

EXECUTIVE SESSION, SPECIAL SESSION (50<sup>TH</sup> VOTING SESSION), AND WORK SESSION  
SEPTEMBER 20, 2022  
MAYOR AND CITY COUNCIL HAGERSTOWN, MARYLAND  
EXECUTIVE SESSION, SPECIAL SESSION (50<sup>TH</sup> VOTING SESSION), AND  
WORK SESSION – September 20, 2022

EXECUTIVE SESSION – September 20, 2022

Mayor Keller called the Executive Session to order at 2:35 p.m.

On a motion duly made by Councilmember S. McIntire and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously agreed by voice vote to meet in closed session 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)), to consider the acquisition of real property for a public purpose and matters directly related thereto; (#3); and 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, September 20, 2022 at 2:35 p.m. in the Council Chamber, 2<sup>nd</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, City Administrator Scott Nicewarner, Michelle Hepburn, Chief Financial Officer, Rodney Tissue, City Engineer, Fire Chief Steven Lohr, William Schildt, Attorney, Eric Deike, Director of Public Works, Jill Thompson, Director of Community and Economic Development, Kathleen Maher, Director of Planning and Code Administration, Doug Reaser, Business Development Specialist, Stephen Bockmiller, Zoning Administrator, and Donna K. Spickler, City Clerk.

The meeting was held to discuss the legal services contract, acquisition of property for City operations, and three business proposals. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 4:02 p.m.

SPECIAL SESSION (50<sup>TH</sup> VOTING SESSION), AND WORK SESSION – September 20, 2022

Mayor E. Keller called this Special Session (50<sup>th</sup> Voting Session) and Work Session of the Mayor and City Council to order at 4:16 p.m., Tuesday, September 20, 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 (50<sup>th</sup> VOTING SESSION) – September 20, 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

EXECUTIVE SESSION, SPECIAL SESSION (50<sup>TH</sup> VOTING SESSION), AND WORK SESSION  
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MAYOR AND CITY COUNCIL HAGERSTOWN, MARYLAND  
vote to meet in Special Session at 4:16 p.m. on Tuesday, September 20, 2022 in the  
Council Chamber, City Hall, Hagerstown, Maryland.

**Introduction of an Ordinance: Authorizing the Sale of Property Located at  
11850 Indian Lane, Hagerstown, Maryland**

**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 introduce an ordinance authorizing the sale of  
property located at 11850 Indian Lane, Hagerstown

**Approval of Funding to Accommodate Change Order #9 for 261-263 S. Prospect  
Street Renovation Contract**

**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 funding of \$ 36,944.67 to  
accommodate the added expense of an attached Change Order #9 for the  
261-263 S. Prospect Street Renovation Contract with Colossal  
Contractors, Inc.

The Special Session was closed at 4:18 p.m.

Unveiling of Clara Barton Maquette

Al Martin, Chairman, Antonio (Toby) Mendez, Artist and Sculptor, Tom Riford,  
Rachel Nichols, and Steve Hummel (Clara Barton Committee) were present to unveil the  
maquette of the Clara Barton memorial that will be placed near the City Park.

Mr. Martin reported 90% of the fundraising goal has been met and they are confident  
they will reach their goal.

Mr. Mendez discussed the process for creating sculpture from the design phase,  
concept rendering, use of models for both figures, and working at the site.

Scott Nicewarner, City Administrator, informed the group a community meeting was  
held recently and the result of that meeting will be presented to the Mayor and City  
Council next month.

Frostburg State University – (FSU) Hub@USMH

This item was postponed until an October Work Session.

After School Program – Parkside Community Center

Police Chief Paul “Joey” Kifer, and Deanna Rudisill, Resident Services Director for  
the Hagerstown Housing Authority, were present to discuss an after school program at

Ms. Rudisill informed the group that the After School Programs hosted by the Hagerstown Housing Authority have been held for many years. The dance class will not offer classes in the Suman's Avenue Community, effective this year. In the past, the City has budgeted \$ 3,500.00 for the dance program and Ms. Rudisill is requesting that these monies be put toward the \$ 18,881.00 for the after school program, bringing the total to \$ 22,381.00.

This program was originally funded under the C-Safe grant but, in recent years, has been funded through the City's general fund.

