

JOINT MEETING WITH BOARD OF WASHINGTON COUNTY COMMISSIONERS, EXECUTIVE  
SESSION AND WORK SESSION  
2021

JULY 20,

MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

JOINT MEETING WITH BOARD OF WASHINGTON COUNTY COMMISSIONERS,  
EXECUTIVE SESSION, AND WORK SESSION – July 20, 2021

EXECUTIVE SESSION – July 20, 2021

On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember T. Martinez, the Mayor and City Council unanimously agreed by voice vote of all members present 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)), on Tuesday, July 20, 2021 at 2:04 p.m. in the Council Chamber, 2<sup>nd</sup> floor, City Hall, Hagerstown, Maryland. Councilmember K. B. Aleshire was not present at the time of the vote. Councilmember S. McIntire was not present for the meeting.

The following people were in attendance: Mayor E. Keller, Councilmember K. B. Aleshire, Councilmember R. E. Bruchey, II, Councilmember T. Burnett, Councilmember T. Martinez, Jennifer Keefer, City Attorney, Jason Morton, City Attorney, City Administrator Scott Nicewarner, Michelle Hepburn, Chief Financial Officer, Jill Thompson, Director of Community and Economic Development, Kathleen Maher, Director of Planning and Code Administration, Nancy Hausrath, Director of Utilities, Rodney Tissue, City Engineer, Doug Reaser, Business Development Specialist, Stephen Bockmiller, Development Planner/Zoning Administrator, Jason Divelbiss, JD Law Company, Inc., Wes Decker, Communications Manager, David Strouse, Harris Lapato, Fred Frederick, Mike Nalepa, two guests of Harris Lapato, Tony Brown, Henry Brown, Greg Snook, and Donna K. Spickler, City Clerk.

The meeting was held to discuss six, separate business proposals. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 3:53 p.m.

WORK SESSION – July 20, 2021

Mayor E. Keller called this Work Session of the Mayor and City Council to order at 4:06 p.m., Tuesday, July 20, 2021 in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, R. E. Bruchey, II, T. Burnett, and T. Martinez, City Administrator Scott A. Nicewarner, and City Clerk D. K. Spickler. Councilmember S. McIntire was not present.

Joint Meeting with the Board of Washington County Commissioners

The Mayor and City Council met jointly with the Washington County Commissioners on Tuesday, July 20, 2021 at 4:00 p.m. at City Hall, 1 E. Franklin Street, Hagerstown, Maryland. The following people were also present: Washington County Commissioners Jeffrey Cline, President, Terry Baker, Vice President, Wayne Keefer, Randy Wagner, and Charles Burkett, John Martirano, County Administrator, County Clerk Krista Hart, and Kirk Downey, County Attorney.

Mayor Keller stated the 911 Center Payment for FY20 was made immediately following the joint meeting on May 11, 2021. The County and City Administrators and Chief Financial Officers have met to discuss various topics as directed by the group on May 11, 2021. She stated the next question from the City is why the Hagerstown Police Department and the Hagerstown Fire Department are required to pay extra for use of the 911 Center. She recommended scheduling a presentation about the operation of the 911 Center and the associated operating costs, in particular costs specific to Hagerstown public safety.

Mr. Martirano confirmed both County and City staff met. He stated this is a big issue for the County and staff plans to move forward with Mr. Nicewarner's recommendation to have an annual discussion of how the 911 Center operates and the costs associated with the operation. It is important to get this issue resolved with a formal agreement.

Mayor Keller stated an open discussion that is transparent will be beneficial.

Commissioner Baker asked if staff discussed an agreement. Mr. Martirano indicated they did talk about an agreement but no agreement was drafted. He is not aware of prior meetings to discuss the issue.

Mr. Nicewarner stated there had been a tour of the 911 Center. Neither government can continue to go without an agreement for the 911 Center fees and only rely on minutes of discussions from twelve years ago.

Commissioner Cline stated he wants staff to meet and develop a draft agreement for consideration.

Commissioner Wagner stated his wife asked that a definitive time be set for review of an agreement as it seems the last meeting was just a meeting to agree to meet again.

Mayor Keller stated the next topic is the Tax Differential. Staff met and have discussed including fire service costs in the City of Hagerstown's differential. Hagerstown's fire service costs are not currently included in the tax differential. If the \$ 10.2 million cost for fire coverage that City taxpayers fund would be part of the calculation, it would likely result in a one to two center reduction in the differential.

