

Mayor E. Keller called this Work Session of the Mayor and City Council to order at 4:01 p.m., Tuesday, February 16, 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 with Horizon Goodwill Regarding CDBG-CV Funds

Jonathan Kerns, Community Development Manager, 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 provide additional information regarding CDBG-CV funding and Horizon Goodwill’s application for those funds.

Mr. Kerns reported the City currently has \$ 274,365 of CDBG-CV funding available for CDBG activities associated with the COVID-19 pandemic. During the February 9, 2021 Work Session, the Mayor and City Council provided feedback on CDBG-CV funding requests received from area non-profit service providers. The total amount of funding requests initially received was \$ 339,418 and this exceeded the City’s second CDBG-CV award by \$ 65,053. After withdrawal of the Community Action Council’s funding request, the total amount of funding requests received is now \$ 189,418, which is \$ 84,947 less than the City’s current CDBG-CV award amount.

Based on feedback provided by the Mayor and City Council, staff recommend moving forward with the next steps as listed below.

Mayor and City Council to approve the following CDBG-CV awards:

1. Hagerstown YMCA Childcare Support – minimum of \$ 25,000 (original request) and up to maximum of \$ 40,000 with condition that all clients/beneficiaries are City of Hagerstown residents.
2. Community Free Clinic Health/Mental Services – minimum of \$ 10,000 (original request) and up to maximum of \$ 50,000.
3. Washington County Commission on Aging Food Resources for seniors – minimum of \$ 19,658 (original request) and up to maximum of \$ 62,448. Per Commission on Aging, some additional funds above minimum would be utilized for non-food related resources such as vaccination coordination for seniors.

A follow-up discussion with the Mayor and City Council on the remaining CDBG-CV balance will occur before finalizing any CDBG-CV awards. The amount of the remaining balance will be contingent upon possible modification of award amounts to Hagerstown YMCA, Community Free Clinic, and Washington County Commission on Aging. The discussion will include clarification of questions and greater detail on the funding request from Horizon Goodwill Industries proposed programs of Whole Family

Learning Parties and Downtown Restaurant Partnership (original request of \$ 85,260 and \$ 58,500). The discussion will also include further exploration of how to support COVID-19 impacted child care programs in the community through providers beyond the YMCA.

Ms. Grossman stated the Whole Family Learning Party project is intended to bring together the public and private sectors to address the long-term impacts of COVID-19 on the community. Horizon Goodwill Industries will serve as the lead agency for this project in partnership with the Washington County Community Action Council, OnTrack of Washington County, Shepherd University, and additional local agencies/organizations/businesses.

The Whole Family Approach, often referred to as “2-Gen” has been developed to focus on serving the entire family simultaneously to ensure a collective “buy in” to economic, physical, mental, social, and educational wellness. The end goal of the Whole Family Approach is to break the intergenerational cycle of poverty. There are five key components to a Whole Family approach: 1) Early Childhood Education, 2) Postsecondary & Employment Pathways, 3) Economic Assets, 4) Health and Well Being, and 5) Social Capital.

Councilmember McIntire asked if there are similar programs in Washington County. Ms. Grossman indicated there are not.

Mr. Newman indicated the National Community Action Council Partnership has encouraged and mandated local Council’s to take a whole family approach to address barriers that may lead families to eviction. The partners work as a team to address a family’s particular situation. They typically start with families in homeless shelters. If they aren’t eligible for this program, partners will guide them to head start and another similar program. Governor Hogan has included funding in the State budget for this initiative during the last three years. Mr. Newman completely supports this initiative and it will be the future of how social services are administered in Hagerstown.

Councilmember Aleshire appreciates the additional information. The application includes \$ 55,000 for a full time instructor for the school aged children and \$ 14,500 for a daily family meal. This is a new program. So rather than assisting people who are not able to pay their utility bills, the Mayor and City Council are being asked to approve funding for a new program. Mr. Newman stated CDBG funding cannot be used for utilities. There may be other funding from the State that will be available for utility assistance.

Ms. Grossman stated for this particular application, the funds are not eligible to be used for utilities. The families have other means to continue to pay those type of bills.

