

EXECUTIVE SESSION, WORK SESSION, AND SPECIAL SESSION (47TH VOTING SESSION) – August 9, 2022

EXECUTIVE SESSION – August 9, 2022

Mayor Keller called the Executive Session to order at 3:01 p.m.

On a motion duly made by Councilmember S. McIntire and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote to meet in closed session to consult with counsel to obtain legal advice; (#7) (Section 3-305(b)), 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 discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; (#1) (Section 3-305(b)), on Tuesday, August 9, 2022 at 3:02 p.m. in the Council Chamber, 2nd floor, City Hall, Hagerstown, Maryland.

The following people were in attendance: Mayor E. Keller, Councilmember K. B. Aleshire, Councilmember R. E. Bruchey, II, Councilmember T. Burnett, Councilmember T. Martinez, Councilmember S. McIntire, City Administrator Scott Nicewarner, City Attorney Ann Rotz, Michelle Hepburn, Chief Financial Officer, Nancy Hausrath, Director of Utilities, Doug Reaser, Business Development Specialist, Chris Siemerling, Economic Development Specialist, Paul Fulk, Neighborhood Services Manager, and Donna K. Spickler, City Clerk.

The meeting was held to receive legal advice, to discuss two business proposals, and to discuss membership of the City Ethics Commission and the Hagerstown Housing Authority. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 3:32 p.m.

WORK SESSION AND SPECIAL SESSION (47TH VOTING SESSION) – August 9, 2022

Mayor E. Keller called this Work Session and Special Session (47th Voting Session) of the Mayor and City Council to order at 4:03 p.m., Tuesday, August 9, 2022 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, and City Clerk D. K. Spickler.

SPECIAL SESSION (47TH VOTING SESSION) – August 9, 2022

On a motion duly made by Councilmember T. Martinez and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to meet in Special Session at 4:03 p.m. on Tuesday, August 9, 2022 in the Council Chamber, City Hall, Hagerstown, Maryland.

Public Hearing: Renewal and Expansion of Hagerstown-Washington County Enterprise Zone

The City Clerk provided the Oath to Doug Reaser, Business Development Specialist.

Doug Reaser, Business Development Specialist, stated the purpose of this public hearing is to consider the application of the Mayor and Council of the City of Hagerstown for the renewal and expansion of the Enterprise Zone by the State of Maryland. The Enterprise Zone is located within Washington County and the corporate boundaries of the City of Hagerstown.

The Enterprise Zone provides property tax credits for construction or rehabilitation investments and provides income tax credits for job creation. The enterprise zone was established December 14, 1992 by the City and County and has had two subsequent renewals in 2002 and 2012 and an expansion in 2021. The renewal will be for a term of 10 years. The expansion will enable the City and the County to better market this area for economic development.

The Enterprise Zone incentives are available to commercial projects only.

There are two components of the incentive:

1. Real Property Tax Credits – Ten-year credit against local real property taxes on the value of a portion of real property improvements. Properties located in the City receive the tax credit on both the City and County property taxes. Local jurisdictions receive a 50% reimbursement from the State on lost revenue.
2. Income Tax Credit – One or three-year credit for wages paid to eligible new employees. General credit is a one-time, \$ 1,000 credit per new worker. For economically disadvantaged employees, credit increase to a total of \$ 6,000 per worker distributed over three years.

The following Exhibits were entered into the record:

Exhibit 1: Certificate of Publication

There was no testimony presented, either in favor of or against the renewal and expansion of the Enterprise Zone.

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

Approval of a Resolution: Fourth Amendment to Real Estate Purchase of 441 South Potomac 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 to approve the fourth amendment to the Real Estate purchase and Sale Agreement for a portion of 441 South Potomac Street with Columbia Gas of Maryland, Inc. This amendment extends the settlement date to October 21, 2022.

The Mayor is further authorized to execute and deliver the agreement.

Approval of Funding for Improvements to Professional Court

Action: Consistent with the June 1, 2022 Agreement for Professional Boulevard, on a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed to authorize the allocation of \$ 3,300,000 for the widening of Professional Court to four lanes and associated improvements to Eastern Boulevard. The Mayor and City Council further authorize Washington County to contract with Concrete General for the completion for the construction on the City's behalf and for staff to reimburse the County for said construction.