It was the general consensus to approve transferring the funding from the former dance class to the other after school programs.

### Licensing of Transient Housing

Kathleen Maher, Director of Planning and Code Administration, and Paul Fulk, Neighborhood Services Manager, were present to discuss licensing of transient housing.

The concept of transient housing licensing was initially introduced to the Mayor and City Council in a PCAD update on August 15, 2017 and discussed further during the fall of 2018 during two work sessions and most recently in July of this year. The reason behind these discussions has been over the concerns with the health, safety, and general welfare of visitors and extended-stay occupants in Hagerstown's hotel/motels/short-term rentals.

As discussed in previous Mayor and City Council meetings, the main areas of concern for staff are when:

1. Maintenance of hotels and transient housing falls below codified standards for fire safety and property maintenance
2. Lack of training of hotel/motel staff on fire protection, emergency incident and evacuation standards
3. The use of hotel units for extended stay, which were not designed for such occupancy and thus lead to unsafe living conditions
4. The use of hotels as dwelling units or rooming house units in zoning districts which do not allow such uses
5. Hotels not in good standing on required State, County, and City taxes or on City utility payments
6. The increase in demands on calls for service from the police, fire, community rescue, and code departments

Staff's research of hotel and transient housing licensing has found that a number of jurisdictions in Maryland and across the nation have such licensing programs. In Maryland, they have found ordinances requiring hotels and short-term rentals to be licensed in Annapolis, Anne Arundel County, Baltimore County, College Park,

During staff's research of other jurisdictions and discussions with community members on concerns about the condition of hotels and transient housing in Hagerstown, they have developed the following list of requirements for a transient housing licensing program:

1. Human Trafficking Training
2. Overdose Response Program training
3. Require Guest registry
4. Prohibitions on hourly rates for hotels/motels
5. Real Estate taxes current at the time of license application
6. Personal Property taxes current at the time of license application
7. All City controlled utilities current at the time of license application

All programs identified in the state have registration fees for hotels, motels, and short-term rentals. There were no exemption clauses or tiered programs in Maryland. College Park does have a biennial inspection qualification process if a hotel/motel meets certain standards. Staff did discover a tiered program in Benbrook, Texas. This tier program was based on the average calls for service per room per year. Based on the July discussion with Mayor and City Council, staff developed a tier system for a Hagerstown program regarding hotels/motels with the following criteria:

1. Tier 1: No Annual License Fee
  - a. HFD Fire Inspection conducted within last year:  
Currently no violations at time of application, and fully sprinklered with fire alarm protection
  - b. Less than 1.0 calls for service per room per year:  
Evaluated annually
2. Tier 2: \$ 500.00 Annual License Fee
  - a. HFD Fire Inspection within last year or greater:  
Currently valid complaints at the time of application, or not fully sprinklered with fire alarm protection
  - b. 1.0 and greater calls for service per room per year  
Evaluated annually

Tier 1 hotels would not experience any changes other than completing an application to provide the City with contact information for their property, human trafficking trainings, overdose response program training, and a guest registry.

Staff suggests a license year from January 1 – December 31. The tier evaluation time period would be from November 15 (previous year) – November 14 (current year) annually to determine the tier level. Renewal applications would be mailed on December 1, 30 days prior to the expiration of the license.

Currently, the Hagerstown Fire Department conducts an annual inspection at all City hotels and motels. If HFD identifies areas of concern that are in violation of the building or property maintenance codes, Code Administration is contacted to conduct an inspection of the structure.

Established programs within Maryland and across the nation require inspections by the local Fire Department and Code Department. Staff recommends the same level of Fire Department Inspections and recommend Code Administration Inspections when a structure is in Tier 2.

Each jurisdiction varies when a license can be suspended or revoked. The overall goal of any property licensing program is to establish minimum standards for the property and the penalties if the minimum established standards are not being met. Suspensions and revocations can be for a set period of time or until outstanding items are corrected to be become compliant with local requirements. Staff would recommend having the ability to suspend and revoke licenses.

A suspended license would not permit the acceptance of new guests but the transient housing structure could remain open. A revoked license would not permit the transient housing structure to be occupied and all areas must be vacated. Both a suspended and revoked license would require a reinstatement of the license prior to occupancy. Fines for failure to comply would result in a maximum penalty of \$ 1,000.00.

