

SPECIAL SESSION (10TH VOTING SESSION)
EXECUTIVE SESSION AND WORK SESSION
2021
MAYOR AND CITY COUNCIL

APRIL 20,

HAGERSTOWN, MARYLAND

SPECIAL SESSION (10TH VOTING SESSION), EXECUTIVE SESSION AND WORK
SESSION – APRIL 20, 2021

EXECUTIVE SESSION – April 20, 2021

On a motion duly made by Councilmember S. McIntire and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously agreed by voice vote to meet in closed session to consult with counsel to obtain legal advice, #7 (Section 3-305(b)), on Tuesday, April 20, 2021 at 3:01 p.m. in the Council Chamber, 2nd floor, City Hall, Hagerstown, Maryland.

The following people were in attendance: Mayor E. Keller, Councilmember K. B. Aleshire (remotely), Councilmember R. E. Bruchey, II, Councilmember T. Burnett, Councilmember T. Martinez, Councilmember S. McIntire, City Administrator Scott Nicewarner, City Attorney Jason Morton, Fire Chief Steven Lohr, Battalion Chief Adam Hopkins, Battalion Chief Mark Cleck, Michelle Hepburn, Chief Financial Officer, Wes Decker, Communications Manager, and Donna K. Spickler, City Clerk.

The meeting was held to consult with the City Attorney. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 4:00 p.m.

SPECIAL SESSION (10TH VOTING SESSION) AND WORK SESSION – April 20,
2021

Mayor E. Keller called this Special Session (10th Voting Session) and Work Session of the Mayor and City Council to order at 4:20 p.m., Tuesday, April 20, 2021 in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire (remotely), R. E. Bruchey, II, T. Burnett, T. Martinez, and S. McIntire, City Administrator Scott A. Nicewarner, and City Clerk D. K. Spickler.

SPECIAL SESSION (10TH VOTING SESSION) – April 20, 2021

On a motion duly made by Councilmember S. McIntire and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote to meet in Special Session at 4:20 p.m.

Introduction of a Resolution: Support a Joint Application by the City of Hagerstown and Washington County to Expand the Enterprise Zone in the City of Hagerstown

Action: On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember S. McIntire, the Mayor and City Council

unanimously agreed by voice vote to approve a resolution authorizing the joint application with the Board of Washington County Commissioners to

expand the Hagerstown/Washington County Enterprise Zone. The Enterprise Zone provides property tax credits for construction or rehabilitation investments and provides income tax credits for job creation.

The Special Session was closed at 4:21 p.m.

WORK SESSION – April 20, 2021

Discussion on Panhandling

Police Chief Paul “Joey” Kifer, Brooke Grossman, Horizon Goodwill, George Newman, Community Action Council, Cindi Messersmith, Homeless Outreach Program, and Jeannie Asbury, REACH, were present to discuss the increased amount of people panhandling in the community.

Chief Kifer stated panhandling has been a growing trend during the pandemic. The police department has been talking with people who are panhandling and informing them that what they are doing is against the law. HPD has handled 57 complaints this year. Since March, 2021, 12 citations have been issued, with some people receiving multiple citations. The reason for the ordinance against soliciting at intersections in particular, is out of concern for safety. This is for both the safety of the panhandler and the vehicle operators. Lt. Zimmerer researched this practice around the country. He developed a sign that urges people to change the way they provide help to people. The sign also gives suggestions for how to give. Panhandling and soliciting is unsafe, as well as against the law. Many organizations offer services to assist people. If the panhandler has a mental or addiction issue, they can help with that. He feels privileged to work and live in a community where people want to help other people, but there is a better, long term way to help them. Rather than handing them cash, he urged people to contact and/or support one of the many service organizations in the community. These organizations have developed programs to help people.

Ms. Asbury stated they have created a “homeless street pamphlet” that is designed to fold and be kept in a pocket. The pamphlet includes a listing of services available, and where to find food and clothing. This is a better way to get the information to those that need it most and hopefully, connect them with organizations that can help them long term.

Ms. Messersmith stated they walk the street with these guys. This pamphlet is information they can use to come to any of the organizations. They help with getting them a place to shower, help with identification cards, laundry services, etc. They can also assist them with receiving money.

Ms. Grossman stated there are more people out asking for assistance because it is getting warmer. The places they hid are gone. The pandemic has also created a greater need for homeless people. Being homeless without an id is difficult. If the Mayor and

City Council or HPD lets any of the organizations represented here know where people are gathered, they will make a contact and try to help them. The Homeless Coalition is an important part of helping the homeless in the community. She suggested also locating the street guides near the new signs. They want to get the resources out to the people.

Chief Kifer pointed out all these ideas are a better way of helping people. HPD and these organizations work well together and want to help people get the services they need.

