

EXECUTIVE SESSION, SPECIAL SESSION (86TH VOTING SESSION) AND WORK SESSION
FEBRUARY 6, 2024
MAYOR AND CITY COUNCIL HAGERSTOWN, MARYLAND
EXECUTIVE SESSION, SPECIAL SESSION (86TH VOTING SESSION) AND WORK
SESSION – FEBRUARY 6, 2024

EXECUTIVE SESSION – February 6, 2024

Mayor Martinez called the Executive Session to order at 2:45 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 of all members present at the time of the vote to meet in closed session to consider the acquisition of real property for a public purpose and matters directly related thereto; (#3) (Section 3-305(b)), 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, February 6, 2024 at 2:45 p.m. in the Council Chamber, 2nd floor, City Hall, Hagerstown, Maryland. Councilmember K. B. Aleshire was not present at the time of the vote. Councilmember P. E. Perini, Sr. recused himself and did not attend the Executive Session until the third and fourth items were discussed.

Participating with Mayor Martinez were Councilmembers K. B. Aleshire, T. Burnett, S. McIntire, P. E. Perini, Sr., and M. J. Schindler, City Administrator Scott Nicewarner, City Attorney Ann Rotz, City Attorney Jason Morton, Michelle Hepburn, Chief Financial Officer, William Schildt, Attorney, Jill Thompson, Director of Community and Economic Development, Fire Chief John DiBacco, Deputy Fire Chief Adam Hopkins, Nancy Hausrath, Director of Utilities, Doug Reaser, Economic Development Manager, Daniel Myers, Fire Captain, Margi Joe, Community Development Manager, Rachel Paul, Planning/Outreach Coordinator, Kathleen Maher, Director of Planning and Code Administration, and City Clerk Donna K. Spickler.

The meeting was held to discuss acquisition of property for the Fire Administration Operations, the status of continuing projects, and membership of the Public Service Citizen Advisory Committee. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 4:13 p.m.

SPECIAL SESSION (86TH VOTING SESSION) AND WORK SESSION – February 6, 2024

Mayor T. Martinez called this Special Session (86th voting session) and Work Session of the Mayor and City Council to order at 4:22 p.m., Tuesday, February 6, 2024, in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, T. Burnett, S. McIntire, P. E. Perini, Sr., and M. J. Schindler, City Administrator Scott A. Nicewarner, and City Clerk D. K. Spickler.

On a motion duly made by Councilmember M. J. Schindler and seconded by Councilmember P. E. Perini, Sr., the Mayor and City Council unanimously agreed by voice vote to meet in Special Session at 4:22 p.m.

Approval of a Memorandum of Understanding: Public Resources Organizing to End Crime Together (P.R.O.T.E.C.T) Program

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember P. E. Perini, Sr., the Mayor and City Council unanimously agreed by voice vote to approve a Memorandum of Understanding with the Governor’s Office of Crime Prevention, Youth, and Victim Services for the “End the Violence” Public Resources Organizing to End Crime Together (P.R.O.T.E.C.T.).

This program will be administered by a P.R.O.T.E.C.T. Coordinator, a full-time state employee, who will be assigned to the Hagerstown Police Department to oversee the mandated program, at no cost to the Hagerstown Police Department.

The Special Session was closed at 4:25 p.m.

Work Session – February 6, 2024

Proclamation: Black History Month

Mayor Tekesha Martinez read a proclamation naming February, 2024 as Black History Month in Hagerstown, Maryland. The theme for Black History Month 2024 is “African Americans and the Arts.” Taj Smith, President of the Washington County NAACP and Pastor Les McIntosh, Vice President of the Washington County NAACP, accepted the proclamation.

Water Video 101

Scott Nicewarner, City Administrator, stated this video shows customers and the community how water gets from the Potomac River to their homes. There is a lot of misunderstanding of the capacity of the water source and the capacity of the plant.

After the video was played, Mr. Nicewarner encouraged people to watch it. The tips to save water aren’t because there is a water shortage, they are included to help customers save money. Upgrades, with costs estimated at \$ 100 million, are needed to expand the system. Designating funding for the upgrades is challenging. The Water Division staff do a great job of managing the water plant. The needed upgrades do not affect the water supply. Customers receive quality water and will continue to receive good water.

Mayor Martinez stated the video is simple and easy to understand and very informative. She thinks kids should watch the video to learn how water gets to their homes.

The video is available for viewing on Hagerstown's website.

Records Position: Hagerstown Police Department

Chief Paul "Joey" Kifer was present to discuss converting a part time position to a full-time position.

