

AMERICAN RESCUE PLAN (ARPA) DISCUSSION AND STRATEGIC PLANNING
SESSION, EXECUTIVE SESSION, SPECIAL SESSION (22ND VOTING SESSION,
AND WORK SESSION – October 19, 2021

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An American Rescue Plan (ARPA) Discussion and Strategic Planning Session was held at 9:00 a.m. on Tuesday, October 19, 2021 at the BuroBox, 60 W. Washington Street, Hagerstown, Maryland.

The following people were present: Mayor Emily Keller, Councilmember Kristin B. Aleshire, Councilmember Robert E. Bruchey, II, Councilmember Tiara Burnett, Councilmember Tekesha Martinez, Councilmember Shelley McIntire, City Administrator Scott Nicewarner, Michelle Hepburn, Chief Financial Officer, Stacey Pierre-Louis, Grants Administrator, Don Francis, Director of Human Resources, Eric Deike, Director of Public Works, James Snyder, IT Director, Police Chief Paul “Joey” Kifer, Kathleen Maher, Director of Planning and Code Administration, Jill Thompson, Director of Community and Economic Development, Nancy Hausrath, Director of Utilities, Fire Chief Steven Lohr, Rodney Tissue, City Engineer, Wes Decker, Communications Manager, Eric Hastings, TV Production/Web Coordinator, and Donna K. Spickler, City Clerk. Peter Perini was also present.

Mr. Nicewarner, Ms. Hepburn, and Mr. Francis discussed FY22 Part time and seasonal employee stipends. During the August 17, 2021 Work Session, staff requested Mayor and Council consideration of a stipend to permanent part-time (PT) employees and Seasonal staff that worked a full term in calendar year 2020 and returned in calendar year 2021. After the initial discussion surrounding full-time employee stipends, staff was asked to review part-time employees as well.

The amount of the PT stipend will be \$ 2.40 for each hour that was worked on-site. This stipend would be provided based on all the following conditions:

1. Coverage period of January 27, 2020 through December 31, 2020. January 27, 2020 is the date currently recognized by the US Treasury as the pre-pandemic payroll event date
2. Must be a permanent, part-time employee
3. Must be an active employee currently employed as of Monday, October 18, 2021
4. Excludes any part-time employees that have left employment or tendered a resignation prior to Monday, October 18, 2021
5. Payment will include only those hours worked on-site and will exclude time that was worked from home during this period

Based on the above criteria, there are 33 active part-time employees eligible at an estimated cost of \$ 70,000.00. The breakdown by fund for these costs is:

1. General Fund (24) - \$ 46,000.00
2. Parking Fund (8) - \$ 23,000.00
3. Golf Fund (1) - \$ 1,000.00

The amount of the Seasonal stipend should be a flat amount up to \$ 1,000.00. The stipend would be provided based on the following conditions:

1. Employee worked full term needed in Calendar 2020 and did not voluntarily or involuntarily leave prior to the end of the anticipated work schedule needed
2. Must have returned to work with the City for any portion of Calendar 2021 to qualify

Depending upon final decisions, each area will be responsible to keep the overall total budget to approved FY22 levels while incorporating these stipends. There is some funding available in the General Fund Contingency budget line that can be used to help offset the General Fund costs related to this stipend. This stipend is not eligible for ARPA funding as only full-time employees were deemed essential.

It was the general consensus to include approval of this stipend on the October 26, 2021 agenda.

Discussion of Proposed ARPA 1st Year Allocation Plan

Mr. Nicewarner reminded the group that the Federal Government enacted the \$1.9 trillion American Rescue Plan Act (ARPA) as a stimulus to aid public health and economic recovery from the COVID-19 pandemic on March 11, 2021. The program included \$350 billion in emergency funding for state, local and territorial government entities, known as the Coronavirus State and Local Fiscal Recovery Funds (SLFRF). The City of Hagerstown will receive \$20.4 million from the American Rescue Plan Act (ARPA). The money is distributed in equal amounts of \$10.2 million in May of 2021, and the remaining \$10.2 million in May of 2022. The SLFRF, which is the part of ARPA specifically for municipalities, is designed to focus on six key areas known as expenditure categories (EC). These areas are:

- EC1 – Public Health
- EC2 – Negative Economic Impacts
- EC3 – Service to Disproportionately Impacted Communities
- EC4 – Premium Pay
- EC5 – Water, Sewer and Broadband Infrastructure
- EC6 – Revenue Replacement

Staff have been meeting internally, and with stakeholders including the Mayor, since March, 2021 to gather information and deliberate projects that would provide community benefits and fit within the Federal rules. Staff provided a document that provides the proposed allocation and list of eligible programs and projects for consideration. Staff

also identified those projects/expenditures already approved by City Council that are utilizing ARPA funding from the first year's allotment.

The costs associated with these programs and projects are estimates. The lists provided are simply recommendations and staff looks to the elected body to treat this as a flexible document, though looking to identify key priorities that could be moved upon quickly.

Based upon information taken from the 2021 Community Survey, the 2021 Mayor and Council Strategic Planning Discussions, multiple City Grant Committee discussions, and discussions with community stakeholders, and the needs identified as being faced by the community and city operations, this plan focuses largely on the areas of public health, public safety, homelessness, neighborhood improvements, and infrastructure sustainability. In regards to infrastructure, the committee remains unsure of whether the utilization of ARPA funds, though an expressly communicated eligible expenditure, is warranted. This is due to the fact that pending infrastructure legislation is currently close to passing in Congress that would provide municipalities with significant resources to utilize in the same manner as proposed here.