Ms. Grossman noted substance abuse is strong with this group. Many resist treatment and some have recycled through the programs many times. She suggested an opportunity for a recovery day may be in the area they gather the most instead of downtown. She believes the strongest pull for many of them is to help them with some sort of substance abuse issue.

Mayor Keller will ensure the Washington County Health Department is aware of this conversation and is involved.

Councilmember McIntire stated a Recovery Day could be held at these locations. She asked if there has been a public education campaign on what it means to give to people panhandling or on how to make it as easy as possible for them to receive services. She wondered if a lock box or phone app would be helpful. She stated an effective, intense community informational notice of what it means to help these people is needed.

Ms. Asbury likes this idea. People don't understand what happens with the cash they generously give. She pointed out panhandlers wouldn't keep going back to the locations if they weren't receiving anything.

Councilmember Bruchey asked what the actual law is regarding panhandling at intersections. Chief Kifer stated soliciting in the roadway is a \$ 70.00 fine and is cited in the State traffic articles. The City Code provides for a \$ 100.00 fine and prohibits people from taking anything from anyone in a vehicle. Arrests can be made if they continually show they aren't going to follow the rules.

Councilmember Bruchey asked how many times a person receives a citation before an arrest is made. Chief Kifer stated one person was arrested last year. That person was back at the same location within a week. Usually the threat of a citation makes them move on.

Councilmember McIntire asked if officers reach out to the Homeless Coalition after a second or third incident with the same person. Chief Kifer stated the officers probably do not but the incident commander should be aware.

Councilmember McIntire asked if the officers have a supply of the homeless street pamphlets. Chief Kifer indicated they do. Officers are briefed on the regulations at the start of the season.

Ms. Asbury stated the community's help is also needed. Chief Kifer indicated it is ok to say no to a request for money. There is a better way to help. An informational campaign is a good idea.

Mayor Keller stated the Mayor and City Council hear often that people think there is a conspiracy and that all the panhandlers are working together and taking shifts and they aren't really homeless. The group indicated they really are homeless. Ms. Asbury stated she would have had a different answer three years ago but they are definitely homeless now.

Ms. Grossman pointed out change is not rapid. If someone has been homeless for 15 years, it would be difficult for them to move directly into a home. It would be scary for them. Opportunities for lower barriers to housing would be more helpful.

Councilmember Burnett agrees with Councilmember McIntire's idea of community information. People in the community aren't aware of what others go through. A video showing how it really is would be helpful.

Mayor Keller asked who should be contacted with concerns. People can contact the Homeless Outreach group at Shepherd Pratt (former Turning Point) at 301-733-6063, ext. 8269. Homeless street pamphlets will be available at multiple locations throughout the community.

Scottish Rite Club of Washington County – Proposed Use of Central Lot

Kitty Clark, Community Events Coordinator, and Scott Paddack, Club member, were present to provide information about a fundraising event coordinated by the Scottish Rite Club of Washington County that would utilize a portion of the Central Lot. If acceptable to the Mayor and City Council, a vote to approve this use of the lot would take place at the April 27, 2021 Regular Session.

The Scottish Rite Club of Washington County has requested use of a portion of the Central Lot to hold a tag sale on Sunday, May 16, 2021. The event is scheduled to take

place from 8:00 a.m. to 5:00 p.m., with set up beginning at approximately 6:00 a.m. The event will raise funds for the Scottish Rite Speech and Hearing Clinic.

Steve Gaudette and Steve Paddock have met with the City's Logistics Committee to review event details. An Application Permit/User Agreement has been drafted which includes a hold harmless agreement. There is no selling or serving of alcohol at this event. If approved, the Club will notify the Abundant Life Tabernacle Church (in the former Academy Theatre building) about the event.

Mr. Paddock stated this group was formed seven years ago. They have raised funds to support youth in hearing and speech pathology. They are moving to a new location and hope to open a facility for these youth. They are hoping this fund raiser is a seed project for the club.

It was the general consensus of the Mayor and City Council to approve the use of the Central Lot as requested.

The Doleman Black Heritage Museum and Juneteenth Discussion was postponed until later in the meeting.

Preliminary Agenda Review

Mayor Keller announced that Citizen Comments for the April 27, 2021 Regular Session will be welcome either in person, or by submitting comments by email to councilcomments@hagerstownmd.org. If by email, 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.

Mayor Keller announced that Public Hearings will be held for the FY22 Tax Rate and FY22 Budget on Tuesday, May 11, 2021 at 7:00 p.m.

