

EXECUTIVE SESSION – November 2, 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 consult with counsel to obtain legal advice (#7) (Section 3-305(b)), on Tuesday, November 2, 2021 at 2:41 p.m. in Room 407, 4th floor, City Hall, Hagerstown, Maryland. Councilmember T. Martinez seconded the motion.

Councilmember K. B. Aleshire voted No and requested the discussion regarding redesignation of the Arts and Entertainment District be held in open session. Councilmember Burnett and Councilmember Martinez agreed. Councilmember Aleshire then agreed to meet in closed session for the remaining items.

Motion carried 3-0. Councilmember R. E. Bruchey, II was not present at the time of the vote.

The following people were in attendance: Mayor E. Keller, Councilmember K. B. Aleshire, Councilmember R. E. Bruchey, II, Councilmember T. Burnett, Councilmember T. Martinez, City Administrator Scott Nicewarner, City Attorney Jason Morton, Ann Hunt, Attorney, Michelle Hepburn, Chief Financial Officer, Jill Thompson, Director of Community and Economic Development, Nancy Hausrath, Director of Utilities, Kathleen Maher, Director of Planning and Code Administration, Eric Deike, Director of Public Works, Chris Siemerling, Economic Development Specialist, Doug Reaser, Business Development Specialist, Kitty Clark, Community Events Coordinator, Jonathan Kerns, Community Development Manager, Joe Moss, Wastewater Operations Manager, Wes Decker, Communications Manager, and Donna K. Spickler, City Clerk. Councilmember S. McIntire was not present.

The meeting was held to discuss a business proposal, to obtain legal advice on terms for a contract, two proposed easements, and general legal consultation. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 4:15 p.m.

WORK SESSION AND SPECIAL SESSION (24TH VOTING SESSION) – November 2,
2021

Mayor E. Keller called this Work Session and Special Session (24th voting session) of the Mayor and City Council to order at 4:25 p.m., Tuesday, November 2, 2021 in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, R. E. Bruchey, II, T. Burnett, and T. Martinez, City Administrator Scott A. Nicewarner, and City Clerk D. K. Spickler. Councilmember S. McIntire was not present.

Proclamation: Municipal Government Works Month

Mayor Keller read a proclamation naming November, 2021 as Municipal Government Works Month in Hagerstown, Maryland.

Discussion with Downtown Baseball Representatives

Blackie Bowen, Don Bowman, Frank Boulton (remotely), and Jim Holzapfel, Downtown Baseball, LLC, were present to discuss the multi-purpose stadium in downtown Hagerstown.

The Maryland Legislature funded the construction of the facility. The MSA has been tasked with getting the stadium built. The MSA has expressed concern that due to COVID-19, the supply chain for building materials may delay construction to the point that the new stadium may not be complete for the start of the 2023 baseball season.

The new baseball team needs to begin play in April of 2023. The group is requesting that, if necessary, the new team be allowed to utilize Municipal Stadium for a portion or all of the 2023 baseball season.

Mr. Bowen indicated they recently discussed the timeline with John Wack, Eastern Sports Management, and Rodney Tissue, City Engineer, and all believe the timeline can be adjusted to meet this possibility. If the new team could use Municipal Stadium until August 1, 2023, (which is not ideal), Mr. Wack believes the indoor sports complex project could be completed within the previously established timeline. Mr. Bowen stated the Downtown Baseball group is strongly requesting that the Mayor and City Council grant them permission to use Municipal Stadium for a large portion of the 2023 season.

Mayor Keller pointed out that, if the worst was to happen and the new stadium would not be completed in 2023 or even 2024, there would have to be an understanding that the City would be moving forward with the sports plex at that point.

Mr. Bowen stated they have discussed holding home games predominately at the beginning of the season. Councilmember Bruchey stated it would be cost prohibitive to play a whole season of away games due to travel and lodging costs.

Mr. Bolton stated the 2022 schedule will be released soon. Next year at this time, they will have the 2023 season schedule completed. They will need a place to hold home games, whether at Municipal Stadium or a facility in Frederick, Maryland.

