

EXECUTIVE SESSION – February 9, 2021

Councilmember S. McIntire made a motion 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)), and to consult with counsel to obtain legal advice, #7 (Section 3-305(b)), on Tuesday, February 9, 2021 at 2:59 p.m. in the Council Chamber, 2<sup>nd</sup> floor, City Hall, Hagerstown, Maryland. Councilmember T. Martinez seconded the motion.

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

The following people were in attendance: Mayor E. Keller, Councilmember K. B. Aleshire, Councilmember R. E. Bruchey, II, Councilmember T. Burnett, Councilmember T. Martinez, Councilmember S. McIntire, City Administrator Scott Nicewarner, City Attorney Jason Morton, Michelle Hepburn, Director of Finance, Nancy Hausrath, Director of Utilities, Nathan Fridinger, Electric Operations Manager, Mike Rynd (remotely), Attorney, Jill Thompson, Director of Community and Economic Development, Kaitlin Bell, Economic Development Specialist, Doug Reaser (remotely), Business Development Specialist, and Donna K. Spickler, City Clerk.

The meeting was held to discuss potential litigation and a business proposal. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 4:03 p.m.

WORK SESSION – February 9, 2021

Mayor E. Keller called this Work Session of the Mayor and City Council to order at 4:09 p.m., Tuesday, February 9, 2021 in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, R. E. Bruchey, II, T. Burnett, T. Martinez, and S. McIntire, City Administrator Scott A. Nicewarner, and City Clerk D. K. Spickler.

Discussion of the State's Fiscal and Economic Climate

Peter Franchot, Maryland State Comptroller, Emily Gontrum, Director of Intergovernmental Affairs, and Andy Schaufele, Director of the Bureau of Revenue Estimates, participated in the Work Session remotely.

Comptroller Franchot reported more than 463,000 people in Maryland earn less than \$ 50,000 per year. These are mostly in the hospitality industry. To assist Maryland residents, the Comptroller's office has opened satellite offices in Western Maryland. He hopes people find these offices helpful. There is a lot to look forward to in Maryland. If the virus is corralled, things can start to get back to normal. He is hopeful vaccines will increase and also be effective against mutations of the coronavirus. If the virus is not

controlled, it will be challenging for Marylanders. If the virus is controlled, he believes schools and restaurants will be able to open completely. Marylanders are intelligent and are wary of what is said to be safe. If people don't think it is safe to return to restaurants for example, they won't go. He does not think Governor Hogan's relief plan is adequate. It is a travesty that people are still lining up to receive food. There is a lot of unnecessary suffering and humiliation. He would like the State to provide \$ 100 to each person standing in a food line to purchase their own groceries. He believes the State of Maryland has turned its back on these people. The State owes the people who aren't protected more than what is being provided. The State has to do everything it can for small businesses and families. He will urge the IRS to delay interest on taxes again. Taxes will still have to be paid but interest would be delayed. He would like to see reform of State Alcohol laws so restaurants can include mixed drinks on a takeout basis. The only reason Maryland is in a relatively good place now is that the Federal Government provided more than \$ 20 billion to the State last summer and fall. Another \$ 10 billion may be on the way. In addition to helping citizens and small businesses, State leaders are doing all they can to assist all residents. He encouraged the Federal government to be as generous as possible. With additional federal relief funds, Maryland leaders can focus on alleviating the suffering experienced by small businesses and citizens.

Mr. Schaufele reported the State's entire economic outlook is predicated on the core foundation that the vaccines are working and herd immunity will be realized by this summer. There were nearly 400,000 jobs lost in just one month in Maryland. The Federal assistance kept the recession from spreading but it doesn't help the folks who work in the consumer facing businesses. The most vulnerable citizens are the ones who have been most impacted. Women stepping out of the labor work force has had a big impact on the jobless rate. The Comptroller's Office has the ability to assist vulnerable citizens.

Ms. Gontrum urged the Mayor and City Council to reach out to her office for assistance.

Comptroller Franchot noted questions about local income tax transfers should be directed to Mr. Schaufele. Questions regarding the Board of Public Works should be directed to Ms. Gontrum. He stated there is a much better relief plan than what Governor Hogan has proposed. He thanked the Mayor and City Council for their leadership.

#### Healthy Food Initiative Discussion

Brooke Grossman, Horizon Goodwill Industries, Dave Shuster, Horizon Goodwill Industries, and George "Geordie" Newman, Washington County Community Action Council, participated in the Work Session remotely to discuss a proposal for a Healthy Food Initiative.