Consent Agenda

A. Fire Department:

1. 2022 F-350 Crew Cab - Keystone Ford (Chambersburg, PA) \$ 40,200.00

B. Parks and Engineering:

1. Hagerstown Cultural Trail – Phase II and Urban Improvement Project Plaza – Multiple Vendors – Total \$ 1,378,394.40
2. Parks and Playground Equipment – Playground Specialist, Inc. (Thurmont, MD) \$ 29,524.20
3. Rebuild Mansion House Wine Cellar Entrance – Gruber Latimer Restoration (Sharpsburg, MD) \$ 28,670.00

4. Golf Vehicles and Equipment – Aerator and Cutting Units – Finch Services, Inc. (Westminster, MD) \$ 32,490.00

C. Utilities:

1. Water – ISO Fire Flow Mapping and Modeling – Hazen and Sawyer Environmental Engineers (Baltimore, MD) \$ 79,591.00
2. Wastewater – Improvements to Liquid Oxygen Storage and Distribution - Specialty Fitters, Inc. (Elyria, OH) \$ 32,903.47
3. Water and Wastewater - Bacteriological Laboratory Renovations – Built Construction (New Windsor, MD) \$ 17,500.00

Purchase of a 2021 Nissan Rogue for the Planning and Code Administration Department will be added to the Consent Agenda during the Regular Session on April 27, 2021.

This completed the Preliminary Agenda Review. There were no questions about any items. All items, unless noted, are scheduled for approval on April 27, 2021.

FY22 Budget Review

Michelle Hepburn, Chief Financial Officer, and Brooke Garver, Accounting and Budget Manager, were present to continue review of the FY22 Proposed Budget with the Mayor and City Council.

Ms. Hepburn stated Section 2, Pages 1-4 of the Budget Book includes the General Fund Overview Statement of Revenue and Expenditures. There are four time periods of information included in this section – audited numbers, FY21 budget amount, FY21 estimated actual amount, and the FY22 proposed budget amount. Revenue is expected to be \$ 48.6 million. Expenditures are expected to be just under \$ 48.6 million. Expenditures include the following departments: police, fire, code compliance, and streets signals. A surplus of \$ 2,400.00 is anticipated.

Councilmember Bruchey noted it appears the proposed budget reflects 2019 estimates for intergovernmental revenues and not figures from 2020, which includes a large amount of federal dollars. Ms. Hepburn indicated that is correct as the federal dollars are one time occurrences and will not be repeated.

The ending fund balance is \$ 13.6 million, which is 26.5% of the budget. The City's policy and target is 17%.

The proposed budget includes circle charts that show at a glance the source of revenues and expenditures. The largest income is from property taxes while the largest expense is for public safety.

A bubble/quote drawing also shows the category of expenditures and where the tax dollars are spent.

Ms. Garver pointed out the largest source of revenue is from property taxes, followed by income taxes and other taxes. The FY22 proposed budget does not include any change in the City tax rate. Each penny on the tax rate generates \$ 273,000.00. There is a separate page of explanation for each item on the revenue chart. The total assessed value in the City limits is \$ 2.8 billion, with apartments being \$ 246 million of that total. This information can be found in Section 2, page 6 of the budget book.

Details of general fund operations are included in the budget. A program overview, program objectives, program indicators, expense and revenue summary, and budget

highlights and changes are provided for each General Fund operation. Each description includes information about wages.

Police operations of \$ 14 million are included in the budget. The police department receives almost \$ 5 million in direct revenue. Any funds generated within a department stay with that department.

General Fund 5 year financial projections are included in Section 6. If nothing changes and revenue sources stay the same, it is anticipated that an additional \$ 2.7 million will be needed to cover FY23. Approximately \$ 31.7 million of all expenses are wages and benefits. The financial projections are the same as those in the 2019-20 budget.

The proposed budget is created with the assumption that every approved position is going to remain funded. Vacancies are also accounted for. Vacancy savings are routinely incorporated into projections. General Fund active employee health insurance is \$ 3 million and retiree health insurance is \$ 1.5 million.

Mayor Keller clarified that the \$ 2.7 million deficit projected for FY23 does not take into account the change the Washington County Commissioners made to the income tax rates. Ms. Hepburn indicated that is correct. Income tax revenue is the second largest source of General Fund income and is estimated at \$ 2.8 million. This is based on the assumption that there would be no change in the local tax rate which is currently 3.2%, which is the maximum the State allows. The County Commissioners are in the process of changing the rate to 3.0%, which would decrease the City's revenue by \$ 193,000. This amount is almost equivalent to a penny on the property tax rate.

Mayor Keller stated it would have been helpful if the Commissioners had considered the affect reducing the income tax rate would have on the City's and other municipal budgets. They made this decision without any input from the City or other municipalities.

Review of the budget will continue at future Work Sessions.

Doleman Black Heritage Museum (DBHM) Request for Juneteenth and Loan Forgiveness

Alesia Parson-McBean (remotely), Projects Director, was present to discuss a partnership match with the Doleman Black Heritage Museum (DBHM) in the amount of \$ 3,600 for the 2021 Inaugural Juneteenth Celebration-Hagerstown.