Mr. Nicewarner noted the tax differential is already set for the current tax year. He recommended resolving the 911 Center costs and then focusing on the differential calculation.

Mr. Martirano agreed that the 911 Center fees are the top priority. County financial staff are reviewing the numbers used for the differential. There is a process the County is to follow for the differential and there are to be discussions about the calculations. Any agreement or revision would be for the next tax year.

Commissioner Wagner suggested taking the next three months for presentations for scenarios for the 911 Center and then discussing the tax differential during the next six months.

Mayor Keller supports that schedule.

Councilmember Bruchey asked if the County has to obtain approval from the State of Maryland for any changes in the differential. Commissioner Cline indicated they do not.

Mayor Keller stated the next topic the City would like to discuss is a governance model for fire service operations in Washington County. She distributed an organizational model that she and City staff feel would be a fair representation of the members of the fire service in the County. The City has repeatedly requested to be part of the governance for fire service but that has not been granted. This model would represent the members fairly so that all have input into fire operations. Fire Chief Steven Lohr was present to answer questions.

Commissioner Wagner asked what would happen with the Washington County Fire and Rescue Association (Association) and the Emergency Services Advisory Committee (ESAC) under this model. He asked how much power would be given to the governance.

Mayor Keller stated she believes the ESAC would be replaced by this advisory board. If asked if ESAC has been effective, she would say it has not.

Chief Lohr stated this model is intended to be the beginning step for discussion, not necessarily the final product. This model would geographically balance input from all end users. It is based on a plan which separates the County into battalions. He thinks EMS should also be represented. From the City's perspective, the current model doesn't work. It was designed in the World War II era when volunteers were the fire representatives.

Commissioner Wagner asked where the Association fits into this model. Chief Lohr indicated they would be represented in the area designations, in an advisory capacity. He reiterated this proposed model is to be a starting point, not the end product.

Mr. Martirano stated staff met on a number of issues and talked generally about fire service. He stated he has not seen this model. He appreciates that it is a starting point but the it will have to be worked through.

Commissioner Wagner is concerned about the word governance. Mayor Keller stated the name could be changed.

Chief Dave Hays stated the document was looked at approximately two years ago. It was a conversation about morphing ESAC into more of an advisory board. One thing to establish is that this would not be a day to day operations model. It would be more for strategic considerations. This is similar to a model in Frederick County.

Mr. Martirano noted that the elected bodies are the ones making the final decision.

Mr. Nicewarner pointed out the document is called a governance model because the elected boards are included.

Dale Fishack, President of the Association, stated volunteers have a place at the table. There have been significant changes in Washington County with paid personnel being added. As the make-up of service changes, operations also need to change. The system is either augmented with the volunteer system or vice versa. He applauds the discussion today. Volunteers need a place at the table and no one here would say they are not needed. Everyone involved with providing fire service – career and volunteer, the County and the City – need to work together. He encouraged determining a time line for developing the parameters for this type of model.

Mayor Keller stated important decisions about funding will have to be made and she would prefer to hear directly from those providing service of what funding is needed. She asked if a committee should be formed to review this.

Commissioner Burkett asked who developed this model. Chief Lohr stated it is a hybrid plan from modifications of four different systems. This is an expanded version of the transition from Montgomery County from decades ago. They had to grow within the demands on the system. COVID was a challenge on the system. Tornado touch down possibilities are a challenge on the system. Everyone has to work together to share resources and respond to citizens' needs. This model is currently based on committees. He participated in ESAC as did Councilmember Aleshire and Mayor Keller. Commissioner Cline, Commissioner Keefer, and Commissioner Wagner have also participated. He does not believe ESAC is effective.

Commissioner Burkett asked Chief Lohr if he could work with County staff. Chief Lohr indicated he does every day.

Councilmember Bruchey thinks the biggest concern is that the City has tried to offer input (through ESAC) but were basically told their input was not wanted.

Chief Lohr stated it was never the intent of this proposal for the Fire Chief or Director of County Emergency Services to have a vote in the model. They are obligated to report the facts to the leaders and citizens. Chiefs do not have a vote in this model.