The effective operation of the Police Department requires support services functions, and the tasks assigned to the police records department is a critical piece of that process. Over the past several years, responsibilities have increased in the police records department. The current staffing level makes it difficult to input and verify warrant information in a timely manner. This could potentially impact the safety of the citizens and police officers.

While Chief Kifer recognizes the financial impact associated with such a request, he believes that this increase in staffing hours is needed in order to provide the level of administrative support necessary. This would be a new full time Police Records Specialist position, and the Part Time Police Records Specialist position would be eliminated. Additional costs can be absorbed in the department's current FY24 budget, but funding would be needed in FY25.

Mayor Martinez asked if a part time person will go to full time status. Chief Kifer noted the part time position is vacant at this time due to a retirement.

Mr. Nicewarner pointed out that recent legislation for public information requests for police officers has increased requests significantly. He anticipates the Maryland Municipal League will be working on addressing the increase in requests as well.

It was the general consensus to include approval of the conversion of a part time position to full time on the agenda for February 27, 2024.

Update on Development Activity

Kathleen Maher, Director of Planning and Code Administration, and Doug Reaser, Economic Development Manager, were present to provide an update on development activity in the City. Staff provided a similar presentation to the Land Use Council on January 4, 2024 so the City Administrator requested the presentation be shared with the Mayor and City Council.

A two-page chart listing current and pending development with details for each was provided with the meeting material.

The following is an overview of projects (this list is not all inclusive):

1. Road Improvement Projects
 - a. Professional Court Widening and Connection to the Bridge
 - b. R. Paul Smith Boulevard Widening and Construction of Lois Harrison Drive

2. Downtown Projects
 - a. Hagerstown Multi-use Sports and Events Facility – opening game scheduled for the first week of May
 - b. Hub City Garage – goal to be completed in May/June of 2024
 - c. New City Hall Annex – Customer Service Center
 - d. Updegraff Building – 21 luxury apartments and Baile Bagels and Baile Cask & Kettle brewery
 - e. Hub City Brewery – Convert City Market House to brewery
 - f. Light Business Development – lots available for office buildings

3. Commercial and Industrial Development
 - a. Field House – 116,000 sq. ft. indoor courts and field recreation facility
 - b. Boys and Girls Club – new 29,290 sq. ft. facility for Boys and Girls Club
 - c. Currwood Logistics Park – Two new warehouses (1.93 million sq. ft.)
 - d. Western Maryland Logistics Center – New 267,424 sq. ft. warehouse
 - e. Lowe’s Distribution Center – 206,155 sq. ft. addition
 - f. Northpoint Building 4 – new 215,280 sq. ft. warehouse
 - g. Sheetz at Longmeadow – Demo old Sears and construct a new Sheetz
 - h. Carolee Investments

4. Residential Development
 - a. Greenwich Park
 - b. Kilpatrick Woods
 - c. Virginia Commons
 - d. McCleary Hill – Hagerstown Housing Authority and Habitat for Humanity
 - e. Brookmeadow Townhouses
 - f. Bostetter Tract
 - g. Reese Farm
 - h. Lorich Tract

Councilmember Aleshire stated it is good to have this information and to share it with citizens. Years ago, the development was expected to be in the Eastern part of the City. Now development is happening in different areas. With the number of anticipated warehouse tenants, there will be a need for housing. The known housing starts is about 300 houses. The pending or possible development will need about 400 houses. One out of 16 people working at warehouses will be looking for housing in Hagerstown. People think a development gets approved today and houses are built tomorrow. Actually, the average residential development takes about 10 years to get from on paper to construction. It is clear to him, after deliberations with the County Commissioners, that there is no interest in changing the express zoning requirements for annexations and the County is looking at a five-year delay for those properties to be appropriately zoned for residential uses. This means new housing could now take 15 years to be completed. With more residents, there will be a need for school improvements. There will be a

significant shortage of school capacity. There has not been a new school built since he was a County Commissioner. The need for school improvements should be a priority.

Annexation: Blaine Properties, LP A-2023-02

Kathleen Maher, Director of Planning and Code Administration, was present to discuss the pending Blaine Properties, LP annexation.

Burkentine Real Estate Group submitted an annexation petition in February, 2023 to annex the property owned by Blaine Properties, LP that fronts McDade Road and Swann Road and adjoins Hager's Crossing in the City. The Mayor and City Council introduced the Annexation Resolution and approved the Annexation Plan at the Regular Session on March 28, 2023. A public hearing was held on May 23, 2023.