Details of this request are as follows:

1. Rehearsal Space at Fairgrounds Park
2. University Plaza - \$ 100 Bathroom Fee Waiver
3. Sponsorship of Entertainment, \$ 2,500 live performances and \$ 1,000 DJ services

Ms. Parson-McBean stated when she was a Councilmember, she wanted Hagerstown to be a part of the celebration of the emancipation proclamation and celebrate the end of slavery. This only works if the community understands what Juneteenth means. The Civil War is celebrated heavily in this area and the interest should also include celebration of the end of slavery.

DBHM members hope that the Mayor and City Council will see the merits and feel a kinship to both requests that serve the continuing need for cultural awareness and inclusion in Hagerstown.

Funding is available in FY21 for this event. It was the general consensus to approve supporting Juneteenth as requested, in the amount of \$ 3,600.00.

DBHM is also requesting immediate loan forgiveness to secure financial opportunities and above all, maintain the organization's original loan request for 465 Pennsylvania Avenue, which is to build a stand-alone museum honoring the legacy of the Doleman family artifacts collection.

Ms. Parson-McBean stated forgiveness of the loan will allow them to not be dictated to when they apply for funding. Even though they have the deed, they still have the obligation of the loan, which prohibits them from having a clear path to receive funding.

Councilmember Bruchey supports the request for the Juneteenth event. He suggested delaying a decision on the loan forgiveness until Secretary Holt has an opportunity to have Preservation Maryland make a presentation to DBHM. He stated the only reason the City purchased the building was for DBHM and he will not waiver from that.

Mayor Keller stated this is tentatively scheduled for May 4, 2021. She will also invite Secretary Holt, Preservation Maryland, and DBHM to the Work Session.

Ms. Parson-McBean appreciates Councilmember Bruchey's comments. She stated they are wanting to move forward with their original plan to make the building a museum for the Doleman family collection. She asked for feedback from other Councilmembers regarding the loan forgiveness.

Councilmember McIntire agrees with Councilmember Bruchey. There should be a joint conversation in the hopes that all the groups will understand the plan for the area. She stated the purpose of the loan was for DBHM specifically.

Ms. Parson-McBean stated she can send the Mayor and City Council the plan for DBHM. She has not seen the other plan.

Mayor Keller indicated that is why she has asked for a group meeting. It is imperative that everyone meets to get on the same page and move forward.

Ms. Parson-McBean stated DBHM's intent has always been to preserve the legacy of the collection of the Doleman family. It is intended to be a stand alone museum and to become an anchor for the community. Preservation Maryland did not include DBHM in their plan until January, 2021.

Councilmember Aleshire asked if Secretary Holt and Preservation Maryland have discussed use of that building. Ms. Parson-McBean stated Preservation Maryland's plan is an enterprise center with a museum in it. This is not what DBHM plans for the building.

Councilmember Aleshire clarified that Preservation Maryland plans to use the building to execute the various components of their plan. That is clearly not the purpose for which the building was secured. He does not want the City to be in the position of mediating or referring the use of a building that was secured for an entirely different purpose. Several years ago, these groups had the same opportunity as DBHM.

Mayor Keller stated this is why it is important to get everyone together in the same discussion.

Councilmember Aleshire supports the plans of DBHM. That's what the intended purpose of the building is.

Ms. Parson-McBean stated DBHM is part of the community. DBHM was not involved in Preservation Maryland's plan. As their plan stands today, it would make DBHM a footnote in the building, not a museum.

Councilmember Bruchey stated he (as Mayor) and Mr. Nicewarner met with Secretary Holt and Preservation Maryland last fall. Their first plan was to upgrade the WIFI at the Robert W. Johnson Center. He asked if that has happened. Mr. Nicewarner stated he believes it has. Councilmember Bruchey stated Secretary Holt and Preservation Maryland have funds available and he is willing to let them invest those funds on projects that everyone agrees with. One of those projects is the DBHM. If they want to invest in the museum he would support that. If they intend to take it over, it would have to be an exceptional plan for him to support that.

Ms. Parson-McBean stated the DBHM and the City have been working with DHCD in applying for funds. Then DBHM was given the Preservation Maryland plan and were told they have to relinquish ownership of the building. This has caused concern among the board members of DBHM.

Councilmember Burnett stated she fully supported the DBHM plan in 2019 of locating a museum there that would become a staple of Jonathan Street. The DBHM would boost morale on Jonathan Street.

Ms. Parson-McBean indicated DBHM is willing to jointly discuss their project but they are steadfast in their goal to have a stand-alone museum.

Mayor Keller stated the discussion will continue at the May 4, 2021 Work Session.

Support Services Staffing Modification

Michelle Hepburn, Chief Financial Officer, was present to discuss conversion of one part-time position to one full-time position.