The Mayor and City Council further authorized the re-naming of Professional Court to Professional Boulevard upon the substantial completion of the construction.

The Special Session was closed at 4:10 p.m.

Discussion with Western Maryland Scenic Railroad (WMSR) Regarding WM202 Engine

Mayor Bob Flanigan, Frostburg, Maryland, Wesley Heinz, WMSR CEO, and Nathaniel Watts, WMSR Chief Mechanical Officer, were present to discuss the possibility of restoring the WM202 Engine.

Mayor Flanigan stated he watched the Western Maryland engine travel through Western Maryland with his father. In 1988, there was a great plan to bring more tourism to Western Maryland by operating a heritage railroad based in Cumberland to operate passenger excursion trains between Cumberland and Frostburg. They have had some great successes in the last 12 months. They were able to acquire a larger Baldwin engine. Hagerstown's WM202 is also a Baldwin. They would like to make the WM202 run again. He is not here representing Frostburg as Mayor but as a historian. There are only two 202 engines left – the one in Hagerstown and one in Cass, West Virginia. The WM202 ran through Frostburg and he would like to see it run again.

Mr. Heinz and Mr. Watts reported the Western Maryland Scenic Railroad has been through a lot throughout the years. The train ride was conceived to bring tourism to the western part of Maryland. They have been all over the south helping restore locomotives and have 25 and 30 years of experience in this work between them.

Hagerstown or Pride of Hagerstown concept. Their idea is to relocate the steam locomotive, WM202, to Cumberland, preferably by a transfer of ownership or other similar agreement. There are indigenous locomotives that could be located in Hagerstown as a trade. The WMSR would commit to operate the WM202 engine. They could hold an annual event where Hagerstown residents would receive a ticket to ride the train or an event that would be a fundraiser for City Park. WM202 would become an ambassador for Hagerstown. The engine would be seen by tens of thousands of people.

Transferring the engine to the WMSR could relieve Hagerstown's responsibility of the upkeep on a static display. Placing a different locomotive in the space where WM202 is currently is also an option. WMSR would be responsible for maintaining WM202 as an operable piece of history.

They would like to have a partnership with Hagerstown. The WMSR Development Corporation focuses on community and family. Outreach has been their mantra. They are on track for 60,000 riders this year. They have helped create additional jobs.

They think the WM202 will be a catalyst for increasing visibility for Hagerstown and build a greater presence on the internet. They would like the opportunity to bring the engine to life and have it be seen by thousands of people.

This idea and offer will be discussed further at a later date.

Lobbyist Discussion

Mayor Keller stated Compass Government Relations Partners, LLC (Compass GR Partners) represented the City during the 2022 Legislative Session with a focus specifically on the field house project request from the City. Compass GR Partners has submitted a proposal to represent the City of Hagerstown year round on all issues. This means the City would have someone in Annapolis representing just the City.

It was the general consensus to move forward with accepting the proposal. Compass GR Partners will attend a Work Session next month to discuss the City's priorities with the Mayor and City Council.

2023 Legislative Priorities

Mayor Keller then discussed the 2023 Legislative Priorities and asked each Council member for their priorities.

Mayor Keller met with Police Chief Kifer last week to discuss police legislative priorities. Delegate Thiam submitted a bill during the last session on behalf of the City of Hagerstown about dirt bikes that did not make it out of committee. The bill was written in a way that someone riding a dirt bike illegally could be criminally charged. Chief Kifer has reviewed the bill and it will be revised before being resubmitted. The revision will state that a group (3 or more, which is similar to the description of a gang) riding dirt

bikes together in an aggressive way, antagonizing people and acting together to commit a crime may be criminally charged. This is trying to get a bill out of committee to address the issues with illegally riding dirt bikes.

Mayor Keller's next priority is addressing tax sale properties. The City has access to \$ 1 million to address blighted and vacant properties but does not have the authority to seize the properties. Legislation needs to be passed at the State level to allow municipalities to take the properties.