Councilmember Aleshire stated it seems like the hardest thing for a government to do is give money away. He would rather thank the State for the funding and provide about

\$ 5,000 to each of the 640+ non-profits in the City than start a new program.

Councilmember Bruchey recognized that many people have been negatively impacted by the COVID-19 pandemic. He asked if this program would continue after the initial funding is used. Ms. Grossman stated when the CDBG-CV funds are expended, they will apply to the State for long term funding for the program. Mr. Newman stated he anticipates there will be \$ 50,000 in the State budget for the 2-Gen program again this year.

Councilmember Martinez sees the need for this program. She asked if the full time instructor is someone already working for CAC or Horizon Goodwill. Ms. Grossman indicated the funding is for a full-time, certified teacher who will be developing curriculum, supporting after school learning, and developing age appropriate activities for learning. They will be a full time teacher and instructor for those students. This person will also be overseeing student teacher. This will be a new employee.

Councilmember McIntire stated this program is different than a start-up, for profit business. It would be good if this program focuses on the financial component for those who are struggling. Mr. Newman stated what families will learn in this program can be used in the future.

Councilmember Bruchey noted the anticipated costs are all recurring costs. He asked if the program will be able to be funded continually. Mr. Newman stated they typically receive \$ 50,000 annually from the State. He is anticipating an additional \$ 20,000 per year to assist with this program.

Councilmember Aleshire is not in favor of allocating funding to this program. It is difficult for him to allocate limited resources for a new program when citizens are struggling to pay their bills.

Councilmember Bruchey supports the request for funding for the initial program. He anticipates CAC and Horizon Goodwill will seek additional grants to continue this project for the City's residents.

Councilmember McIntire supports the request. She suggested reaching out to senior citizens who may also benefit from the financial literacy component of the program.

Councilmember Martinez stated the full time position needs to be sustaining for someone in that position and she is in favor of granting the request for funding.

Councilmember Burnett supports the program but is concerned about the \$ 55,000 for the certified instructor's salary and the overall percentage that will be used for the actual program. People are still struggling and hungry.

Mr. Kerns then reviewed the total amount of funding. Following the Work Session on February 9, 2021, staff reached out to the agencies that applied for the funds and inquired how they would increase their request for additional funding. The additional requests are \$ 21,000 higher than the funding received, including funding for both the Horizon Goodwill programs. The Mayor and City Council could decide to fund the original requests and then review additional requests during a future Work Session.

Councilmember Aleshire and Councilmember McIntire asked for more information about the Downtown Restaurant Partnership program proposed by Horizon Goodwill. Ms. Grossman indicated the two programs are separate and they are prepared to do both or one of them. She noted Councilmember Martinez mentioned the “almost” homeless families who are living in hotels. Meals are offered at the Horizon Goodwill facility for prepared meals for many of these families. Many people don’t have the capability to cook their meals. Other communities purchase restaurant vouchers for people to go to restaurants. Horizon Goodwill is offering a different program in that meals are delivered to people.

Councilmember Aleshire asked if this program can be implemented for \$ 38,000 as opposed to \$ 58,00 for now. Ms. Grossman indicated they could by shortening the timeframe for the program.

Mr. Kerns summarized the direction of the Mayor and City Council is to provide funding for the following programs: YMCA (\$ 40,000), Community Free Clinic (\$ 50,000), Commission on Aging (\$ 62,448), Horizon Goodwill Whole Family Learning Parties (\$ 85,260), and Horizon Goodwill Downtown Restaurant Partnership Program (\$ 38,000). This is correct.

The CDBG-CV Current Fiscal Year Action Plan amendment reflecting the proposed CDBG-CV funding allocations will be advertised using an expedited 5 day comment period. The Mayor and City Council would approve the current fiscal year Action Plan amendment with the new CDBG-CV allocations after the required comment period. Staff will submit the necessary Action Plan amendment and CDBG-CV grant documentation to HUD. The non-profit service providers can then begin incurring expenses after the Action Plan Amendment process is complete.

