease agreement between the City of Hagerstown and the State of Maryland for the rental of five parking permits in the University District Parking Deck for use by the District Court of Maryland.

The term of the lease is two years and commences on October 15, 2021. The annual rent to be paid to the City is \$ 4,200.00.

D. Approval of Resolutions: Execution of Residential Lease Agreements at City of Hagerstown Properties:

- 1. **12727 Ritchie Road, Smithsburg, Maryland**
- 2. **23510 Warner Hollow Road, Smithsburg, Maryland**

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 approve a resolution authorizing the execution of lease agreements between the City of Hagerstown and the following:

Dwayne Miller, for the residence located at 12727 Ritchie Road, Smithsburg, Maryland

John and Michelle Rinehart for the residence located at 23510 Warner Hollow Road, Smithsburg, Maryland

E. Approval of a Resolution: Execution of a Financial Incentive Agreement between the City of Hagerstown and Ares Investment Group, LLC for 86-98 West Washington Street

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember R. E. Bruchey, II, the Mayor and City Council unanimously agreed by voice vote to approve a resolution authorizing the execution of a Financial Incentive Agreement between the City of Hagerstown and Ares Investment Group, LLC.

The Financial Incentive Agreement provides a grant of \$ 358,053 and a loan-to-grant of \$ 358,053 for total funding of \$ 716,106 to Ares Investment Group, LLC for a building stabilization project for the Hamilton Hotel Building at 86-98 W. Washington Street.

The approval provides that the City Administrator and/or the City Attorney may make administrative and non-substantive edits to the Agreement if necessary prior to execution.

A motion was approved by the Mayor and City Council on July 27, 2021 identifying that the funding will come from an FY21 transfer from the General Fund to the Economic Redevelopment Fund, and stating that full terms and conditions of the funding would be outlined in a Financial Incentive Agreement to be approved separately.

Discussion: Councilmember Aleshire stated Mr. Soto is correct, the City is pushed into a corner with not a lot of alternatives to resolve the issues at the Hamilton building that will be a benefit to the citizens. He pointed out Mr. Soto’s comments appear to be related to issues between him and other private parties.

F. Approval of a Resolution: Execution of a Financial Incentive Agreement

between the City of Hagerstown and Gideon Properties, LLC for the Holly Project at 72 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 a resolution authorizing the execution of a Financial Incentive Agreement between the City of Hagerstown and Gideon Properties, LLC.

The Financial Incentive Agreement outlines the terms and conditions for a grant of \$ 750,000 for the Holly Project at 72 W. Washington Street. The project will create 46 modern apartments with luxury features and amenities at an estimated capital investment of \$ 11 million plus.

The approval provides that the City Administrator and/or the City Attorney may make administrative and non-substantive edits to the agreement if necessary prior to execution.

A motion was approved by the Mayor and City Council on May 25, 2021 identifying that the funding will transfer from the Invest Hagerstown line item in the Economic Redevelopment fund paid from 3 fiscal years beginning in FY22, and stating that the full terms and conditions of the funding would be outlined in a Financial Incentive Agreement to be approved separately.

G. Approval of a Resolution: Authorizing Reimbursement Agreement with Convention and Visitors Bureau, Inc.

Action: On a motion duly made by Councilmember T. Martinez and seconded by Councilmember R. E. Bruchey, II, the Mayor and City Council unanimously agreed by voice vote to approve a resolution to enter into a reimbursement agreement with the Hagerstown/Washington County Convention and Visitors Bureau, Inc. (CVB) for construction of a portion of the Skatepark in Fairgrounds Park. The City will complete the construction and bill the CVB for the construction cost as outlined in the agreement.

H. Approval of Amendments to Community Development Block Grant (CDBG) Annual Action Plan

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 approve amendments to the Community Development Block Grant (CDBG) Annual Action Plan for the following actions:

1. Reallocate \$ 40,000 of CDBG funding from the Potterfield Pool Light Project to Fairgrounds Park Fit Room Bathroom Rehabilitation Project
2. Increase funding maximum from \$ 5,000 to \$ 10,000 for Emergency Repair Grant cases

Full details of the CDBG amendments are included with the meeting material.

I. Approval of Letter of Intent to Enter Into Lease Agreement for the City of Hagerstown Property Located at 6 N. Potomac Street – The Foundry, LLC

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote to authorize staff to execute a letter of intent based on the draft lease agreement with The Foundry, LLC at the City of Hagerstown property located at 6 North Potomac Street in Hagerstown, Maryland. The proposed terms of the lease shall be for one year with four, one year renewal options. The tenant may require assistance up to \$ 9,700.00 for fit out/rental operations of the tenant space that will be determined at a later date. The approval provides that the City Administrator and/or the City Attorney may make administrative and non-substantive edits to the agreement if necessary prior to execution.

J. Approval of Reimbursement to the Washington County Narcotics Task Force

Action: 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 approve reimbursement to the Washington County Narcotics Task Force a total of \$ 380,000 for FY 22. This is paid for out of Hagerstown Police Department's operating budget.

