

REGULAR SESSION (71ST VOTING SESSION) – June 20, 2023

Mayor T. Martinez called this Regular Session (71st voting session) of the Mayor and City Council to order at 7:00 p.m., Tuesday, June 20, 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, City Attorney Ann Rotz, and City Clerk D. K. Spickler.

The invocation was offered by Councilmember Matthew J. Schindler. The Pledge of Allegiance was recited and led by Mayor Tekesha Martinez.

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

The next scheduled meetings are: Work Sessions beginning at 4:00 p.m. on Tuesday, July 11, 2023, Tuesday, July 18, 2023, and the Regular Session on Tuesday, July 25, 2023. No meeting is scheduled for Tuesday, July 4, 2023.

APPOINTMENTS

On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed to make the following appointments:

Historic District Commission:

William Doug Carroll – Term to Expire June 30, 2026

Robert Powell – Term to Expire July 30, 2026

Mayor Martinez provided the Oath of Office to Robert Powell.

On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed to make the following appointments:

Planning Commission

James Stone - Term to Expire June 30, 2028

Judy Wheeler – Term to Expire July 31, 2028

GUESTS

Mayor Martinez read a proclamation naming June, 2023 as Pride Month in Hagerstown, Maryland. Jeff Rohrer, Asher Kennedy, and Grace McGowen Cook, Hagerstown Hopes, accepted the proclamation.

CITIZEN COMMENTS

Citizen Comments were accepted by email at councilcomments@hagerstownmd.org prior to 5:00 p.m. on Tuesday, June 20, 2023. Citizen Comments were also accepted during the meeting.

Cathy Santiago, 323 Bethune Avenue, Hagerstown, Maryland, is a resident of Bethel Gardens and is the property manager. There are major issues with loitering, drug use, and loud music at Bethel Gardens. These people are not residents there and they will not move when asked to. Residents do not feel safe outside their homes anymore. They have been working with the police department but the problems continue. Several years ago the owners of Bethel Gardens asked the City to sell them the street so it could be gated. Funding for this proposal is no longer available. She has been cussed at and threatened when she tells people to move. The residents don't know what else to do. It seems outside people have decided this is the best place to hang out and cause problems. Something has to be done to help the residents.

Mary Spencer, 314 Henry Avenue, Hagerstown, Maryland, is concerned about the residents of Bethel Gardens and Jonathan Street. They want to know what can be done about the drug use.

Jerry Pryor, 313A Jonathan Street, Hagerstown, Maryland, stated the problems are a lot worse than what Ms. Santiago and Ms. Spencer have said. They are being too nice with their description of the activity. He has chased people off porches and from under decks. Without someone at the police substation on Bethel Street nothing will change. There needs to be a police presence in the substation every day. He is involved in physical altercations almost every other day.

Sharie Yarbrough, 53 Murph Avenue, Hagerstown, Maryland, has seen people shot and killed near her home. The residents are confused as to why people choose to hang out in this area. She doesn't want her kids or grandkids to walk out her steps and be shot. She feels like the City doesn't care about the residents here. She has experienced people making fun of her for where she lives. If something doesn't change, more lives will be lost.

Emily Keller, 851 Summit Avenue, Hagerstown, Maryland, was present on behalf of Victoria Sterling, Director of Behavioral Health and Chairperson of Washington Goes Purple. During last year's Washington Goes Purple event, Steven Hill was the guest speaker. Mr. Hill is a person in recovery and an author. While he was in Hagerstown, a documentary was filmed of his story. Ms. Keller invited the Mayor and City Council to

attend the premiere of the documentary at the Maryland Theatre on Saturday, July 15, 2023 at 6:00 p.m. A large portion of the documentary was filmed in Hagerstown.

Jessica Suders, 311 Bethune Avenue, Hagerstown, Maryland, agreed with what others have stated about the issues at Bethel Gardens. The residents see people using drugs all the time. They get an attitude from the police while the ones doing drugs walk away. Not everyone in that neighborhood chooses to live there. Some have made bad choices and don't have other options. Over the last few years, drug activity right outside her home and other criminal activities have increased. Her daughter can't play in the back yard because it is not safe. Last summer, two kids were shooting at each other across the street.