Mr. Nicewarner stated the bill also should include abandoned properties, whether or not the taxes are current. This will create a more streamlined process allowing the City to decide the fate of the property.

Mayor Keller stated allowing municipalities to have their own Police Accountability Board, rather than a County wide board, will likely be a Maryland Municipal League priority. She stated the City should support this important priority.

She stated a conversation to address the condition of several hotels has been started. She has researched what legislation other jurisdictions have in place to address the unsafe and unacceptable living conditions that some people residing in hotels are experiencing. This would also help with the number of calls for public safety to certain hotels.

Substance abuse and mental health issues are also priorities for Mayor Keller. She stated the Health Department is having trouble getting employees due to low pay. They need to have the ability to hire support and crisis personnel. The City should support the increase in pay for those positions.

When someone is court ordered to a treatment center, they need to have a home plan for the person before they are discharged or kicked out. When there is no home plan, people often end up homeless and that does not help anyone.

Councilmember Bruchey reminded the group that legislation was presented several years ago that would require released prisoners who are on probation to be returned to the jurisdiction that sentenced them. Those on probation should not be considered free. There should be a home plan in their original jurisdiction for the released prisoners that is more than someone just saying they have space available.

Councilmember McIntire asked when Gatekeepers get involved. Councilmember Martinez stated Gatekeepers is involved for most releases. She noted they rarely meet anyone that is not from this community.

Councilmember Martinez stated a treatment plan should be established for court ordered treatment.

Mayor Keller will discuss this further will Bill Gaertner, Director of Gatekeepers.

Mr. Nicewarner asked if there are projects the Mayor and City Council wish to seek bond funding for, such as the Field House. Mayor Keller stated that should remain a priority.

Councilmember Aleshire stated it should be a priority until State funding will require the time line to be extended for completion of the project. The operator is ready to move forward and he does not want the next round of funding to be tied to something that extends the completion date. Mr. Nicewarner clarified the Mayor and City Council would not seek State funding if there are conditions that would delay the project from the original timeline.

Councilmember Bruchey would like to have a discussion with State Legislators to amend the Good Samaritan Law and to determine what they were trying to accomplish with the law. According to Maryland Law, if you help someone in good faith who is in need of medical assistance from a drug or alcohol medical emergency, you and the person you help are immune from criminal prosecution. He stated there must be consequences for using illegal drugs and excessive use of police services. Martinsburg, West Virginia has a good example of how this could work.

Mayor Keller pointed out Martinsburg has a 24 hour crisis center. She understands Councilmember Bruchey's concerns but if the Good Samaritan Law is repealed people will die. Making drug use illegal isn't working and there aren't beds available for someone in crisis.

Councilmember McIntire stated there needs to be a crisis support person there at that crisis moment to guide them through the process. There aren't enough staff at the Health Department to assist people.

Mayor Keller met with the mobile crisis unit and they have funding for the service but they can't get employees.

Councilmember Aleshire recalled from the group discussion last month that within this community there seems to be an 8:00 a.m. to 4:00 p.m. crisis operation. He noted Councilmember Bruchey's position is that the court should remand people to programs for appropriate treatment so the community doesn't become the place where they are left to self-treat because they aren't receiving formal treatment on a continual basis. It is the elected official's job to address things that negatively impact the community which includes getting people into programs for help, but there is no place for them to get help outside of the 8:00 a.m. to 4:00 p.m. hours. They are finding places on their own such as residing in hotel rooms. There has to be a way to provide the available services to the people who need assistance, whenever they need it and not be confined by limited hours of operation. He has not heard a solution for this situation yet.

Mayor Keller stated she hasn't figured out how people's health has become political.

Councilmember Bruchey stated there needs to be a strong law to hold people accountable and to provide a place for them to go. There has to be an alternative to just locking them away.

Councilmember Martinez stated she thinks the consequences of the crisis center not moving forward last year at the State level are evident now.

Councilmember Aleshire pointed out people are using hotels and apartments as their crisis centers. City officials can't sit back and hold their breath and hope nothing else happens.