This plan proposes projects and programs addressing the stated areas of community need broken down by categories within the SLFRF legislation. The amounts shown for each category are rough estimates and open to Council manipulation and reallocation. As was necessary with CARES funding, it is important that the legislation to approve this plan allow for allocation flexibility between expenditure categories so that the City can efficiently maximize the use of these Federal funds. Please note that expenditures utilizing Revenue Loss estimates will be designated as such in the allocation information:

1. Assistance with Behavioral Health Issues (Public Health – EC1)
Estimated Funding Allocation: \$725,000
Youth Violence Prevention Program
24x7 Crisis Center

Outreach Coordinator Liasion Position
Assist with Quality of Life Improvements
2. Affordable and/or Emergency Housing (Negative Economic Impacts EC2)
Estimated Funding Allocation: \$500,000
Rehab/Demo/Blighted Housing
3. Re-Employment and Entrepreneurial Efforts (Negative Economic Impacts - EC2)
Estimated Funding Allocation: \$1,425,000
Pathways from Poverty to Employment initiative
Relocation of Customer Service Operations

4. Premium Pay to Essential Staff
Funding Allocation Used: \$2,153,000

Essential Worker Pay

5. Improving Service to the Citizen (Water, Sewer and Broadband Infrastructure - EC5)

Estimated Funding Allocation: \$4,101,000
Pump Station Constuction in East End
Mack Truck Water Tank Replacement
Backhoe to Utilize for Snow Removal (Stormwater)
Camera Rig Truck Replacement for Wastewater

6. Revenue Replacement (Federal Calculation)

Estimated Funding Allocation: \$1,296,000
HFD Ladder Truck
Grant Adminsitrator – new position

Due to the ever-changing environment municipalities across the country operate within on what is now a much more regular basis, staff recommend this allocation of the 1st half of the ARPA funding for several reasons:

- Uncertainty of actually receiving the 2nd allocation of ARPA due to political wrangling
- Uncertainty of the continued ramifications and impact of the COVID-19 pandemic on the community
- Continued research and evaluation of alternative funding opportunities and availability of unused CARES Act funding allocations

Through ARPA funding, the Federal government has acknowledged the important role municipalities play in the recovery efforts from this unprecedented time in our country's history. The projects and programs identified for this first allocation of ARPA funding support resilient, effective, and equitable public services to all who live, work and play in the City of Hagerstown.

Mr. Nicewarner noted there is not specific funding for a public restroom downtown. If the Mayor and Council wish to move forward with this project, funding could be moved from other initiatives. He stated Winchester has a public restroom with a door on a timer, specialty lighting, and a self-cleaning and sanitizing feature. This may be a good option for Hagerstown.

Councilmember Bruchey asked for additional information about a youth violence prevention program. Mr. Nicewarner stated this is an initiative from ENVY and addresses Councilmember Aleshire's concerns about schools as well. Councilmember

McIntire is involved with ENVY as well. As the federal funding is only for two years, this would be assistance with start up for the group.

Mr. Nicewarner stated funding for broadband, utilities, and rental assistance are not included in the list because there is so much money available for these initiatives.

Councilmember Martinez stated youth are in a bad place now. The City needs to invest more in youth to enhance and shape the next generation.

Mayor Keller pointed out the City of Salisbury purchased a community center and their Parks and Recreation Department oversees it. Outside partners offer programs there. It has been so successful that they are considering a second center.

Councilmember Burnett stated the Caretaker House at Wheaton Park could be a Community Center.

Councilmember Martinez is not interested in considering programs that don't get the funding to the people who need it. She knows 6 families who couldn't get the CAC funding.

Mr. Nicewarner noted CAC has to follow state regulations and that may be a reason some families don't meet the criteria.

Councilmember Bruchey recalled he discussed a transportation program to get people to a work site years ago with staff. He wondered if some of this funding could be provided to a group to increase their fleet of vehicles for this purpose.

Councilmember Bruchey asked how much ARPA funding the County received. Mr. Nicewarner and Ms. Hepburn stated they understood the County received approximately \$ 29 million.

Councilmember Bruchey asked if the County is going to partner with the City on any of these projects. It was been reported the County spent all of the ARPA funding and there would be no funding from the County. Councilmember Bruchey stated he needs more detailed information before supporting this.

Chief Kifer discussed the outreach coordinator position. This person would help guide and coordinate the assistance provided by the service agencies in the City.

Chief Lohr stated another component of this initiative is to provide a place for supervised recovery after hours. Currently, the only place to take someone who has overdosed is Meritus Medical Center. Meritus is not equipped for long term care and they release a patient after they are revived.

Mayor Keller stated the model for a crisis center includes representatives of Meritus Medical center, along with a doctor, counselor, and others. People could stay for 48 hours at this facility.

Councilmember Bruchey asked what happens if the person does not want help. Mayor Keller stated they will leave the facility. You can't force people to get help.

Chief Kifer stated police officers often don't know the best place to take someone nor do they have time to determine where they need to go. A crisis center will provide case management for patients.