Councilmember Bruchey pointed out there are some concerns about the condition of the Municipal Stadium facility itself, such as the batting cages and bathrooms. Mr. Bowen stated that is correct. He stated they need some facility as a backup in case the new stadium is not complete. He asked Mr. Bolton if an August 1, 2023 date is acceptable. Mr. Bolton indicated the MSA is making it clear the bid times are firm and

have to be completed on schedule. Mr. Bowen indicated they will know early in 2023 if an alternative facility will be needed, although they may not know if the new stadium will be completed.

Councilmember Aleshire has read the MSA report. The summary report includes items that utilize the terms that affect the project, such as storm drains, involvement of the Maryland Department of the Environment (MDE) for contamination issues, and asbestos assessments. Throughout the report there are multiple items that do not include a specific time or estimated cost. He wonders what step the overall project is on at this point and if the project is on schedule.

Mr. Bowen stated the group meets regularly with the MSA. The MSA representatives have an excellent reputation. They can't predict anything but he expects the group will own the needed properties during the first part of next year and demolition will occur soon after that.

Councilmember Aleshire stated the report indicates the City will select one of the four proposed designs. Mr. Bolton indicated that document is not the most recent one. The idea of four schematics doesn't exist anymore. They will be discussing the design build next, as the site has been selected.

Councilmember Aleshire stated he is looking at the documents that are available to the public. Mr. Bolton stated the project is different now. He will ask MSA if the new information can be shared, as members of Downtown Baseball are under a confidentiality agreement.

Mr. Bowen pointed out the MSA has eminent domain power and can acquire all of the needed properties. Mr. Bolton stated the appraisals are completed as well.

Councilmember Aleshire stated there has not been an appraisal completed for the property owned by the City. Mr. Bowen asked if the property Councilmember Aleshire is asking about is the street. Councilmember Aleshire stated he is asking about the Cultural Trail. Mr. Bowen indicated MSA is aware the City owns that property. Mr. Tissue stated MSA has the plats for the Trail.

Mayor Keller asked Mr. Wack if the indoor sports plex project can be completed within the original timeline if Municipal Stadium is not demolished by August 1, 2022. Mr. Wack indicated it could be, although he is not as comfortable with 15 months as he was with 18 months for the timeline.

Councilmember Bruchey would like to see both projects succeed. Mayor Keller indicated they all do.

Councilmember Aleshire stated he is open to discussing options. The Mayor and City Council need a copy of the revised MSA timeline. He would like to have a conversation

about the sports plex as well. Mayor Keller indicated it will be discussed when the full Council is present.

Neighborhood Protection- Removal of Snow from Public Sidewalks

Paul Fulk, Neighborhood Services Manager, was present to provide an update on the Planning and Code Administration snow and ice abatement program.

The Planning and Code Administration Department has been operating under the “Policy on removal of snow from sidewalks” adopted by the Mayor and City Council since 2004 for snow abatements. This policy addresses the process to abate snow and ice conditions from abutting property owner’s public sidewalks. Since that time, the City has abated snow and ice conditions from 370 public sidewalks. The most abated in one snow season was during the 2013-2014 season when the City abated 107 sidewalks. During this season, the City had 46 inches of snow, which is the 11th most all-time for this area. The next highest abated total was in 2009-2010 season when 75 sidewalks were abated, the City had 71 inches of snow that season, 2nd all-time for this area. There have been 6 seasons when no public sidewalks were abated for snow and ice conditions.

Planning and Code Administration staff presented to the Mayor and City Council during November of 2019 recommending more time for voluntary compliance removing snow and ice conditions from public sidewalks. The recommendation was to adjust the compliance time from 4 hours in the business district and 10 hours outside the business district, once the snow subsides, to a City wide standard of 24 hours after a storm subsides. The recommendation was approved and became effective on January 17, 2020.

Once a storm subsides and 24 hours have elapsed, the Code department patrols areas determining the citizen response for clearing public sidewalks from snow and ice conditions. The policy prioritizes enforcement by first having staff focus on walking routes adjacent to public schools, hospitals, and government offices. Next they focus on areas adjacent to shopping interfaces with residential areas and then, finally the residential neighborhoods.