Mr. Shuster stated a food equity solution was conceptualized about a year ago. A lot of the critical needs in the downtown area have been highlighted by the pandemic. There

is an opportunity for agencies and government to work together to address the problem. Food is a fundamental, critical need for people. An equitable food system produces positive outcomes by making healthy food available to all, providing good jobs, and fostering healthy neighborhoods. It strengthens the economy by bolstering incomes, spurring business development, improving health, and contributing to equitable economic development. There is a lack of access to a full service grocery store in many areas in Hagerstown.

There are multiple components for a food hub, which would address the lack of access to food for many City residents. The proposed Food Hub Components include the following:

1. Full-service grocery store (estimated 7,000 to 10,000 sq. ft. suitable for retail) operated by Goodwill, with access to SNAP/EBT benefits, and a staffing model that includes job training opportunities
2. Expand availability of local agricultural products, connection to ag community
3. Education, health, and nutrition outreach and programming in collaboration with other organizations

Other benefits include:

1. Addressing food security aligns with Go For Bold Health Goals and addressing inequity
2. Economic Development investment in downtown Hagerstown
3. Creation of jobs and job training program
4. Stronger connection with agricultural community and support for local producers
5. Positive influence in surrounding neighborhood

This food hub would have the opportunity for funding sources that aren't available to for-profit businesses. Goodwill can operate a facility with lower overhead. Outcomes would be measured through social impact, not through profit. Goodwill has experience with community engagement and collaboration. They are invested in improving the quality of life for all members of the community.

Proposed collaborative partners in this Food Hub are Horizon Goodwill (lead organization), City of Hagerstown and Washington County leadership, Washington County Community Action Council, Meritus Health, Western Maryland Development Corporation, Washington County Agricultural Business Development, Chamber of Commerce, local business community, and other organizations and government agencies interested in supporting this initiative.

Mayor Keller stated this type of program is needed in Hagerstown. She asked what is needed from the City of Hagerstown.

Mr. Shuster indicated they are requesting agreement of collaborative support for the funding opportunities, and a location that is suitable for the areas in need.

Ms. Grossman asked if there are connections they have not thought of or other things that should be included.

Councilmember Aleshire thanked the group for this presentation. He noted there doesn't appear to be a specific monetary request at this time, but rather an agreement to partner with Goodwill and to identify a good location. He wondered what the government's role should really be in assisting an initiative that will be in direct competition with those in the private industry.

Mr. Shuster wondered if there truly is a competing entity for this initiative. If there is, the efforts could be combined. He stated the group is not aware of plans for a full service grocery downtown. Part of the challenge of developing details of the proposal is knowing what the full budget will be. At the point support is garnered, there would be contemplative decisions about whether this is a good opportunity for the City and whether it would compete with another business.

Councilmember Aleshire would not want to support an initiative that put small stores out of business because of competition from this type of partnership.

Councilmember McIntire understood this initiative is more about getting healthy food to downtown citizens.

Councilmember Aleshire pointed out some of the small convenience stores sell fresh produce. He does not want this initiative to be a detriment for small businesses in these areas.

Councilmember McIntire thinks the amenity of a full service grocery store downtown is definitely needed.

Councilmember Aleshire is not opposed to a grocery store but he is opposed to competitive subsidies.

Councilmember McIntire suggested including the Commission on Aging in the discussion. The Mayor and City Council should do what they can to make this happen.

Ms. Grossman stated a downtown grocery store will be a benefit for those without transportation and those who use SNAP and EBT benefits but this is also an amenity that will not target specific groups. It is meant to serve the whole area.

Councilmember Aleshire stated it will be challenging for other grocery stores if this store doesn't have to provide taxes and overhead.

Mr. Shuster indicated these types of initiatives are often a public/private partnership. He doesn't know how much lower the price point for this model will be in comparison to

others. This is intended to be a large enough project to provide a significant impact to the community. They are not looking to subsidize the cost of the food itself. The intent is to provide a larger variety of healthy foods.

Mayor Keller asked if they are currently looking at any specific buildings. Mr. Shuster stated they are interested in discussing ideas for buildings with the Mayor and City Council as well. The Farmers' Market building would provide a unique opportunity for an even larger project.

Mayor Keller stated this is a much needed project. Discussions about downtown being a food desert have been occurring since she has been in office.