The results of inspections and the lack of compliance along with an exponential increase in calls for service would be codified standards for suspending or revoking licenses.

Bed & Breakfast and Short-term rentals are incorporated into other transient housing licensing programs in Maryland jurisdictions. Staff recommend including these uses in any program developed for transient housing. Bed & Breakfast uses are limited per the Land Management Code to particular zoning districts or through special exception hearings. Short-term rentals are currently permitted in any residential structure and staff recommend codifying that immediate neighbors, HOAs, or Condo Boards are to be notified of the owners' intentions to establish a short-term rental. Staff also recommend an annual human trafficking training certification from the property owner(s) at the time of application. An annual inspection conducted by the Code Department for minimum property standards is to be required in any established program for these transient uses.

Chapter 95, Excessive Use of City Services and Chapter 65, Habitual Offender is to be utilized or modified to include transient uses. Chapter 95 currently has a definition for a commercial property which could be used for hotels and motels. The current number of qualifying calls in a twelve-month time period is 8 for commercial properties to be classified as a chronic nuisance property. The code could be modified to specifically identify any transient use and the number of calls for service to be deemed a chronic nuisance property. This ordinance has a fee established for excessive uses and for each qualified call for service. There can be an additional fee once an established number of calls for service have been met.

The Habitual Offender ordinance was modified in 2016 to broaden the scope of the ordinance to incorporate adopted codes since the original adoption in 2001. This ordinance could be modified to include any established transient housing license program. If a property owner has been found guilty of three municipal civil citations/fines in a 24-month time period, the property owner can be charged with a misdemeanor. The court would hear the case and determine if the property owner is a habitual offender.

A question was asked if the calls for service threshold would deter people from calling for assistance just to keep the numbers down. Staff reported Benbrook (Texas) representatives had the same concerns but that did not happen. They actually receive more calls now.

License suspension and revocation standards would also be included in an ordinance. If the license is suspended, the hotel could stay open, with certain conditions. If the license is revoked, the hotel would be closed until in compliance. Any life safety hazards would result in an immediate evacuation of the property.

Staff are seeking direction on the desired ordinance requirements for transient housing properties.

Mayor Keller suggested changing the call per room minimum to .095 so it rounds up to 1. She asked about the status of the Dagmar. Mr. Fulk stated the Dagmar is classified and licensed as a rooming house, not a hotel. There are 49 rooms in College Hall. In 2007, staff determined the Dagmar is not a rooming house and they have been operating in violation of the ordinances. The original drawings from 1977 indicate it was considered a hotel.

Councilmember McIntire asked what the difference is between a rooming house and a short term rental. She asked if there are other rooming houses in Hagerstown. Mr. Fulk indicated there are several, including the Women's Club.

Councilmember Aleshire asked if rooming houses pay hotel/motel tax. Mr. Fulk indicated there is a small amount paid.

Councilmember Aleshire thinks this discussion of the requirements to be included in an ordinance is a good start. Some requirements are too restrictive while others are not strict enough, in his opinion. In addition to the safety concerns for occupants, he is concerned about the conditions making it unsafe for emergency service staff going into the properties.

Staff will work with the City Attorney to draft ordinance for the Mayor and City Council's review.

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Follow-up Discussion of Request for American Rescue Plan Act (ARPA) Funding for  
United Way's Pathway to Hire Program

This item was postponed until an October Work Session.

Preliminary Agenda Review

Mayor Keller announced that Citizen Comments for the September 27, 2022 Regular Session will be welcome either in person or by submitting comments by email to [councilcomments@hagertstownmd.org](mailto:councilcomments@hagertstownmd.org) by 5:00 p.m. that day. If by email, the submitters name, address, and a summary of the comments will be announced during the Citizen Comments portion of the meeting. The email will not be read in its entirety but it will be included in the public record for the meeting and may be viewed by the public at any time.