Councilmember Bruchey confirmed that City units would transport people to a crisis center. This is correct. Councilmember McIntire stated a crisis center provides an additional opportunity for people to get help. Chief Lohr mentioned public service units would be cleared for other calls faster. Councilmember Bruchey pointed out the County should be participating in a crisis center, as this is a County wide problem.

Mr. Nicewarner noted the item listing a mortgage payoff for Potomac Case Management will be changed to behavioral health services in general. Ms. Hepburn indicated ARPA funds cannot be used to pay off a mortgage. This \$ 110,000.00 funding could be used for a public restroom.

Councilmember Bruchey asked for more information about public restrooms. Mr. Nicewarner stated one concern is that any public restroom will become a camping spot. Another concern is choosing the location. The best location would be the County Commuter pick up lot. It is doubtful the County would agree to that location.

Councilmember McIntire asked if this restroom would be for downtown visitors or for the homeless. Mr. Nicewarner indicated it would be for general use with accommodations for upkeep. In that case, Councilmember McIntire does not think the County Commuter lot is the best location for downtown visitors.

Chief Lohr asked if port a pots on trailers would be an option. Ms. Hausrath indicated a permanent facility is easier to deal with for utilities than a portable unit.

Mr. Nicewarner noted a pending infrastructure funding program may be approved. If that is approved it would free up some of the ARPA funding.

Affordable Housing or Emergency Housing is another initiative. Councilmember Bruchey asked if this funding could be used to remove the building at 645 Pennsylvania Avenue. Mr. Nicewarner stated it would meet the criteria, however a mechanism allowing the City to do this is needed.

Councilmember McIntire stated the re-employment category should include Goodwill, Reach, and the Consortium. Hagerstown Community College is not the only educator in

Hagerstown. Mr. Nicewarner indicated some internal training is happening. Before any money is spent, a program will be in place.

A new fire truck has been on the CIP schedule for some time. Chief Lohr indicated the manufacturer has extended the price reduction several times and will not be able to extend it beyond October 31, 2021. There is significant savings as ordering the truck now would also avoid a 3% price increase with a different manufacturer. It was the general consensus to use ARPA funding to purchase the truck now. This will be added to the October 26, 2021 Regular Session agenda.

Mr. Nicewarner stated the overall plan for the ARPA funding would be included on a Work Session discussion prior to formal approval by the Mayor and City Council.

Councilmember Aleshire stated he supports the purchase of the fire truck but not of the other items that haven't been specifically approved. He would have initiated Mayor and Council review of the 12 criteria and then listed items for consideration. He would also prioritize initiatives as either City obligations or responses to COVID. There would have had been conversations about the impact of each of the items and determined if they meet the Federal Rules. Entities in the community should have input on potential funding as it relates to their impact from COVID. Projects have already been included without discussion or debate.

In his opinion, discussions and review of the criteria need to occur before creating a list. There are items that he supports but he is concerned there is already a list of definite projects and costs. The Federal guidelines clearly carves out sick pay and securing public facilities. He is not sure constructing a new pump station or repairing a water tank fits within the guidelines.

Councilmember Bruchey stated he still has questions about the fairness of requiring employees to use their own sick leave if they are mandated to quarantine due to exposure to COVID at work.

Councilmember McIntire asked why a business would pay sick leave, as the pandemic is not the business's fault.

Councilmember Aleshire stated sick leave pay is clearly covered in the ARPA.

Mr. Francis stated the City provides sick leave for this purpose.

Ms. Hepburn stated another question is determining proof of exposure. She stated there are different regulations from vaccinated to unvaccinated employees. She pointed out many employees have kids in the public school systems. There has to be a definitive definition of proof.

Mr. Francis stated the employees have to be sent home. How can you tell an employee they have to work in close proximity to a COVID positive employee?

Councilmember Aleshire asked Mr. Francis to provide the CDC guidelines that indicate employees have to go home. He has not seen that guideline. He received a phone call from the State Health Department every day when his family was dealing with COVID.

Councilmember Bruchey stated it is not fair if employees are told they have to go home and then require them to use their own leave. The City is not letting them work.

Mr. Francis read a statement from the OSHA regulations and will provide this to the group.

Mr. Deike pointed out sending people home is a way to protect employees.

Councilmember Aleshire wants to review a list and determine which items are COVID related. If three people support the items, he can mark them off the list. He wants to be sure the City has exhausted the funds provided by the federal government. The City needs to make sure the items are eligible. Ms. Hepburn noted the camera truck replacement in Wastewater qualifies under revenue loss. Councilmember Aleshire stated a program for disinfecting facilities would qualify for the funding.

Councilmember Bruchey asked when employees are allowed to return to work. Fire Chief Steven Lohr stated unvaccinated fire department employees are given a rapid test and temperature check prior to the shift. If they test positive, they have to be tested at the Meritus testing site and must quarantine. He noted positive test results require collapsing fire coverage from three shifts into two shifts, with a lot of overtime.

Police Chief Joey Kifer anticipates cold and flu season having an impact on sick leave use as well.

Ms. Pierre-Louis stated the final rule stated the funds can be used to provide sick leave, etc. Ms. Hepburn stated this would require certification of the exposure.

Councilmember Aleshire stated he reviewed the list and tried to determine which projects meet the criteria. He used the Frederick model, as it is very simple.