Mayor Keller recommended Chief Lohr, Chief Hays, and Mr. Fishack be the committee to begin developing a model for Washington County fire services. Chief Lohr stated EMS should also be included. Mayor Keller suggested this group work on editing this document and have it ready for the next joint meeting.

Commissioner Cline asked that an agenda be created for the next meeting so citizens know what will be discussed.

Mayor Keller noted this completed the follow up from the last joint meeting. She asked what the County Commissioners would like to discuss.

Commissioner Cline stated an agreement for the 911 Center costs need to be finalized.

Mayor Keller suggested the next joint meeting be held either on October 12, 2021 or October 19, 2021 and include review of an agreement during the discussion. She suggested discussing the tax differential three months later, and then reviewing the governance model after that.

Mr. Nicewarner stated he and Mr. Martirano discussed the American Rescue Plan Act (ARPA) funding. Both the City and the County have lists of potential projects. Congressman Trone held a meeting recently to provide information on the funding. Mr. Nicewarner believes it would be good for the City and County to work tougher on projects and determine how to combine their respective funding to make a bigger community impact. Staff has tentatively planned to meet in August to review the lists and prioritize projects.

Mr. Martirano indicated the County has been talking about potential projects at the staff level, along with some Commissioners. He intended to have a discussion with the Commissioners in August. There are also discussions planned with other municipalities for partner projects.

Councilmember Bruchey asked that this be added to the October joint meeting also. Mr. Nicewarner indicated project costs need to be estimated and this could be a good time frame for those estimates. Councilmember Aleshire had a good suggestion to make lists based on needs, wants, and wishes. When the projects are costed out, the elected bodies will make final decisions on projects to move forward with.

Commissioner Cline stated Congressman Trone indicated there may be other funding available. Mr. Martirano stated everyone is working with Congressman Trone's office on all the projects.

Mayor Keller pointed out the Mayor of Rockville said she is looking at projects as a generational change. Mayor Keller thinks this is an opportunity to make those changes. If all municipalities and the County work together, they can do great things.

Councilmember Aleshire stated he approached the County several weeks ago regarding State Local Parks and Playground Infrastructure (LPPI) funding. The legislative body for the State identified that what kept folks grounded during the 14 month pandemic were the parks and recreational opportunities across the State. One thing government did well was keep recreational areas and parks open and set aside an additional \$ 78 million that was divided among the counties in Maryland. Most County jurisdictions understood the parameters and shared the funding with municipalities. One caveat in Frederick was that Program Open Space (POS) funding was slightly

MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

diminished. However, there was a significantly higher grant through the LPPI. The State did this purposefully because there are additional criteria for the funding that are not required with POS funding. Frederick County divided the \$ 6 million they received with the 12 municipalities in Frederick County. Washington County received \$ 1.5 million. In his opinion, a project that meets all the criteria for the funding is the Skate Park that is planned for Fairgrounds Park. It is shovel ready, 100% accessible to the public, has a 15 year life cycle, and it is on publicly (City) owned land. The LPPI is a grant of 100% with no required match. He asked that the Commissioners consider assisting with this project by providing some of the LPPI funds. He pointed out this is a project the community wants – there were 150 people at the design kick-off meeting.

Mayor Keller stated there were new people at that meeting. Everyone is looking forward to breaking ground on the skatepark project. She knows a request of \$ 150,000 from the Convention and Visitors Bureau was removed from the Commissioners agenda. She stated any assistance from the County for the skatepark will make it possible to have a really, really, really cool skatepark rather than just a really cool skatepark.

Commissioner Burkett supports the skatepark.

Councilmember McIntire stated it has been said if you don't have a skatepark, your town becomes a skatepark.

Commissioner Cline stated there was \$ 150,000 on the POS list.

Mayor Keller knows Mr. Spedden requested \$ 150,000 from hotel/motel tax revenue, and that revenue is higher than it was in 2019.

Commissioner Cline pointed out the County supported the CVB by providing \$ 300,000 to \$ 400,000 for marketing from the CARES Act funding.

Commissioner Keefer had the opportunity to tour the future site of the skatepark and he agreed it is a great project. It taps a demographic that hasn't been served with a recreational outlet. The energy behind this project is phenomenal. He will support the project.

Mayor Keller pointed out the skatepark will be an all-wheel park, which includes wheelchairs. She appreciates Commissioner Keefer's support.