Councilmember Bruchey stated he and Debbie Everhart (former Economic Development Director) tried to entice a grocer to locate downtown more than 20 years ago. Even though the proposal does not include directly subsidizing the cost of goods, there will be overhead costs. All the current stores will be affected and could be direct competition. He suggested tax incentives from the City may be a better option, rather than assistance with subsidizing the startup.

Councilmember Martinez pointed out a head of lettuce will cost more from a convenience store. A grocery store in the downtown area that residents can walk to is needed.

Councilmember McIntire also supports the component of job training.

Ms. Grossman stated health education is another important component. They intend to help people learn how to cook meals (not pre-made foods) and care for their families.

Mr. Newman stated the store would not have a butcher shop or bakery. The store is meant to fill the need for the downtown community. In the past year, CAC distributed thousands of pounds of food to 3,700 families. It is important to look at the purpose of this initiative and not view it as competition. Councilmember Aleshire stated he agrees and is aware of this.

Councilmember Burnett stated people in the Jonathan Street area want a grocery store. When the County Market closed, a food desert was created in this area. She reminded everyone that a food drop is conducted on Fridays at the Robert W. Johnson Center.

More information will be provided in the future for additional discussion with the Mayor and City Council.

#### FY20 Popular Annual Financial Report (PAFR)

Michelle Hepburn, Chief Financial Officer, and Brooke Garver, Accounting and Budget Manager, presented the FY20 Popular Annual Financial Report (PAFR) to the Mayor and City Council.

FY20 marks the first time in 10 years that this document has been created. The PAFR is a summarized document that contains information and financial data from the Comprehensive Annual Financial Report (CAFR) on the operations of the City. The PAFR is a way to present data in a more user-friendly manner than other documents that have specific audit and independent requirements and is not intended to be Generally Accepted Accounting Principles (GAAP) compliant. The PAFR is available on the City's website under the Finance Department pages at [www.hagerstownmd.org](http://www.hagerstownmd.org).

Ms. Hepburn stated the preparation of this report would not have been possible without the dedicated and coordinated efforts of Ms. Garver, Jeffrey Lear (Senior Financial Accountant), and Brooke Gue (Senior Accountant).

Ms. Garver stated the intent of the PAFR is to make it easy to understand for someone who doesn't have a finance background. The PAFR begins with a message from Scott Nicewarner, City Administrator. This message includes key financial positions, audit information, bond ratings, and the effects of COVID-19 on the City's finances as of June 30, 2020.

City of Hagerstown information includes services offered, the administration, the community and location, and a list of funds. The City's Net Position was \$ 203.6 million in FY 2020. The Financial Results section of the PAFR provides an explanation of the reserve policy and where these funds can be used. Expenses shown in the PAFR include Other Post Employment Benefits (OPEB), bonds and debt, and police and fire pension or Maryland State pension. The City's financial policy requires a minimum unassigned fund balance of 17% and 2.0 months of General operating expenditures. For FY20, the fund balance was at 18%.

Information about revenue and expenses is shown on an easy to read diagram. Descriptions of property tax rates and property tax revenues are included. The City's Capital Investment and debt is summarized and how the capital budget relates to the mayor and City Council's goals.

The final pages include an explanation of the water and wastewater bill. Coming in 2021, a new Stormwater Management fee will be included on utility bills in order to pay for and implement new Maryland Department of the Environment Requirements. The City's Stormwater Management Program seeks to not only limit flooding and runoff-related damage, but also to improve the quality of water in the Chesapeake Bay, the Potomac River, and all of the tributary streams in Washington County.

The Finance Department applied for the GFOA award for the PAFR.

#### Stormwater Protection Program

Rodney Tissue, City Engineer, Elmer Weibley, Washington County Soil Conservation District (WCSCD) District Manager, and Denise "Dee" Price, Washington County Soil

Conservation District (WCSCD) Urban Program Director, were present to review the Stormwater Protection Program and to discuss a residential incentive program

Over the last five years or more, staff endeavored to develop the lowest cost but comprehensive stormwater protection program. In 2020, the City Council approved all the necessary legislation to implement the program and its associated fee starting March 1, 2021.