Ruby Barnett, 1612 Woodland Run, Hagerstown, Maryland, has worked at Bethel Gardens since 2008. Everything speakers have said is true and she has witnessed the same things. She doesn't understand why the people causing the issues can't be made to move. People set chairs in front of her house and use drugs. It seems like these people are dropped off in the neighborhood every morning and they do their dirt all day. The residents want them gone.

MINUTES

On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve the minutes as presented for May 2, 2023, May 9, 2023, May 16, 2023, and May 23, 2023.

CONSENT AGENDA

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 approve the Consent Agenda as follows:

- A. Community Engagement:
 - 1. Open Container Exemption for MDWK Music and Market – University Plaza
- B. Engineering:
 - 1. 2022 Pavement Preservation Contract (Extension) – Craig Paving, Inc. (Hagerstown, MD) \$ 1,300,000.00
 - 2. Clara Barton Memorial Construction – SFMS, LLC (Bethesda, MD) \$ 195,928.55
 - 3. Curb and Sidewalk Replacement Program – Henson & Son, Inc. (Hagerstown, MD) \$ Not to Exceed \$ 230,000.00
 - 4. Sidewalk Accessibility Ramps FY24 – Henson & Son, Inc. (Hagerstown, MD) \$ 145,000.00

C. Fire:

1. Triple Combination Attack Pumper – 4 Guys Stainless Tank and Equipment (Meyersdale, PA) \$ 898,922.00
2. AED's, Stop the Bleed Kits, and CPR Training Aids – Various Vendors – \$ 116,667.48

D. Human Resources:

1. Workers' Compensation Self-Insurance TPA Services – PMA Management Corporation (Blue Bell, PA) \$ 28,500.00
2. Workers' Compensation Surety Bond – Continuance Bond – Safety National Corporation (St. Louis, MO) \$ 38,100.00
3. Workers' Compensation Excess Liability Insurance – Safety National Casualty Corporation (St. Louis, M) \$ 218,612.00
4. Administration of Medical Coverage – United Healthcare (Chicago, IL) \$ 471,942.00
5. Employee Assistance Program – ComPsych (Chicago, IL) \$ 9,300.00
6. City Sponsored Life Insurance, Voluntary Long Term Disability, and Voluntary Life Insurance – Hartford Life and Accident Insurance Co. (Hartford, CT) \$ 49,977.00
7. Administration of Dental Coverage – UCCI (Hunt Valley, MD) \$ 45,720.00
8. Specific Stop Loss Insurance Premium – Tokio Marine HCC (Kennesaw, GA) \$ 445,633.00

E. Information Technology:

1. Intellitime System Software Renewal – Intellitime Systems Corporation (Santa Ana, CA) \$ 72,166.70
2. Glessner Annual Maintenance Renewal and Pre-Paid Labor Contract – Glessner Technologies (Hagerstown, MD) \$ 26,748.00
3. Annual MUNIS Support and Maintenance Agreement 0 Tyler Technologies (Dallas, TX) \$ 285,558.90

F. Planning and Code Administration:

1. Property Abatement Work - LawnTopia Group LLC (Thurmont, MD) \$ 50,000.00

G. Police Department:

1. 2023 Annual Accreditation Fee – ANSI National Accreditation Board, LLC (Washington, DC) \$ 15,075.00
2. PLX Software and License – PenLink (Lincoln, NE) \$ 11,799.10

H. Utilities:

1. Light – Distribution Transformers – United Utility Supply (Chambersburg, PA) \$ 237,526.00
2. Light – FY23 MSEC Grant – LED Light Fixtures – Signify North America (Somerset, NJ) \$ 37,091.00

3. Light – FY23 SOLE Grant – LED Light Fixtures – Signify North America (Somerset, NJ) \$ 116,865.00
4. Wastewater – SSES City Wide Collection System Rehabilitation – Phase 1B – Pleasant’s Construction, Inc. (Clarksburg, MD) \$ 1,359,612.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: Add Chapter 230, Transient Housing, to the City Code

Action: Councilmember K. B. Aleshire made a motion to approve an ordinance to add Chapter 230, Transient Housing, to the Code of the City of Hagerstown. This added chapter will:

1. Establish a licensing program for transient housing facilities which includes hotels, motels, inns, bed & breakfast structures and short-term rentals
2. Enact license fees for transient housing facilities based on tier level for hotels and license fees for bed & breakfasts and short-term rentals
3. Create a tier structure related to code violations per room ratio for hotels
4. Establish joint inspection requirements for transient housing facilities
5. Create ability to reclassify hotel tier after joint inspection
6. Require training for transient housing owners, managers, and staff on human trafficking activities, human trafficking victims, and overdose response program
7. Create transient housing facility guest register requirements pertaining to transient visitors letting any transient housing unit
8. Enact premises requirements prohibiting hourly rates and letting transient housing units for illegal purposes
9. Provide processes to deny, suspend or revoke transient housing facility applications and licenses

Councilmember S. McIntire seconded the motion.

