

EXECUTIVE SESSION – September 21, 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 at the time of the vote to meet in closed session to discuss (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction (#1) (Section 3-305(b)), and 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, September 21, 2021 at 2:47 p.m. in Room 407, 4th floor, City Hall, Hagerstown, Maryland. Councilmember K. B. Aleshire was not present at the time of the vote

The following people were in attendance: Mayor E. Keller, Councilmember K. B. Aleshire, Councilmember R. E. Bruchey, II, Councilmember T. Martinez, Councilmember S. McIntire, City Administrator Scott Nicewarner, Michelle Hepburn, Chief Financial Officer, Eric Deike, Director of Public Works, Rodney Tissue, City Engineer, Wes Decker, Communications Manager, John Wack, Eliel Alfon, Norm Gill, and Donna K. Spickler, City Clerk. Councilmember T. Burnett was not present.

The meeting was held to discuss membership of the Board of Traffic and Parking and to review a business proposal. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 3:59 p.m.

WORK SESSION – September 21, 2021

Mayor E. Keller called this Work Session of the Mayor and City Council to order at 4:08 p.m., Tuesday, September 21, 2021 in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, R. E. Bruchey, II, T. Martinez, S. McIntire, City Administrator Scott A. Nicewarner, and City Clerk D. K. Spickler. Councilmember T. Burnett was not present.

Preliminary Agenda Review

Mayor Keller announced that Citizen Comments for the September 28, 2021 Regular Session will be welcome either in person or by submitting comments by email to councilcomments@hagerstownm.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. Engineering:

1. Wall Replacement Alley 5-62 – Lone Star Builders, Inc. (Clear Spring, MD)

\$ 28,200.00

2. BMX Track – Installation of Bio-retention pond – Outdoor Contractors, Inc. (Hancock, MD) \$ 47,298.13

B. Information Technology:

1. Building Blocks Software Renewal – OpportunitySpace, Inc. (d.b.a. “Tolemi”) (Boston, MA) \$ 12,500.00

C. Police:

1. Drawings and Mechanical Plans for Storage Facility – MSB Architects (Hagerstown, MD) \$ 30,991.00
2. AVCC Annual Subscription Fee – LexisNexis (Chicago, IL) \$ 18,058.95

D. Public Works:

1. Roof Replacement Public Works Operations Center – Bonded Applicators of Maryland, Inc. (Hagerstown, MD) \$ 37,315.00

E. Utilities:

1. Light: Decorative LED Fixtures – Signify North America (Somerset, NJ) \$ 47,050.00
2. Water and Wastewater: Pressure Zone Evaluation – Pressure Zone 1, 4, and 5 – Hazen and Sawyer (Baltimore, MD) \$ 99,430.00
3. Water: Automatic Vehicular Entrance Gate System at 51 W. Memorial Blvd. - Long Fence (Ijamsville, MD) \$ 108,400.00
4. Wastewater: Repairs to Camera Unit for Vehicle #518 – Atlantic Machinery (Silver Spring, MD) \$ 31,466.00
5. Wastewater: Advanced Oxidation System/EVG Process – Source Technologies, LLC (Lexington, KY) \$ 24,000.00
6. Wastewater: Impellers for Submersible Pumps - Shafer, Troxell & Howe, Inc. (Frederick, MD) \$ 11,728.00

This completed the Preliminary Agenda Review. There were no questions about any items. All items, unless noted, are scheduled for approval on September 28, 2021.

Hamilton Building Incentive

Jill Thompson, Director of Community and Economic Development, was present to provide an update on the changes to Exhibit 1 of the Financial Incentive Agreement with Ares Investment Group, LLC for the Hamilton Building at 86-98 W. Washington Street that was approved on August 24, 2021.

The changes are outlined in an attached chart and include the following:

1. Scaffold Resources discounted the pricing and contract obligation by \$ 28,971.48
2. The total \$ 716,106.00 did not cover the full amount of contract with UGO for debris removal.

