

WORK SESSION – March 21, 2017

Mayor R. E. Bruchey, II called this 9<sup>th</sup> Special Session and Work Session of the Mayor and City Council to order at 4:04 p.m., Tuesday, March 21, 2017, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, P. D. Corderman, E. Keller, L. C. Metzner, and D. F. Munson, City Administrator Valerie Means, Jason Morton, City Attorney, and City Clerk D. K. Spickler.

Mayor Bruchey welcomed Jackson Clutter, from Scout Troop 23, to the meeting.

Proclamation: Developmental Disabilities Awareness Month

Mayor Bruchey read a proclamation naming March, 2017 as Developmental Disabilities Awareness Month. Troy Van Scoyoc, Executive Director of the ARC of Washington County, and Robin Weagley, Potomac Center, accepted the proclamation.

Day in Annapolis Update

Paul Frey, President and CEO of the Hagerstown-Washington County Chamber of Commerce, and Jim Kercheval, Executive Director of The Greater Hagerstown Committee, were present to provide an update of the Community Coalition's Day in Annapolis.

All the original partners in the Coalition are participating this year and the Town of Williamsport has joined the group. This has been a successful year. The Day in Annapolis was held on February 1, 2017 and more than 240 people attended.

A summary of the Coalition's Agenda for the 2017 Legislative Session and status update is as follows:

1. I-81 Widening Improvements – The State is currently widening I-81 to 6 lanes from the Potomac River Bridge to Exit #1 in Williamsport (Phase 1). In addition, the State has allocated \$ 5 million for the engineering and design of Phases 2 through 4 and applied for a federal FASTLANE grant to provide a significant portion of the construction funding for Phase 2. Phase 2 would widen I-81 an additional 3.5 miles from the end of Phase 1 to I-70. The Coalition is asking the State to identify funds to construct Phase 2 in conjunction with a FASTLANE grant award, and create a 10-year plan to finish the widening of I-81 to the Pennsylvania line. Overall, the community has greatly elevated the status of I-81 in the State conversation on priority projects and I-81 is now well known in the general assembly as the County's #1 transportation priority.

2. I-70/Rt. 65 Interchange Improvements – Improvements to the interchange of Interstate 70 and Maryland 65 are needed to enhance safety, improve congestion, and increase capacity in the fastest growing retail and residential area in the County. The State is considering several design options to improve this interchange and eliminate stop conditions at two traffic signals as part of planned and scheduled bridge replacements on I-70. State estimates have been as high as \$ 120 million depending on the design. The County’s preferred design option is estimated at \$ 41 million to increase capacity for years to come. The State recently agreed to have a decision on the preferred design option in late summer of 2017. After a consensus is reached, the Coalition would ask the State to begin design and construction programming for these interchange improvements. This year was used to introduce this project for future advocacy in the coming year after SHA finalized the design option they prefer.
  
3. Urban Improvement Project (UIP) – Washington County, in partnership with the City of Hagerstown, Washington County Public Schools, Maryland Theatre, University System of Maryland at Hagerstown (USMH), and private business, is supporting several key projects to revitalize Hagerstown’s urban core. Projects include the expansion and renovation of the Maryland Theatre (\$ 11 million), expansion of an educational complex to support Washington County Public Schools and USHM (\$ 14 million for BISFA expansion), and an outdoor plaza and bridge connection (\$ 3 million). These public/private partnerships will provide performance space, concession space, and income producing space for the theatre; space for offices, classrooms, dining areas, student housing, and STEM Labs for education partners; and new commercial office space. In addition, these projects would be a catalyst for new investment in the surrounding areas, creating housing, jobs, increased tax base, and foot traffic in the urban core. The County is asking for approximately \$ 14 million in State funding from multiple sources to support these projects. With the session 2/3 complete, \$ 1.5 million for UIP remains in the budget and there does not appear to be any movement to remove it. Therefore, State funding is going as planned and the community’s efforts to promote the importance of this project have paid off. The coalition will need to continue to advocate for this project in the coming sessions to protect the \$ 7 million, 5-year pledge and obtain the balance of State funding needed from other sources.
  
