

EXECUTIVE SESSION AND WORK SESSION – May 2, 2023

EXECUTIVE SESSION – May 2, 2023

Mayor Martinez called the Executive Session to order at 3:05 p.m.

On a motion duly made by Councilmember R. Bruchey 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, May 2, 2023 at 3:35 p.m. in the Council Chamber, 2nd floor, City Hall, Hagerstown, Maryland.

The following people were in attendance: Mayor T. Martinez, Councilmember K. B. Aleshire, Councilmember R. E. Bruchey, II, Councilmember T. Burnett, Councilmember S. McIntire, Councilmember M. J. Schindler, City Administrator Scott Nicewarner, Michelle Hepburn, Chief Financial Officer, Eric Deike, Director of Public Works, Jim Bender, Interim City Engineer, John Wack, Eastern Sports Management, and City Clerk Donna K. Spickler.

The meeting was held to hear a status update of a business proposal. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 3:40 p.m.

WORK SESSION – May 2, 2023

Mayor T. Martinez called this Work Session of the Mayor and City Council to order at 4:00 p.m., Tuesday, May 2, 2023 in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, R. E. Bruchey, II, T. Burnett, S. McIntire, and M. J. Schindler, City Administrator Scott A. Nicewarner, and City Clerk D. K. Spickler.

Proclamation – Building Safety Month

Mayor Martinez read a proclamation naming May, 2023 as Building Safety Month in Hagerstown, Maryland. Paul Fulk, Neighborhood Services Manager, Blaine Mowen, Chief Code Official, and Pam Harris Building Inspector, III accepted the proclamation.

Proclamation – Horizon Goodwill Week

Mayor Martinez read a proclamation naming April 30, 2023 to May 6, 2023 as Horizon Goodwill Week in Hagerstown, Maryland. David Schuster, Chief Executive Officer, accepted the proclamation.

Proclamation – Jewish American Heritage Month

Mayor Martinez read a proclamation naming May, 2023 as Jewish American Heritage Month. The proclamation will be mailed to the American Jewish Committee Washington Board.

Request to Purchase Competitive Negotiated Sale (CNS) 11850 Indian Lane

Christopher Siemerling, Economic Development Specialist, and Doug Reaser, Economic Development Manager, were present to review an offer received by proposed buyers Ryan Daughtridge and Rori Cannon for the farmette property at 11850 Indian Lane as part of the City's Competitive Negotiated Sale (CNS) Program.

The purchase offer for the property is \$ 625,000. The purchase is contingent on an appraisal requirement by their loan servicer. No Cash Appraisal Contingency or inspection requirements are included in the Contract of Sale. The purchase will also include 2.5% Agent Commission per the original CNS listing.

The buyers' family is local to the area. They intend to purchase the property as their family's primary living address and raise their children. Minor rehab will occur for the property, grounds, and barn. There is no intention for agricultural activities.

The farmette is 11.93 acres with a 2,653 square foot residential structure. The property is managed and maintained within the City's Economic Redevelopment Fund. There have been no active residential tenants at the property since October, 2021.

It was the general consensus of the Mayor and City Council to accept the purchase offer. Introduction of the ordinance to sell the property will be scheduled for May 16, 2023. Approval of the ordinance will be scheduled for May 23, 2023.

Request to Extend Deadline on Financial Incentive Agreement (FIA) Ares Investment Group "The Hamilton Building"

Jill Thompson, Director of Community and Economic Development, and Margi Joe, Community Development Manager, were present to review a deadline extension request from the Ares Investment Group for the Financial Incentive Agreement for the property known as "The Hamilton Building" located at 86-89 W. Washington Street, Hagerstown, Maryland.

The agreement dated August 26, 2021 provides Ares a grant of \$ 358,053 and a loan-to-grant of \$ 358,053 if all obligations were met in a timely manner, for a total of \$ 716,106. Section 2D of the agreement requires that all thirty-seven apartments, seven commercial units, and the Carriage House portion of the building shall be certified for full occupancy on or before February 1, 2023. On March 3, 2023, a request was received from Tonya Huff (Property Manager for Ares) to extend the agreement deadline to June 30, 2023 due to delays in supply chain and labor availability. The request details the remaining work and completion timeframes. On April 13, 2023, a request was received to extend the agreement deadline to July 31, 2023 and on April 18, 2023, staff received communications that additional time would be needed beyond July 31, 2023.