3. The savings was redirected to cover \$ 28,971.48 more of the contact with UGO for debris removal.

The total support was maintained at \$ 716,106.00, the total amount of the Financial Incentive Agreement.

It was the general consensus to accept the changes as updated.

Blighted/Parcel Inventory

Paul Fulk, Neighborhood Services Manager, was present to provide information for a strategy to address blighted properties and property inventory related to recent concerns from neighborhood residents.

The Planning and Code Administration Department (PCAD) is part of the Operation Take Back initiative providing increased attention to issues of concern from neighborhood residents within the community. The goal of this initiative is to partner with the neighborhood residents in specific areas of the City to improve the safety, cleanliness, and livability of their neighborhood and for those that visit their area. During the walking tours with the residents in different areas of the neighborhoods, staff were able to better understand their concerns about blighted properties in their communities.

A property that is blighted in a community can have several reasons why. Some of the issues staff have been notified of are unforeseen non-property related expenses, the inability to maintain the property themselves, the lack of funding to invest into their property, and unsettled estates. The lack of maintenance can then spread to neighboring properties and can create a “broken window theory” situation in a community.

Many of these property owners do not want their property to be considered blighted but rather a contributing property in the community. Staff have discovered owners are unaware of incentives for homeowners provided by the City of Hagerstown and other Hagerstown agencies to remediate these maintenance issues.

The City of Hagerstown has been performing Community Enhancement inspections since the 1980s in areas across Hagerstown. The last time the department focused on this effort was in 2004. Staff have been doing spot community enhancement inspections based on complaints or through proactive patrols but no designated effort in areas. A way to address blight in a community is a property inventory performed through the Community Enhancement program. PCAD is proposing the following process for notifying property owners of maintenance issues.

Community Enhancement Process:

1. Distribute a flyer to a designated area notifying property owners of property maintenance standards in Hagerstown. These standards are the same standards for properties registered in the Rental Facilities and Vacant Structure program. Included with this flyer would be incentive programs offered by the City of

Hagerstown for homeowners and other Hagerstown agencies that provide similar incentives.

2. After 30 days, inspection staff would revisit the area to determine if improvements were made to the properties. Properties with no improvement would receive a doorhanger along with a mailed copy identifying the specific property maintenance issues.
3. 30 days after the doorhanger and mailing, inspection staff would revisit the area to assess the property conditions. If maintenance issues have not been addressed during this visit, a formal notice of violation would be issued to the property owner.

The goal of establishing a process is to take a uniform approach in educating the property owner of the property maintenance issues and the incentives available to them for the repairs.

Mr. Fulk distributed a flyer that would be handed out in neighborhoods. The flyer includes information on property maintenance and incentives that are available for making repairs. The next step would be going door to door and identifying areas that aren't meeting the Code. If repairs are not made, a notice would eventually be issued.

Councilmember Bruchey asked if property owners are notified of complaints received. Mr. Fulk stated that is correct and that would continue. This initiative will be a general review of the neighborhood.

Councilmember McIntire appreciates the education component of this initiative. She recalled a church that provided repair assistance to families. Perhaps other groups and churches could join that effort.

Mr. Fulk stated the goal for the Code Compliance office is to help people comply with the regulations. Councilmember McIntire asked if there is enough staff for a neighborhood review. Mr. Fulk indicated inspectors work as a team in specified neighborhoods so one person is not overwhelmed.

Mayor Keller understands that we live in a relatively poor community and some people are not able to comply with the Code regulations. Residents are concerned about trash and blight, as indicated in the Community Survey and recent walking tours. The City needs to be cognizant of the costs but there are enough resources in the community to help beautify the City. Residents also need to be living in safe conditions. It is time for everyone to start working together to improve Hagerstown.

Mr. Fulk noted the Landlord Association appreciated the plan for education and assistance information. There is money available for qualifying residents.