**Consent Agenda**

A. Administration:

1. Change Order for Legal Review of Cable Franchise Agreement – CBG Communications, Inc. \$ 20,000.00
2. Open Container Exemption – Halloween Block Party – October 28, 2022

B. Engineering:

1. Replace Flat Roof Over Police Athletic League Area – Dynamic General Contracting, LLC (Millersville, MD) \$ 394,000.00
2. Installation of Rapid Response Flashing Beacon (RRFB) at Salem Avenue and Rhode Island Avenue – Advantage Landscape & Construction, Inc. (Hagerstown, MD) \$ 62,373.79
3. Guardrail Repairs – Long Fence (Ijamsville, MD) \$ 26,900.00
4. 2020-2021 Tree Planting Program – Extension of Contract – Advantage Landscape & Construction, Inc. (Hagerstown, MD) \$ 94,619.00

C. Information Technology:

1. ESRI GIS Annual Software Renewal – ESRI (Redlands, CA) \$ 38,500.00
2. Building Blocks Annual Software Renewal - Opportunity Space, Inc. (d.b.a. "Tolemi") (Boston, MA) \$ 13,000.00

D. Police Department:

1. Ammunition – The Gun Shop (Vincentown, NJ) \$ 22,402.89
2. FARO Freestyle 2 Handheld Scanner – Faro Technologies, Inc. (Lake Mary, FL) \$ 20,443.73

E. Public Works:

1. 2023 F-150 4x4 Regular Cab Pickup – Parking System Supervisor - Keystone Ford (Chambersburg, PA ) \$ 41,400.00
2. 2023 Ford Escape 4dr FWD – Recreation – Keystone Ford (Chambersburg, PA) \$ 30,000.00

F. Utilities:

1. Light: Emergency Purchase – Inventory Items – Conductor #6 Duplex and #2 Triplex – Anixter-Wesco (Greenwood, DE) \$ 36,900.00
2. Light: LED Streetlights for MD SOLE Grant – Signify North America (Somerset, NJ) \$ 223,360.50
3. Water: RC Mowers Remote-Operated Slope Mower - Crownstone Equipment/Bobcat of Hagerstown (Hagerstown, MD) \$ 57,950.00
4. Water: 24” Transmission Main Repair – CSX Transportation, Inc. (Atlanta, GA) \$ 10,102.07
5. Water/Wastewater: Rate Model Update - NewGen Strategies & Solutions (Annapolis, MD) \$ 27,310.00
6. Wastewater: Pump Station 13 Reconstruction Engineering Services – Buchart Horn (Baltimore, MD) \$ 395,555.00
7. Wastewater: Pump Station 33 Engineering Services – Buchart Horn (Baltimore, MD) \$ 366,285.00
8. Wastewater: Bar Screen Replacement Parts – Huber Technology, Inc. (Denver, NC) \$ 28,898.86
9. Wastewater: Engineering Services – Solids Processing Change Order 1 – Black and Veatch Corporation (Overland Park, KS) \$ 406,460.00
10. Wastewater: Replacement of Truck 528 (Flusher Truck) – Maryland Industrial Trucks, Inc. (Linthicum, MD) \$ 564,495.85

This completed the Preliminary Agenda Review. There were no questions about any items. All items, unless noted, are scheduled for approval on September 27, 2022.

City Park “Train Hub” and #202 Locomotive

Rodney Tissue, City Engineer, and Amy Riley, Recreation Coordinator, were present to discuss the City Park Train Hub. In response to the request from Frostburg to convey the #202 locomotive to them, they prepared some information that will hopefully help in the Mayor and Council’s deliberation of the request from the Western Maryland Scenic Railroad.

Listed on the National Register of Historic Places, Locomotive #202 is the cornerstone attraction of the City’s Train Hub in City Park. The locomotive was built for the Western Maryland Railway in 1912 by the Baldwin Locomotive Works in Philadelphia, Pennsylvania with seven sister ‘K-2’ class locomotives. It was donated to the “children of the City of Hagerstown” by the railroad in 1953 and is the only remaining example of a main line steam engine in existence from the Western Maryland Railroad. Over the years, as a museum display, the #202 received careful stewardship by John Long and others and was kept under a canopy cover. Since Mr. Long’s passing, the appearance has suffered and it is in need of cosmetic restoration. It is not in a condition where it could be operated and steam generated.

Staff asked Strasburg Railroad, the subconsultant on the planned improvements for the engine, for an estimate of the value. They indicated the value of the locomotive (if it was made operational) at \$ 2 million but in its present condition, they valued it at between

The locomotive has not received any significant maintenance since John Long passed away in 2006. The City does not have any staff or contractor assigned to the maintenance of the locomotive itself. The wooden shelter roof is also in need of replacement. The locomotive display is not handicap-accessible.