Mayor Keller noted prior to the COVID pandemic, there was improvement in reducing the number of overdoses for the first time in 9 years. The pandemic has caused a setback in the improvement.

Councilmember McIntire stated there has to be a crisis center in place before seeking stricter enforcement so people have a place to go. If there is an overdose overnight, there isn't anyone available from the mobile crisis unit to respond. People need a place to go to get better.

Councilmember Aleshire pointed out the City has no jurisdiction over the health department, the mental health authority, and other service providers but many people seek those services.

Mayor Keller stated the County needs to be involved in this conversation but the blame is always put on the City of Hagerstown. Councilmember Bruchey agreed the County needs to be part of this conversation.

Councilmember Aleshire stated there has to be some recognition that the City can't continue to be the receiving station without some inspection of how the process gets from Point A to Point Z.

Councilmember McIntire stated this is a City problem and the elected body represents every individual in Hagerstown and needs to protect the citizens.

Councilmember Aleshire stated the City can't do it independently. The City has the least input in regards to the way the process works.

Councilmember Aleshire stated one of his priorities is to provide flexibility to the cottage food industries in this area in reference to online and virtual sales. Mr. Nicewarner stated the information from last session is available and he will provide that to the City's lobbyist.

Councilmember Burnett has reviewed the strategic plan and goals. One of her top priorities is to address the blighted and vacant properties.

Mr. Nicewarner stated he meets with other City managers and administrators monthly and they have discussed homelessness and addiction services often. He and Mayor Keller have talked about these issues with Mayor Knolls and Martinsburg's Police Chief touched on the topic on a radio station this morning. He knows Martinsburg has similar issues on the same scale that Hagerstown does. Everyone is trying to find solutions and there has to be a solution somewhere between locking people up and letting them go completely free. He will reach out to Martinsburg officials again.

Mayor Keller reiterated that the Martinsburg Drug House ordinance is illegal in Maryland.

Mr. Nicewarner stated accountability is needed across the board. It is a strain for the police department, the fire department, and emergency medical services to work tirelessly to help as many people as they can. It will take a team effort to address this issue. It is bad now and it will be bad for a while but there is an answer somewhere. The City and the community need to work together to find that solution without the influence of political pressure.

Mayor Keller stated there will be additional discussions to develop a list of City legislative priorities.

CITY ADMINISTRATOR'S COMMENTS

Scott A. Nicewarner, City Administrator, announced the Krumpe's Donut 5k will be held on August 12, 2022. This event benefits the Wounded Warrior Project and the Mason Dixon Warrior Adventures. Both the Neighborhood's First Medal of Honor Group Day of Hope (Wheaton Park) and the third Community Yard Sale (Fairgrounds Park) will be held on August 13, 2022.

MAYOR AND COUNCIL COMMENTS

Councilmember S. McIntire announced the Hagerstown Youth Council will be accepting applications for membership between August 29, 2022 and September 12, 2022. They are hoping to have more interest from freshmen and sophomores.

Councilmember McIntire is working with the Santa Rosa Youth Violence prevention group for the next ENVY event on August 24, 2022.

She wished Councilmember Aleshire a happy birthday.

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

Councilmember T. Burnett had no additional comments.

Councilmember K. B. Aleshire wished his daughter happy birthday a day early. He is excited about the opening of the Skate Park.

Councilmember T. Martinez congratulated the staff for a successful summer camp at Wheaton Park. It was a very fast 5 weeks with some challenges at the beginning. She thanked Mayor Keller, Scott Nicewarner, City Administrator, and Brittany Arizmendi, Community Engagement Officer, for their work to make sure the camp was held and not cancelled.

Councilmember Martinez hosted a group from the camp on a tour of Hagerstown including City Hall. She thanked the community for coming together in support of the camp.

Mayor Keller thanked Lt. Governor Candidate Aruna Miller for visiting Hagerstown last week.

A meeting was held yesterday with the businesses and other agencies in the Cannon Avenue area to discuss the challenges they have been facing. There was good information provided and she hopes this will help that neighborhood.

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 5:17 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: September 27, 2022