When a property is identified as not clearing the public sidewalk, staff will assess the occupancy of the structure. Vacant and/or abandoned properties get immediately posted with an abatement notice. Occupied properties in violation of the code requirement typically receive a door hanger informing the property owner/occupant of the code requirements. An inspector will re-inspect the property the next day after distributing a door hanger. If no action is taken from a doorhanger, the inspector will post an abatement notice.

The policy states properties owned by the City of Hagerstown are to clear snow and ice conditions on its abutting sidewalks prior to abating any other property owner’s abutting public sidewalk. The Property Maintenance Code states a sidewalk shall have a clear and unobstructed path of snow and ice conditions for the width of the sidewalk or 48 inches whichever is less. The Directors of Public Works, Community and Economic

Development, Parks and Recreation, and City Light are to notify the Code Department when they are compliant with the snow and ice code. Once all notifying City departments have reported their sidewalks are clear, the policy authorizes the Code Department to conduct abatements for occupied properties with snow and ice conditions on abutting public sidewalks. The abatement contractor for snow and ice conditions was awarded by the Mayor and City Council last year and may be renewed annually five times.

There are several challenges the general public should be made aware of regarding the removal of snow and ice from public sidewalks. They are:

1. The time period between clearing sidewalks when snow events are close together.
2. Corner properties have two sidewalk areas needing cleared of snow and ice conditions.
3. Smaller snow amounts do not always melt away quickly and require as much attention as a large snow event.
4. Citizens that do not have the ability to shovel their own sidewalk due to their physical limitations or financial constraints. Snow Angel program no longer exists due to lack of volunteers.
5. City Code only addresses public sidewalks. Private sidewalks and private parking lots are not under any regulations for snow and ice removal.

Mr. Fulk also provided examples of the Snow and Ice Doorhanger and the Snow and Ice Flyer used by staff.

Weekly podcasts and media releases about snow removal requirements will begin later this week.

Councilmember Aleshire asked how long a resident has to clear their sidewalk after a notice is issued. Mr. Fulk indicated they have one day. Councilmember Aleshire encouraged people to help their neighbors. The information sent should also encourage this.

Hagerstown Police Department – Amendment of Starting Salary and Incentives and Bonuses Presentation

Chief Paul “Joey” Kifer was present to discuss an amendment to the Hagerstown Police Department’s starting salary. This will address an increase in Step 1 pay for AFSCME 3373 to \$ 46,700.00 and the rate of pay for non-union officers who are hired to attend the police academy to \$ 46,700.00. If this is approved, an amendment to the current agreement can be signed.

Chief Kifer also discussed increasing HPD’s incentives and bonuses. This will address an increase in the current monthly housing incentive from \$ 100.00 to \$ 300.00 (which was approved on April 29, 2014) to \$ 300.00 to \$ 500.00. The original housing

incentive for \$ 100,000 was approved on August 29, 2012. Funding for this will be from HPD's general fund budget.

Chief Kifer proposed increasing the signing bonuses from \$ 5,000.00 (which was originally approved on August 28, 2012) to \$ 20,000.00 for lateral applicants and from \$ 5,000.00 to \$ 10,000.00 for Comparative Compliance applicants. Both of these bonuses will require a 3 year contract that will require the officers to reimburse the City the full amount if their contract is broken. Former HPD employees will not be eligible for this incentive. Funding for this would come directly from salary savings.

Chief Kifer stated staffing is a concern that many departments are struggling with. Adjusting the incentive program for the Hagerstown Police Department will assist with hiring officers. They have reviewed applications from 360 people and hired 10 of them. HPD is still losing officers to other departments. Even after someone is hired, it takes an additional 10 months before they will be on the street.

Chief Kifer pointed out the starting pay should be higher than the amount recommended but it can't be without penalizing current employees.

Councilmember Aleshire suggested including an incentive in the First Third Incentive Program if an officer purchases a home in Hagerstown.

Chief Kifer stated increasing bonuses for lateral and Comparative Compliance applicants will dramatically reduce the time frame for getting an officer on the street. The men and women who are doing police work here are getting burned out. The department needs a way to attract quality candidates and get them on the street quicker. This will reduce the stress on current officers.