4. Implementation of a City Revitalization Improvement Zone (CRIZ) Program – CRIZ incentives have been used successfully in cities like Allentown, PA to attract jobs and investment to urban centers designated for revitalization. The CRIZ allows for a broader array of state taxes generated from new development in targeted areas to be allocated back to

the financing of infrastructure and property development in targeted areas for new job generating companies. The program is considered cost neutral to the State budget as it only uses new taxes generated from approved new development for new companies coming to Maryland. The Coalition is asking the State to support legislation or administrative actions that would create a similar program for Hagerstown. Delegate Wilson submitted legislation for a CRIZ. The bill is still alive and has received a better reception this year. The hope is that a workable version of the bill will come out of the House committee this week to enable the Senate Budget and Taxation Committee to hold a hearing on the bill shortly after crossover.

5. Increase cap for annual funding for Maryland Heritage Area Authority (MHAA) Program from \$ 3 million to \$ 6 million – The Maryland Heritage Areas Program was created in 1996 to leverage compatible State and non-State investment to protect and enhance Maryland’s historical, cultural, and natural resources. A central program goal is to enhance the economic opportunity through cultural heritage, ecotourism, and agri-tourism. As a result, Washington County and many of the county’s municipalities have benefitted from matching grants for tourism projects and events provided through this program. Delegate Wilson pre-filed the legislation for this cap increase. Lobbyist assisted in getting bill co-sponsored by Sen. Kasemeyer and Senator Guzzone on the Senate side. This bill is moving forward in a positive manner at this time.
6. \$ 3 Million for NPS Headquarters/Visitors Center in Williamsport – In 2015, about 5 million people visited the C & O Canal National Historic Park and nearly 300,000 people visited the C & O Canal in Williamsport, providing \$ 4.2 million in visitor spending and an overall economic impact of \$ 5.6 million. The National Park Service (NPS) is currently looking to relocate employees from five offices to a consolidated, efficient location in Williamsport near the Cushwa Basin. This would require the construction of a 40,000 sq. ft. building estimated at \$ 20 million to provide necessary office space, a new visitor’s center, and new visitor parking. The Coalition has heard positive support for the initiative, but mainly needs to overcome the issue of budget constraints. This project is in a “wait-and-see” position.
7. Nuisance Vacant Properties Assistance – Deteriorating and vacant properties create a blighting influence on the surrounding neighborhood, negatively impacting the quality of life and property values. Properties lost in the foreclosure process or abandoned by their owners, “zombie homes,” are a particular challenge as they do not have accountable parties for local government to contact to address blight issues. Hagerstown is looking for assistance in addressing these “zombie home” to get them

cleaned up and back on the tax rolls. This includes the authority to implement a receivership program as was recently approved in Baltimore, implementing a fast-track foreclosure process after the property has sat vacant for a year, and more frequent updates of the SDAT property database to reflect property transfers to assist local governments in identifying responsible parties for property conditions. Lobbyist organized a meeting during the Day in Annapolis with several coalition members and Delegate Holmes who is leading on this issue. All of the work on this issue is being done on the House side. Delegate Holmes organized a strong, inclusive workgroup with all of the main stakeholders to work on this issue. The group unanimously agreed on a set of amendments to HB 702. Bankers and others seem satisfied with the amended bill which does not affect current foreclosure laws on the books, but creates a FastTrack process for these “zombie” homes and blighted properties so the foreclosure process can complete within 100 days. Lobbyist believes Senate will likely work from the House legislation since it was broadly supported by all stakeholders. Once approved, this should be a good bill for cities like Hagerstown.

8. 2017 Watch List includes USMH Operational Funding, Gaming Revenue Protection, Shifting of Liabilities from State to Localities, Highway User Revenue Restoration, HCC Operational Funding and Capital Funding, monitor any changes to State incentives for downtowns offered by the Department of Commerce, and State funding of K-12 education.

Mr. Kercheval thanked City staff for their testimonies during the hearings on various items on the agenda list and for providing additional information when requested.

#### Preliminary Agenda Review

##### **Consent Agenda**

###### A. Parks and Engineering:

1. Climbing Wall for Potterfield Pool – Pyramide USA, Inc. (Frederick MD)  
\$ 11,793.00

###### B. Police

1. Barrier Arms at Hagerstown Police Department Headquarters – Long Fence Company, Inc. (Ijamsville, MD) \$ 40,670.00
2. Concrete Planters at Hagerstown Police Department Headquarters – Petersen Manufacturing Co., Inc. (Denison, IO) \$ 6,005.68

###### C. Utilities:

1. Wastewater: Oxygen Generation Skid Rehab – Yeager Supply, Inc. (Reading, PA) \$ 19,726.40

2. Wastewater: Grinder Pump Assemblies – Fluid Solutions, Inc.  
(Westminster, MD) \$ 16,940.00

### **Approval of 2017 Summer Play Camps**

Rodney Tissue, City Engineer, stated the local agencies that provide recreation services for children of the community by providing summer play camps wish to continue the camps for 2017. Funding for the camps is provided in the operating budget of the Recreation Division of the department. In the FY17 budget and the proposed FY18 budget, \$ 75,000 is earmarked for the camps. This is a significant part of the Recreation Division budget and this program represents about 24% of all recreation dollars spent by the City.