Councilmember Bruchey supports the education portion of the initiative but he does not think chipping paint or broken siding is a safety risk. Mayor Keller noted that chipping paint is a fire risk per insurance companies. Councilmember Bruchey supports the program but not the fines. Some people may not qualify for the funding mechanisms

listed. Before any notices are issued, all City property should meet City Code for these same maintenance issues. He doesn't like punishment for people who own their homes and are living day to day.

Mr. Fulk wondered how to respond to questions from leaders in the neighborhoods saying the City isn't doing anything when the only recourse is taking the owner to court. Councilmember Bruchey stated it would have to be reviewed at that point.

Mayor Keller asked what other communities do. Mr. Fulk stated they do the same things that are being proposed in this initiative.

Councilmember McIntire stated PCAD posts before and after pictures on social media that highlight properties that have been improved. She thinks fining people at this point may be too strong. She would rather celebrate what the property could look like.

Councilmember Aleshire thinks there should be a fairly robust level of enforcement ordinances that can be employed for any property in the City. If a property is brought to the City's attention or identified through inspections, there is a protocol to follow to address the obvious egregious issues. He supports the full initiative. It is necessary to have regulations on the books for those instances that regularly occur. It is good to send out the flyer with the intent to have residents help to make Hagerstown a better community. Initiating the desire for partnerships with a hammer is not the way to get people to help. He stated there are things at his house that are on the list. He is busy raising a family, keeping a job and helping neighbors and there are maintenance things he just can't get to quickly. He suggest sending out the flyer first asking for help and then review properties after a year to see how neighborhoods are looking and how the education component was received. He believes there will be things in the neighborhoods that the City also needs to address. For example there may be infrastructure that needs to be repaired or better maintained. This has to be addressed first before any fine notices are issued. After a year, it will be obvious there are residents who don't want to help improve the City. At least, the City will have reached out to all with care before enforcement. He does not want to be in a position of creating a program that offends folks that have been doing their best to improve their neighborhoods.

Mr. Nicewarner stated life safety issues have been observed in recent walking tours. Those things would be the first focus for staff, rather than chipped paint or missing spokes in a deck. It is imperative that life safety issues be repaired immediately, whether the property is owner occupied or a rental unit. The recent discussion about un-permitted decks is an issue that needs to be addressed. The City has programs that may assist owners with correcting this. This initiative is not meant to be a punitive function.

Councilmember McIntire suggested sending out the flyers and using door hangers for properties that have significant issues.

Mayor Keller suggested doing a big marketing campaign now and review the results after a year. It can be revisited at that time.

Councilmember Aleshire noted that properties with safety issues will be addressed now.

Mr. Fulk stated the City Code allows for Code Enforcement to inspect every property in the City right now. This is a proposal to engage the community.

Councilmember Bruchey is aware the inspections can be completed. He would like to try offering a carrot before a stick for this initiative.

Mr. Fulk indicated staff is also looking for support from the elected body when citizens contact them about the flyers. Councilmember Bruchey stated citizens will contact them and he will support the initiative but he doesn't like the fines.

Councilmember Aleshire wonders how the first communication from the City would be viewed from older residents. Any correspondence cannot be confusing or overbearing, which may create a level of anxiety for citizens.

Councilmember McIntire stated the flyer, without a cover letter, would be good to send to residents.

It was the general consensus to send out the flyer and revisit the initiative in a year.

Trash Remediation – Special Recycling and Refuse Policy

Paul Fulk, Neighborhood Services Manager, was present to provide information regarding discarded trash and improper trash compliance related to recent concerns from neighborhood residents.

During the walking tours for the Operation Take Back initiative with the residents in different areas of the neighborhoods, staff were able to better understand their trash compliance concerns.

Residents within the City's communities report trash compliance issues on a regular basis to PCAD. A majority of the reported concerns are trash set-out on the wrong days, bulk items on the sidewalk, and loose trash on the sidewalk. PCAD responds to these concerns and are able to get compliance in most cases but they do have properties that are repeat offenders. This is frustrating to residents because inspection staff identifies each new violation as separate and distinct with new cycles of enforcement.