This would mean staffing within Support Services would become seven full-time and two part-time which includes supervisors. This change for a fifth full-time, front line person is needed to meet the ever-changing demands of the way the City does business as a result of COVID-19. The pandemic has forced staff to make many changes and returning to the old normal is not in the foreseeable future.

The demand and workload on the department has risen significantly due to the increasing amount of phone calls and emails, which the fifth full-time position will enable improvements to service for customers. There are many new factors happening now and in the future that will continue to add more demands to staff's workload including: new billing system from Millsoft/Daffron; implementation of Invoice Cloud; and implementation of the Stormwater fees. While these changes are positive and exciting, the changes will increase the number of questions and customer inquiries and will require time to train and educate staff as well as customers on new features and

functionality. In addition, it has become extremely challenging to recruit and retain trained staff on just a part-time basis.

To help remain budget neutral, hours will be reduced for other remaining part-time positions in the department. The fifth full-time position will allow staff to better serve the needs of the citizens of the City of Hagerstown, and meet the future demands of the new normal way of business.

Councilmember McIntire has witnessed the hard work of Customer Service staff and she supports the staffing modification. She asked if a payment kiosk and a pay-by-phone option are being considered.

Ms. Hepburn indicated a planned software enhancement may provide the pay-by-phone opportunity. Location of a payment kiosk will be reviewed.

It was the general consensus of the Mayor and City Council to include approval of the position conversion on the April 27, 2021 Regular Session agenda.

Planning and Code Administration (PCAD) Staffing Modification

Kathleen Maher, Director of Planning and Code Administration (PCAD), Paul Fulk, Neighborhood Services Manager, and Blaine Mowen, Chief Code Official, were present to provide the Mayor and City Council with recommendations to modify staffing within the Planning and Code Administration Department (PCAD). PCAD is currently budgeted for 20 full-time staff and 2 part-time staff with 3 part-time as-needed staff.

The vacant structure ordinances were adopted in 2006 to address the growing concern of vacant properties within the community. These ordinances addressed commercial and residential vacant structures. The commercial structures program focused on commercial structures in the CCMU zoning district identified as vacant on the street level or vacant 50% or more on the upper floors and residential structures within the corporate limits. The residential structures program focused on identifying properties and the potential dangers for first responders in the structures. The City was unable to effectively utilize these ordinances due to the lack of staffing.

The City revised the vacant structure ordinances in 2014 to accurately capture the concerns of the community. During this revision, we modified the region for commercial structures to be extended to the corporate limits and adjusted the fee rates for commercial and residential vacant licenses. The fee increase funded two positions with PCAD, one inspector and one administrative support position.

In 2017, the Mayor and City Council appointed the Permits Inspections Code Compliance Review Ad Hoc Committee or PICCR to review permit processes. During this review, a request was made by the Ad Hoc Committee for inspection staff to spend more time at job sites to guide projects toward completion. The inspector assigned to

vacant structures was recently vacated so in late 2018 staff shifted assignments within existing staff to create a second building inspector to address the concerns raised by PICCR and hired a rental licensing inspector to replace the one vacated by the assignment change. Our experience has shown that an effective rental licensing program requires at minimum 6 inspectors assigned to rental licensing. Coverage for the vacant structures program shifted to our part-time nuisance inspectors.

The City of Hagerstown has operated at a minimum inspector count for permit inspections. We have had one inspector assigned to the building trade, one assigned to the electrical trade, and one assigned to plumbing/mechanical trades. This inspector model had been the same since the mid-1990's. For a period of time between 2006 and 2009, the City had two building inspectors. The City established funding in 2011 to create 3 part-time positions for permit inspections. These positions were created to serve as a back-up for the fulltime staff on an as-needed basis. As previously mentioned, we returned to a two building inspector model in late 2018 to address service goals of PICCR Committee and demands of the UIP projects. We continue to have one electrical inspector and one plumbing/mechanical inspector.

By 2018, the part-time permit inspectors hired from 2011 were no longer able to work for the department due to several reasons. PCAD aggressively sought candidates to fulfill these positions in 2019. Despite attempts of seeking out candidates and advertising jobs broadly within the four state region, only one unqualified application for the 3 part-time positions was submitted.

The Code Administration inspection staffing is currently made up of 4 permit inspectors, 6 rental licensing inspectors, and 2 part-time nuisance inspectors. Since 2018 the permit inspection team has performed over 20,000 inspections. The inspection volume has increased significantly since 2018 with us projecting approximately 7,500 inspections for CY21. This is a 16% increase from last year. When a permit inspector is unavailable for inspections or the volume of inspection requests is too high in a day for an inspector, the Chief Code Official conducts those inspections.