It was the general consensus to include approval of the camps for 2017 on the March 28, 2017 agenda.

### **Approval of Resolutions: Residential Lease Agreement for 36-40 North Potomac Street, Unit 1 and Residential License Agreement for 36-40 N. Potomac Street, Unit 4**

Amanda Whitmore, Downtown Coordinator, presented proposed leases for two units at 36-40 N. Potomac Street. The new artist tenant for Unit 1 is Sumner Crenshaw. The lease would be for a one year term, with rent being \$ 6,000.00 annually. The tenant would contribute at least 5 hours of time weekly assisting in the operation of the Engine Room Art Gallery.

The agreement for Unit 4 is a license agreement for the Cultural Trail muralist, Alex Brewer and his assistant, to temporarily reside at 36-40 N. Potomac Street. The term would be for two months (April and May, 2017). The License fee will be paid by the City of Hagerstown's Department of Parks and Engineering in accordance with the terms of the Agreement for Commission of Public Artwork between the City and Hense, LLC, dated October 25, 2016.

Staff is also renting furnishings to outfit the loft apartment for the two month term.

It was the general consensus to include approval of both agreements on the March 28, 2017 Regular Session agenda.

### **Approval of Memorandum of Understanding Renewal – Washington County Department of Social Services: Adult Protective Services (APS)**

The Hagerstown Police Department is seeking permission to renew the Memorandum of Understanding (MOU) with the Washington County Department of Social Services – Adult Protective Services (APS), for the purpose of continuing specific duties and responsibilities regarding reports of abuse, neglect, and exploitation of vulnerable adults.

The MOU outlines current practices of information sharing and investigative protocols followed by HPD and APS.

Approval of the MOU will be scheduled for March 28, 2017

### **Approval of Community Development Block Grant (CDBG) Action Plan Amendments**

Staff is requesting Mayor and Council approval to amend the Community Development Block Grant (CDBG) FY16 Action Plan and FY17 Action Plan. The amendments are required for two distinct items:

1. Allocation of unanticipated CDBG Program Income received from a CDBG loan payoff (previously discussed during the February 21, 2017 Work Session)
2. A change to the National Objective for existing CDBG activities. This change is an administrative edit to allow for more flexibility in the execution of CDBG funded Investment Owner Rehabilitation projects.

Approval of the amendments will be scheduled for March 28, 2017.

This completed the Preliminary Agenda review. There were no additional comments or questions regarding the items on the Preliminary Agenda. All items are scheduled for approval on March 28, 2017, unless otherwise stated.

### Edgemont Reservoir Improvements

Michael Spiker, Director of Utilities, and Nancy Hausrath, Water Operations Manager, were present to provide an update of the Edgemont Reservoir Improvements. Hazen and Sawyer Engineering has completed an evaluation of the current conditions and completed preliminary recommendations. The primary focus of the evaluation was the repair and rehabilitation of the existing structures (earthen dam and the emergency spillway). The following improvements are being considered to address issues with both the earthen dam and emergency spillway:

1. Dam Rehabilitation which will require actual work to the earthen embankment at the toe to include toe drains, seepage drains, and modifications to the plunge pool. Work may also include the installation of a chimney drain and toe drain outlets. The cost for this work is estimated at \$ 500,000.
2. Grout Curtain/Grout Enhancements which will include taking advantage of the work that was completed in the 1960's and 1990's upstream of the spillway and crossing the earthen embankment. Work will also include the installation of a new grout curtain that will

essentially “weave together pre-existing grouting to new grouting” to create a grout mesh barrier. Testing and analysis will be ongoing throughout the installation to ensure the end effectiveness of the grout curtain. The cost for this work is estimated at \$ 900,000.