Trash remediation is an ongoing issue throughout all of the neighborhoods in Hagerstown. To address this issue, staff are proposing a policy for inspection staff to follow that would escalate the enforcement of repeat offenders. The policy would establish a uniform approach to trash compliance efforts by PCAD through education, notices, fees, and fines.

Councilmember Bruchey asked if there is a possibility of picking up trash in alleys in areas where there is a significant distance to get trash to the curb. Mr. Nicewarner stated this is definitely an option for discussion with the trash collection contractor.

Councilmember Bruchey stated some residents don't have any choice but to store their cans in locations that are highly visible. The City used to have its own trash collection service. He wondered if this could be restarted to pick up trash in the more difficult locations.

Mayor Keller supports uniform trash cans throughout the City.

Rodney Tissue, City Engineer, noted some downtown properties do not go the whole way to an alley. He also likes the idea of uniform trash cans.

Mr. Nicewarner pointed out the continuing theme is if you don't have a choice of where to store your trash, please store it neatly.

It was the general consensus of the Mayor and City Council to move forward with the proposed policy. Staff will work with the City Attorney on finalizing the policy and necessary user fee schedule actions.

American Rescue Plan Act (ARPA) – Initial Discussions

Scott Nicewarner, City Administrator, stated staff is available to discuss the development of the initial listing of projects eligible for funding through the American Rescue Plan Act (ARPA) of 2021. The projects listed are inclusive of input from the following sources:

1. Mayor and City Council Community Survey
2. City Council Strategic Planning Session
3. Regular City Grant Committee meetings
4. Stakeholder input related to specific social concerns in the City

The Mayor, Michelle Hepburn, Chief Financial Officer, and Mr. Nicewarner have also met with Congressman David Trone and his staff regarding the list, and have received input from his staff on other funding options for many of these projects that could supplement or compliment ARPA funding. They are also hopeful that the Congress will pass a comprehensive infrastructure bill that would allow the City to fund several of these infrastructure projects with that money.

The list of projects was explained, noted why they are on the list, and how they meet the criteria of the ARPA regulations. Staff is also seeking input from the Mayor and City Council on these and any other projects they feel would be a priority to be on the list, and move forward with either the implementation of procurement to start projects or to work further on costing and funding plans for particular projects.

Meetings have also been held with the Homeless Coalition, the Washington County Health Department, and other community partners to discuss the needs of the community.

Mr. Nicewarner stated the infrastructure bill is expected to be voted on next week. He is hopeful it will be approved. He is also hopeful the \$ 500,000 funding to address blight that Congressman Trone has submitted is approved.

There are not many projects for broadband service on this list because there are many programs providing funding for broadband expansion. City staff is meeting with two providers next week to discuss the possibilities for that funding.

Mr. Nicewarner suggested discussing these projects in detail during a Work Session with this being the only topic. The City has received \$ 10.2 million, with another \$ 10.2 million coming in 2022. The timeline for some of the projects could be amended while others may be eligible for alternate funding sources. This list was created before the Federal Revenue Loss Calculation program was considered.

Ms. Hepburn stated the City filed the grant report by the August 31, 2021 deadline. The City was also required to include a revenue loss calculation with the filing. The IRS required a City-wide review rather than line items. Electric operations and water charges were excluded from the review. There were other expenses excluded, such as Workers' Compensation Insurance and other insurance costs. The calculation revealed a \$ 3.57 million revenue loss for the City of Hagerstown. The next report is due in two months, and it will likely show a surplus. The IRS has allowed a growth factor of 4.1% in revenue. With that loss, the City will be able to fund some of the items on the project list.

Ms. Hepburn reported that the previously approved grant coordinator position has been filled. The candidate is expected to begin on October 4, 2021.