Mr. Nicewarner stated he would take into consideration the use of funding from other programs. Ms. Thompson stated there are some programs with the potential for redundancy Ms. Hepburn noted many of the specific expenditures qualified for CARES Act funding.

Councilmember Aleshire reminded everyone there are 24 months to exhaust the funding and it can be repurposed.

Mr. Nicewarner pointed out the list does not include funding for small businesses or non-profit entities, as these organizations have received significant federal funding. He stated the reference to Potomac Case Management will be removed from the list. Staff looked at the funding and ways to allocate it for areas that hadn't been addressed in previous stimulus acts and areas that are impacting the City, such as homelessness, addiction, and utilities. Staff considered the need for development impact. The Mayor and City Council can adjust the spreadsheet how they see fit.

Councilmember Aleshire stated he does not want to put numbers to anything yet. He would like to go through the federal ruling and determine what is eligible and then create a spreadsheet. For example, he wonders if there are other educational facilities that could be utilized for a scholarship program.

Councilmember Martinez stated some agencies have large budgets but they are not really impacting the community's needs.

Mayor Keller asked if an RFP asking for proposals for the educational component with specific program details would be beneficial. Councilmember Aleshire stated the Mayor and City Council can put together a program to train, educate and transport people to educational opportunities. He would not be saying the City is working directly with an identified organization.

Mr. Nicewarner reiterated the Mayor and City Council can adjust the list however they wish to. Ms. Hepburn stated the spreadsheet with the detail will help the City meet the reporting requirements. Mr. Nicewarner stated the spreadsheet also shows the possibilities for programs to utilize the funding. Staff will review the list and make the items more general in nature and create a process for RFPs for ways and programs to assist City residents.

Councilmember Martinez suggested having places for kids to learn trades through apprenticeships. Some examples are Thomas, Bennet, and Hunter, warehouse operations, and the fire department.

Mr. Nicewarner stated an RFP could be issued for an apprenticeship program.

Mr. Nicewarner stated this is a living, breathing document. Staff recommend moving forward with Pump Stations 9 and 33.

Councilmember Aleshire stated these clearly are growth related projects. The Federal guidelines indicate projects must alleviate revenue loss or have had a pandemic related impact.

Ms. Hepburn stated the only items that do not require a stated COVID impact are water/wastewater utilities and broadband infrastructure. Ms. Hausrath stated there is a growth and non-growth component for both stations.

Councilmember Aleshire pointed out this work would have been completed, whether or not the pandemic occurred.

Mr. Nicewarner stated the Frederick proposal listed this type of project as a resilience project. Councilmember Aleshire stated they are likely trying to use the funding for any backlog of infrastructure projects.

Ms. Hepburn stated both projects are eligible for the MDE grant/loan program.

Councilmember Aleshire asked if the Mack Water tank provides service primarily to county residents (rather than City residents). Mr. Nicewarner indicated that is correct and the users of that service pay a premium rate.

Ms. Hepburn stated these projects are eligible for ARPA funding. One point to consider is there may be infrastructure specific funding approved and whether or not to use ARPA funding for these projects.

Mr. Nicewarner stated any projects on this list would be discussed in detail with the Mayor and City Council before any funds are expended.

Ms. Hepburn asked if the Mayor and City Council would accept this list with the knowledge the funding estimates are flexible. This would be beneficial for the required IRS reporting.

Councilmember Aleshire stated, at this point, the group should be able to assign the 12 Federal final rules to this list of initiatives. He has a list that will be reviewed during another session.

The group took a break at 11:30 p.m.

The Mayor and City Council reviewed a draft Strategic Plan. The group agreed that the Vision statement should be: The City of Hagerstown will inspire an inclusive, business-friendly, and sustainable community with clean, safe, and vibrant neighborhoods. The proposed Mission Statement is: The City of Hagerstown will grow the value of our community one citizen, one employee, and one business at a time.

Specific items in the following focus areas were reviewed:

1. Neighborhoods Revitalization and Sustainability
2. Public Safety
3. Public Facilities and Infrastructure
4. Economic Development
5. Fiscal Sustainability
6. Parks & Recreation for Active/Healthy living
7. Innovative/Progressive Government

8. Community Promotion/Pride
9. Economic Development Through Sports and Tourism
10. Citizen-based Government
11. Misc. Projects, Goals, and Legislative Priorities

Councilmember Burnett asked what the item “highlights neighborhoods” means. Ms. Maher stated the Highlight Hagerstown award program receives nominations from residents about neighbors who are doing things to better the community. Councilmember McIntire stated neighborhoods could use ideas from other neighborhoods.

Councilmember Aleshire stated it needs to include recognition of what things (parks, etc.) that make people want to live in particular neighborhoods. Public spaces should be the inviting focal point.

Councilmember Aleshire wants it made clear to the County that the City has definite plans for the City’s utility service.

Mr. Nicewarner asked if the Mayor and City Council want to revisit the Community Center Plan. Councilmember Aleshire stated the original plan was to be reviewed after 10 years. It was the consensus to review the plan soon.