#### Discussion with Atlantic League of Professional Baseball

Senator Paul Corderman and Frank Boulton, Founder and CEO of Atlantic League of Professional Baseball were present remotely to discuss the possibility of a Non-Disclosure Agreement (NDA) for additional parties to review the draft Phase 2 Study being completed by the Maryland Stadium Authority.

Senator Corderman thanked the Mayor and City Council for their time. He stated Blackie Bowen had a previous commitment and is not able to join the meeting today. He stated it is exciting that Hagerstown has been awarded the possibility of an Atlantic

League baseball team and that the Maryland Stadium Authority (MSA) Phase 2 study is nearly complete. The City of Hagerstown is the project holder for the study and the State is funding the study. As the project holder, a Non-Disclosure Agreement is in place with Scott Nicewarner, City Administrator, and Rodney Tissue, City Engineer. The agreement was implemented when the MSA began the Phase 2 study. A lot has changed since then and he asked the Mayor and City Council to consider a Non-Disclosure Agreement with Frank Boulton and Blackie Bowen so they may review the draft MSA report. They would then be able to determine if the plan is appropriate for their needs as the entity looking at placing a team in Hagerstown.

Councilmember McIntire stated since Mr. Boulton and Mr. Bowen are willing to invest in Hagerstown, this seems like a good idea to her.

Councilmember Bruchey stated this agreement would provide an opportunity to Mr. Boulton and Mr. Bowen to review the plans and make recommendations. They would have all the information they need in order to make an informed decision about moving forward. This is a private entity, considering a project on private property.

Councilmember Aleshire pointed out there is a State request for \$ 65 million for a private/public collaboration on this project. He does not have an issue with Mr. Boulton and Mr. Bowen seeing the report, as long as it is at the same time the public sees it. Mr. Boulton could review the report at that time and suggest amendments. A few weeks ago, during an Executive Session, the Mayor and City Council were asked to not discuss the project publicly. He knows some individuals had discussions outside that meeting. The Mayor and City Council were also asked to not say anything negative until this is complete. He appreciates the effort but at the same time, they've heard the City isn't involved and won't be involved, yet taxes and tax credits, impact on the Cultural Trail, and construction of a parking deck are discussed. He knows it's not a totally private investment and the City has some vested interest in that, no matter if it is stated there is no City involvement. He wondered why the Mayor and City Council wouldn't want to provide an equal opportunity for everyone to view the document.

Councilmember McIntire asked Mr. Boulton what benefit there would be for him to review the study before it is released publicly. Mr. Boulton stated plans are always different. He pointed out some things for a stadium in Rhode Island and made suggestions for lighting, seating, and scoreboards. They asked him to review the plan because he has been doing this for 30 years. He is considering a Hagerstown team because Blackie Bowen is his good friend and he wants to do what he can for him. He may be able to recommend cost saving changes.

Councilmember Bruchey sees no difference in this project than the NorthPoint project, which is a private project with State assistance. Executive Sessions were held to inform the Mayor and City Council and to discuss Northpoint's plans. Citizens did not see the plans prior to the construction. The City is involved with the NorthPoint project because of Wesel Boulevard. It is a private entity, constructing a private project on an

appropriately zoned parcel. There were non-disclosure agreements completed for that project. He asked if the non-disclosure agreement has to be approved by the MSA.

Mr. Nicewarner indicated the agreement would be between the City of Hagerstown and Mr. Boulton and Mr. Bowen.

Councilmember Bruchey stated baseball experts would review the plan and ensure it will work for them, just like NorthPoint representatives did.

Mr. Boulton stated if they are utilizing public funds, he wants to make sure the plan meets the Atlantic League's standards. The standards are similar to major league baseball but there are some differences.

Senator Corderman noted the study is still in draft status. This new entity was not involved when the study began. It makes sense to have Mr. Boulton review the plans to make sure it is compatible with the Atlantic League Standards. The public will see the final document when it is ready.

Councilmember Aleshire stated, at a minimum, the Mayor and City Council and County Commissioners should have access to the document at the same time. He stated a non-disclosure agreement should not be extended to private parties without the elected bodies having the same opportunity to review and analyze the report. He doesn't want the Mayor and City Council to be in a position where someone worked out the details and be told all they have to do is approve the project.