Mr. Martirano noted the Commissioners took action on the \$ 1.5 million LPPI funding earlier today. Some of the funding will be used in County parks across the County and for projects in several municipalities, including one in Hagerstown. There are also projects in Williamsport and Smithsburg.

Commissioner Keefer noted part of the funding will be used for playground equipment upgrades at Marty Snook Park.

A five minute break was taken at 4:55 p.m.

### Request for Third Parking Deck

Rodney Tissue, City Engineer, and Greg Snook, Hager 5, LLC, were present to discuss a third parking deck. Mr. Snook sent an email to the City on June 24, 2021 noting that Hager 5 is interested in talking with the Mayor and Council about ideas for the next deck on Antietam Street.

Mr. Snook stated he is representing Hager 5 during this discussion. Hager 5 recognizes the need to start discussions about the next parking deck. Hager 5 is open to talking about the deck being located on Antietam Street and the group would like to continue to be part of the progress downtown and keep the momentum going. There is no outside funding for this project. They anticipate it would be a public/private partnership.

Mr. Tissue indicated that typically, to size a deck like this, a parking analysis is completed to determine parking needs. Not only should the stadium traffic be considered but also current demand, future redevelopment requiring parking, and time-of-day demands. He estimates the cost of this study to be approximately \$ 15,000.00 or less than 0.5% of the overall project cost.

Councilmember Aleshire pointed out he has always said the City's obligation for the stadium project would be parking.

Mr. Snook stated the small parking lot owned by Hager5 on Antietam Street is always full. There will be a need for more parking.

Councilmember R. E. Bruchey, II stated this has been considered for many years. Aside from the economic catalyst that is being placed downtown, he has said to redevelop Summit Avenue, Washington Street, and Antietam Street, more parking is needed. At least one restaurant left downtown due to lack of parking. A third deck is projected in the budget for FY24. He thinks it should be sooner than FY24.

Mr. Snook stated people have approached Hager 5 looking for parking spaces for rent. He anticipates the requests will increase.

Mayor Keller agrees there is a need for additional parking and it should be addressed sooner rather than later. However; the deck shouldn't be over built. She wants people to stay downtown and visit businesses and restaurants.

Mr. Snook thinks the stadium is being designed to disperse some of the team traffic in different places.

It was the general consensus to have a traffic analysis completed for additional information.

Strategic Planning Information – Hagerstown Housing Authority

Mayor Keller stated she invited Sean Griffith, Executive Director, Hagerstown Housing Authority (HHA), to provide an overview of the services provided by the HHA in response to the results of the Community Survey.

Mr. Griffith stated the HHA is committed to providing quality, affordable housing in a safe environment. Through partnerships with residents and other groups, they will provide opportunities for those they serve to become self-sufficient.

The Housing Authority of the City of Hagerstown was created in 1949 by resolution of the Mayor and Council due to the need for affordable housing for low income families. Since that time, the role of this agency has changed to meet the needs of the community and the people they serve. Although the HHA is not part of the City of Hagerstown, the Mayor appoints their board members. The HHA has 85 employees.

Mr. Griffith stated there are wait lists for housing under the Low Rent Family, Low Rent Elderly, and Housing Choice Voucher programs. The number of applicants for each program is more than 4,000 and up to 6,500. Applications are reviewed and scored based on a number of criteria. Phone interviews are scheduled to determine initial eligibility. Applicants must meet the HUD Income Limits, cannot have a record of drug or violent criminal activity, be a U.S. Citizen or an eligible Immigrant, not been evicted from public housing, and cannot have dealt with another housing authority.

Councilmember Aleshire asked if the wait lists are purged. Mr. Griffith indicated they are and the numbers on the wait list are at the same levels within a short time. He stated preference points are given based on individual situations so it would be difficult to say how long it takes for someone to reach the top of the list. Elderly residents are usually on the wait list for shorter periods of time. Prior to offering a unit to an applicant, the HHA completes an extensive background check.

The Housing Choice Voucher program allows private landlords to rent apartments and homes at fair market rates to qualified low income tenants, with a rental subsidy administered by the Housing Authority. “Section 8” is a common name for the Housing Choice Voucher Program funded by the U. S. Department of Housing and Urban Development.

Mayor Keller pointed out the landlord cannot refuse the Housing Choice Voucher. Mr. Griffith stated there is a pending law that states a tenant cannot be denied based on their income source.