Rental licensing inspections have remained steady. Rental inspection staff have conducted over 63,000 inspections since 2018. Staff are preparing for an increase in rental inspection requests as eviction moratoriums get lifted and inspections of never inspected units resume. Based on pre-COVID levels, we are expecting a 25% increase in rental interior inspection requests for CY21.

The 2 part-time inspectors are to work exclusively on nuisance abatement such as weeds, trash, debris, untagged vehicles, and trash enforcement. However, since there is no staffing available for vacant structures, the two part-time inspectors have been assigned to vacant structures in addition to their other duties. Vacant properties typically create nuisance conditions in our communities. Due to extended military service leave,

one of our part-time nuisance inspectors has been covering the vacant structures programs since early 2020 and been doing a commendable job with the hours available.

The vacant structures in the community are not receiving the attention they need, however. Vacant structures are a blight in neighborhoods and can attract nuisance conditions. Permit inspectors are loaded to the max every day with inspection requests which does not allow for extended time at a job site as was desired by PICCR. The Chief Code Official's availability is needed throughout the course of a day for plan review and to provide interpretations of the code while being available for architects and engineers to answer questions. Staff explored options within the existing budget to propose a budget neutral solution to meet the departments and customer's needs.

The City has budgeted for the 3 part-time, as-needed permit inspector positions with the desire of filling these positions but unfortunately, we have been unable to find successful candidates. One of the part-time Nuisance Inspector positions is funded through CDBG.

Staff's proposal is to utilize the existing budgeted funding for the part-time, as-needed permit inspector positions and the CDBG funding for one part-time inspector position to create one full-time inspector to primarily focus on vacant structures and to serve as a

back-up inspector for residential permit inspections. This proposal would reduce the budgeted part-time staff from 5 to 1 and increase the full-time staff from 20 to 21. Our part-time nuisance inspector, funded by CDBG, would be our recommendation for the new full-time position. If the staffing modification is approved, staff will follow protocol directed by the Human Resources Department.

It was the consensus to include approval of this staff modification to the April 27, 2021 agenda.

Urban Improvement Project Plaza and Cultural Trail Phase II

Rodney Tissue, City Engineer, was present to provide an update from the discussion in February, 2021 regarding the Urban Improvement Project Plaza and Cultural Trail Phase II projects. Staff is pleased that after four years of work, they have finalized the referenced project and are prepared to present the project to Mayor and Council for approval. The genesis of this project came from the Community's City Center Plan developed by Urban Partners in 2014 that was the result of broad community input. With the stadium announcement last week, this project will create the main pedestrian route between City Center and the new stadium. Staff are ready to move forward with approvals to allow the construction to be completed.

Bids were opened on April 6, 2021 for the construction of Phase II of the Trail and Plaza. The low bid was \$ 1,266,396 from Lantz Construction/Building Systems of

Hagerstown, Maryland. Most of the work will be completed by Washington County-based contractors.

To save funds and/or to maintain consistency with the first phase of the Trail, staff recommend the following contracts and purchases:

1. Pavers – to save mark up by the general contractor, staff are recommending a direct purchase of the concrete pavers from Keystone Hardscapes of Hagerstown, Maryland in the amount of \$ 12,351.27
2. Granite Insets – to save mark up by the general contractor, staff are recommending a direct purchase of the insets from Evertt Marble and Granite in the amount of \$ 2,390.00. Similar to Phase I, at the centerline of the trail these granite insets will demarcate the centerline of the trail.
3. Signs – similar to Phase I, signs for wayfinding, art, and history will be added. Staff recommend using the same vendor, Sign Here of Hagerstown, Maryland, to fabricate and install the signs in the amount of \$ 13,134.75.
4. Crosswalks- Similar to Phase I, a colorful decorative crosswalk will be added at Library alley. Staff recommend using the same vendor, Exact Stormwater Management, to install the crosswalk in the amount of \$ 8,994.00
5. Security Cameras – A purchase of \$ 75,128.79 is required from Skyline Technology Solutions of Glen Burnie, Maryland to supply security cameras for Police Department monitoring. This is a piggyback off the Carroll County Public Network and it includes the cameras and the installation of the fiber

conductor in underground conduits installed by the general contractor. The overall project includes 3 camera locations and 10 cameras.

6. City Light Purchase – City Light has requested that \$ 61,036.75 be set aside for the purchase of light poles, hand boxes, conduit. The construction contract includes the foundations and the conduit installation while City Light staff will install the conductors, lights, and energize the poles. City Light staff requests \$ 61,036.75 be approved for them to complete the acquisition of all the materials following the City’s procurement process and to cover their staff costs.
7. Trash Cans, Benches, and Dog Stations – Staff are requesting that \$ 6,000.00 be set aside for the Parks Division to purchase one trash can, one dog mitt station, and two benches per the City’s procurement policy.