3. Spillway Re-Construction which will require the removal of a section of the existing emergency spillway and the ogee wall. Once partial removal of the structure is completed, an evaluation of the existing under drain will occur as will an evaluation of the 30” raw water conveyance line from Raven Rock. Repairs will be made as required to address subsurface seepage issues under this structure. The cost for this work is estimated at \$ 500,000.
4. Access Improvements will be required to enable needed access of construction equipment. Where feasible, the access improvements will remain in-place. Because of the nature of the work and work-site, some of the construction access improvements will have to be removed to allow for use of the reservoir. The cost for this work is estimated at \$ 150,000.

Because of the nature of this work, construction phase engineering and post construction services will be extensive and are estimated at \$ 656,000. Construction phase engineering services will include general construction administration, dam embankment monitoring and testing, grout curtain monitoring, and spillway monitoring and testing. In August, Mayor and Council reviewed and approved the Study, Design and Bidding Engineering Proposal from Hazen and Sawyer with an estimated cost of \$ 415,000. Total Design, Construction, and Post-Construction Engineering Services are estimated at \$ 1,080,000.

At this juncture, staff is recommending that a sizeable construction contingency of \$ 1,677,500 be included. It is possible that this contingency amount will not be fully utilized and it is staff’s hope that the contingency amount will not increase as a result of latent conditions discovered during construction.

With the aforementioned in mind, the total estimated cost to complete the MDE Dam Safety Division required improvements to allow the City to place the Edgemont Reservoir back in service is \$ 5,807,500.

The project continues to be on schedule. At this time MDE-Dam Safety is satisfied with the progress and direction of the project and a Consent Agreement has not been drafted. It is Staff’s hope that this can continue in this manner and eliminate the need for a future Consent Agreement.

In order for City Staff, Engineering Staff and Contractors to work safely through the project’s completion, it is recommended that hunting on Watershed Property be

suspended. Additionally, staff continues to work with Aaron Cook of the MD Department of Natural Resources to utilize best management practices of the Watershed Management Plan. The Plan may include the thinning of select timber which will be presented to the Mayor and Council at a future work session.

Directly related to the Edgemont Reservoir restoration/rehabilitation project are the upgrades to the Breichner WTP. De-commissioning is ongoing and will be completed this summer. While an in-depth engineering evaluation has not been completed, a summary of needed improvements has been completed and the current estimate to upgrade the Breichner WTP is approximately \$ 4.9 million.

It was requested that an estimated cost to decommission the Edgemont Reservoir and Breichner WTP be provided and that estimate is between \$ 3 and \$ 4 million. Should a decision be made to proceed with decommissioning these facilities, staff would need to work with Hazen and Sawyer to develop a scope of services.

Councilmember Aleshire pointed out the repair doesn't negate the necessity to locate another water source.

Mayor Bruchey clarified that the cost of the repairs will be funded from user fees.

Councilmember Munson stated the Mayor and City Council indicated refurbishing the dam was a top priority. Completing the refurbishing is important to the future of Hagerstown.

It was the general consensus to move forward with the design of the project.

#### Donation of Public Art from Chevy Chase Land Company

Rodney Tissue, City Engineer, and William Cochran, Cochran Studio, were present to discuss the donation of public art and the public art being developed along the Cultural Trail.

The Cochran Studio is the public art consulting firm for the Cultural Trail project. Mr. Cochran stated this is the best run project they have worked with. He is familiar with the status of Frederick when they started the Center Bridge/Carroll Creek Park project. The City of Frederick has received dozens of awards since completing the park. It has created a shift in development patterns and attracted countless new visitors. A conference center hotel site will soon be located at the bridge. Hagerstown has similar opportunities, with ownership of the Cultural Trail. Minimalism along the trail will strip away the surface to expose the beauty of Hagerstown. Artwork, signs and artistic shade structures will be located at various locations along the trail. The core segment includes a sculptural playscape, a mural of unusual size and an interactive sculpture. The following artists have been selected for the art pieces:

1. Adam Curtis, Sculptor (Herald Mail Park)
2. Alex Brewer aka Hense Muralist and Painter (Mural of Unusual Size)
3. Vicki Scuri, SiteWorks (Artistic Fence at Playscape)
4. Alison Sigethy, Environmental Artist (First Playscape Sculpture)

Richard Deutsch created Pod from granite. Formed from molten magma, granite's interlocking crystalline structure gives granite a shining effect, the stone so dense and hard that diamond tools are required to cut it. In 2006 in Carrara, Italy, Deutsch carved Pod in the same studio where Michelangelo worked. Granite takes 3 times as long as marble to carve. Locating Pod at the terminus of the Cultural Trail would be a fitting way to welcome visitors from the Trail to the Museum. The offer of Pod is a signal honor for Hagerstown. This sculpture's stillness, natural material and nature-based themes enhance the park. Like Hagerstown itself, Pod is a dichotomy: it represents ruins and also renewal. Which do you choose to see? The broken remnants of better days? Or the seeds of new life? Hagerstown is awakening the seed within the stone.