To address this, in 2020, staff obtained a \$ 396,000 Federal “TAP” grant to refurbish the locomotive and place it under a new pavilion/shelter. Since the grant is Federal funds, staff continue to work through the federal grant review process. The cost estimate is now over \$ 300,000 for the locomotive restoration (JUST cosmetic, not to get it running and under steam) and the pavilion /shelter is \$ 500,000. If the City wishes to move forward with this project, at least \$ 400,000 of City general funds into the project would have to be included in the FY23 budget.

Assuming the funding is adequate, this project will take place in 2023.

In addition, a contract for new restroom facilities was just awarded in the amount of \$ 460,000. In the last five years, the City added a children’s play system, picnic pavilion, and renovated the Museum’s displays.

Steam Engine #202 is the main attraction for the City Park Train Hub site. Many out of town visitors travel to see Steam Engine #202. Families and children who visit locally come to ring the bell on the #202. However, the cosmetic condition of the locomotive gives the impression that the crown jewel of the site is neglected and not taken care of as it should be.

Without the #202, out of town visitation would certainly decrease. Locally, the site is promoted as a family-friendly museum with opportunities to learn about the Western Maryland Railroad and the only Western Maryland Steam locomotive of its kind. Recreation marketing highlights all of the amenities of the site including the @#202, cabooses, train themed playset, museum with historic artifacts and educational video, and the children’s wagon ride, Tommy 202.

Mayor Keller asked if there is interest in the proposal from the Western Maryland Scenic Railroad.

Councilmember Bruchey stated he is interested.

Councilmember Aleshire was surprised at the cost of the pavilion but when you look at the design you realize it is much more than a pole building. Mr. Tissue stated it will be much nicer with lighting.

It was the general consensus to not pursue the proposal from the Western Maryland Scenic Railway.

Michelle Hepburn, Chief Financial Officer, and Rodney Tissue, City Engineer, were present to discuss utilizing previously unallocated American Rescue Plan Act (ARPA) revenue replacement fund to cover an unforeseen project at the time of the FY23 budget preparation. The Mayor and City Council previously approved \$ 100,000 in roof replacement for 60 W. Washington Street. Other funding was used toward that project and staff are requesting re-allocation of that funding plus additional funds to cover the entire project.

A 70' x 102' section of the original grandstand roof needs replaced given its current deteriorated condition allowing water and moisture to enter the Police Athletic League (PAL) building. Due to the extremely poor condition of the grandstand roof, repairs are no longer possible. The water infiltration into the PAL building is creating water damage and an obviously detectable damp, musty odor throughout the building.

Finance staff has confirmed that this project is an eligible use and all necessary procurement language was included in the bid submission. As a result, this item is included with today's preliminary agenda.

#### Addressing Community Blight

Scott Nicewarner, City Administrator, and Paul Fulk, Neighborhood Services Manager, were present to discuss blight in the community and ways to address this issue. Ideas have been presented to the Mayor and City Council over the last several years and ordinances have been adopted to address blight in the community. The reason for this discussion is the concerns with the no-bid tax sale properties and extended vacancy time period of structures.

The City's first step to fight blight was in 2006 by creating two ordinances, Chapters 232 and 233, to address vacant structures through a licensing program holding vacant structure property owners to the same neighborhood vitality standards as occupied structures. The ordinances were updated in 2014 and 2016. An inspection position dedicated to vacant structures was created in 2020. The administrative support position for the vacant structure program was refilled in 2021 with a staff person from Support Services which has helped in identifying vacant properties.

Chapter 187, Nuisance and Abandoned Property Abatement Ordinance was adopted in 2016 giving the City the ability to demolish nuisance and abandoned properties by filing a complaint in Circuit Court. The court would then determine if the property meets the definition as a nuisance or abandoned property and then authorize the City to abate the property conditions in violation or demolish the property at the property owner's expense. Once this ordinance was passed, the City had to establish a property abatement fund to utilize for these court orders. This funding was established in FY18.