Senator Corderman pointed out it would be the primary tenant of the facility reviewing the study. He noted that he also supports an indoor sports facility.

Mayor Keller asked when an NDA would have to be approved. Senator Corderman indicated he is not sure but he has been told the study is nearly complete.

Mr. Nicewarner stated he has not received any confirmation about a time frame for another entity's review.

It was the general consensus to include approval of a non-disclosure agreement with Frank Boulton and Blackie Bowen on the February 23, 2021 Regular Session agenda.

#### Preliminary Agenda Review

Mayor Keller announced that Citizen Comments for the March 23, 2021 Regular Session may be submitted by email to [councilcomments@hagerstownmd.org](mailto:councilcomments@hagerstownmd.org) prior to 5:00 p.m. that day. The submitters name, address, and a summary of the comments will be announced during the Citizen Comments portion of the meeting. The email will not be read in its entirety but it will be included in the public record for the meeting and may be viewed by the public at any time.

### **Consent Agenda**

- A. Department of Community and Economic Development:
  - 1. Open Container Law Exemption
  - 2. Approval of Street Closures: BISFA Do What Moves You Festival
  
- B. Parks and Engineering:
  - 1. Marsh Run Trail: CSX Review Fees \$ 20,100.00
  
- C. Public Works:
  - 1. Ground Services – Advantage Landscape and Construction (Hagerstown, MD) \$ 30,171.69
  
- D. Utilities:
  - 1. Maintenance Agreements – Hach Company (Loveland, CO) \$ 12,657.00
  - 2. CO767 Grinder Pump Replacement Program – Fluid Solutions, Inc. (Westminster, MD) \$ 29,453.74

This completed the Preliminary Agenda Review. There were no questions about any items. All items, unless noted, are scheduled for approval on February 23, 2021.

### Proposal to Use Municipal Stadium

Rodney Tissue, City Engineer, and Travis Poole, Municipal Baseball Group (MBG), were present to review a proposal for use of Municipal Stadium. Jim Kershner and Mike Kipe were also present.

Mr. Tissue stated after the discussion with the Mayor and City Council in January, staff were contacted by several groups interested in using the stadium for various levels of baseball. Staff met with them and are at this meeting to review their proposal.

The proposal potentially represents over 40 teams who wish to play at the stadium including high school, college and youth baseball teams. A major draw is the stadium is the only local, full size baseball field with lights. Staff assume MBG would:

- 1. Operate similar to the ice rink in that the group would schedule all events and basically operate the facility
- 2. Provide insurance
- 3. Clean restrooms and locker rooms
- 4. Mow field and maintain skinned infield
- 5. Operate field lights for at least 15 night games a month
- 6. Not use the concession stands (no equipment is on site anymore)
- 7. Incorporate some non-baseball events liked concerts into the schedule (details to be determined)
- 8. Follow State COVID restrictions

Based on these assumptions, staff evaluated the cost to the City for this use. They considered the cost of field irrigation, electricity including field lights, turf chemicals, trash removal, and miscellaneous repairs of essential items as they arise. Based on these assumptions, staff conclude the costs would be at least \$ 4,000 per month for the seven month season. The MBG proposal offers \$ 3,000 per month. However, if MBG does not use the stadium, the City would incur a field mowing cost of \$ 3,000 for the season plus some additional utility/maintenance costs.

Finally, staff assume this is only for the 2021 season as specifically directed by City Council in January. This is not a sustainable long term plan as the facility needs significant investment. Further, there are a lot of assumptions on costs and operations that should be re-evaluated after a season.