Discussion: Councilmember Bruchey stated he will be voting no because of the requirement of training for managers and staff to address overdoses. He does agree managers and staff should be trained in recognizing human trafficking and victims.

Motion passed 4-1, with Councilmember R. E. Bruchey, II voting No.

B. Approval of an Ordinance: Amending Chapter 232, Vacant Residential Structures, to Enhance Support to Neighborhoods

Action: On a motion duly made by Councilmember M. J. Schindler and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance to amend the Code of the

City of Hagerstown, Chapter 232, Vacant Non-Residential Structures.
Specifically the amendments will:

1. Add definitions for “Shell Condition Space” and “Vacant Non-Residential First Floor Space”
2. Amend the definition of “Vacant Non-Residential Structure” to license mixed-use structures in the CCM zoning district having one or more vacant non-residential uses on the first floor
3. Amend the Application/License Fee to provide further clarification on blight determinations and providing property owners with the ability to be reclassified

When the ordinance is scheduled for approval, a motion will be on the same agenda to adopt a policy related to first floor shell condition space standards. A memo and proposed policy are attached with the meeting information.

These amendments are consistent with the City’s Vision and Commitment for Housing and Neighborhoods and the Community’s City Center Plan.

C. Approval of an Ordinance: Amending Chapter 233, Vacant Residential Structures, to Enhance Support to Neighborhoods

Action: On a motion duly made by Councilmember T. Burnett and seconded by Councilmember M. J. Schindler, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance to amend the Code of the City of Hagerstown, Chapter 233, Vacant Residential Structures. Specifically, the amendments will:

1. Amend the Application/License Fee to include an escalating fee for vacant non-blighted residential properties based on vacant time period
2. Amend the Application/License Fee to provide further clarification on blight determinations and providing property owners with the ability to be reclassified

These amendments are consistent with the City’s Vision and Commitment for Housing and Neighborhoods and the Community’s City Center Plan.

D. Approval of an Annexation Resolution: A-2023-01 Bostetter Group, LLC

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 introduce an Annexation Resolution for Annexation Case No. A-2023-01. The portion of property to be annexed is approximately 81.55 acres in size and is intended to be added to and made part of the adjacent municipal lands with RMOD zoning. The

resolution package includes the metes and bounds description, annexation plat, and zoning exhibit as forwarded by the applicant's engineer. The resolution has been amended to include language restricting the development's density to not exceed 50% increase of allowed density in the exiting County zoning.

On the advice of Ann Rotz, City Attorney, the motion was reconsidered because it was read as Introduction of an Annexation Resolution.

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 approve an Annexation Resolution for Annexation Case No. A-2023-01. The portion of property to be annexed is approximately 81.55 acres in size and is intended to be added to and made part of the adjacent municipal lands with RMOD zoning. The resolution package includes the metes and bounds description, annexation plat, and zoning exhibit as forwarded by the applicant's engineer. The resolution has been amended to include language restricting the development's density to not exceed 50% increase of allowed density in the exiting County zoning.

NEW BUSINESS

A. Introduction of an Ordinance: Amendments to Chapter 60 of the City Code

Action: Councilmember M. J. Schindler made a motion to introduce an ordinance to amend Chapter 60 of the City Code to (1) prohibit parking non-electric motor vehicles in spaces designated for charging of electric vehicles and requiring operators to remove electric vehicles promptly upon obtaining a full charge; (2) consolidating fines in Chapter 60 in one location; and (3) increasing the fine for parking in areas designated for work by City employees in performing construction, repair or cleaning of City streets. Councilmember S. McIntire seconded the motion.

Motion carried 4-1, with Councilmember K. B. Aleshire voting No.