Mr. Nicewarner asked if the HHA has inspection rights if a tenant is at a private residence. Mr. Griffith indicated they complete an initial inspection and do a recheck every couple of years. Mr. Nicewarner asked if the unit is inspected at turnover. Mr. Griffith stated it is.

Mr. Griffith stated the tenant finds their own place to live under this program. This has become problematic and there are 150 people unable to find housing at this time.

Councilmember Burnett asked what results of a criminal background check disqualifies someone from the program. Mr. Griffith stated they are prohibited by Federal law from housing anyone that is manufacturing CDS or registered sex offenders. Multiple second degree assault charges would prompt a detailed review. HHA reviews applications on a case by case basis. A Driving Under the Influence (DUI) would not disqualify a tenant.

For public housing, the HHA is the owner and manager of the property. There are specific HHA and tenant obligations under all the programs administered by the HHA. The HHA receives great review scores from HUD each year.

Mr. Nicewarner asked what happens if the tenant does not comply with the requirements. Mr. Griffith indicated a tenant would receive a letter about the issue and if they fail to rectify the issue, it could eventually lead to termination of the lease. There is also a grievance process in place.

Through the Capital Improvements Program, the HHA completes miscellaneous upgrades throughout their communities related to exteriors. These include siding upgrades, roof replacements, and upgrades to door locks.

Security enhancements include new cameras and updating of access controls systems at various locations. More cameras are planned with access for HPD.

The Family Self Sufficiency (FSS) Program is a 5-year, voluntary program designed to provide individual case management services to residents for the purpose of achieving self-sufficiency. Goals are established based on the individual's needs. As rent increases due to earned income increasing, a matched amount of the increase is placed in an escrow account. There are currently 128 participants in the program. There are 118 graduates, and 21% of them are now homeowners. HHA works with over 30 agencies to provide services to residents and meets with local agencies quarterly to meet the needs of residents.

Mayor Keller pointed out one of those graduates will soon be opening a business downtown.

Mr. Griffith stated housing authorities have been underfunded for many years. Capital funds are shrinking and they have to do more with less funding. Changes in funding

streams are from private investors, tax credits, and from partnering with developers. They are looking at creative ways to bring in de-federalized funds.

Current projects include redevelopment of Noland Village, completing McCleary Hill, and work on Maryland Heights. HHA applied last year for competitive state funding but was not successful for Maryland Heights. They will submit a new application in August for non-competitive state funding.

Councilmember Burnett asked if Noland Village's current tenants will be eligible to return to the development when it is complete. Mr. Griffith stated the Federal government says they have the right to return to a new unit in the new development.

HHA manages 1,599 units. This will decrease by 250 when Noland Village is complete.

Councilmember Aleshire stated there is a misconception of what the Housing Authority is. HHA is clearly a necessity within this community to properly serve citizens. Since he has served as the Council liaison to the HHA, he realizes it functions much better than a great deal of private housing. The misconception of public housing is not true. People think he is opposed to public housing but that is not true. It is important to convey to the community, and everyone, that Hagerstown is doing more for its citizens in need of housing than many other local jurisdictions. Hagerstown has more low income housing than Cumberland and Frederick combined. Hagerstown has more of this type of housing than in the entire Frederick County jurisdiction. The HHA is a good and necessary organization that provides a good and necessary function. As Hagerstown has a larger proportion of low income housing, he appreciates the level of accountability the HHA brings to the community.

Mr. Griffith stated Annapolis has as many public housing units as Hagerstown does but they are not all housing authority managed.

Mayor Keller stated there was a police report of crime in public housing distributed several years ago. The actual statistics show there is not more crime in Section 8 housing units.

Councilmember Bruchey clarified that the HHA is not advertising in Baltimore and other jurisdictions that people should come to Hagerstown for public housing. Mr. Griffith stated they do not advertise. He indicated his predecessor did but this has not happened since he has been the Director.

Councilmember Burnett thanked Mr. Griffith for providing this information.

Councilmember Martinez asked if security is specific to locations. Mr. Griffith stated security operations are rotated throughout the system. If there are problems, they will focus on that area.

Mayor Keller announced that Citizen Comments for the July 27, 2021 Regular Session will be welcome either in person or by submitting comments by email to [councilcomments@hagerstownmd.org](mailto: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.