The following are Mayor and Council priorities:

1. Mayor Keller – Branding/Marketing
2. Councilmember McIntire – Operation Take Back, Tax Differential/Fair Fire Funding discussion, Indoor Sports Plex
3. Councilmember Burnett – including multiple stakeholders in the discussions
4. Councilmember Martinez – Public safety/community safety
5. Councilmember Aleshire – removing blight – this will solve most of the other issues

Mayor Keller will send the Mayor and City Council’s legislative priorities to the Washington County Delegation prior to the November meeting.

Mr. Nicewarner stated Senator Corderman has asked the Mayor and City Council to consider delaying demolition of Municipal Stadium until 2024. Councilmember Aleshire stated there is only one chance for a first impression. If a new baseball team uses an aging facility, they could risk losing marketing capital by having a million dollar team play in a dilapidated stadium. He doesn’t think the new team would want to do that. He pointed out the indoor sports plex project may be on the same timeline as the stadium.

The Maryland Municipal League lobbied for legislation allowing municipalities to create their own police advisory board as required in the police reform bills passed this session. Chief Kifer stated they have been inundated by requests for internal affairs files, as they are now open for public information requests. Part of the legislation prohibits

redaction of sensitive information in the files and stays on the record indefinitely and cannot be expunged.

Chief Lohr asked if the City is receiving its fair share of the hotel/motel tax. He informed the group he had talked to Senator Corderman about State funding for the City's burn unit. It was not awarded last session.

Ms. Hausrath noted the City should continue to ask the State to review the nutrients permit.

Mayor Keller will update the draft Strategic Plan for presentation during a future Work Session.

This portion of the meeting was adjourned at 1:59 p.m.

EXECUTIVE SESSION – October 19, 2021

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 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, October 19, 2021 at 2:58 p.m. in Room 407, 4th floor, City Hall, Hagerstown, Maryland.

The following people were in attendance: Mayor E. Keller, Councilmember K. B. Aleshire, Councilmember R. E. Bruchey, II, Councilmember T. Burnett, Councilmember T. Martinez, Councilmember S. McIntire, City Administrator Scott Nicewarner, City Attorney Jason Morton, Nancy Hausrath, Director of Utilities, Kathleen Maher, Director of Planning and Code Administration, Jill Thompson, Director of Community and Economic Development, Doug Reaser, Business Development Specialist, Wes Decker, Communications Manager, John Kusturiss, Penzance Developers, and Donna K. Spickler, City Clerk.

The meeting was held to discuss a business proposal. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 4:01 p.m.

SPECIAL SESSION (22ND VOTING SESSION AND WORK SESSION - October 19, 2021

Mayor E. Keller called this Special Session (22nd voting session) and Work Session of the Mayor and City Council to order at 4:10 p.m., Tuesday, October 19, 2021 in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, R. E. Bruchey, II, T. Burnett, T. Martinez, S. McIntire, City Administrator Scott A. Nicewarner, and City Clerk D. K. Spickler.

SPECIAL SESSION (22ND VOTING SESSION) – October 19, 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 4:10 p.m.

Introduction of an Ordinance: Authorizing the Purchase of Property Located at 32 N. Potomac Street

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember R. E. Bruchey, II, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance authorizing the purchase of property located at 32 N. Potomac Street, Hagerstown, Maryland. The acquisition of the property is consistent with the Mayor and City Council's goals for long-term investments to benefit the citizens of Hagerstown. The purchase price of the property is consistent with the Mayor and City Council's goals for long-term investments to benefit the citizens of Hagerstown. The purchase price of \$ 825,000 is expected to be funded by the City's American Rescue Plan Act (ARPA) Funding.

The Special Session was closed at 4:11 p.m.

WORK SESSION – October 19, 2021

Proclamation: Economic Development Week

Mayor Keller read a proclamation naming October 25-29, 2021 as Economic Development Week in Hagerstown, Maryland. Jill Thompson, Director of Community and Economic Development, Doug Reaser, Business Development Specialist, Chris Siemerling, Economic Development Specialist, and Andrew Sargent, Maryland Department of Commerce Senior Business Development Representative, accepted the proclamation.

Certificate of Appreciation: Sarah and Ned Ardinger

Mayor Keller read a Certificate of Appreciation to Sarah and Ned Ardinger, recognizing and thanking them for their long time commitment to Hagerstown. The Ardingers owned and operated The Plum restaurant for 31 years in downtown Hagerstown. Mr. and Mrs. Ardinger accepted the Certificate.

Proclamation: National Conflict Resolution Day

Mayor Keller read a proclamation naming October 21, 2021 as National Conflict Resolution Day in Hagerstown, Maryland. Marlan, AmeriCorps, accepted the award.

Proposal for Clara Barton Memorial Adjacent to Cultural Trail near Park Circle

Rodney Tissue, City Engineer, was present to review a proposal for a memorial that honors Clara Barton. Al Martin, Rachel Nichols, Washington County Assistant for Civil War Heritage Area and Manager of Visitors Center at Antietam Battlefield, Tom Riford, artist Toby Mendez, Andrew Sargent, Steve Hummel, and Elizabeth Doyle were also present to discuss their proposal.

In July of 2019, the City Council decided to create green space and remove the former vehicle service station at 319 Summit Avenue. Since then, the Public Art Commission has discussed a possible public art installation on the site. The Cultural Trail's 2016 Master Plan envisioned a temporary sculpture or a skatepark at this site.