As discussed previously, the Chevy Chase Land Company (CCLC) is rebranding their property and is willing to part with both pieces of public art they currently own. Mr. Tissue reported he has learned that the artist has no control over the piece, titled "Pod", or its siting except insofar as the sculpture belongs to CCLC and obtaining the artist's consent is part of CCLC's obligation to redevelop and a crucial public relations issue for them.

Once the sculpture is safely in place in City Park, the CCLC has met their obligations and will be out of it. This also ends the artist's claims on the piece. The artwork then belongs to the city and the city can move it to another location if it wants or it can deaccession it or sell it or auction it off; anything except altering the piece itself. The artist has no legal say in the relocation or disposal of the piece. The only area where the artist has a legal claim is if the piece is fundamentally altered (e.g. being dismantled and scattered to three different locations, painted, et.). At that point, the artist has the legal right under the Visual Artist Rights Act to request that the city stop using his name in connection with the piece.

Mr. Tissue reported donations have been secured for a large portion of the total cost of \$ 38,500 to relocate the art to Hagerstown. This includes a \$ 2,500 donation from the Washington County Museum of Fine Arts and a donation of up to \$ 10,000 from Digging and Rigging for half the cost of the crane to move the piece.

Councilmember Metzner recently viewed the Pod in its current location. He was not in favor of using Cultural Trail Funds for the relocation of this artwork. However, since surplus construction funds will be used, he supports the project. He thanked Mr. Cochran for providing the update for the chosen artists for art on the Trail. A previous administration made the decision to move forward with the Cultural Trail project and work has been ongoing since that time. Even though he anticipates criticism about the

pieces, arts, humanities and culture are important to him. He thinks the Pod will be the perfect culmination of the trail. It fits his vision for the museum.

Councilmember Munson is pleased that Hagerstown has an opportunity to be connected to art of this magnitude. This is the future of the City of Hagerstown. He noted the site for the Mural of Unusual Size was donated by John Barr, as well as the paint for the art. Mr. Tissue also noted Mr. Barr is paying for half the fence and a new roof on the building.

Councilmember Corderman stated the art at Carroll Creek were created specifically for that project. Pod was not created for the City of Hagerstown. He is not a proponent of the trail. He stated the financing is difficult for him to support. He stated citizens should not be expected to provide additional funding for the donation.

Mr. Cochran stated Robert Deutsch is a renowned artist and his artwork will draw people to Hagerstown. He anticipates the catalytic effect of risks to revitalize the City will pay off. Making a healthy community is important.

Councilmember Aleshire reiterated he thinks a mural of faces will appear like a missing person's display. He wondered if the decisions about the art will take place without the elected body. He stated there seem to be surprises at every point.

Mr. Tissue stated the award of the project included funding for the art, the master plan, and appointment of the Art Selection Committee. It appeared to be understood at that point that the Art Selection Committee (who are all involved in the art community) would assist with the selection of the artwork. The Faces of Hagerstown mural has been discussed by the Art Selection Committee and they agreed to move forward with the mural.

Councilmember Aleshire stated the elected body funds the project and he is concerned they have not heard the discussion and may be surprised by the selections.

Mr. Cochran stated the group has used a "best practices" process for selecting artwork, which is fair and open. As much money as possible is being set aside for the artwork. A public participation process has been used and the community has driven the selection of the artwork and the master plan.

Councilmember Aleshire stated he hopes there are no negative symbols in any of the artwork.

Mr. Cochran indicated there is a contract with each artist, using standard language for public art.

Councilmember Aleshire stated his concerns are more about the location and type of art than the funding. The Pod looks industrial to him. He is concerned it will not fit in

well with the artwork on the Cultural Trail. Mr. Cochran stated the A & E District and the Museum will draw visitors from one to the other. There has to be something for everyone in both locations.

Councilmember Munson pointed out if the Pod is not accepted by the City; no one will visit Hagerstown to see it. If the Mayor and City Council accept the Pod, they will be criticized, and if they don't, they will be criticized.