### **Consent Agenda**

#### **A. Information Technology:**

1. VX-Rail 5<sup>th</sup> Server Node – Mavenspire, Inc. (Annapolis, MD) \$ 33,148.24
2. Tennable Nessus Vulnerability Management Tool – Software House International, Inc. (Philadelphia, PA) \$ 13,096.11

#### **B. Engineering:**

1. Change Order for On-Call Services during Final Implementation of Stormwater Utility -Wood Environment & Infrastructure, Inc. (Chicago, IL) Not to Exceed \$ 20,000.00
2. Design of Retrofit of MKS Business Park Stormwater Basin – Triad Engineering, Inc. (Hagerstown, MD) \$ 47,100.00
3. Replace Sidewalk and Stabilize Bank along Pangborn Boulevard – C. William Hetzer, Inc. (Hagerstown, MD) \$ 161,295.00

#### **C. Human Resources:**

1. Liability and Property Insurance – Local Government Insurance Trust (LGIT) (Hanover, MD) \$ 479,211.00

#### **D. Utilities:**

1. Electric – Reconditioned Substation Transformer – Solomon Corporation (Solomon, KS) \$ 86,000.00
2. Water - Double Check Detector assemblies – Core & Main (Martinsburg, WV) \$ 53,134.56
3. Water – Emergency Repair of the Mack Water Tank – Corrosion Control Corporation (Pedricktown, NJ) \$ 74,830.00
4. Water – Programable Logic Controller Upgrade – Rexel, Inc. (Hagerstown, MD) \$ 52,580.97
5. Water – RCW Water Plant – Filter Removal and Replacement – HRI Bridge Company (State College, PA) \$ 619,265.00
6. Wastewater – Submersible Pumps – Sherwood Logan and Associates (Annapolis, MD) \$ 31,260.00

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

### **Public Art Projects**

Rodney Tissue, City Engineer, was present to review additional opportunities for public art in the downtown. Over the past few years, staff has worked with the Washington County Arts Council and the City Council-appointed Public Art Commission to facilitate the installation of public art in the downtown. The community can now boast that there are 23 unique and noteworthy pieces of public art in the public spaces of Hagerstown.

The Commission (Alexis Broder, Mary Anne Burke, Sarah Hall, Alizah Lathrop, Aaron Peteranecz, and Cassandra Thomason) offer the following recommendations to add more art to downtown:

1. Aerial Art on New Phase of Cultural Trail: As part of the UIP Plaza/Cultural Trail expansion, a public art component was included in the approved budget for \$ 50,000. The Commission reviewed the options and recommending aerial art for the space between buildings on West Washington Street. After reviewing the submissions and interviewing the artists, the Commission is recommended selecting Mark Schwenk of Frog Valley Artisans in Berkeley Springs, WV. The sculptures are assorted flowers and butterflies. Staff are recommending entering into an Artist's Agreement with Mr. Schwenk.
2. Lee Street Screen Art along Cultural Trail: John Barr, who is by far the most generous private contributor to the City's public art program, developed another project on the south side of Lee Street at the Cultural Trail. Mr. Barr constructed a concrete wall with a decorative expanded metal screen system and is offering it to the City to attach art to.

Since this is a relatively small budget installation, the City's contact at the Maryland State Arts Council recommended artists Carol Jarvis and Gregory Gannon. The Commission recommends entering into an Artist's Agreement with them to install a floral pattern on the screens.

3. Faces of Hagerstown: The Arts Council currently has a call out for photographs to be installed along the District Court in the new section of the Cultural Trail and Arti's Alley. To date, 30 photographs from 11 different photographers have been submitted. The Commission decided to extend the call to October 1, with a Spring 2022 installation. Expenses will be around \$ 3,000 to \$ 5,000 and it will also be funded by CIP #868.
4. Replacing the Colorblind Mural on West Washington Street: This mural, painted by school students in the 1990's, has significantly deteriorated in the last few years and is severely stained by rust from the steel railroad bridge above and should be replaced. The Commission suggests a mural that is engaging, interactive, and seeks to strengthen the message of tolerance and inclusiveness that the earlier mural aspired to create. The new installation should thoughtfully address current social concerns.

To try to do anything ON the bridge abutments themselves is not recommended due to the chronic rust staining potential and obtaining railroad approve. It may be a better idea to place panels in front of the wall, mounted in the sidewalk. This location has over 10,000 vehicles a day passing by making it a good location for a large-scale, 40' long by 8' high mural. Lighting could be improved by City Light similar to the work they did on the West Franklin Street overpass.