Mr. Poole stated MBG is a group of potential users that use full size baseball fields and are looking for more playing fields. High schools have full size fields but they are usually not available. There is great interest from the Washington County Public School system and MBG's intent is to provide an opportunity for high school teams to play on the field and under the lights. There is interest from travel teams, adult leagues, and the Hagerstown Braves. The group is excited about this opportunity for a summer season at Municipal Stadium. The group realizes the Mayor and City Council may not consider this a viable use or not like the proposal. They are looking for an opportunity for these teams to utilize an unused facility. They would be a standby user and they realize this would not be a long term use. Allowing MBG to use the stadium for the summer season will help minimize the financial impact of the unused stadium to the City. The City would pay the normal costs and they would pay the utilities. Their proposal includes maintaining the field and scheduling events. As COVID is still a part of everyday life, having an open area allows for safe social distancing. The large parking lot could be used for community and neighborhood events. He reiterated they are proposing to use the stadium for seven months in 2021 and to pay rent of \$ 3,000 per month. They would not view this as a commercial enterprise but they would want to recoup their costs.

Councilmember Bruchey supports this use of the stadium.

Councilmember McIntire asked if other organizations have contacted City staff about using the stadium. Mr. Tissue indicated there have been a few calls about a concert. Anyone who inquires about baseball is directed to the MBG.

Councilmember McIntire asked if MBG has thought about security. Mr. Poole stated they have not at this point. He stated this is a contained area, unlike the field at South Hagerstown High School where anyone can just walk up.

Councilmember McIntire stated she is not interested in a long term use.

It was the general consensus to have staff create a draft agreement for further review.

Rodney Tissue, City Engineer, was present to provide an update on the Urban Improvement Project, including progress and upcoming milestones for the construction of the last phase of the Cultural Trail and the plaza that staff have worked on since early 2016.

In addition to the \$ 800,000 in grants staff previously secured, approximately \$ 650,00 in surplus State bond bill proceeds from a BISFA project will be conveyed to the Plaza construction. Funding is as follows:

1. Program Open Space (trail portion only)	\$ 300,000
2. MHAA Grant (trail portion only)	\$ 100,000
3. Community Legacy Grant	\$ 400,000
4. Existing City Bond Funds	\$ 172,000
5. Future City Bond Funds (only if needed)	\$ 259,000
6. Surplus State bond bill proceeds from BISFA	<u>\$ 650,000</u>
	\$ 1,881,000

The status of the land acquisitions is as follows:

1. Hager5: There is an executed purchase agreement for the acquisition of Hager5 lands including all of 43/47 West Washington Street, a portion of the rear of 49/53 West Washington Street, and a strip of land off their parking lot that fronts on Antietam Street. Staff are working to satisfy the conditions of closing issues in that agreement before closing can occur. Per the Historic District Commission, a façade wall will have to be constructed to close the gap.
2. District Court: Staff continue to work with the State of Maryland (technically Maryland Department of General Services ( DGS)) and District Court to use ½ of the paper alley along the west side of their building. This alley dates back to an original deed dated April 18, 1869. The legal description the District Court property recognizes the 11’ private alley as its western boundary. The SDAT tax maps reflect the alley as an intervening no man’s land between the Hager5 and DGS properties, with neither owning the fee simple interest and having adjoining interest in the use of the alley.

After 30 months of negotiations, staff anticipate receiving the State’s approval of the legal documents regarding splitting the 11’ wide private alley in half. The goal is to use the western Hager5 half of this paper alley, plus purchase an additional 10 feet from Hager5.

3. Washington County: A Deed of Easement agreement was sent to the County legal staff last year for the area behind 33 West Washington Street. This would grant the city the right to construct and maintain the public plaza and the City and the general public shall have full and free use of the easement for the purposes named including: recreational purposes, gathering, entertainment, temporary

parking of school buses, tour buses, service vehicles and the like. The County

Commissioners approved the easement at their February 9, 2021 meeting. The County will also need an easement from the City to place their dumpster on the 43/47 West Washington Street land the City will acquire from Hager5.

Time is of the essence now since most of the grant money expires in 2021. Mr. Tissue provided a detailed schedule for staff review and Mayor and City Council approval of ordinances, agreements, and resolutions. The schedule shows a construction time table of June – August, 2021. If the schedule slips, the grant funds may be in jeopardy. By September of 2021, BISFA will hopefully be in full operation and access to the rear of the building will need to be provided on a daily basis for school buses, daily trash removal and delivery trucks. The Maryland Theatre tractor trailers and tour buses, along with other vehicular and pedestrian traffic must also be coordinated.