Mr. Nicewarner noted the revenue loss funding of \$ 3.57 million is part of the \$ 10.2 million in funding from the federal government. It may be used for a number of things, but cannot be used to boost pension programs.

Ms. Hepburn stated staff is hoping to use this funding to purchase a ladder truck for the Fire Department. It may save funding that would typically be received through a bond issue.

Mr. Nicewarner stated the individual projects will be deliberated at another time and staff is still researching costs and revenue sources for them. The projects were separated by the Federal criteria below:

1. Assistance with behavioral health issues
2. Affordable or emergency housing
3. Re-employment and entrepreneurial efforts
4. Improving quality of life
5. Helping government agencies to service customers' needs
6. Infrastructure improvements to serve the community

Some of the projects are a 24 hour crisis center, mortgage pay off for the E. M. Tobias Building to allow for funding for services to the community, year round homeless shelter, whole family center, increasing educational opportunities for City residents, etc. The columns show the anticipated cost of the project/program, source of the idea, the outside contact, whether it is a project/program the City should implement, whether the City can do it, and whether it would be best done by or with other entities. There are 34 items on the list. The Mayor and City Council may want to add additional projects/programs. There are enough items on this list to utilize the full \$ 10.2 million. Congressman Trone's office has provided good information on other grant opportunities for funding some of these. Mr. Nicewarner stated the group reviewing the projects believe they have a good mix of what the Mayor and City Council want based on the Community Survey and the Strategic Planning Session.

Councilmember Aleshire stated there are 12 eligible areas detailed in the Federal Final Rule. He appreciates the chart. He wants the public to know that even though the source of the idea indicates it is from the Mayor and City Council strategic plan, this is the first time the Mayor and City Council have seen the list. He is opposed to the Potomac Case Management project of paying off a mortgage. There are 600 non-profit entities in the City. It is difficult for him to understand how Potomac Case Management, as an individual entity, is listed where other non-profits could be listed.

Mr. Nicewarner stated they submitted a proposal in response to a request for proposals from the group developing the list. Mayor Keller stated she asked the executive committee of the Homeless Coalition for their thoughts on how to solve the significant issue of homelessness and substance abuse in the community. This was one of the proposals they provided.

Councilmember Aleshire pointed out the process in Frederick County is that any non-profit has the opportunity to submit a proposal that is reviewed similar to grant requests. He expects non-profit agencies will be contacting the Mayor and City Council since this is now being discussed in a public session asking why their challenge isn't eligible. He asked how many non-profits were contacted. Mayor Keller stated none were contacted individually. The proposals came from a conversation about how to address the homeless and addiction problem.

Councilmember Aleshire stated there is also a component for the hospitality industry but they are not included on the list. Ms. Hepburn stated the group reviewed notes from the Strategic Planning meeting and placed the projects discussed there into the categories. There are a number of programs that many non-profits are eligible for, outside of the ARPA funding. One of the areas that is not covered in other funding is behavioral health.

Councilmember Aleshire stated there is no question Potomac Case Management is eligible for the funding. He is concerned that a volunteer fire department that provides a direct service to citizens, also with a mortgage, is not included on the list. Councilmember Aleshire asked how many of the other agencies will be eligible in comparison to the need for the services in the community. Mr. Nicewarner stated anyone that contacted the City is on the list. Mayor Keller stated the first conversation was about

behavioral health. Councilmember Aleshire does not think the list should include any specific entity, just the category.

Mayor Keller stated the conversations started before the funding was made available. When the funding was approved, the group discussed how to apply it to some of the functions of the homeless coalition.

Mr. Nicewarner stated this list is based on the Mayor and City Council's past discussions. The list shows the genesis of the origin of the project. Ms. Hepburn stated they were looking for a comprehensive list, even if the final answer is no. There needs to be documentation of the process. This is just a working list.

Councilmember Aleshire stated he doesn't mind the list but he would rather not have an entity identified for individual projects. An identified entity may not be the final group that completes the projects.