K. Approval of Acceptance of Maryland Criminal Intelligence Network Grant

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 approve acceptance of the Maryland Criminal Intelligence Network grant, which is 100% grant funded and totals \$ 266,196. The total of this grant is to focus on high priority offenders within the community, with an emphasis on criminal networks and enforcement.

This non-match grant has been offered and awarded annually for the past several years. It would provide salary support for a Crime Analyst (\$ 29,315), Program Coordinator (\$ 60,034), HPD law enforcement overtime (\$ 80,000), overtime funding for the Washington County Sheriff's Office (\$ 25,000 – for collaborative enforcement efforts),

Community Based Prosecutor (\$ 64,397), Human Trafficking training expenses (\$ 850), GangScope software (\$ 3,600), and Human Trafficking training registration (\$ 3,000).

L. Approval to Accept the Police Recruitment and Retention Grant

Action: 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 approve acceptance of the Police Recruitment and Retention Grant, which is 100% grant funded and totals \$ 29,290. The goal of this grant is for recruitment of new officers and retention of existing officers hired after July 1, 2021.

This non-match grant has been offered and awarded annually for the last few years. The recruitment component of the grant would provide billboard advertising (\$ 5,760), geographic targeted social media ads (\$ 480), recruitment video (\$ 7,000), television advertisement campaign (\$ 5,000), and vinyl covers for billboards (\$ 1,050).

The retention component of this grant would provide \$ 5,000 for new hires and \$ 5,000 for college education bonuses.

HPD will follow all purchasing policies.

M. Approval of Fire Fighter Up-Staffing

Action: On a motion duly made by Councilmember T. Martinez and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously agreed by voice vote to approve of two full-time fire fighter positions to be hired to fill a recent retirement and the anticipation of additional retirements and trickle-down vacancies in early CY23. This will allow for all new hires to begin training classes October 1, 2021. Approval of this request will ensure that all will be available to be moved to shiftwork, minimum staffing positions in the shortest amount of time possible for trained firefighters.

N. Approval of Street Closure -Jonathan Street Cabin Ribbon Cutting

Action: On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously agreed by voice vote to approve a street closure of the 400 block of Jonathan Street for the Jonathan Street Cabin Ribbon Cutting Event on Tuesday, September 14, 2021 from 11:00 a.m. to 1:00 p.m.

O. Approval of FY21 Year End Transfers Between Funds

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember R. E. Bruchey, II, the Mayor and City Council unanimously agreed by voice vote to complete the following year-end adjustments;

1. Professional Court Extension (C0685) project – transfer \$ 250,000 from the General Fund to this project which represents local funding match for two federal grants awarded
2. Health Insurance Fund reallocation of prior surplus – transfer a total of \$ 484,000 from the Health Insurance Fund to General, Electric, Water and Wastewater Funds with each applicable amount received
3. MELP (C0839) project – transfer remaining funding surplus of \$ 67,568 to undesignated/unassigned CIP Fund Balance to be utilized for any future projects that may go over budget

CITY ADMINISTRATOR COMMENTS

Scott Nicewarner, City Administrator, notified everyone that a new grant through the Department of Housing and Community Development called Project Restore, will be available in September, 2021. Additional information can be found on the City of Hagerstown website (www.hagerstownmd.org).

The 100th anniversary celebration of City Park Lake will take place on Saturday, August 28, 2021. Activities include music and fireworks on the lake. A job fair is being held on September 1, 2021 from noon until 5:00 p.m. at the Washington County Free Library. At least 30 agencies are participating,

MAYOR AND CITY COUNCIL COMMENTS

Councilmember R. E. Bruchey, II reminded motorists that the changes to East Avenue and North Avenue will be taking place this week. This has been requested by residents for many years.

Councilmember T. Burnett thanked Eric Deike, Director of Public Works, Rodney Tissue, City Engineer, Stephen Bockmiller, Development Planner/Zoning Administrator, and Scott Nicewarner, City Administrator, for meeting with her to discuss issues at Wheaton Park. She announced there will be a meeting on August 31, 2021 at 6:00 p.m. at Wheaton Park for community input. In addition to social media notices, she and Councilmember Martinez will be distributing flyers door to door.

Councilmember K. B. Aleshire stated the Mayor and City Council exercise a certain degree of decorum and do not allow besmirching of the character of anyone. If the comments move in that direction again, they should not listen to the comments. He stated people can speak about issues but negative character comments are not part of the issues.

EXECUTIVE SESSION AND REGULAR SESSION (20TH VOTING SESSION) AUGUST 24,
2021

MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

Councilmember T. Martinez had no additional comments.

Councilmember S. McIntire had no additional comments.

Mayor E. Keller thanked members of the Homeless Coalition and the Washington County Health Department for meeting with community representatives again this morning to discuss ways to address the issues of the community. She thanked those that participated in the community walking tour earlier today. She offered condolences to the family of Ian Harshman, also known as Ian Coleman, who passed away last week. He will be missed in the community.

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 8:02 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: September 28, 2021