Mr. Tissue presented one final briefing with the Mayor and Council to ensure everyone has a reasonable level of understanding about the need for the program, the fee, and how the money will be spent in the next several years to bring the City into compliance with its permit from the Maryland Department of the Environment. He reviewed previous discussions regarding the program. In March, 2018, the City began Phase 1 of the program which included meetings of the Stormwater Advisory Committee to assess the existing program, identify goals and priorities, develop the new program, and examine fund options. Phase 2, authorized by the Mayor and City Council in November, 2018, included public outreach, refined costs and policies, and developed final findings. The Mayor and City Council authorized Phase 3 in December, 2019. This phase is the implementation of the program, which began March, 2020. The fee begins March 1, 2021.

The Maryland Department of the Environment (MDE) requires the City to treat 20% of the impervious area by 2025. Treatment needs to be through a stormwater facility or treated some other way. The City is required to inspect 340 private stormwater structures. There are 107 miles of storm drains under the streets, the majority of which are over 80 years old and not inspected. Newer developments have been required to construct stormwater management systems. Per the City's permit, 396 acres of land must be treated. To decrease the number of acres to be treated, staff excluded companies that have their own MS4 permits from the MDE. They also looked for credit possibilities. Street sweeping and infrastructure projects are allowable credits. The City also took over responsibility of the curb system to earn credits, as the Attorney General opinion classifies curbs as part of the stormwater system. Incentives are provided for reducing stormwater runoff.

The average homeowner will see a \$ 5.00 per month increase on their water bill. Property owners can reduce their fee by removing impervious area and/or installing or maintaining stormwater best practices, for example rain barrels. Credit amounts can be up to 50%. The credit can't be 100% because the City will still have to pay for street sweeping, and curb and sidewalk improvements, etc. The fee will generate about \$ 2 million per year.

The City has developed large scale commercial incentives and small scale incentives to assist property owners with some of the costs of compliance.

Mr. Tissue provided a draft agreement with WCSCD for them to operate the small scale residential incentive program. Mr. Weibley and Ms. Price, WCSCD, discussed the

program. Similar to other agriculture-related programs they run, the WCSCD would assist residential property owners that wish to lower their stormwater fee by installing rain barrels, conservation landscaping, or other practices.

Mr. Weibley stated the residential small scale program is a natural fit for the WCSCD. This type of program is occurring in a number of communities. This is a way for residents to become partners in improving the quality of life and the City. It is incentive driven conservation. The first step would be an 18 month pilot program to find ways to help people improve the community. The Mayor and City Council will decide what the program looks like.

A Memorandum of Agreement was provided for review. In the agreement, WCSCD agrees to administer a pilot program in collaboration with the City to evaluate the feasibility, cost, and appropriate Green Infrastructure Conservation Practices (GICP's) for use in the City by private residential landowners.

Mr. Tissue reviewed possibilities of credits for the City. Street sweeping collects 400 tons of trash each year. The Department of Natural Resources and City Water Division have 24 acres of vacant land at the water shed. They are currently paying to have it mowed and are offering the land to the City to plant trees. Stream restoration also earns credits, as does retrofitting old stormwater ponds with plants. If the City does not meet the goal by 2025, some of the wastewater plant credits could be used temporarily. The plant is operating so efficiently it is highly rated.

Councilmember Aleshire does not think any jurisdiction will meet the 2025 deadline. He thinks Hagerstown is being more proactive than other states. The City of Hagerstown treats wastewater that is transferred through the City's lines from Washington County. Because of this, the City should not be the only responsible entity to treat the wastewater. The City needs to partner with the County to discuss the process with new projects when it is advantageous to do so.

Councilmember McIntire knows environmental issues are important to the Hagerstown Youth Advisory Council and the members could help with outreach.

Mr. Weibley stated involving youth will enhance the program. There is something special about the Monarch Garden at Kiwanis Park.

Mr. Tissue noted the HYAC is planning both Earth Day and Arbor Day this year.

Councilmember Bruchey pointed out there is finally an answer to the question of who owns and maintains curbs and sidewalks. Mr. Tissue stated some people are saying they are ok with the fee if the curbs and sidewalks are taken care of by the City.

It was the general consensus to include approval of the MOA on the February 23, 2021 Regular Session agenda.

“At Your Door” Residential Hazardous Waste Collection Program

Rodney Tissue, City Engineer, and Waste Management Representatives Pat Heraty and Chris Pilzer, were present to review a proposal for a program titled “At Your Door” Household Hazardous Waste Collection Proposal.