Councilmember Bruchey suggested replicating the Berlin Gate in recognition of the Sister City Affiliation with Wesel, Germany. Mr. Tissue stated the façade must simulate the original building.

Mayor and City Council approvals of the required documents will be scheduled for voting sessions over the next two months.

#### Summer Camp Grant Program

Rodney Tissue, City Engineer, was present to discuss the City's Summer Camp Grant Program. For at least the past 27 years, the City has funded local agencies to provide recreation services for children of the community by providing summer play camps. The Hagerstown YMCA, the Robert W. Johnson Community Center, and Girls, Inc. have historically operated these camps. However, staff is aware there are other groups that would also like to apply for these funds. Until now, there has not been a competitive process to award the grant funds. Therefore, staff drafted a policy with feedback from the agencies and the city attorney. A copy of the policy was provided to the Mayor and City Council for their review.

In order to be eligible for a grant under the Program, summer camps must be operated by non-profit, community-based organizations registered as exempt from Federal Income Tax under Internal Revenue Service Code Section 501(c)(3). In addition, all organizations applying for funds must serve low to moderate-income areas located specifically and exclusively within Hagerstown City limits and must be licensed by the Maryland Department of Health.

Proposals will be accepted for the funding and will be evaluated based on the following criteria, listed by priority:

1. The application organization must demonstrate strong community support, organizational commitment and the current management team must demonstrate previous experience and ability to operate the camp
2. Utilize a park or parks owned by the City of Hagerstown
3. Methods to recruit City-resident children. Camps must be located in low and moderate-income neighborhoods to be considered
4. The proposal should clearly state how many individual youth will be attending the proposed camp. Submit a full budget based upon realistic costs and a total request amount (based on no more than \$250 per camper per session). Requiring a minimal payment (\$10 per week or more) by each camper will strengthen the proposal
5. Provide diverse activities including: sports, recreation, educational, and field trip opportunities
6. Program must run for a minimum of seven full weeks (during the months of June-August), operate Monday through Friday, for at least six hours per weekday
7. Provide written plan of security and safety of play

City staff will review the proposals and submit a recommendation to the City Council for approval. Staff will recommend that the proposal receiving the highest score (based on the selection criteria) will be funded first, second highest score funded second, and so on until the annual budget is exhausted.

Funding for the camps is provided in the operating budget of the Recreation Division of the Parks and Engineering Department. In the FY21 budget and the proposed FY22 budget, \$ 75,000 is earmarked for camps. This is a significant part of the Recreation Division budget and this program represents about 25% of all recreation dollars spent by the City.

The City Attorney develops contracts with the agencies.

Councilmember Martinez was a director of the summer camp program at the Robert W. Johnson Center for three years. She stated the City funding was very helpful.

It was the general consensus to move forward with the proposed policy for summer camps. Approval of the policy will be included on the February 23, 2021 Regular Session agenda. Following the approval, staff will release the request for proposals and return to the Mayor and City Council in a few weeks for approval of the selected proposals.

#### North Locust Street at Fairground Avenue Traffic Signal

Rodney Tissue, City Engineer, was present to review a recommendation to remove the traffic signal at North Locust Street at Fairground Avenue.

The existing traffic signal at the intersection of North Locust Street and Fairground Avenue is approximately 40 years old, and was likely installed when Broadway Elementary School was located on North Locust Street. Northbound Locust Street has two lanes approaching the intersection (a shared thru/left and a right-only lane). The signal is not responsive to actual traffic movements but turns green at a pre-timed setting.

There is a single mast arm pole on the northwest corner to control approaching traffic on northbound Locust Street and westbound Fairground Avenue. The mast arm pole has been hit several times by vehicles and needs to be replaced or removed. Replacement of the mast arm pole and sidewalk would cost approximately \$ 40,000. If the signal is removed entirely, the Public Works staff could complete that work at no cost using in-house labor.

In order to determine if removing the signal is a feasible option, staff had the traffic consultant, KCI Technologies, prepare an analysis of whether or not this signal is warranted. Based on the current national standards described in the Manual of Uniform Traffic Control Devices (MUTCD) their conclusion is that this signal is not warranted. Over the last four years there have been only two reported accidents near this intersection, both involving parked cars.