Mr. Cochran stated the Pod is a very valuable piece of art. If the City does not accept the artwork, he believes a museum would be very interested in taking it.

It was the general consensus to keep the vote for accepting the artwork on the Special Session agenda to be held later today.

#### Payment in Lieu of Taxes (PILOT) Agreement for The Bethel Corporation

Andrew Wilkinson, Divelbiss and Wilkinson (Hagerstown, Maryland), and Matt Sislen, Bethesda, Maryland, both representing The Bethel Corporation, were present to discuss a PILOT Agreement for Bethel Gardens.

Bethel Gardens has been receiving HUD funding for many years. This funding was discontinued in 2012, with payments continuing through 2015. Bethel Gardens received an extension until June, 2017 for the funding. Those payments will stop at that time.

Bethel Gardens qualifies for the Rental Assistance Demonstration (RAD) program. RAD allows public housing agencies to leverage public and private debt and equity in order to reinvest in the public housing stock.

Bethel Gardens was construction in the late 1980's and needs to be renovated. At the time of construction, Bethel Gardens and the City of Hagerstown executed a Payment in Lieu of Taxes (PILOT) agreement. Because the ownership of Bethel Gardens is changing, a new PILOT could be negotiated.

Mr. Sislen indicated a PILOT is important to the Bethel Corporation as it is part of their funding plan. The original PILOT included a 10% calculation. The City has proposed increasing the calculation to 15%. Mr. Wilkinson stated they are here to ask that the calculation be at the original 10% amount.

The project relies on many subsidies, low income tax credits, and state contributions. They are also assuming a \$ 120,000 outstanding loan. Bethel is acting as the seller and will be part of the buyer. They are not taking any proceeds from the sale. They will be putting up a note rather than taking money. In order for the available resources to cover the costs of the renovations, the PILOT needs to be at 10%. The project is not feasible with a 15% PILOT.

Mr. Wilkinson stated the financial review used a 10% PILOT. He is concerned the project will be withdrawn if the City insists on a 15% PILOT.

Mayor Bruchey stated one goal of a PILOT is to cover the costs of City services to non-taxed properties. The costs at Bethel Gardens have not been covered. The 15% PILOT is a way to get closer to covering the costs.

Councilmember Aleshire noted that police and fire calls for service are higher at Bethel Gardens than in other areas.

Mr. Sislen noted the average annual income for tenants at Bethel Gardens is \$ 15,000.

Councilmember Metzner stated the experience at a similar public housing use – Washington Gardens – has been challenging. He does not like the idea that the only thing changing is aesthetics – not the need for services.

The current owner of Bethel Gardens will hold 0.05% interest in The Bethel Corporation. The investor and Hudson Valley investors will be the major corporation holders.

Councilmember Aleshire noted Bethel Gardens will still be the managing entity. Mr. Wilkinson stated oversight will be provided by Wells Fargo. Councilmember Metzner stated the management should also be answerable to the City of Hagerstown. Mr. Wilkinson noted the PILOT amounts were not paid on time and audits weren't being provided. Those administrative problems will be resolved with the new corporation.

Councilmember Metzner stated other groups, including the Alexander House, want to discuss PILOT agreements with the City. He wants the residents to have a nice place to live, but he continues to receive complaints about living conditions at these apartment buildings. He wants some assurances that services will improve.

Mr. Sislen stated the investor will be forced to be more involved and come to inspect more often.

Kathy Santiago lives at Bethel Gardens and manages the property. She noted most of the problems are not because of the tenants, it's the people who stand outside. She has evicted her own children. The residences are treated for bed bugs quarterly. Bethel Gardens has not been renovated in 40 years.

Mr. Wilkinson pointed out this is an investment package that will bring a \$ 15 million investment to the community.

Councilmember Aleshire pointed out the 15% PILOT is a fraction of the cost to the City for services.

Councilmember Corderman stated he understands PILOT agreements are important but the City should not have any.

Ms. Means pointed out that without a PILOT agreement, there is no offset for services provided.

Councilmember Corderman refuses to accept that Hagerstown is a low income City. He stated there seems to be a disconnect between what the average citizen pays for services and what Bethel Gardens pays. He thinks the 15% is reasonable.

Councilmember Munson noted he helped get this project to Hagerstown when he was a State Delegate. He asked what happens next if the plan falls through. Mr. Wilkinson stated the deal cannot be completed if the PILOT is higher than 10%. The rental assistance for tenants from HUD will be non-existent.