Mr. Tissue stated Waste Management’s At Your Door Special Collection service is their best solution for residents to properly manage household hazardous waste (HHW), including electronics. As North America’s leading environmental solutions company, Waste Management (WM) makes it easy for residents to dispose of these items by collecting the materials at their door – safely, easily, and responsibly. At Your Door Special Collection is an easy-to-use service where residents can schedule a collection at any time throughout the year, when it is convenient for them.

If implemented, residents of the City could schedule a collection with WM. WM would send them a collection bag or bin where they could place home-generated hazardous waste or electronics including: garden chemicals, household cleaners, paint products, automotive material, electronics, swimming pool chemicals, flammable materials, and mercury-containing devices. There are several restrictions that apply. Once the items are in the WM-supplied bin/bag, collection is scheduled and a WM service technician will pick up the items outside the home on the scheduled day.

Materials will be processed in the new “Shenandoah” WM facility in Martinsburg, West Virginia where the items are consolidated and shipped to the appropriate recycling/processing center. The program could start in fiscal year FY22. The City would no longer hold an electronics recycling event in November if this program is implemented.

The proposed cost of the program is \$ 1.45 per residential unit per month. The City currently serves 14,786 residential units in the City so the total program cost would be \$ 21,440 per month or \$ 257,276 annually starting with the FY22 budget. Residents could use the service as often as they like, but they pay for it even if they chose not to use it.

The new Stormwater Protection Program could fund a portion of the program as this specifically targets the safe and legal collection of items that unfortunately are sometimes illegally disposed in storm sewers. Eliminating illicit discharges is one of the required components of the program. The stormwater rate model already includes \$ 125,000 in FY22 for this program.

The balance of the program would be funded by the solid waste program. Since the \$ 15,000 annual budget item for the electronics recycling event would be eliminated, the remaining balance required in FY22 is \$ 117,276. Unfortunately, the solid waste program can’t absorb that without a rate increase. Adding the program would require an increase of \$2/unit to the current \$47/quarter collection fee to fully fund this proposed “At Your Door” program. As staff compile the FY22 budget, the fee may need to be

increased slightly to cover other rising inflationary costs. This amount has not been quantified yet, but rates have not increased since the fall of 2016. City residents receive far more solid waste services at less than half the cost of what most County residents pay for “curbside” collection.

Councilmember McIntire thinks this is a great idea for a residential program. She asked if material will be sitting out for a long period of time waiting to be picked up. Mr. Heraty indicated pick ups are by appointment and will be collected promptly. Mr. Heraty stated he wishes this program was available in his neighborhood.

Councilmember Aleshire thinks the initial use may be large and then drop significantly on a continual basis. He asked if reports are provided for the quantity of items collected. Mr. Heraty indicated a separate report would be available.

Mr. Tissue asked if the program could be evaluated after a year. Mr. Heraty indicated that is possible. Hagerstown would be the first municipality utilizing this program. WM expects to receive permits for this type of program within six months.

Mayor Keller would like to look at the possibility of matching residential trash cans again, especially for the downtown area.

It was the general consensus to include an agreement to the current collection contract on the February 23, 2021 Regular Session agenda and to prepare the FY22 budget including this program.

#### Review of Public Service Funding Requests for Second Allocation of CDBG-CV Funds

Jonathan Kerns, Community Development Manager (remotely), and Lauren Metz, Planning and Outreach Coordinator (remotely), were present to review the CDBG-CV funding requests received from non-profit organizations seeking funding for CDBG eligible public services directly related to the COVID-19 pandemic. Staff also request Mayor and City Council approval to move forward with required steps in order to begin awarding the City’s second allocation of CDBG-CV funding to the eligible non-profit applicants.

In April, 2020, the City received written correspondence from the U. S. Department of Housing and Urban Development (HUD) regarding a special allocation of CDBG-CV funding being awarded to the City in the amount of \$ 472,845. This CDBG-CV funding was provided through the Federal CARES Act legislation in response to the COVID-19 pandemic. CDBG-CV funding must be used via standard CDBG activities that also prevent, prepare for, or respond to the COVID-19 pandemic. In essence, the CDBG-CV funds are more restrictive than standard CDBG funds with additional requirements related to COVID-19 prevention, preparation, and response.