Councilmember Aleshire pointed out the request refers to various delays, including one for City access to the electrical supply. He asked what that delay is. Mr. Nicewarner will find out and let the Mayor and City Council know.

Councilmember Bruchey stated the issue with the Carriage House has been resolved.

Paul Fulk, Neighborhood Services Manager, informed the group permits have been issued for a majority of the remaining work.

It was the general consensus to approve the requested extension to August 31, 2023. The Mayor and City Council want to have the project completed. Councilmember Aleshire stated the goal is to keep working with Ares as long as they are moving toward completion of the work.

City-wide Trash and Recycling Collection Contract

Jim Bender, Interim City Engineer, was present to discuss the trash and recycling collection contract.

The Council recently extended the trash and recycling collection contract with the vendor, Waste Management, until June 30, 2024. However, with proposed changes in how trash will be collected in the future and changes in the equipment that will be needed for that collection, it is necessary to solicit bids now for the next collection contract.

The City, through its collection contractor, provides trash, single-stream (comingled) recycling, and seasonal yard waste collection to approximately 16,000 accounts citywide. The vast majority of these accounts are residential; however, the City does offer limited collection to commercial properties, primarily businesses in the downtown core.

The City is divided into six collection zones; trash and recycling are collected once per week in all zones except for Zone F (the “downtown zone”), which receives twice-per-week trash collection. Yard waste is collected once per week seasonally (usually March through December). Three trucks are used for trash collection, two for recycling, and one for yard waste. Waste Management takes collected trash to their landfill in Upton, Pennsylvania; yard waste is taken to the Washington County 40 West Landfill for mulching/composting, and recycling materials are taken to a facility operated by Apple Valley Waste for processing.

Fees for these services appear on residents’ utility bills. The current fee that the City charges to cover the costs of residential trash, recycling, and yard waste collection and disposal is \$ 220/year (\$ 55/quarter), which is significantly lower than collection/disposal rates outside the City.

In calendar year 2022, the City generated 13,061 tons of trash, 2,126 tons of recyclables, and 872 tons of yard waste.

In discussions with Waste Management and other vendors, the City learned that the nationwide trend in trash and recycling collection is toward automated, or semi-automated collection. In that system, special collection trucks are used to lift and empty trash totes/carts instead of having workers lift and dump the totes into the truck. Using

automated collection significantly reduces the contractor's labor costs, and reduces injuries related to manually handling the totes. Both Waste Management and another vendor told staff that they would not bid on the next collection contract if the City didn't move toward automated/semi-automated collection. They also told staff that there is an extremely long lead time to purchase new automated collection trucks; they estimated that it could take up to twelve months after placing the order to receive the trucks.

In order to allow for automated collection, the totes used for trash and recycling must be compatible with the lifting/dumping equipment on the trucks. To that end, Council authorized the purchase of new, compatible trash totes for all residents using American Rescue Plan Act (ARPA) funds. As a pilot program, these new totes have been delivered to all of the accounts in Zone F; the City anticipates the acquisition and delivery of the new totes for the remaining zones around the City in the spring of 2024. Once new totes are delivered, they will be the only approved container for trash collection, and residents will no longer be allowed to use conventional trash cans or loose bags.

Recycling rates nationwide continue to experience a downward trend. The global markets for plastic and paper recycling have declined, and it often costs contractors more money to collect these materials than they recoup by selling them. The same is true for glass recycling; the City used to accept glass as a recyclable material, but it is now disposed of in the trash due to low demand for it as a raw material. The markets for steel and aluminum cans, as well as cardboard, are more favorable.

The trash, recycling, and yard waste program has evolved over the years, and the City has tweaked various facets of the program to provide better service to residents. However, staff is open to other changes to the program if the Council desires. Two potential changes that could reduce the cost of the program (and one that would increase the cost) are:

1. Electronics recycling event: The City hosts an electronic recycling and paper shredding event once a year for City residents. The event has proven to be popular with residents as a way for them to dispose of older computers, TV's, monitors, and other electronic equipment, and as a way to securely dispose of paper documents. If the Council elected to end this event, the City would save approximately \$ 17,000 per year.
2. Change to bi-weekly recycling collection: The City spends close to \$ 800,000 per year on once-per-week recycling. If the City were to go to once-every-other-week recycling, there could be significant savings for this item. However, staff anticipates problems if this change were made; more recyclable materials would likely end up in the trash or along the streets as people ran out of space in their recycling containers, and there would be confusion with regard to set-out dates if the collection schedule was different than that for trash.