Mr. Nicewarner stated they did not include industries that received significant assistance from other sources, such as the hospitality industry or rental/eviction assistance.

Councilmember Aleshire feels that hotels that have not been operating as traditional hotels should be considered as well, in the hope that funding will help them return to the traditional hotel operations.

2022 State Legislative Requests

Scott Nicewarner, City Administrator, stated Paul Frey of the Hagerstown/Washington County Chamber of Commerce and Jim Kercheval, representing the Greater Hagerstown Committee, will be in attendance at the October 5, 2021 Work Session to request the City's continuation of the partnership in the Community Coalition lobbying effort. In advance of that meeting, Mr. Nicewarner presented some items for a City legislative "wish list" to present to the Coalition or to present to the County Delegation during the joint meeting with them in November.

This would also be a time for the body to discuss their own priorities or wish list to provide to either the Coalition or the Delegation at the appropriate time, allowing for staff research if necessary.

Mr. Nicewarner presented the following possible legislative topics for the 2022 Session:

1. Mandate for County to meet/explain/discuss yearly the Tax Differential Calculation with Washington County Municipalities
2. Allow for municipal and/or taxing authority notification of real property assessment appeals at all levels of the appeals process. Allow for opportunity of municipality to review appeal documentation.

3. Legislation to establish a set formula that allows for fair level funding of all Washington County Fire Companies include the City companies.
Councilmember Aleshire clarified this would be for Washington County volunteer companies.
4. State Bond Bill financing for portion of possible Sportsplex Indoor facility in Hagerstown.
5. Legislation to remove or decrease the restriction on capacity at the Wastewater Treatment Plant.
Kellen Douglas, Utilities Engineer, stated MDE capped the capacity at 8 mgd with the most recent upgrade loan. Mr. Nicewarner stated removing the restriction would make it easier legally to increase the capacity, which is not possible at this time.
6. Requirement of counties to have a Growth Element in comprehensive plans with same criteria demanded of municipalities.
7. Future exemption of city residents for any stormwater fee that may be generated by the County. This would apply to any municipality that charges a stormwater fee.
8. Increased flexibility in allowing a municipality to take title over a vacant, blighted property regardless of tax status.
9. Medicaid reimbursement disparities for Community Rescue Service
Mayor Keller stated the transport reimbursement is \$ 100.000, which is not comparable to surrounding states. Private insurance company reimbursements are significantly higher, at \$ 200.00 to \$ 250.00. She asked that the City help advocate for higher reimbursement requirements.

Mr. Nicewarner noted the only item on this list that would likely be included in the Coalition's list is the Sportsplex funding. Some of the other items may be appropriate for Maryland Municipal League support.

Mayor and City Council Goals and Mission Statement Discussion

Mayor Keller announced this agenda item is being postponed until October.

CITY ADMINISTRATOR'S COMMENTS

Scott A. Nicewarner, City Administrator, stated the Thunder in the Square, Imagine Hagerstown, and two shows by Ron White (at the Maryland Theatre) are being held on Friday, September 24, 2021. Music for Imagine Hagerstown will be provided by the Woodshedders and Rudy and the Bluefish.

MAYOR AND COUNCIL COMMENTS

Councilmember T. Martinez had no additional questions.

Councilmember K. B. Aleshire had no additional questions.

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

EXECUTIVE SESSION AND WORK SESSION
2021

SEPTEMBER 21,

MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

Councilmember S. McIntire had no additional comments.

Mayor E. Keller congratulated the Parks Department for a successful fall fest. By 12:45 p.m. on Saturday, September 18, 2021, more than 1,000 people had attended the event. She attended two grand openings today – The Ice Cream Shop and Veterans Emergency Restoration. She welcomed and congratulated both new businesses.

Washington Goes Purple will hold a recovery walk at noon on Saturday, September 25, 2021, beginning at University Plaza.

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: October 26, 2021