The budget is as follows:

1. Program Open Space Grant (Trail portion only)	\$ 300,000
2. MHAA Grant (Trail portion only)	\$ 100,000
3. Community Legacy Grant	\$ 400,000
4. Existing City Bond Funds	\$ 198,000
5. General Fund Reserves	\$ 402,000
6. **Surplus State bond bill proceeds from BISFA project	<u>\$ 600,000</u>
Total Phase II Funding	<u>\$2,000,000</u>

The Chief Financial Officer and Mr. Tissue are concerned about the eligibility of all of the many components of the project with respect to the four grants/bond bill funds. They won't know this until they file for reimbursements. Therefore, they feel it is prudent to have some general fund cushion applied to this budget in the event the grants won't fund certain components. Obviously, all the grant funds will be spent before City funds are expended.

****City Council must approve the Grant Agreement and the sub recipient agreement from Washington County for up to \$ 600,000 in surplus State bond bill proceeds from the BISFA project that will be conveyed to the Plaza construction.**

The City has 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, likely the last week of May.

Staff anticipate receiving the State's approval of the legal documents regarding splitting the 11' wide private alley west of District Court on May 19, 2021 when the State Board of Public Works meets. Staff will use the western half of this paper alley, plus purchase an additional 10 feet from Hager5.

Approval of an ordinance is needed to accept the easement from Washington County 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: recreation purposes, gatherings, entertainment, temporary parking of school buses, tour buses, service vehicles and the like. The County will also need an easement from the City to place their dumpster on the 43/47 West Wessington Street land that is acquired from Hager5.

The City Council appointed Public Art Commission met last week and reviewed the project and walked the site. They considered possible future art including murals, sculptures, and other ideas. Their recommendation is that the City issue a call for artists through the Arts Council to add an aerial sculpture that could have a transformative effect on the space and this portion of the Trail. Using the available traffic signal poles from the East and North Avenue's traffic conversion, a piece would be elevated above the Trail and Plaza. Staff suggest a budget of \$ 50,000.

Staff is recommending that the plaza be given a name. They are suggesting "Hatter's Plaza" capitalizing on the historical theme of the site as the home of the Updegraff family clothing business for many decades in the 19th and early 20th Centuries. Along the streetscape of West Washington Street, a wall will be constructed that approximates the front façade of the original building that stood on the site (recently removed), as it appeared from the 1820's up to the beginning of the Civil War when a third story was

added. A large sign in the shape of a top hat (similar to the one that was there years ago) will be added to the façade wall directing people to the plaza.

Staff foresee the following project milestones:

1. May:
 - a. Submit bids and documents to Maryland Department of General Services for review
 - b. Execute all grant agreements
 - c. Hold land closing with Hager5 after grant agreements are executed
 - d. Introduce ordinance for county dumpster easement
2. June- September: Construction

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 with.

Mr. Tissue pointed out this project is about 70% grant funded. He anticipates having the grant agreement ready for the Mayor and City Council's approval on April 27, 2021.

Councilmember McIntire asked if it would be possible for Leadership Washington County to place a time capsule along the trail to highlight what happened during 2020 and to their class. Mr. Tissue stated this could be incorporated in the trail.

It was the general consensus of the Mayor and City Council to move forward with an outlined plan and approvals as discussed.

Special Events Guidebook

Kitty Clark, Community Events Coordinator, was present to review a Special Events Guidebook. If acceptable, a vote to approve this guidebook will be scheduled for April 27, 2021.

The guidebook and correlating application, event agreement, and permit, have been developed over the last several years by an interdepartmental group made up of the City Administrator and staff from HPD, Fire, Public Works, Parks and Engineering, Safety and Risk, and Community and Economic Development. The information contained in the Guidebook is not new; until now, the information has been conveyed to event organizers during logistics meetings and questions from organizers were addressed as they arose. The goal with this guidebook is to have the most pertinent information contained in one document that can be shared easily to any individual or organization considering doing a special event of any kind. It stresses the need for advance planning, while providing thorough information and relevant resources to ensure optimal success

for any event organizer. It should be noted that these materials do not replace but rather complement meetings between event organizers and the City Logistics Committee.

Additionally, the application, agreement, and permit process provide a way for staff to understand the scope of a proposed event from the beginning of the process and maintain checks on an event during the planning and implementation phases. A Special Event Permit would be issued upon successful fulfillment of requirements stipulated in the Special Event Agreement.

The table of contents demonstrates the range of information covered, and the addendum provides useful sample plans and documents to serve as a reference for event organizers. Depending on the type and size of the proposed event, not all information is relevant to all organizers. The table of contents will direct people to those areas that relate to their event.

As we emerge from the pandemic, we expect increased interest in special events. The approval, publications, and distribution of this guide is timely, and staff are optimistic that it will encourage event organizers to plan events in Hagerstown by providing useful step-by-step information.