The spark that created an idea for the creation of a memorial to Clara Barton in Hagerstown came over 30 years ago. Originally it was brought up as an idea by several board members of the local Western Maryland Red Cross in Hagerstown. The significance for the memorial to Clara Barton in Hagerstown is that this is where she became the first Civil War nurse to be allowed to set foot on a battlefield during the course of a battle. It was here where her philosophy of immediate care and response was first put into action.

The group envision a historic bronze sculpture of Ms. Barton giving care to a fallen soldier. Ms. Barton believed that an immediate response to care for the soldiers was the difference between life and death. Immediate response and preparedness for a crisis is the philosophy that she brought to the American Red Cross, responding in times of war and natural disasters. This memorial would be a tribute to that dedication of care. It would be a tribute to Clara Barton and all nurses and first responders who have been on the front lines during war and peace.

The memorial bronze figural grouping will be over life-size and placed on a low pedestal and installed in the center of a small plaza. They believe the establishment of the park, with a sculptural tribute to Barton and the Soldier, will be a springboard to active and ongoing teaching of the contributions of Clara Barton and the first responders and will benefit the City's cultural and economic landscapes.

Toward their goal, the group is working with the nationally known Washington County sculptor, Toby Mendez. Among many other national memorials, his work includes the Thurgood Marshall Memorial located in front of the State House in Annapolis, the six Hall of Fame Baltimore Orioles at Camden Yards, The United States Navy Memorial in Washington, DC, and the Thomas Kennedy Memorial in Hagerstown. An enthusiastic supporter of the vision of the Clara Barton Memorial, Mendez has graciously offered, as a gesture of his commitment, an in-kind donation to lower the overall cost of the intended bronze memorial.

Still, significant funds must now be raised to make this memorial a reality. The anticipated cost for the project is \$ 613,000.00. They anticipate raising money from private donors, institutional sources and state funds. To accomplish this goal, in discussion with the artist and other potential funders, they are now seeking support from the City.

Mr. Tissue stated the Public Art Commission endorsed this project at their October 8, 2021 meeting. If the Council endorses the concept, staff would recommend the following:

1. An agreement be developed between the City, the “Clara Barton Memorial Committee”, and the Community Foundation that includes details on the City’s donation and responsibilities
2. An “Art Transfer Agreement” be developed that conveys the art to the City upon its completion
3. Funding for the City’s portion of the project would be included in the FY23 capital budget that the Mayor and City Council would approve next spring and be available starting in July, 2022. The estimate is approximately \$ 60,000.00.

Councilmember Aleshire recalled the Cultural Trail was originally to go behind the seafood restaurant on Summit Avenue. It needed a connection for the Museum of Fine Arts and City Park with downtown, so the Mayor and City Council made the change to locate the trail where it is today. He pushed hard to obtain this property for the purpose of interconnectivity between City Park and downtown components. He saw it as something to encourage families in City Park to take the adventure of walking on the Cultural Trail. He envisioned culturally significant items being located there that are relevant to the core of Hagerstown. As the former trolley barn is near this location, a trolley in the green space would be appropriate. This proposal is a much more solemn use than he envisioned.

Mayor Keller disagreed.

Councilmember Bruchey agreed with Mayor Keller. This isn’t his original thought for the property but he likes this idea. He does not think the Trail will be blocked in anyway. It is educational and seems like a natural transition for people at the Hager House to visit downtown.

Councilmember McIntire is in favor of the project. She thinks it is beautiful and thinks the proposed location is appropriate.

Mr. Tissue will move forward with drafting the agreements as noted earlier.

Indoor Sports Facility

Rodney Tissue, City Engineer, and John Wack, President, Eastern Sports Management (ESM), were present to review a proposal from ESM for an indoor sports facility.

In January, when the Mayor and City Council discussed that the municipal stadium site would no longer be used for professional baseball, the consensus of the majority of the City Council was that long term re-use of the site be an indoor turf facility. This would be a public/private partnership for removing the existing stadium and constructing an indoor turf facility much like the Frederick Indoor Sports Center in Frederick, Maryland. The extensive Victus Advisors study from 2018 showed there is a significant demand for indoor sports.

In April, the City Council approved a Request for Qualifications (RFQ) to solicit statements of qualifications from developers (or multi-firm project teams) interested in designing, constructing, operating and maintaining an indoor turf facility that would provide patrons with sports and recreation activities, serve as an economic development driver, and enhance the overall quality of life for Hagerstown residents.

In response to the RFQ, three proposals were submitted and the Selection Committee (consisting of Sheldon Shealer, Michelle Hepburn, Scott Nicewarner, and Rodney Tissue) reviewed the proposals and interviewed all three development teams. Based on this process, the Committee is prepared to recommend entering into a contractual relationship with Eastern Sports Management to develop the facility.

ESM has a 17 year track record of successfully designing, constructing, operating, and maintaining indoor recreational facilities. They have assembled an experienced team of professionals to successfully complete the project.

The Hagerstown facility will include two turf fields, hard courts, fitness area, food and beverage area, and other space to support the operations. The facility is proposed at the Municipal Stadium site and will utilize as much of the existing parking as possible. The construction cost depends on what is actually built but will be in the \$ 180/SF cost range. Grants would be sought for construction; undoubtedly the City would have a large financial obligation to fund construction that would be re-paid by EMS from operational revenue over 20 years.