The Commission is recommending a call for concepts and have a jury select the artist. The artist's concept must be fully developed and when the artist is selected, staff recommend applying for a \$ 20,000 Public Art Across Maryland (PAAM) grant that would fund the art and panels (\$ 9,000) and the billboard-like structure (\$ 11,000).

Mayor Keller stated people asked her to have the Colorblind Mural fixed when she was elected in 2016. She supports all four recommendations.

Councilmember Burnett asked if the lighting will be improved so the art can be seen. Mr. Tissue stated there will be lights on the poles for the aerial sculpture and there are lights on the screen installed by Mr. Barr. There is no lighting planned for the Faces of Hagerstown. Lighting under the West Washington Street overpass will be like the lighting under the West Franklin Street overpass.

It was the general consensus of the Mayor and City Council to move forward with the recommendations as presented.

#### Historic City Farmers Market Update

Kitty Clark, Community Events Coordinator, and Cathleen Miller, Farmers Market Coordinator, were present to provide an update on the operations of the Historic City Farmers Market and to seek direction on reinstating vendor fees at the Market.

Ms. Miller, who has been the Farmers Market Coordinator since August, 2020, reported the number of vendors in the Market has increased. There are currently 25 vendors selling a variety of goods, including prepared food, baked goods, teas, produce, meats, cheeses, microgreens, mushrooms, preserves, pottery, candles, jewelry, pillows, and other handcrafted items. Fourteen of these vendors were there prior to August, 2020. Nineteen new vendors have started since August, and 8 of those have left for reasons including change of business plans, returning to pre-Covid weekend vending opportunities, and moving away. There has been steady interest from potential vendors, and vacant booth space has filled quickly.

Several special events took place in FY21, including Fall Fest, Christmas at the Market, Spring at the Market, Carnival at the Market, and a Vendor Yard Sale. Attendance at each was approximately 300 people. Promotion of these events was done via advertisements in the Herald Mail, boosted Facebook posts, and print fliers. Events

MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

included door prizes, goody bags for children, and appearances by Santa at Christmas and a magician at the Carnival. Additionally, external groups such as the US Census Bureau, voter registration groups, and health care organizations used a table at the Market to share relevant information to Market customers. The Market also hosted a Toys for Tots collection box.

Several physical changes to the Market House have been made in the last year to improve the overall aesthetic and to increase safety.

The Market recently became part of the Maryland Market Money (MMM) program through a trial arrangement with the County. This program, coordinated statewide by the Southern Maryland Agricultural Development Center (SMADC), serves farmers markets across the state. Its goal is to amplify benefit programs including the Supplemental Nutrition Assistance Program (SNAP) and the Farmers Market Nutrition Program (FMNP) by providing matching amounts for each dollar that a SNAP/FMNP customer uses at the Market. This win-win program gives SNAP customers, many of whom live in food deserts, more buying power; and it gives vendors selling SNAP-eligible food the opportunity to sell twice as much product and earn more income. The City's arrangement with the County, as spelled out in a Memorandum of Understanding, is as follows:

1. The County manages the grant funds from SMADC.
2. The County manages the tokens that are used in the program.
3. The County has hired, pays for, and supervises a program manager, who is at the City Farmers Market from 8:00 a.m. to 12:00 p.m. from July through the end of October.
4. The MMM Manager is responsible for all transactions and record keeping.
5. The County provides a check to the City on a monthly basis from which the vendors are reimbursed for their SNAP sales.
6. At the end of the trial period, City staff will evaluate the program's impact and explore options about continuing the program under a City agreement with SMADC.

The Market has operated rent-free since July 1, 2019, a direction given by the Mayor and Council at that time. This correlated with the approval of updated Market Guidelines and Application. The number of vendors at the Market has increased since then, especially since the Farmers Market Coordinator was hired in August, 2020. However, expenses of Market operations and maintenance of the building have not decreased. The net cost of the Market has increased 32% since FY17.

Pros of reinstating fees lowers the net cost of operating the building and the Market, puts a value on booth space, and encourages vendor entrepreneurialism. Cons of reinstating fees are potential departure of vendors due to booth expense, potentially more challenging to recruit new vendors, and more staff time required for billing and collections. An additional point of consideration is that the Market House is on the City's Competitive Negotiated Sale list.