Staff is requesting authority to follow the nationally accepted process to remove the traffic signal and add a STOP sign for only the westbound Fairground Avenue traffic. To provide adequate sight distance for westbound vehicles, staff also recommend removing two parking spaces from the east side of Locust Street just south of Fairground Avenue. Staff will also re-install the existing street name signs and truck restriction signs.

The Board of Traffic and Parking reviewed this study at their December 10, 2020 meeting and that Board agreed with the recommendations of the consultant to remove the signal and two parking spaces.

It was the general consensus to authorize removal of this signal.

Mr. Tissue then discussed fees for use of facilities in the parks. Staff is proposing to raise the rental and use fees slightly, in part to cover the cost of the minimum wage increase. Staff would like to begin utilizing the new fees on March 1, 2021, as that is the beginning of the park season. The new rates will be reflected in the FY22 proposed budget.

The Mayor and City Council agreed to implement the increase in rates beginning March 1, 2021.

Approval of New Residential Lease for 36-40 North Potomac Street, Unit 4

Kitty Clark (remotely), Community Events Coordinator, was present to discuss a lease agreement for Alexandra Burt, a new artists tenant, for an apartment at 36-40 North Potomac Street.

The prospective tenant's application and portfolio have been reviewed by City staff and by the Artist Review and Selection Advisory Group. City Attorney Jason Morton drafted all aspects of the lease, and a copy was provided to the Mayor and City Council.

Key terms and conditions of the proposed lease include:

1. Recommended Artist – Alexandra Burt
2. Unit 4
3. One year term (April 1, 2021 to March 31, 2022)
4. Lease is for \$ 5,400 (\$ 450 monthly) for approximately 600 square feet.

The City acquired the property in September, 2011. The residential renovations were completed in November, 2013 creating four artists lofts that were fully occupied by May, 2014. Renovations of the gallery space were completed in spring, 2015, and the Engine Room Art Space opened in June, 2015. Although the Engine Room Art Space is not currently in operation and the building is listed in the City's Competitive Negotiated Sale program, Mayor and City Council directed staff at the November 10, 2020 Work Session to fill the vacant apartment with an artist.

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

#### Street Closure Request – BISFA Street Festival

Kitty Clark, (remotely), Community Events Coordinator, and Mimi Dickinson (remotely), Executive Director of the Barbara Ingram School for the Arts (BISFA) Foundation, were present to discuss a new event proposed by the BISFA. This event requires a Level Two street closure, for new or high impact events, which must be approved by Mayor and Council.

On January 29, 2021, Ms. Dickinson, Principal Rob Hovermale, and faculty from BISFA met with the City's Logistics Committee to review preliminary event information. The Do What Moves You Festival is scheduled for May 14, 2021, 5:00 – 8:00 p.m., with a raindate of May 21, 2021. This event will be free and open to the public. BISFA has requested closure of the unit block of South Potomac Street, between Washington and Antietam Streets, to showcase the talents of their performing arts and visual arts students, while also promoting the school and the downtown.

The street closure request is for both May 14, 2021 and May 21, 2021, from 3:00 – 10:00 p.m., which allows for set up and clean up.

If the street closure is approved by the Mayor and City Council, the Logistics Committee will continue to work with the event organizers to ensure compliance with City regulations, safety and to create conditions for optimal event outcome.

It was the general consensus to approve the street closure as requested.

#### Amendment to Police and Fire Employees' Retirement Plan

Don Francis, Director of Human Resources, and Amy Dreisbach (remotely), HR Administrator-Benefits & Wellness, were present to provide an update to the Police and Fire Employees' Retirement Plan. The change would reflect additional service credits under the plan for accrued sick leave at retirement and to increase the percentage of employee weekly contributions to the plan.

A defined benefit pension is a major component of an employee's overall compensation package. The Police and Fire Retirement Plan offers a benefit that provides a maximum lifetime benefit of 60% of an employee's five highest years' salary after 30 years of service. Police and Fire are eligible to retire after 25 years of service and their benefit is calculated at 2% of their salary for each year worked.