After an application period and review process in June/July, 2020, the City Council approved CDBG-CV funding awards to local non-profit organization as listed below. The amount of CDBG-CV funding expended to date for each organization is also listed:

1. Washington County Community Action Council Housing Stability Program (mortgage payment assistance and/or rent payment assistance) - \$ 350,245  
Expenditures to date: \$ 125,678
2. Washington County Community Action Council and Horizon Goodwill Housing Short-Term Housing Stability Funding and Food Resource Funding - \$ 58,900 (this funding is administered in partnership with Horizon Goodwill and the Washington County Community Action Council is the lead agency). Expenditures to date: \$ 46,271
3. Washington County Community Action Council Food Resources for Food Pantry Program - \$ 25,300 Expenditures to date: \$ 15,288
4. Washington County Commission on Aging Food Resources for Seniors - \$ 17,300 Expenditures to date: \$ 17,300
5. Girls Inc. Food Resources for Girls Inc. Members - \$ 21,100 Expenditures to date: \$ 11,251

During the initial application process for local non-profit organizations, total CDBG-CV funding requests exceeded available CDBG-CV funding. The initial CDBG-CV award amounts were based on a proportional, across the board reduction proportional to the requested amount of funding for each service.

In September, 2020, HUD correspondence was received confirming the City would be awarded a second allocation of CDBG-CV funding in the amount of \$ 274,365. Like the first CDBG-CV allocation, the second allocation of CDBG-CV funding must be used via standard CDBG activities that also prevent, prepare for, or respond to the COVID-19 pandemic.

During the December 8, 2020 Work Session, the Mayor and City Council directed staff to begin a new application process for area non-profit organizations seeking this funding. The application and review process would mirror the steps taken with the first allocation of CDBG-CV funding. The Mayor and City Council would vote on final funding allocation amounts prior to distribution of funds.

During the recent CDBG-CV funding application period, five applications were received from local non-profit service providers. A breakdown of the applications showing the organization name, brief description of proposed service, and total amount of CDBG-CV funds requested are listed below. More detailed project/program descriptions are included as a separate attachment.

1. Hagerstown YMCA – Funding request for childcare support for low/moderate income City of Hagerstown Families. CDBG-CV funding request: \$ 25,000
2. Washington County Community Action Council (CAC) – Funding request for housing stability programs. This would be a continuation of current program(s) funded with CDBG-CV funds. Funding request - \$ 150,000

3. Horizon Goodwill Industries – Funding request for two programs: Whole Family Learning Parties (target educational, social, economic, health, and well-being services) and Downtown Restaurant Partnership (provide food distribution to low/moderate income clients experiencing food insecurity. Food to be sourced from a downtown restaurant partner. Funding request – Whole Family Learning Party Program - \$ 85,260 Funding request for food resources/Downtown Restaurant Partnership Program - \$ 58,500
4. Community Free Clinic – Funding request for mental and medical health services. Funding request - \$ 10,000
5. Washington County Commission on Aging – Funding request for food resources/food delivery to vulnerable low/moderate income senior citizens. This would be a continuation of current program funded with CDBG-CV funds. Funding request - \$ 10,658

The total amount of funding requests received, \$ 339,418, exceeds the second CDBG-CV award by \$ 65,053.

Mr. Kerns reported CAC formally withdrew their request for \$ 150,000 earlier today. This leaves the total requests \$ 84,000 less than the amount awarded to the City. Options for the Mayor and City Council to consider are funding the requests at the maximum amount, work with applicants to see if they could take on additional funding, hold another application cycle, or revisit ideas with HUD.

Councilmember Bruchey suggested asking if current applicants can increase services to utilize the additional funding available. Councilmember McIntire agreed.

Councilmember Aleshire noted the YMCA application did not specify the assistance would be solely for City of Hagerstown residents. Mr. Kerns has contacted the YMCA to clarify the intent of the funding. Councilmember Aleshire is concerned that one specific day care provider is targeted for a partnership. There are a number of other providers. These entities need to be aware they could also use the funds for the same purpose.

Mayor Keller noted any qualifying entity could have applied for the funds. Councilmember McIntire asked how many of the applicants are non-profits.

Councilmember Martinez asked if after school programs that have been assisting with remote learning are eligible.

Mr. Kerns stated this funding is typically provided to non-profits. The guidelines could be reviewed to include other programs.

Councilmember Aleshire thinks the Goodwill proposal is morally wrong. It seems to be a high cost per person for the meal. The Commission on Aging estimated their meal cost to be \$ 1.00 per person and Horizon Goodwill program estimates the cost to be \$ 6.00 per person. He does not think targeting one specific downtown restaurant is appropriate. He would rather award twice as much to the Commission on Aging and the

Free Clinic. He pointed out the Learning Party proposal is for a new program. He understood this funding is to assist and backfill the loss of income.