Lastly, in 2020, the City adopted Chapter 224, Tax Sale Property Repurpose Program to repurpose and revitalize vacant, abandoned tax sale properties. The ordinance requires

an interest form to be completed by contiguous property owners for undevelopable land or the City solicits interest from qualified non-profit organizations. The City is currently piloting this program.

Chapters 232 and 233 have recently shown success with staff focused on vacant properties. The number of registered vacant properties has decreased from 356 in 2019 to 255 as of August 2022 by holding property owners accountable for the conditions of their properties. The housing market demand has also contributed to reducing the number of vacant properties in Hagerstown. Staff have identified the below items that can improve the success of the vacant structure program and improve the community conditions by amending these two ordinances:

1. Establish an escalating fee schedule for vacant non-blighted residential properties based on vacancy time period
2. Blight classifications are established for a year with the property owner having the ability for the City to reconsider the blight classification within 30 days by correcting code violations
3. Creating a non-residential licensing category for vacant commercial use spaces on the first floor of a structure

Chapter 224 is in the pilot phase but concerns have come up following the limitations of the state law to acquire the properties through the tax sale process. In addition to the acquisition issues, gaining interest from non-profit organizations to go under contract with the City on a property “sight unseen” and contingent upon the City obtaining title through the court system has created another challenge in this process. Staff have identified the possible solutions below to mitigate No Bid Tax Sale properties:

1. City acquires approximately 6-10 no-bid tax sale properties annually by paying the outstanding taxes using ARPA, Community Legacy, HUD, and Property Abatement funds without interest from potential buyers
2. Once properties are City owned, utilize the identified funding sources to demolish properties beyond repair or make repairs to salvageable structures (if needed)
3. Market acquired properties through the Competitive Negotiated Sales process once demolitions or repairs have occurred.
4. Obtain two demolition contractors through the Request for Bids process. An approved structure demolition contract for the City will speed up the process to demolish blighted structures in the community through Chapter 187 or property acquisition.

Partnering opportunities will be an important component of this program. Staff suggest establishing a Hagerstown Urban Blight or HUB grant program utilizing the Property Abatement Fund to assist property owners with the demolition of their vacant blighted property. The program’s primary goal would be to eliminate derelict/blighted, non-contributing structures that create a nuisance, detract from the quality of life, negatively affect neighborhood property values, and/or are a public safety hazard. A maximum grant award of \$ 5,000 with a 2:1 match from the property owner would be required. The Property Abatement Fund could afford four maximum grants annually. Grant applications would be reviewed by the Invest Hagerstown Committee.

Mr. Nicewarner noted State regulations have made it difficult to put a program together to take action on these properties. Staff has been working with the City of Cumberland as they have some of the same issues. During the last Legislative Session, Senator Edwards submitted several bills that did not make it out of committee. These bills have been presented to the Washington County Community Coalition for their consideration. The City needs a way to get these properties before they are acquired by owners who essentially freeze them. The properties should be productive for those in need of housing and should be an improvement for City neighborhoods. The City of Martinsburg has had success with their drug free ordinance. Staff are determined to make this initiative successful, which will make it easier to take care of the vacant/abandoned parcels that remain vacant or are owned by absentee owners.

Councilmember Aleshire asked if County taxes will have to be paid on these properties. Mr. Nicewarner stated the County Tax Collector has indicated the County is willing to waive the real property taxes on these properties.

Mayor Keller pointed out this has been discussed for years and it is time to move forward with purchasing the properties.

It was the general consensus of the Mayor and City Council to move forward with the following next steps:

1. Amend Chapters 232 and 233 to increase the success of the vacant structure program and encourage more vacant structure property owners to contribute to the assessable tax base
2. Authorize staff to work with legal counsel on property acquisition of chronic nuisance tax sale properties without having interest from private investors
3. Establish a grant program to partner with a property owner to eliminate vacant blighted properties
4. Obtain two demolition contractors to be on retainer for quick action

Request for an Extension to City Water and Wastewater Approval: Taylor Bowen – Breeze Hill

Nancy Hausrath, Director of Utilities, and Doug Reaser, Business Development Specialist, were present to review the request for an extension to an approval for an exception to the City's Water and Wastewater Policy as a vital economic development project or an economic development project located in the targeted economic development area at the airport, as delineated in the County's 2002 Comprehensive Plan (Exception #6).