The Mayor and City Council do not wish to change the schedule for recycling.

3. Annual Dumpster Event: For a number of years, the City sponsored a dumpster event at the Public Works facility. City residents could bring bulky items such as

furniture to the site for disposal; the vendor would load the material into dumpsters, haul the dumpsters to a landfill for disposal, and then invoice the City for cost of the event. That event, while popular with residents, was a challenge to manage, and it was expensive. The City has since developed its own Bulk Trash pickup service, operated by the Public Works Department. For a fee, residents can call to schedule a bulk trash pickup; City staff load the material and transport it to a transfer location where it is then loaded into trucks that are taken to the landfill. This service is easier to manage and control, and it eliminates the need for residents to haul their materials to the Public Works site. If the Council desired, a dumpster event could be added back into the City's program, but it would be another cost to be budgeted.

Councilmember Bruchey noted the dumpster event was free of charge for residents. He thinks residents would participate in the event if there was a nominal fee, for example \$ 20.00 per truck. This would help offset some of the costs.

Councilmember McIntire asked why the program was difficult to manage. Mr. Bender stated employees have to check identification for everyone who comes to the site and someone has to be on site 24 hours. If the weather is rainy, the area around the dumpsters gets torn up. Councilmember Bruchey suggested using a different site.

Councilmember Aleshire asked why this program is being offered since there are many junk removal businesses in the area.

Mayor Martinez asked if there is a high demand for bulk pick up. Mr. Nicewarner will ask Eric Deike, Director of Public Works, about the demand.

Mr. Bender suggested discussing the dumping and junk issues with Mr. Deike. He stated the County notifies him when they receive a complaint about dumping when they know it is in the City.

The City had also planned to implement an "At Your Door" hazardous waste collection program. This would have been a service that would allow residents to safely dispose of household chemicals, paint, etc. However, difficulties in Waste Management being able to obtain the necessary permits to perform this service did not allow the City to offer the program. If permitting requirements change in the future, staff may recommend exploring this program at that time.

The Mayor and City Council agreed to solicit bids for the trash and recycling collection contract now.

ZT-2023-01 Land Management Code Text Amendment

Kathleen Maher, Director of Planning and Code Administration, was present to follow up with the Mayor and City Council on input received as a result of the April 25, 2023 Public Hearing.

The only input received was expression of support by Dr. Eklund for his requested amendment to the Local Conversion District standards regarding placement of additions.

To date, staff have received one input via email from Jay Schwartz dated April 27, 2023 and it is related to the Dog Day Care Proposal.

Mr. Schwartz is interested in opening a dog day care business in downtown. He said overnight stays are crucial to his business and represent about 30% of his revenue. Their current facility is not located in a residential area but a shopping center.

The Planning Commission reviewed this text amendment request from the Department of Community and Economic Development (DCED) and were not completely comfortable with the idea of dog care facilities downtown or in other mixed-use districts due to the noise and other impacts that could negatively affect nearby residents. Limiting the activity in the CC-MU and N-MU to the day, as one would expect with a business category of dog day care, was one of the major reasons why this text amendment in mixed-use districts made it out as a recommendation from the Commission. The code already allows kennels which allow overnight boarding, they are just not permitted in districts with the potential to have residential uses in close proximity. With the proposed amendment, dog day care is also being added to areas where kennels are already allowed – CG, CR, I-MU, IR, and IG. Since the concerns about overnighting are not there for the commercial and industrial districts, staff could revise the definition of Dog Day Care as follows:

Dog Day Care Facility – An establishment where, for a fee, care and services are provided for domesticated dogs during part of a day. Services may include grooming, train, exercising, and socializing, but dogs are not to be bred, sold, or let for hire.

Councilmember Aleshire stated this amendment needs more discussion. He imagines a dog day care looking similar to a day care center, with outdoor space, fencing, and soundproofing. To not have outdoor space for dog day care seems odd.

Councilmember Schindler is familiar with a dog day care in Washington, D.C. that is only indoor space.

Ms. Maher stated the amendment was proposed to accommodate a request from DCED staff. It can be discussed further if the Mayor and City Council wish.

Councilmember McIntire stated while working to accommodate a request like this the neighborhood should be protected as well. She suggested removing this amendment from the package and work on it more. She likes Councilmember Aleshire's idea of a stand-alone facility.

It was the general consensus to move forward with approving the proposed amendments, without the dog day care amendment.