Ms. Santiago stated rents will have to increase and most tenants will likely be homeless. There could possibly be a cycle of evictions and court dates.

Councilmember Keller reminded the Mayor and Councilmembers they were all elected to represent all citizens, low income and disable included.

Councilmember Corderman stated he does not think a PILOT at 10% is in the interest of the City.

Councilmember Aleshire questioned whether the \$ 10,000 difference (between at 10% PILOT and a 15% PILOT) would be a deal breaker. Mr. Sislen stated it makes a difference in that the funding gap would be \$ 285,000, compared to zero.

No decision was made regarding the percentage to use in the PILOT with The Bethel Corporation.

#### Maryland Sustainable Community Designation Renewal

Kathleen Maher, Director of Planning and Code Administration, and Alex Rohrbaugh, Planner, were present to seek authorization to submit an application to renew Hagerstown's Sustainable Community designation with the Maryland Department of Housing and Community Development (DHCD). The renewal application is due to DHCD by April 7, 2017.

One of the primary benefits of having a Sustainable Community designation is that it enables the City to apply for grants administered by DHCD, namely Community Legacy and the Strategic Demolition Fund. The City has been very successful in obtaining Community Legacy funding - \$ 875,000 for nine separate projects since 2012.

Staff is recommending using the 2012 Sustainable Community Plan supplemented by the public input and recommendations brought forth in the 2014 Community's City Center Plan as the basis for the update to the 2012 Plan. Staff believes this is the best approach since many of the recommendations in the Sustainable Community Plan are still valid and have not fully been implemented yet. The Community's City Center Plan was intended to be a more detailed analysis for the Sustainable Community Plan.

It was the general consensus to move forward with authorizing the application as discussed.

Councilmember Corderman wants to discuss each Catalyst Project individually, without having many other topics on an agenda.

#### City Comprehensive Plan Update (*visionHagerstown 2035*)

Due to time constraints, the Comprehensive Plan update discussion was postponed.

It was noted Planning staff is completing the review rather than a consultant, which will save the City \$ 100,000.

#### Transportation Priorities

Rodney Tissue, City Engineer, was present to discuss transportation priorities for the City of Hagerstown. Each year the Maryland Secretary of Transportation and Department of Transportation (MDOT) seeks to obtain priorities from the local jurisdictions to facilitate their preparation of the Consolidated Transportation Plan (CTP). The CTP will be presented by Secretary Pete Rahn and State Highway officials in October.

Staff will send to MDOT the priorities from the City elected officials. Staff offered the following items as suggested priorities:

1. Highway User Revenues: Continue funding or increase. Historically, the City has received close to \$ 2 million annually. In the last three years, the total has been \$ 1.2 million or less, including a one-time allotment.
2. Eastern Boulevard Corridor Improvements – The City supports this Washington County led, multi-phase project that consists of a multi-modal transportation system connecting US Route 40, Maryland Route 64, and Maryland Route 60. Future phases include construction of new streets to disperse traffic and reducing traffic volumes on State routes. One such route is the construction of Professional Court extended which is under design.

3. I-81 Widening – Widening from the Potomac River bridge to approximately Route 11 is underway. The City has advocated for the widening to the Pennsylvania line over the next ten years.
4. Dual Highway Pedestrian Improvements – Based on the recent plan developed by the MPS, staff recommend implementation as outlined in a 2015 study.
5. Continue to fund Retrofit Sidewalk Installation, Bikeway Grants (to implement the 2016 Master Plan), Transportation Alternatives Program (for the Marsh Run Trail, and Safe Routes to School Program (for sidewalks and traffic signals) all of which the City has used in the past.

Washington County Engineering staff indicated they have not finalized their list but it will be substantially similar to their Transportation Priority 2016 packet they gave to Secretary Rahn earlier this year.

It was the general consensus of the Mayor and City Council to submit the priority list as indicated.

#### Mercersburg Academy Student Presentation Regarding Baseball Stadium

John Leiner, from Charlottesville, VA, is a postgraduate student attending Mercersburg Academy and is taking a class called “The Business of Sport”. As part of his project, he has discussed the stadium issue with the Convention and Visitors Bureau. He was present to discuss the stadium with the Mayor and City Council.

Mr. Leiner stated a downtown ballpark remains a tenuous issue. Significant progress has not led to significant results. No meaningful discussions regarding a Municipal Stadium refurbishment project have taken place between the City of Hagerstown, the State of Maryland, and Suns ownership since 2012, the year the Ripken Design feasibility study was carried out.