The Maryland Department of Planning (MDP) determined that the requested zoning for this annexation needed express approval from Washington County since the proposed RMED zoning would allow for a substantially greater density than the current RT zoning in the County.

Knowing school capacity would be a concern of the County, the applicant raised the idea of redistricting to the Clear Spring attendance zones (west of Greencastle Pike) with Washington County Public Schools staff; however, at the time it seemed not possible to get on a Board of Education agenda to discuss a redistricting proposal.

The applicant attended the July 11, 2023 County Commissioners meeting to discuss express approval of the proposed City zoning with the Commissioners. After a lengthy discussion with the applicant with concerns expressed about school capacity, the Commissioners tabled the discussion to allow input from staff. Burkentine prepared a report on the revenue and infrastructure improvements the development would bring as well as a proposal for financial payment for schools and planned to request placement on an agenda in late September. In mid-October, word came that the Commissioners refused to allow it back on the agenda. Refusal to act equates to refusal to grant express approval of the zoning. State law would then require a five-year delay on use of the proposed City zoning. As a result, Burkentine withdrew their contract on the property.

Planning staff reached out to the property owners in December, 2023 to inform them of the potential actions they may take. The owners agreed to move forward with the annexation even though they no longer have a buyer. Annexation now will position the property for future purchase when the RMED zoning can be used in 5 years. Staff received a letter on January 8, 2024 from the property owners consenting to continuing the annexation.

Consent from 25% of registered voters was also obtained. Staff learned that one of the houses on the tract is occupied with registered voters at 12421 McDade Road. The other house was reconfirmed by the owner as vacant. The property owner received consent for the annexation from their 12421 tenants. The exhibit is attached to the resolution with the packet material.

The area is +/- 28.347 acres and is contiguous to the City limits. It is within the Medium Range Growth Area (MRGA), Urban Growth Area (UGA), and Priority Funding Area (PFA). County Zoning is RT (Residential Transition), and the proposed City Zoning is RMED (Residential-Medium). The property fronts McDade Road and Swann Road. Water will be served by the City. Wastewater will be served by connection to infrastructure in Hager's Crossing (JSSA at present) or through the County's new main on McDade Road. Public safety will be provided by City Police, City Fire, and Community Rescue Service. Electricity will be provided by Potomac Edison.

Councilmember Perini stated it appears the County Commissioners have decided to stifle a potential residential project that happens to be contiguous to the City. Ms. Maher stated the initial concern from the Commissioners was about school capacity. Councilmember Perini reiterated that they then refused to have further discussion on the issue.

Councilmember Schindler noted this proves Councilmember Aleshire's point in the previous agenda item. The City cannot build a school as that is a County function. The City's hands are effectively tied.

It was the general consensus to move forward with this annexation request. It will be included on the February 27, 2024 Regular Session agenda. If the resolution is approved, the annexation becomes effective in 45 days and the 5-year time-period will begin for delayed use of the City's RMED zoning.

Legislative Bills Update

Scott Nicewarner, City Administrator, provided an update on bills presented during the General Assembly.

SB-263/HB-20 Real Property Assessments – Re-evaluation of Property on Transfer After Appeal – MML Supports these bills. This bill will eliminate the ability to flip the property by triggering a review if the assessment was reduced through an appeal within the previous year.

SB-380/HG-618 Police Recruitment and Retention Workgroup – MML Supports these bills. The Statewide Work Group will study how to attract and retain police officers. The study should be completed prior to the end of 2025. He thinks some legislators are realizing that the police reform passed several years ago was too drastic.

SB-431 – Worker's Compensation – Occupational Disease Presumption Long COVID (Home of the Brave Act of 2024) – MML opposes this bill.

SB-422/HB -601 – Street Racing and Exhibition Driving – Prohibited Acts, Enforcement and Penalties – MML Supports these bills. If passed, these bills will increase the points issued for this type of driving.

The Governor's Affordable Housing Act contains two bills. MML supports the one that creates an investment corporation and new market tax credits. This will create a State Committee, eliminating the need to seek funding through the Federal government.

SB-484/HB-539 – Land Use – Affordable Housing – Zoning Density and Permitting (Housing Expansion and Affordability Act of 2024) – MML supports these bills, with amendments. The need for affordable housing is understandable but the zoning requirements could create some serious density issues. Some of those issues could be experienced in Hagerstown. There could also be Adequate Public Facilities Ordinance (APFO) issues and water/wastewater concerns from many municipalities.