The approval for this request was granted on April 27, 2021 and is set to expire on October 27, 2022. Since the approval, the developer has acquired the property and is requesting a 14-month extension to engage a developer/end user and design the site for final approval. The requested extension would expire December 27, 2023.

The request is from Taylor Bowen for water services for a portion of the Airport Business Park at 14735 Citicorp Drive. The property is approximately 16 acres. Estimated investment is \$ 8 to \$ 10 million, including land and improvements. It is estimated the use will create 25-40 jobs. Estimating water use is difficult due to the speculative nature of the building but it is anticipated to be 400 gallons per day based on similar warehouses.

As the Community and Economic Development and the Utilities Department, staff recognize that water services are available to the parcels and support the consideration of the Mayor and City Council for the exception and extension being requested for this economic development project.

Councilmember Aleshire understands staff is obligated to bring this request to the Mayor and City Council for consideration and he has no issues with the use of 400 gallons per day. However, the request from Mr. Bowen indicates the property might be subdivided and parcels sold. He is concerned there is no assurance there won't be another request in a year for a further exemption. Exception #6 was not created to be a slush fund of the City's utilities. It was created because the City and County recognized there would be projects outside the Medium Range Growth Area (MRGA) that would have economic importance because of the investment and number of jobs. He does not feel this request meets those criteria.

Ms. Hausrath stated this request is within the County's established target economic development area. Staff is only presenting requests from this area to the Mayor and City Council for consideration.

Councilmember Bruchey pointed out the Mayor and City Council agreed to consider projects within this established area.

It was the general consensus to include approval of the extension on the September 27, 2022 Regular Session agenda.

#### Commercial Sign and Façade Grant Program Recommendation

Christopher Siemerling, Economic Development Specialist, was present to seek Mayor and City Council guidance related to a recommendation for the Historic District Commission (HDC) to provide design review on all Commercial Sign and Façade Grant applications.

The program is open to applicants from within the Main Street Hagerstown district. The HDC currently reviews applications that are located in the Downtown Historic District. The recommendation is to have the HDC review all applications including those that are within the Main Street Hagerstown District, but are outside of the Downtown Historic District.

The recommendation has the following benefits:

1. Creates efficiency and consistency in the administration of the grant program
2. Utilizes the experience of the HDC and provides broader insights into the review of applications beyond the staff-level grant review committee
3. Protects the City's interest on aesthetical impacts within both the Main Street District and the Downtown Historic District

Under the prior Sign and Façade Grant program, the HDC reviewed grant applications anywhere within the CC-MU zoning district to ensure City funded improvements met minimum aesthetic standards.

Councilmember Bruchey asked if staff has discussed this with the Main Street Committee. Mr. Siemerling indicated Main Street does not oversee the program, it is all under the Department of Community and Economic Development.

Councilmember Aleshire stated there is a Penny Mart on South Potomac Street with signs that are brightly lit with flashing lights. He asked if the HDC reviewed the signage. Kathleen Maher, Director of Planning and Code Administration, stated they reviewed the design but not the bright lighting.

Councilmember Aleshire stated this area used to be dimly lit and now it is bright and vibrant. This is the kind of lighting he wants to see. He is concerned the HDC would not approve this type of lighting.

Ms. Maher indicated staff is trying to bring logic into the aesthetic review during the process. The review committee does not feel comfortable being essentially the aesthetic police.

Councilmember Aleshire is not ready to include review by the HDC into the grant review process.

It was the general consensus to not move forward with this recommendation.

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

*Scott A. Nicewarner, City Administrator*, announced the headliner for the Imagine Hagerstown event on September 23, 2022 is Jah Works. The Color Splash 5K Run/Walk will be held on Saturday, September 24, 2022.

### **MAYOR AND COUNCIL COMMENTS**

*Councilmember S. McIntire* had no additional comments.

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

*Councilmember T. Burnett* reminded everyone that today is National Voter Day. She urged people to register to vote if they haven't already.

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SEPTEMBER 20, 2022  
MAYOR AND CITY COUNCIL  
HAGERSTOWN, MARYLAND

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

*Councilmember T. Martinez* had no additional comments.

*Mayor E. Keller* gave a shout out to Parks staff for all the great activities this past weekend. It was a very busy weekend in Hagerstown.

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 5:50 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: October 25, 2022