Previous booth rates were \$ 75/quarter for a 6 foot booth at a wall space and \$ 63/quarter for a 6 foot booth not at a wall. Additionally, all vendors paid \$ 33/quarter for electric regardless of location or number of booths. Prior to 2019, there had been preliminary work done to transition to a fee based on square footage. Shifting to a square footage fee model would result in a more equitable fee and truly capture the amount of space any one vendor is utilizing; however, it will require staff time to work out and implement, including a reorganization of the space.

Mayor Keller prefers to leave the Market rent free, as she would rather provide a starting opportunity for vendors.

Councilmember Aleshire asked how many more vendors there are now at the Market. When the decision was made to make the spaces rent free, it was for the purpose to remove impediments for vendors and to boost interest.

Ms. Clark will get that information for Councilmember Aleshire. She noted since she has been working with the Market this is the highest number of vendors.

It was the general consensus to keep the Market's vendor spaces rent free.

#### Hamilton Hotel Building Stabilization Funding

Jill Thompson, Director of Community and Economic Development, was present to provide an update on the Hamilton Hotel Building at 86-98 W. Washington Street and to discuss a potential financial incentive to Ash Azadi of Ares Investment Group, LLC for the stabilization of the building.

The Hamilton Hotel renovation project involves the creation of 7 commercial units and 37 residential units. The building is 55,000 sf and the project was originally estimated at \$ 2.5 million. As a result of the partial building collapse, the cost of the project may be more than \$ 3.5 million and possibly in the range of \$ 4 million - \$ 5 million.

The cost estimate for stabilization work that would bring the building to a stage of re-occupancy and would reopen the road is \$ 716,106. This work would also permit occupancy of part of the building.

Councilmember Bruchey asked if the financial incentive agreement will include benchmarks that need to be met in order to facilitate a loan to grant situation.

Ms. Thompson indicated that is stated in the motion.

Mayor Keller asked if the reason for a partial grant is because of the lender's concerns. Ms. Thompson indicated that is correct as the bank may not approve a second lender to their loan.

Mayor Keller stated she is concerned about a loan/grant but she would rather see the building rehabilitated and occupied than empty and falling into the street.

Councilmember Aleshire stated this project is another one in a long list of the City providing financial support where the end product is better than it would have been if the City did nothing.

It was the general consensus to include approval of a loan/grant for the Hamilton Hotel Building on the July 27, 2021 Regular Session, with approval of a Financial Incentive Agreement at a later date.

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

*Scott A. Nicewarner, City Administrator*, hopes there is a nice crowd for the next Fourth Friday event on July 23, 2021. Entertainment will be provided by Across the Pond, with Emily Laird opening. The Annapolis Bluegrass Coalition will be performing at City Park on Saturday, July 24, 2021, followed by the Hagerstown Municipal Band on Sunday, July 25, 2021.

### **MAYOR AND COUNCIL COMMENTS**

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

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

*Councilmember T. Burnett* attended the Big Brothers and Big Sisters Academy last week with Mayor Keller and Councilmember McIntire. The kids in the program had a lot of ideas and they are eager to learn about government and politics. She thanked the group for the invitation. The Ruth Ann Monroe Summer Basketball League opened last week at Wheaton Park. Opening day was well attended and everyone enjoyed the event. She thanked Eric Deike, Director of Public Works, for making sure the park was ready for the event. She also thanked Captain Tom Langston for attending. Another game will be held Sunday, July 25, 2021.

*Councilmember T. Martinez* had no additional comments.

*Mayor E. Keller* thanked Trina Bean for the cookout she hosted on Sunday. She was giving away book bags and raising money for more purchases. Mayor Keller attended Hagerstown Hopes' virtual Pride Event. She stated it was incredible. She thanked Ms. Palmer's Summer Class at Jonathan Hager Elementary School for inviting her to their class. The kids had incredible questions and ideas.

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 6:31 p.m.

JOINT MEETING WITH BOARD OF WASHINGTON COUNTY COMMISSIONERS, EXECUTIVE  
SESSION AND WORK SESSION  
2021  
MAYOR AND CITY COUNCIL

JULY 20,

HAGERSTOWN, MARYLAND

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: August 24, 2021