MML has not taken a position on the Renter's Bill of Rights, but several municipalities need to look at how this would affect the rental market, including Hagerstown. There are some conditions in the bill that could stifle the ability to generate good rental units.

SB-485/HB-572 – Family and Medical Leave Insurance Program - Modifications – MML supports these bills, with amendments. If these bills are passed, the City would have to contribute to another Family Medical Leave Act (FMLA) plan. This bill will be delayed because the State is not ready.

SB-537/HB-805 – Cannabis - Licensee Locations – Restrictions – MML supports these bills, with amendments. These bills would treat cannabis retail locations like liquor stores. This would create serious problems if a municipality does not want a dispensary in the downtown core. Amendments would be for allowing dispensaries in specific zoning districts.

HB-165/SB-747 – Property Tax – Tax Sales – Revisions – MML supports these bills, with amendments. These bills penalize any local government that is a year or more late with audit reports by withdrawing their State Aid for Police Protection and Highway User Revenue. Although MML realizes municipalities need to file reports on time, the withholding of revenue seems rather harsh.

HB-243 – Property Tax – Tax Sales – Revisions – MML opposes this bill. This bill would prohibit the City from sending parcels to the tax sale that only have abatements attached to them.

HB-640 – Property Tax – Improvements on Agricultural Land – Assessment – MML opposes this bill. MML always opposes exemptions on a municipality's ability to receive property tax revenue, as long as the revenue is 75 % to 80 % of last year's revenue.

HB-692 – Economic Development – County or Municipality Economic Development Authority – Powers and Use of Proceeds – MML supports this bill. This bill governs the ability to deal with Tax Increment Financing (TIF), creating more opportunities for revenue.

Local bills not moving forward are Tax Sales of County/Municipal Parcels only and Elected vs. Appointed County Treasurer. The local bill moving forward into Committee review is Licensing of Homeless Shelters, submitted by Delegate Brooke Grossman.

Bills discussed yesterday include one for restrictions for water shut offs and repealing the authority of a municipality to prohibit vagrancy.

Mr. Nicewarner will be meeting with the MML Legislative Committee and Transportation Secretary tomorrow to discuss the widening of I-81. The Washington County Coalition has done a great job showing how dangerous the 9 mile stretch of I-81 in Maryland is.

The Maryland Municipal League Legislative Committee meets every Wednesday morning. The Washington County Coalition meets every Thursday by Zoom. He thanked Councilmember Perini for participating in these meetings.

CITY ADMINISTRATOR'S COMMENTS

Scott Nicewarner, City Administrator, attended the State of the County earlier today, as did Councilmember Peter Perini. He offered condolences to the family of Marvin Niswander who passed away recently. Mr. Niswander was a member of the Auxiliary Police for many years.

MAYOR AND COUNCIL COMMENTS

Councilmember M. J. Schindler stated his son will get to watch the awesome video about the water system later this evening. He is glad citizens now get a chance to see the behind-the-scenes process of providing water. It is exciting to realize there are so many projects being completed and considered.

Councilmember K. B. Aleshire had no additional comments.

Councilmember T. Burnett asked that a press release be issued noting that Comcast is working in the City and may be working in people's yards. Mr. Nicewarner stated staff does not usually get notice about where they will be working but a general notice can be sent out. Councilmember Burnett agreed the water video was great and very informative. She hopes the schools share this with their students.

Councilmember P. E. Perini, Sr. appreciates the opportunity to sit in on both conversations with the City lobbyist and the Maryland Municipal League Legislative Committee. Mr. Nicewarner does a great job for the City and the State to review all these bills. He attended the State of the County this morning. The video presented was interesting. He is trying to make sense of the comments from the Commissioners this morning supporting work force housing and yet they refuse to consider express approval for zoning for a residential development. The City is working hard to try to figure out a way forward to continue with growth. The housing component has to be a part of the plan. He hopes the County's Comprehensive Plan will provide some clarity. He thinks

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the City should stay the course. There are some incredible assets in the City, and everyone should remember this and realize Hagerstown is an incredibly important part of this County.

Councilmember S. McIntire had no additional comments.

Mayor T. A. Martinez attended the Youth Council meeting yesterday and suggested they work on establishing a Youth Poet Laureate. Before she left the meeting, the members were already researching how to do this. The group is working on a mental health day. She thanked the teachers and students at Williamsport High School for inviting her to participate in their poetry slam today. She worked with four poets and coached them in front of the students.

Mayor Martinez apologized for having to cancel several appointments and appearances recently and in the next few weeks. She has family obligations that need to be taken care of.

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 5:48 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: March 26, 2024