The majority of the Mayor and City Council agreed to remove the learning party program from the funding consideration.

Councilmember Aleshire thinks it is wrong to fund programs that use prepared foods. People need food they can prepare at home, as shown by the lines for boxes of food at area churches.

Councilmember Martinez would prefer funding for food go to families living in hotels in Hagerstown.

Councilmember Burnett is surprised at the low number of applications.

Mr. Kerns stated the funding possibility is advertised in the newspaper, City webpage, and other media services. The application process from HUD may be too intimidating for many groups.

Councilmember Burnett suggested providing more funding to the Community Free Clinic and the Commission on Aging.

Mr. Kerns stated he believes Horizon Goodwill would appreciate the opportunity to provide additional information about their programs to address concerns of the Mayor and City Council.

It was the general consensus to allow Horizon Goodwill to provide more information and to offer the Community Free Clinic and Commission on Aging an opportunity to adjust their funding request. Funding the YMCA program is acceptable but staff will reach out to other day care providers.

#### 2020 Land Management Code Updates

Stephen Bockmiller, Development Review Planner/Zoning Administrator, was present to review the annual package of amendments and updates to the Land Management Code (LMC). Planning staff work with the Planning Commission to review the LMC each year. The LMC is a consolidation of the City's zoning, subdivision and land development, floodplain management and forest conservation ordinances.

There are 15 proposals in this year's package. The Planning Commission conducted a public hearing on these proposals in December, and after taking comment, forwards these 15 proposals to the Mayor and City Council for consideration. This year's package is smaller than in recent years, and represents correction of minor errors and addresses some policy issues that are not as sweeping as in past years. There are 10 policy proposals and 5 administrative corrections.

The proposals are as follows:

1. Administrative – Article 4 – Correct outline format for use chart and table of contents.
2. Administrative – Article 4 – Re-insert parking requirement for drive up restaurants.
3. Administrative – Article 4 – Make consistent all references to adult entertainment businesses.
4. Administrative – Article 7 – Rephrase language about off-site forest conservation easements to make it easier to understand.
5. Policy – Articles 3 and 4 – Define and permit small scale breweries and set parking requirements.
6. Policy - Article 4 – Add certain permitted uses to the CG, CC-M, CR and IR Districts.
7. Policy – Article 4 – Relax current parking requirements for warehousing and manufacturing plants.
8. Policy – Article 4 – Eliminate front yard fence standards for through lots backing to the municipal boundary.
9. Policy – Article 4 – Refine standards for use and development of lots in residential districts that have no public street frontage.
10. Policy - Article 4 – Refine standards for construction of larger accessory buildings on large lots in the residential districts.
11. Policy -Article 4 – Provide zoning administrator flexibility in applying minimum area requirements for new dwelling units in buildings being retrofitted for new dwelling units (apartments).
12. Policy – Articles 4 and 5 – Move all remaining regulation of buffers from Article 4 to Article 5.
13. Policy - Article 5 – Refine language regarding the approval of final plats.
14. Policy – Article 5 – Set paving depth standards for parking and driveway areas.
15. Administrative – Article 4 – Clarify administrative history of dates of nonconformity.

A public hearing is scheduled by the Mayor and City Council during the Regular Session on February 23, 2021. The Mayor and City Council typically will leave the record open for 10 days following the hearing to accept additional written comment.

Staff plans to return to the Mayor and City Council on March 9, 2021 to discuss the testimony provided and take direction from the Council on what changes, if any, they would like to make before introducing an ordinance to amend the Code. Once that is complete, the Mayor and City Council will introduce and adopt an ordinance to amend Chapter 140 of the City Code, which will go into effect 30 days after adoption. The entire process is anticipated to be completed around June or July.

*Scott A. Nicewarner, City Administrator*, reminded everyone that City offices will be closed on Monday, February 15, 2021 in observance of President's Day. There will be no change in the trash collection schedule.

**MAYOR AND COUNCIL COMMENTS**

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

*Councilmember T. Burnett* had no additional comments.

*Councilmember T. Martinez* had no additional comments.

*Councilmember S. McIntire* had no additional comments.

*Mayor E. Keller* has been visiting elementary schools. If anyone from Ms. Plume's 4<sup>th</sup> grade class at Pangborn Elementary School is still watching this meeting, they should receive extra credit points.

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 6:39 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: March 23, 2021