It was the general consensus to move forward with the recommended salary adjustment, housing incentives, and hiring bonuses.

Mr. Nicewarner stated aggressive recruiting is another way to try to get as many recruits to Hagerstown as possible. City staff are showing they are being as aggressive as possible in cooperation with the union leadership.

Strategic Plan Presentation

Mayor Keller reviewed the updated Mayor and City Council Goals and Strategic Plan document. The proposed vision statement is "The City of Hagerstown will inspire an inclusive, business-friendly, and sustainable community with clean, safe, and vibrant neighborhoods." The proposed Mission Statement is "The City of Hagerstown shall be a community focused municipality."

The Mayor and City Council established the following Focus Areas and have identified multiple objects for each area (a full copy of the Strategic Plan document is included in the meeting material):

SPECIAL SESSION (24TH VOTING SESSION)

MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

1. Neighborhoods Revitalization and Sustainability – The citizens of Hagerstown will experience a high quality of life.
2. Public Safety – The City of Hagerstown ensures that all who live, work, and play in the City of Hagerstown will be healthy and safe.
3. Public facilities and Infrastructure – The City of Hagerstown will maintain quality services and infrastructure that support residents and businesses in a cost-effective manner.
4. Economic Development – The City of Hagerstown will continue to grow a diverse, business-friendly economy that supports the community's needs.
5. Citizen-Based Government – The City of Hagerstown is an ethical and financially responsible government.
6. Fiscal Accountability – The City of Hagerstown will strive for continuous improvement of fiscally responsible decision making.
7. Parks and Recreation for Active/Healthy Living – The City of Hagerstown supports a culturally vibrant community.
8. Innovative/Progressive Government – The City of Hagerstown is committed to employee development, excellence in services, and adapting to meet the needs of the community and the organization.
9. Community Promotion/Pride – The City of Hagerstown will improve its Community Image.
10. Economic Development Through Sports and Tourism – The City of Hagerstown will be creative and diversify opportunities for Economic Development through nontraditional means.
11. Miscellaneous Projects, Goals and Legislative Priorities – The City of Hagerstown takes a creative approach at finding solutions.

The Mayor and City Council agreed that the overall focus during their term will be the following:

1. Community Safety/Operation Take Back
2. Branding and Community Engagement
3. Blight Removal/Neighborhood Clean Up
4. Indoor Sportsplex/Youth Opportunities
5. Tax Differential/Fair Fire Funding

It was the general consensus to include approval of the Vision Statement, Mission Statement and Strategic Plan on the November 23, 2021 Regular Session agenda.

Special Session (24th Voting Session)

On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote of all members present to meet in Special Session at 5:45 p.m.

Introduction of an Ordinance: Approve Termination of Agreement with Antietam Fire Company, Inc. and to Forgive the Balance of Payments Due to the City under the Agreement

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 introduce an ordinance authorizing the termination of an agreement with Antietam Fire Company, Inc., (Antietam), dated June 1, 2011, by which Antietam leases the property at 790-800 Potomac Avenue, Hagerstown, Maryland from the City of Hagerstown. Antietam leases the property for the sum of \$ 2,592.62 per month, with a term of thirty years.

This ordinance terminates the agreement and the City will forgive the balance of the rental payments due and owing under the agreement. The balance of \$ 451,070.07 is hereby forgiven. The funding to cover this forgiveness will be a transfer to Property Management from the Economic Redevelopment Incentive line item or GF Fund Balance Reserves.

By separate ordinance, the City shall donate the property to Antietam for its continued use as a volunteer fire station.

Introduction of an Ordinance: Approving Donation of Real Property to Antietam Fire Company, Inc.

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 introduce an ordinance to approve an agreement of donation to donate the real property at 790-800 Potomac Avenue to Antietam Fire Company, Inc., (Antietam) per the June 1, 2011 agreement with Antietam. The Agreement of Donation is subject to a right of first refusal to the City, should Antietam ever elect to sell the parking lot located on the property on Manilla Avenue.

The Mayor and City staff are hereby authorized to execute and deliver the Agreement of Donation and any additional documentation for this action.