Licensing of Transient Housing

Paul Fulk, Neighborhood Services Manager, and Kathleen Maher, Director of Planning and Code Administration, were present to discuss the directed changes to the proposed transient housing ordinance from the March 8, 2023 meeting. The changes

were made to remove any references to calls for service from HPD, HFD, Code Administration, or CRS.

Mr. Fulk noted hotel transient housing facilities will be classified as a Tier 1 hotel at the initial application. If an inspection shows violations, the facility will be classified as Tier 2 and will have 30 days in general to correct violations for simplicity.

Councilmember Aleshire noted the definition of transient visitor includes the number of days a person purchases lodging. He asked if that is consecutive days or a total of days during an annual period. Mr. Fulk stated it is consecutive.

Councilmember Bruchey noted the proposed ordinance includes required human trafficking and overdose response training. The State of Maryland requires human trafficking training but not overdose response training. He does not think the City should require more than what the State does.

Mr. Fulk stated the Health Department indicated many hotels don't participate in the volunteer Narcan training and this requirement would help more of them get involved. Many Community Rescue Service calls are for overdoses.

Councilmember McIntire understands Councilmember Bruchey's concerns but she believes they should receive the training. She also noted that Narcan needs to be replaced, as it does expire.

Councilmember Aleshire asked if all employees of a facility would be required to have annual training. He would like it to be less onerous. Mr. Fulk stated the training takes about 30 minutes. The proposed ordinance can be amended to apply only to new employees.

Mr. Fulk noted it is common practice for transient housing facilities to have annual training for a number of things. Councilmember Bruchey asked staff to find out how many states require Narcan training.

Councilmember McIntire agrees that mandating Narcan training seems excessive.

Councilmember Aleshire suggested removing the word annual.

Introduction of the ordinance will be included on the May 23, 2023 Regular Session agenda.

Addressing Community Blight

Paul Fulk, Neighborhood Services Manager, and Kathleen Maher, Director of Planning and Code Administration, were present to discuss blight in the community as a follow-up to the discussion last year.

Staff met with legal counsel and made the changes discussed to Chapters 232 and 233. Those changes included the following:

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 scheduling a site meeting
3. Creating a non-residential licensing category for vacant non-residential (commercial use) spaces on the first floor of a structure located in the CCMU zoning district. An exemption is provided for spaces meeting shell condition space.

Staff have encountered nuisance, abandoned vehicles more frequently on properties. These types of vehicles become attractors to nefarious activities in communities. The current process is to issue a civil citation to an owner for failure to remove such vehicles and awaiting a court date. The next step is to approach the court and seek authority to remove the vehicle. The typical timeframe to remove a nuisance, abandoned vehicle takes 6-7 months. This process does not quickly address neighborhood concerns to deter activities and gives the perception the City is not addressing their concern. Staff have researched these types of ordinances in the state and found the City of Salisbury and Wicomico County have nuisance, abandoned vehicle ordinances along with other communities across the country.

Currently, the Public Works Department performs weeds, trash, and debris abatements for the Code Department. There are occasions when the work is outside the scope of work typically handled by Public Works and staff are tasked with seeking quotes from contractors to perform the abatement work. This can slow down the City's response time to address neighborhood concerns. Staff worked with the Finance Department to issue a request for bids to be the City's "back-p" abatement contractor when property abatements are too large or complex for the City to handle in-house. The winning bid would be on the June 20, 2023 agenda for approval.

It was the general consensus to have staff work with the City Attorney to draft an ordinance to address abandoned vehicles. The Mayor and City Council agreed to include introduction of the ordinances on the May 23, 2023 Regular Session agenda.

CITY ADMINISTRATOR'S COMMENTS

Scott Nicewarner, City Administrator, stated events this weekend include a Cinco De Mayo Golf Tournament, Crime Victims Awareness Color Splash Walk, Jeff Scuffins Memorial Run, and the annual Antietam Velo bicycle race and 5k. Downtown Happy Hour continues on Thursday nights from 4:30 p.m. to 6:00 p.m.

MAYOR AND COUNCIL COMMENTS

Councilmember S. McIntire is glad downtown restaurants are collaborating to create the Downtown Happy Hour.

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

Councilmember T. Burnett had no additional comments.

Councilmember K. B. Aleshire had no additional comments.

Councilmember M. J. Schindler had no additional comments.

Mayor T. Martinez congratulated Gordon's Grocery on their 100th anniversary. Hagerstown is all about things in 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 5:02 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: June 20, 2023