B. Approval of a Resolution: Naming Alley 2-121 as Ralph Teetor Alley

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote to approve a resolution to rename Alley #2-121 as "Ralph Teetor Alley" in recognition of the achievements of the engineer and inventor who was a resident of Hagerstown, Indiana, a Sister City to Hagerstown, Maryland.

C. Approval of a Resolution: Parking Lease for The Church Street Parking Lot with 122 North Potomac Street, LLC

Action: 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 approve a resolution to enter into a parking lease agreement between the City of Hagerstown and 122 North Potomac Street, LLC, a Limited Liability Company of Maryland, for the rental of one hundred parking spaces in the Church Street Parking Lot.

The term of the lease is five years and commences on October 1, 2023.
The annual rent to be paid to the City is \$ 64,800.00.

D. Approval of a Resolution: Accepting the Offer of Dedication of Certain Streets by McCleary Hill Associates I, LP

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve a resolution to accept the offer of dedication from McCleary Hill Associates I, LP for Calcite Drive, Granite Drive, Gypsum Lane, and Gneiss Drive (an extension of Insurance Way later to be named Insurance Way) in the McCleary Hill Development.

E. Approval of a Resolution: Approval of the Program Year 2023 (City FY2024) CDBG Annual Action Plan

Action: Councilmember K. B. Aleshire made a motion to approve a resolution approving the Program Year 2023 (City FY2024) Annual Action Plan for the Community Development Block Grant program, authorizing the Mayor to file an application for financial assistance with the U. S. Department of Housing & Urban Development in the amount of \$ 781,156, and further authorizing the Mayor to execute all other documents relating to the City's Community Development Block Grant program for Program Year 2023 (City FY2024).

Councilmember R. E. Bruchey, II seconded the motion.

Discussion: Councilmember Aleshire thanked staff for confirming that recreational cannabis businesses will not be eligible for this funding.

Motion carried 4-1, with Councilmember M. J. Schindler abstaining from the vote.

F. Approval of a Resolution: FY24 Community Legacy Fund Application

Action: On a motion duly made by Councilmember T. Burnett and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously

agreed by voice vote to approve a resolution indicating approval of the City's FY 2024 Community Legacy Fund application to the Maryland Department of Housing and Community Development. The application requests funding to assist with three projects: 1) a \$ 200,000 grant for a program to bring storefronts up to shell condition; (2) a \$ 100,000 grant for adding additional lighting in downtown; and (3) a \$ 125,000 grant for a wayfinding system for major attractions.

G. Approval FY24 Invest Hagerstown Program Grant Funding Levels

Action: Councilmember R. E. Bruchey, II made a motion to approve the Invest Hagerstown Grant Program's funding levels for FY2024 according to the chart attached with the motion.

The program includes five categories: 1.) the City Center Redevelopment Grant Program; 2.) the City-Wide Redevelopment Grant Program; 3.) the Homeownership Grant Program; 4.) the Rental Property Rehabilitation Grant Program; and 5.) the Commercial Sign & Façade Grant Program.

Mayor and City Council approve the City Center Redevelopment Grant applications, and will approve the reuse of any uncommitted/undisbursed and/or forfeited commitments in the City Center Redevelopment Grant category.

The program Review Committee approves the grant applications across the other categories, and will approve the reuse of any uncommitted/undisbursed and/or forfeited commitments in all categories, except the City Center Redevelopment Grant category, with the ability to reuse such funds across any of those program components.

Funding of this program will come from the Economic Redevelopment Fund Invest Hagerstown line items in the Fiscal year 2024 budget.

Councilmember M. J. Schindler seconded the motion.

Motion carried 4-1, with Councilmember S. McIntire abstaining from the vote.

H. Approval of Chapter 232 First Floor Shell Condition Space Standards Policy

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 the Chapter 232 First Floor Shell Condition Space Standards Policy. This policy will establish standards for first floor vacant nonresidential shell condition space located in the City Center Mixed Use zoning district related to the vacant nonresidential structures program. This policy shall take effect on July 21,

2023 to coincide with the effective date of amendments to Chapter 232
Vacant Nonresidential Structures.