Approval of Starting Salary Increase for AFSCME 3373

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 increase the Step 1 pay for AFSCME 3373 to \$ 46,700.00 and the rate of pay for non-union officers who are hired to attend the police academy to \$ 46,700.00, effective November 1, 2021.

Approval of an Increase in Incentives and Bonuses for Officers for the Hagerstown Police Department

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 increase the current monthly housing incentive from \$ 100.00 to \$ 300.00 (which was approved on April 29, 2014) to \$ 300.00 to \$ 500.00. The original housing incentive for \$ 100.00 was approved on August 28, 2012. Funding for this will come from the Hagerstown Police Department's general fund.

The Mayor and City Council also agreed to increase the Hagerstown Police Department's signing bonuses from \$ 5,000 (which was originally approved on August 28, 2012) to \$ 20,000.00 for lateral applicants and from \$ 5,000.00 to \$ 10,000.00 for Comparative Compliance applicants, effective November 1, 2021. Both of these bonuses will require a 3 year contract that will require the officers to reimburse the City the full amount, if their contract is broken. Former HPD employees will not be eligible for this incentive. Funding for this would come directly from salary savings.

The Special Session was closed at 5:55 p.m.

CITY ADMINISTRATOR'S COMMENTS

Scott A. Nicewarner, City Administrator thank City staff and the Main Street Group for organizing a great event for Saturday, October 30, 2021 to provide an activity after the Alsatia Mummer's Parade was cancelled by the Alsatia Club. It was a fun evening and he hopes the event can continue with the addition of the Mummer's Parade.

MAYOR AND COUNCIL COMMENTS

Councilmember T. Burnett thanked City staff and Scott Rykiel, Mahan, Rykiel Associates, for working with the community on the design review for improvements to Wheaton Park. Two designs were finalized and will be presented to the Mayor and City Council for approval. Amenities include a splash pad, improvements to parking, a pavilion, and improvements to the basketball courts.

Councilmember K. B. Aleshire recalls a proposal for a statue on property at City Park but he did not think it was officially accepted. He was surprised that a design for the statue and the surrounding area was presented to the Mayor and City Council recently. He envisioned a lively and fun space for visitors, not a memorial. He also anticipated there would be community input for the amenities. He envisioned an area that would highlight interesting facts about Hagerstown, such as the area at City Park was once called Five Mills Park and that it was the hub for the trolley from Hagerstown to Williamsport. These are the kind of things that would encourage people to interact with the park and possibly a trolley replica. He appreciated the Mayor's comments regarding the proposal during the Work Session. He does understand the significance of recognizing Clara Barton's contributions. He likes the Mayor's suggestion of some sort

of recognition of the book mobile program. He asked that the Mayor and City Council at least discuss the use of the property as a body.

Councilmember Aleshire stated the Mayor and City Council need an updated document for the stadium proposal from the Maryland Stadium Authority. He understands the City's non-involvement but the project is significant in how it complies with the City's stormwater management program. He wondered how taxes will be applied and if the facility will be a betting parlor location. The City needs to be assured everyone is following the same timeline as it related to the parking component. He pointed out the City owns property that will be acquired for the project. The City should be fairly compensated for the property. The County should be treated fairly as well.

Mr. Nicewarner clarified that Councilmember Aleshire is requesting Phase 2 of the MSA document. Councilmember Aleshire stated the City needs answers about the timeline and he is requesting the document that shows the anticipated timeframe for the project. Mr. Nicewarner indicated he and Mr. Tissue have been asked to participate in bi-weekly meetings with the MSA. When these meetings start, he will provide a summary to all Mayor and City Council members.

Councilmember T. Martinez had no additional comments.

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

Mayor E. Keller congratulated South Hagerstown High School's football team on their win in the annual Gridiron Classic game. She thanked the Parks and Recreation Department for the successful dog costume contest this past weekend. She echoed Mr. Nicewarner's comments about the downtown event on October 30, 2021. When the Alsatia Club cancelled the Mummer's Parade she approached Kitty Clark, Events Coordinator, and business owners for ideas of something to offer people in place of the parade.

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 6:02 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: January 25, 2022