The project will take about 20 months to develop and another 14 months to construct. A phased approach is suggested for the project as follows:

1. Phase I: Market Analysis, Conceptual Design and Capital Development – 6 months \$ 70,000
2. Phase II: Capital Development, Bid Documents and Legal Agreements – 5 months, \$ 400,000
3. Phase III: Construction Documents and Permits – 9 months, \$ 350,000

4. Phase IV: Construction and Business Stand-Up – 14 months (start construction late summer of 2023 and opening Fall 2024), cost to be determined based on what is actually built but will be at least \$ 10,000,000 and could be as much as \$ 20,000,000

The City would continue to own the land. Building ownership after 20 years will need to be determined but will likely be ESM. The City has the financial obligation to remove the stadium structures (estimated at \$ 100,000) and address the stormwater issues on site.

Mr. Wack stated Pinnacle Indoor Sports, and HG Architects have joined ESM for this project. Each organization brings significant industry strengths to the overall project.

Councilmember Aleshire hopes the parking would be located after the optimal placement of the facility is determined. He asked when the demolition of the current structure will occur, based on the three year time frame.

Mr. Tissue stated demolition could occur any time between now and when construction begins (anticipated to be summer of 2023). Councilmember Aleshire thinks the stadium should be demolished as soon as possible which will eliminate any further maintenance responsibilities for the City.

Councilmember Bruchey asked what the cost of annual maintenance is at the stadium. Mr. Tissue indicated expenses are typically \$ 100,000. Councilmember Bruchey asked if the facility could be used in the same manner next year, without the City expending further maintenance costs, and then demolished.

Councilmember Aleshire stated he believes there are a number of groups that may be interested in using the current facility. There will continue to be maintenance costs for the City. Demolition costs will fluctuate due to the market and he does not see what benefit there is to keep the building. He does see detriments in delaying the demolition, especially if the City enters into a partnership with ESM.

Mayor Keller noted the action requested at this point is to award a Phase I contract to ESM for \$ 70,000 (plus expenses) to complete an updated market analysis and develop concept drawings and a business plan that will enable the City to seek the needed capital funding. It was the general consensus of the Council to include approval of a consulting services agreement with ESM on the October 26, 2021 agenda.

2021 Hagerstown Ice & Sports Complex Annual Report

Eric Deike, Director of Public Works, and Paul Sweeney, Board Chair - Hagerstown Ice Amateur Athletic Associations (HIAAA), were present to provide the HIAAA's annual report to the Mayor and City Council. Dan LaValliere, General Manager and Facility Manager was also present.

The agreement with the HIAAA includes the following:

1. HIAAA has managed the ice rink facility since April, 2014
2. The City pays the utility bills at the rink with a cap of \$ 85,000 per year
3. The HIAAA pays rent in the amount of \$ 36,000 per year
4. The City pays 75% for certain capital improvements at the rink as stipulated in the agreement
5. The agreement with the HIAAA expires June 30, 2024

The HIAAA is a non-profit, 501c(3) organization that is a consortium of all the major user groups at the Ice Rink. Each member group has a voting member on the HIAAA. At-large board members also hold voting rights. The group was created in 2014 and formally took over operation of the rink on April 1, 2014.

Public skating experienced a \$ 54,000 decline due to COVID and related closure protocols in 2020.

Several adult hockey teams use the rink and registration is at 225 individuals. There are more than 200 youth hockey participants throughout the year. There are two figure skating programs plus a new theater on ice program. There were 431 people registered for the Learn to Skate program last year.

Detailed analysis of separate rink functions continues to be examined by HIAAA board members (ice usage, registrations, concessions, advertising, maintenance). Recommendations are made at monthly board meetings. HIAAA Board members chair each subcommittee to ensure a fair workload and input from each user group and volunteers. The physical state of the ice and boards is in very good condition. The ice was taken out and replaced this spring, which allowed for maintenance and rink repairs.

All bills, as of September, 2021, are current. The HIAAA received small business loans to keep funding payroll throughout the COVID-19 closure. They stayed open and practiced recommended safety protocols during Fall/Winter 2020 and Spring 2021. They continue to make monthly payments on the Zamboni, purchased in FY 17/18.

Future maintenance needs include an energy efficient ceiling and dehumidifier replacement.

The vision for 2021-2022 includes the following:

1. COVID-19 Awareness: Continue to operate the rink in a safe environment. Draft strategies for potential closure if there is a surge in Maryland/Washington County cases.
2. Travel Youth and Adult Tournaments: Partnering with local businesses to offer discounts for visitors (restaurants, hotels)
3. Roller Hockey: continuing to grow roller hockey in Hagerstown

To take the facility to the next level, another sheet of ice is needed. Additional ice time allows for more teams and individuals to participate in ice sports at reasonable hours. A planning subcommittee has met over the past three years to assess costs and procedure recommendations for moving forward. The Rink Expansion Committee has made progress with fundraising efforts and initial design concepts.

Councilmember Aleshire asked if there is a corresponding decrease in expenses for the decrease in revenue. Mr. Sweeney indicated there is not because the facility was open for team activities. The decreased revenue is from the time public skating was not permitted.

Councilmember Aleshire asked if the HIAAA received any federal relief funds. Mr. Sweeney indicated they had, but not a large amount. The relief funds allowed them to maintain the operation. They applied for an EID loan but have not used any of the funding.