I. Approval of Elevator Maintenance Services Contract – 07//01/2023-06/30/2024

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to authorize and approve the renewal of the Elevator Maintenance Service Contract with Oracle Elevator Holdco, Inc. This contract covers the repair, adjustment, emergency services, preventative maintenance, and inspection services for elevators located at various City buildings. Contract term is from July 1, 2023 – June 30, 2024. This is year two of four optional one-year renewals. Total contract annual amount is \$ 21,300.00 with a departmental breakdown as follows. There will be additional elevators added to this contract once construction is completed.

Public Works	\$ 13,800.00
Police Department	\$ 3,960.00
Water Department	<u>\$ 3,540.00</u>
Total	\$ 21,300.00

J. Approval of Light Division FY24 Inventory Procurement Funds

Action: On a motion duly made by Councilmember M. J. Schindler and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously agreed by voice vote to approve of Light Division inventory procurement funds not to exceed an accumulated value of \$ 750,000.00 through fiscal year 2024 following the process described in a memorandum that is attached with the motion.

K. Approval of FY23 Transfer for Hagerstown Field House

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve transfer of the following FY23 funds to the Hagerstown Field House project:

1. Reallocate \$ 250,000 from original First Third Incentive Grant Program that was committed toward a future Class A Office Building that never happened. This funding source is General Fund-Fund Balance Reserves.
2. Transfer \$ 750,000 from additional General Fund – Interest Revenue over current year budget estimates. The funding source is current year General Fund Transfer.

L. Approval of Donation from Hagerstown Police Department to the Auxiliary Unit

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember M. J. Schindler, the Mayor and City Council unanimously agreed by voice vote to approve a \$ 5,000 donation to the Auxiliary Unit. These funds will help sustain and assist this volunteer organization in the day to day work they do for the City of Hagerstown.

These funds will come from HPD's operating budget.

CITY ADMINISTRATOR COMMENTS

Scott Nicewarner, City Administrator, announced the following events: Summer Solstice Wind Down, Downtown Happy Hour at Potomac Walk, Imagine Hagerstown with headliner Dupont Brass, and the annual 4th of July Fireworks at Fairgrounds Park. Rain date for the fireworks is July 5, 2023.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember M. J. Schindler had no additional comments.

Councilmember S. McIntire is sure everyone is sickened by the things happening at Bethel Gardens. No one should have to live around that behavior. If someone makes these residents feel inferior because of where they live it needs to stop. She walks in the morning and evening and has seen this activity as well. There are so many social service agencies in this community that should be able to come together and step up and help people. This is not how people should have to live in their own homes.

Councilmember T. Burnett sees the difference in Bethel Gardens now from when she lived there as a child. It is very concerning and disheartening. She is open to any way the City can help. She suggested a Neighborhood Take Back initiative that has helped in other neighborhoods. There was a great sense of community when she was growing up.

She attended a panel discussion at Meritus Medical Center earlier today. The discussion theme was "What does Juneteenth Mean to Me?". She thanked Mayor Martinez for inviting her to attend. It was a safe space to share thoughts and experiences and a good afternoon of conversation.

Councilmember R. E. Bruchey, II will be meeting with the Mayor of Hagerstown, Indiana this weekend while a group is visiting Hagerstown, Maryland.

He was texting people while the residents were sharing their concerns earlier in the meeting. He hopes those messages will nudge something to happen. It seems like the people are dropped off to sell their wares. The people causing the issues are not from the

community. He hopes the residents will see some progress. He also hopes the community embraces the progress.

Councilmember K. B. Aleshire assured the residents the Mayor and City Council and staff heard their concerns loud and clear. He doesn't believe government should operate in the manner of addressing the squeaky wheel and he doesn't think any City department operates in that manner. The matter will be addressed. He suggested the Bethel Garden residents discuss their experiences with the Hagerstown Housing Authority (HHA) and see if any of the HHA's practices could be replicated.

Mayor T. Martinez is concerned about the Bethel Gardens community. It is evident the residents are fed up, as shown by the number of residents that came to speak during this meeting. It is difficult for her to see someone from that community feeling caged in. She hopes changes will be seen very soon. It is good to see the manager and residents working together.

Meritus Health hosted a Cultural Diversity Lunch and Learn today. The topic was What Does Juneteenth Mean to Me?. It was good to have a safe space to just talk about that. Cultivating opportunities like this, where people can safely hear and discuss concerns and experiences is what changes things for the better.

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 7:56 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: July 25, 2023