The Mayor and City Council agreed this will be a beneficial document for future events. Approval of the guide will be included on the April 27, 2021 Regular Session agenda.

Request for Exception to City Water and Wastewater Policy – Taylor Bowen, Citicorp Drive/Breeze Hill Drive

Doug Reaser, Business Development Specialist, was present to review a request for an exception to the City's Water and Wastewater Policy as a vital economic development project or an economic development project located in the targeted economic development area at the airport, as delineated in the County's 2002 Comprehensive Plan (Exception #6).

Taylor Bowen, Developer, is proposing a speculative industrial warehouse at the Airport Business Park (14735 Citicorp Drive, Hagerstown, Maryland) on approximately 16 acres. The investment is anticipated to be \$ 8 million to \$ 10 million, including land and improvements. An estimated 25-40 jobs will be created. The speculative nature of the building makes it difficult to estimate the water use but anticipated use of 400 gallons per day (based on similar warehouses) is expected. The expected construction schedule is June, 2021 through June, 2022.

The Community and Economic Development and Utilities Departments recognize that water serves are available to the parcels and support the consideration of the Mayor and City Council for the exception being requested for this economic development project. This parcel was previously approved for the exception under Utility Keystone.

Approval using this exception is contingent upon the recommendation of the Board of County Commissioners (approval attached with the packet documents) and the County Economic Development Director, as well as the City Economic Development Director and the City Utilities Director; and upon the approval of the Mayor and City Council. Mayor and City Council approval will be contingent upon receiving a copy of a recorded Pre-Annexation Agreement.

The memo for the meeting material provides the recommendation of the City Economic Development Director and the City Utilities Director.

Councilmember Aleshire asked if this in one of the areas that the City indicated they would look at with County staff and determine where service boundaries would be adjusted. Mr. Reaser indicated this was discussed with County staff last year and this parcel is in Area B1.

It was the general consensus to add approval of the exception to the April 27, 2021 Regular Session agenda.

CITY ADMINISTRATOR'S COMMENTS

Scott A. Nicewarner, City Administrator, stated the Event Guidebook is a result of many meetings. The guidelines protect the City assets and resources as well as those hosting an event. The guidelines also provide a consistent process for reviewing event requests. He thanked Ms. Clark for her work on the book. He anticipates there will be many events soon.

He congratulated the City for being designated as a Maryland Plant Community.

Earth Day will be celebrated on April 24, 2021 at the Hager House. The Hagerstown Youth Advisory Council, Antietam Watershed Alliance, and Department of Natural Resources will also be participating.

The first Music on the Square event will be held on Friday, April 23, 2021 from 5:30 p.m. to 7:30 p.m. Music will be provided by The Missing Years band.

Imagine Hagerstown's Fourth Fridays events begin on May 28, 2021 at University Plaza. It is exciting to know there will be something happening downtown every weekend for the next three months. He is looking forward to a fun summer in Hagerstown. Events at University Plaza will be COVID friendly. People can bring their own food to the concerts.

MAYOR AND COUNCIL COMMENTS

Councilmember K. B. Aleshire had no additional comments.

Councilmember S. McIntire would like to revisit the plan to make East and North Avenue one way. She has received many comments on this. She asked that a larger area of residents be surveyed. Councilmember Bruchey does not think additional study is needed. Councilmember Burnett and Councilmember Martinez support another survey of the community.

Councilmember T. Martinez had no additional comments.

Councilmember T. Burnett enjoyed a fun, social weekend visiting downtown restaurants. The Dog House is hosting a comedy show on May 15, 2021 that will be a fun event.

Councilmember R. E. Bruchey, II reiterated he is opposed to doing another survey of the neighborhood at East and North Avenue. This has been discussed for more than 20 years. It isn't logical to him why people wouldn't be willing to go one block further or to use John Street to reach their destination. He is interested in knowing how many panhandlers are actually from this area. They come here because of all the services available. He saw five people in the median at Eastern Boulevard and Dual Highway who were obviously taking turns asking for money. He hopes the new signs help the situation. He would rather give to agencies that provide assistance to the community than hand money to someone along the streets.

Mayor E. Keller stated the Mayor and City Council really want to meet with the Board of County Commissioners to discuss issues and to settle the differences. City

representatives have tried talking to Commissioners, emails have been sent, and staff have emailed County staff. There has not been a meeting scheduled yet. She stated she

had to get creative with an invitation to meet so she and her 13 year old daughter created a Tik Tok video. The video, inviting the County Commissioners to meet, was shown at the meeting.

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 6:38 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler

SPECIAL SESSION (10TH VOTING SESSION)
EXECUTIVE SESSION AND WORK SESSION
2021
MAYOR AND CITY COUNCIL

APRIL 20,

HAGERSTOWN, MARYLAND

City Clerk

Approved: May 25, 2021