Whereas a downtown plan has been discussed at length, a Municipal Stadium refurbishment has not been discussed. A refurbishment deserves similar attention. The Suns remain a very unique asset for the City, as only a handful of cities in America are home to Minor League baseball. Such a project, while significantly less expensive than a Downtown Ballpark would also spur urban renewal and revitalizing of the area around Municipal Stadium, enhance private sector development, enhance the family-oriented atmosphere at the current ballpark, and keep the Suns on par with other franchises in the South Atlantic League.

Mr. Leiner reviewed the conclusions of the 2012 Ripken Report. He noted taking no action creates a harmful threat to the local economy if the Suns leave Hagerstown. Municipal Stadium is the oldest minor league ballpark in the United States and suffers from numerous deficiencies that impact the fan experience.

Costs for an extreme makeover of the stadium would be approximately \$ 10.6 million. The cost of repairs is rapidly rising. A number of recent/future stadium projects by other South Atlantic League franchises can serve as models for the City of Hagerstown as it determines how best to improve Municipal Stadium.

Mr. Leiner noted the Suns ownership and the City of Hagerstown have a strained relationship. It is responsible for the lack of progress towards a stadium refurbishment. However, before then, it is important that the Council urge Washington County Delegates to negotiate with State legislators in Annapolis for refurbishment funding. A refurbishment similar to that explored in the 2011/2012 studies, though not as extreme as a Downtown Multi-Use Center, will presumably enhance fan experience, improve attendance, and show citizens of the Tri-County area that Washington County officials and the City of Hagerstown are committed to keeping the Suns in Hagerstown.

Additional ticket plans, a totally refurbished concession stand, outfield seating, and fan suites will enhance the fan experience and encourage new fans to come to Municipal Stadium. From a young person's perspective, he asked where does he go to have fun.

Councilmember Aleshire stated even though timing for improvements at the Stadium is important, funding is the main component.

Mr. Leiner stated it would be good if the owner of Under Armor purchased the stadium and made the needed improvements.

Mr. Leiner indicated the general manager of the Suns did not wish to meet with him. Mayor Bruchey stated the general manager probably does not have access to any additional information. There are no definite plans for the owner to sell the team or for anyone to purchase it. The Nationals like the Hagerstown location and staying here is good for them. There has been no discussion with this Mayor and City Council about rehabilitation of the stadium.

9<sup>TH</sup> SPECIAL SESSION – March 21, 2017

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to meet in Special Session at 7:07 p.m.

**Acceptance of a Donation of Public Art from Chevy Chase Land Company and Approval of Funding Plan**

**Action:** On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to remove from the table the motion relating to the approval to accept the donation of public art entitled "Pod" and \$ 6,000 from Chevy Chase Land Company. The Richard Deutsch

sculpture will be placed adjacent to the lower lake at the City Park end of the Hagerstown Cultural Trail. This motion further authorizes staff to pay the artist honorarium and to contract for the full amount of the shipping and installation of the sculpture per the estimated relocation costs. This motion also directs staff to then fundraise for donations to minimize the cost of the installation of the sculpture.

Discussion: Councilmember Aleshire noted that Councilmember Munson is correct in saying if the City does not accept this piece of art; no one will visit Hagerstown to see it.

Motion carried 4-1 with Councilmember P. D. Corderman voting No.

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

**Action:** On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance authorizing the purchase of property located at 11850 Indian Lane, Hagerstown, Maryland. The acquisition of 11850 Indian Lane is consistent with the Mayor and City Council's goals for long-term investments to benefit the citizens of Hagerstown.

The purchase price of \$465,000.00 would be funded from the General Fund reserves.

The Special Session was closed at 7:09 p.m.

**CITY ADMINISTRATOR'S COMMENTS**

*Valerie Means, City Administrator*, had no additional comments.

**MAYOR AND COUNCIL COMMENTS**

*Councilmember E. Keller* had no additional comments.

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

*Councilmember P. D. Corderman* had no additional comments.

*Councilmember L. C. Metzner* had no additional comments.

*Councilmember D. F. Munson* had no additional comments.

9<sup>TH</sup> SPECIAL SESSION AND WORK SESSION  
2017

MAYOR AND CITY COUNCIL

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

MARCH 21,

HAGERSTOWN, MARYLAND

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 7:10 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: April 25, 2017