As a comparison, the Reformed Maryland State Plan offers a benefit of approximately 40-50% of an employee's five highest years' salary. Normal retirement is age 65 with ten years of service or based on the Rule of 90 (age and service must equal 90). The Reformed Maryland Plan also has a ten year vesting requirement.

Since the inception of the Police and Fire Plan, the City has funded 100% of the actuary's recommended employer contribution amount. The employee contribution rate is currently 8%, with Mayor and Council approved increases of the City contribution rates to make up the difference. The absorption of contributions by the City was taken to ensure a securely funded retirement plan.

Solely for purposes of determining the amount of the participant's benefits payable pursuant to Sections 38-28, 38-29, or 38-30, the participant shall receive additional years of credited service for unused sick leave. Unused sick leave shall be credited by dividing the number of accrued sick leave hours as of the participant's termination date by the number of annual, contractual, regularly scheduled hours applicable to the participant. Notwithstanding the foregoing, in no event will the additional credit for accrued sick leave cause the participant's retirement benefit to exceed 60% of average compensation.

Effective for pay periods beginning on or after July 1, 2021, and in accordance with rules established by the City, each participant shall make contributions to the plan equal to 9% of his or her compensation to offset the additional cost to the plan by now adding additional service credit for unused sick leave at the time of retirement.

A draft of the updated Police and Fire Employees' Retirement Plan that includes recommended amendments was provided with the meeting material.

If the Mayor and City Council agree to the proposed changes, an ordinance to update the City Code will be scheduled for introduction on February 23, 2021, followed by approval on March 23, 2021. The plan changes will be implemented on July 1, 2021.

Mayor Keller asked if this is something that will make it more difficult to retain police officers. Mr. Francis stated he thinks this is a positive amendment to the plan. It brings the City's plan more in line with the State Police plan and the plan in Frederick.

Ms. Dreisbach noted new hires currently are not paid out sick leave when they retire (per the contract). This would be a nice benefit at retirement for these officers.

Michelle Hepburn, Chief Financial Officer, clarified Mayor Keller's question was if the increase in the employee's contribution would have a negative impact on retention of officers. She noted the members of the Police and Fire Retirement Committee assured the group this is what the union members have requested. She stated the plan has to be as neutral as possible because this large retirement fund is largely unfunded. This action does not increase the benefit or lower the funding.

Mayor Keller asked if the Committee makes the decision or if union members do. Mr. Francis stated it is ultimately the Committee, with the Mayor and City Council making the final decision. Mayor Keller does not want to make a change and this extra cost be another reason for officers to leave.

It was the general consensus to schedule approval of the ordinance as indicated earlier.

#### **CITY ADMINISTRATOR'S COMMENTS**

*Scott A. Nicewarner, City Administrator*, noted students are returning to school today. He urged people to be extra cautious around schools and be patient as there will be increased traffic. The State of the City will be a virtual event on Tuesday, March 2, 2021.

#### **MAYOR AND COUNCIL COMMENTS**

*Councilmember S. McIntire* had no additional comments.

*Councilmember T. Martinez* had no additional comments.

WORK SESSION  
2021

FEBRUARY 16,

MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

*Councilmember T. Burnett* participated in a Jack and Jill panel discussion about black women in politics. It was a positive discussion. Mothers and children had good questions about what the government does.

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

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

*Mayor E. Keller* has received requests for support of the grant application to the 2022 Maryland Heritage Areas Capital Grant Program from the Washington County Historical Trust (WCHT) to assist their continuing restoration project of the Saylor House at

Kiwanis Park and for Senate Bill 869, which is for a Western Maryland Marc Rail Expansion Study. The Council agreed to provide letters of support as requested.

Mayor Keller has been talking with fourth grade students by Zoom about the If I Were Mayor contest. Changes during the past year are discussed frequently. The African American boys and girls faces light up when they talk about Councilmember Burnett and Councilmember Martinez. She thanked all teachers for their efforts with virtual learning.

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 5:45 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: March 23, 2021