In addition to the presentation, the HIAAA is requesting rent relief from calendar year 2020 in the amount of \$ 5,700.00. The group requested rent relief in the amount of \$ 9,000.00 for the months of April, May, and June, 2020. The Council agreed to write off \$ 3,300.00 of the amount (an amount equivalent to utility savings) leaving a total of \$ 5,700.00 to be paid. This amount remains outstanding.

Mr. Sweeney stated HIAAA still made repairs and maintained the facility during the time they were closed for public skating and he wondered why only a portion of the requested rent relief was granted. Mayor Keller stated no one at the time of the request knew what would happen as the positivity rate was extremely high. The Mayor and City Council were being cautious in providing relief to many tenants.

It was the general consensus to grant the request for waiving the remaining \$ 5,700.00 in rent due.

Preliminary Agenda Review

Mayor Keller announced that Citizen Comments for the October 26, 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. Information Technology:

1. Annual Support and Maintenance Contract Renewals – Glessner Technologies (Hagerstown, MD) \$ 23,543.00

B. Public Works:

1. Bulk Road Salt – Cargill, Inc. (North Olmstead, OH) \$ 76.38 per ton

C. Utilities:

1. Light: Conduit and Associated materials for Northpoint Development – Wesel Blvd. - Scott Electric (Greensburg, PA) \$ 79,357.60
2. Water: 2022 Ford Escape AWD – Keystone Ford (Chambersburg, PA) \$ 24,700.00
3. Water: 2021 F-550 Chassis and Utility Body – Keystone Ford (Chambersburg, PA) \$ 95,392.00
4. Water: 2022 F-750 Diesel Regular Cab with Dump Bed – Keystone Ford (Chambersburg, PA) \$ 94,646.00
5. Water: Installation of Fiber Optic Transmission Line – RC Willson WTP – Antietam Cable Television (Hagerstown, MD) \$ 56,188.00
6. Wastewater: Truck/Van RCA Camera Unit – Atlantic Machinery (Silver Spring, MD) \$ 425,936.75

This completed the Preliminary Agenda Review. There were no questions about any items. All items, unless noted, are scheduled for approval on October 26, 2021.

Invest Hagerstown City Center Redevelopment Grant Application: 53 W. Washington Street (Updegraff Building)

Chris Siemerling, Economic Development Specialist, was present to review an Invest Hagerstown City Center Redevelopment Grant Application for 53 W. Washington Street (Updegraff Building).

The applicant is Blackthorn Capital Partners, LP. The requested grant amount is \$ 250,000.00 and the estimated total projects costs are \$ 4,091,587.00. The project is full build out and renovation of vacant second, third, and fourth floors for creation of 7 residential units per floor and full renovation of the first floor's commercial space for tenant ready build out. The number of new jobs created within 2 years of the project completion is 20. The project is expected to start on April 1, 2022 and be completed by October 1, 2022.

The project was approved for the Partners in Economic Progress (PEP) Property Renovation Program and a \$ 7,500.00 Invest Hagerstown Façade Grant. The Review Committee recommends approval for a \$ 250,000.00 Invest Hagerstown City Center Redevelopment Grant for the project. The project is also currently going through the process to receive Maryland Historic Tax Credits for the property.

It was the general consensus to include approval of the grant on the October 26, 2021 Regular Session agenda.

Substation Property Lease and Purchase Agreements – 548 Eastern Boulevard South

Nancy Hausrath, Director of Utilities, and Nathan Fridinger, Electric Operations Manager, were present to review a substation property lease and purchase agreements for the property at 548 Eastern Boulevard South.

The City acquired the Substation Property from Cascades Tissue Group by an Amendment to the Comprehensive Settlement Agreement and Mutual Lease, and entered into a Lease Agreement with GB&J's, LLC. Under the terms of the Lease Agreement, the parties have agreed to enter into a Purchase Agreement for the ultimate sale of 0.75 acres of the 9.4752 acre property in the amount of \$ 200,000.00 and reimbursement of legal expenses by February 24, 2022.

The City has accepted responsibility of the subdivision process and Frederick Seibert and Associates is developing a plat at the direction of staff.

Legal Counsel representing both parties have mutually agreed to a Purchase Agreement.

It was the general consensus of the Mayor and City Council to move forward with the sale of the substation. Introduction of an ordinance for this action will be included on the October 26, 2021 agenda.

CITY ADMINISTRATOR'S COMMENTS

Scott A. Nicewarner, City Administrator thanked the Mayor and City Council for the productive discussion earlier today. Additional information will be provided based on the discussion.

MAYOR AND COUNCIL COMMENTS

Councilmember T. Martinez had no additional comments.

Councilmember K. B. Aleshire had no additional comments.

Councilmember T. Burnett reminded everyone a follow up community meeting will be held at Wheaton Park on Wednesday, October 27, 2021 at 5:00 p.m. The results from the August 31, 2021 meeting regarding park improvements will be presented.

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

Councilmember S. McIntire had no additional comments.

Mayor E. Keller thanked staff for spending the day with the Mayor and City Council. She thanked Parks staff for indulging her request to visit the Hager House after hours

recently. She highly recommends taking one of the ghost tours offered at the Hager House.

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 5:31 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: November 23, 2021