

EXECUTIVE SESSION, SPECIAL SESSION (26TH VOTING SESSION), AND WORK
SESSION – November 16, 2021

EXECUTIVE SESSION – November 16, 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 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)), 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)), and to consult with counsel to obtain legal advice (#7) (Section 3-305(b)), on Tuesday, November 16, 2021 at 3:03 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. Burnett, Councilmember T. Martinez, Councilmember S. McIntire, City Administrator Scott Nicewarner, City Attorney Jason Morton, Ann Hunt, Attorney, Michelle Hepburn, Chief Financial Officer, Jill Thompson, Director of Community and Economic Development, Paul Fulk, Neighborhood Services Manager, Wes Decker, Communications Manager, and Donna K. Spickler.

The meeting was held to discuss a membership of the Hagerstown Planning Commission, to discuss a business proposal for an existing business, and to obtain legal advice on terms of an agreement. 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.

SPECIAL SESSION (26TH VOTING SESSION) AND WORK SESSION – November
16, 2021

Mayor E. Keller called this Special Session (26th voting session) and Work Session of the Mayor and City Council to order at 4:06 p.m., Tuesday, November 16, 2021 in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, T. Burnett, T. Martinez, S. McIntire, City Administrator Scott A. Nicewarner, and City Clerk D. K. Spickler. Councilmember R. E. Bruchey, II was not present.

SPECIAL SESSION (26TH VOTING SESSION) – November 16, 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 of all members present to meet in Special Session at 4:06 p.m.

Approval of Revised Application and Guidelines for the Historic City Farmers Market

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously agreed by voice vote of all members present to approve revised Application and Guidelines for the Historic City Farmers Market, dated November 16, 2021. Staff may make administrative edits from time to time with the approval of the City Administrator.

Approval of Incentive for City Farmer's Market Vendors

Action: On a motion duly made by Councilmember T. Martinez and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote of all members present to approve Guidelines and Application Form for an incentive for existing City Farmer's Market vendors, to be offered only following notice that the City is terminating Vendor Agreements due to the sale of the property at 25 W. Church Street.

Staff may make administrative edits with the approval of the City Administrator. The incentive will be funded from the Department of Community and Economic Development Economic Incentives line item.

Introduction of an Ordinance: Authorizing the Sale of Property Located at 25 W. Church Street

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously agreed by voice vote of all members present to introduce an ordinance authorizing the sale of property located at 25 W. Church Street, Hagerstown, MD, to Marketplace, LLC for a purchase price of \$ 400,001. The sale will provide the opportunity for new investment and redevelopment at 25 W. Church Street. The sale will be in accordance with all of the terms and conditions outlined in the Purchase Agreement.

Approval of a Resolution: Lease Agreement with The Foundry Pop-Ups LLC for the Property Located at 6 N. Potomac Street

Action: 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 of all members present to approve a resolution authorizing the Lease Agreement with The Foundry Pop-Ups LLC at the City of Hagerstown property located at 6 North Potomac Street, in Hagerstown, Maryland. The term of the lease shall be November 17, 2021 through December 31, 2021. The approval provides that the City

Administrator and/or the City Attorney may make administrative edits to the Agreement if necessary prior to execution.

The Special Session was closed at 4:09 p.m.

WORK SESSION – November 16, 2021

Proclamation: Small Business Saturday

Mayor Keller read a proclamation naming Saturday, November 27, 2021 as Small Business Saturday. Small Business Saturday is a way to cultivate business for merchants of small businesses on the Saturday following Thanksgiving. Jill Thompson, Director of Community and Economic Development, Chris Siemerling, Economic Development Specialist, and Doug Reaser, Business Development Specialist, accepted the proclamation.

Proclamation: Transgender Day of Remembrance

This proclamation will be presented at a later date.

Preliminary Agenda Review

Mayor Keller announced that Citizen Comments for the November 23, 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. Fairgrounds Stable Roof Repair – Phase 1 – Advance Construction (Hagerstown, MD) \$ 33,400.00
2. Design of New Artifact Displays for Visitor Center at the Hager House – Iondesign (Charles Town, WV) \$ 50,000.00

B. Fire Department:

1. Lion Armor AP V-Force Personal Protective Equipment – Witmer Public Safety Group (Williamsport, MD) \$ 29,856.00

C. Information Technology:

1. Dossier Systems – Software Upgrade to Professional Edition System – Dossier Systems (Burling, NJ) \$ 14,079.00
2. Barracuda Essentials Security Software Renewal – System Source (Hunt Valley, MD) \$ 20,494.00

D. Police Department:

1. Safariland Ballistic Vests, Carriers, Trauma Plates – Atlantic Tactical (New Cumberland, PA) \$ 30,224.82

E. Public Works:

1. John Deere Backhoe Loader – Jessco, Inc. (South Plainfield, NJ) \$ 128,413.60
2. Bulk Diesel Fuel and Gasoline: Transport Deliveries
3. Bulk Diesel Fuel and Gasoline: Tank-wagon Deliveries

F. Planning and Code Administration:

1. 2022 Ford F-150 – Keystone Ford (Chambersburg, PA) \$ 35,410.00
2. Change Orders for Court Order to Repair Wall to Open Alley 4-2 (Cramer’s Alley) – Gruber-Latimer Restoration (Sharpsburg, MD) Additional amount – \$ 15,329.00

G. Utilities:

1. Water – Chemicals – Various Vendors - \$ 1,129,698.50
2. Wastewater – Chemicals – Various Vendors - \$ 670,701.00

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

Public Art Projects Update

Rodney Tissue, City Engineer, was present to provide an update of the City’s public art projects. The last update was in July, 2020. Staff has continued to work with the Washington County Arts Council and the City Council-appointed Public Art Commission (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 offer the following recommendations to add more art to the downtown.

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 new 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 approval. Staff recommend installing 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 developed a call for proposals and 9 proposals were received by the Arts Council. The Commission selected Donald Ely, a Maryland artist. His concept is included with the meeting material. If acceptable, staff will apply for a \$ 20,000 Public Art Across Maryland (PAAM) grant that would fund the art (\$ 8,000), the billboard-like structure (\$ 12,000) and then the City would fund the acquisition of the panels and any installation costs (\$ 1,000 or less funded by CIP #868 which has a fund balance of \$ 25,000). If the City is successful in obtaining the grant, the art will be installed in Spring, 2022.

Lee Street Screen Art along Cultural Trail

John Barr, who is by far the most generous private contributor to the public art program, developed another project on the south side of Lee Street at the Cultural Trail. John constructed a concrete wall with a decorative expanded metal screen system and is offering it to the City to attach art to.

The City's contacts at the Maryland State Art Council recommended artists Carol Jarvis and Gregory Gannon. Their design is flower petals and each petal would be powder coated metal for durability. The Commission recommends the City enter into an Artists Agreement with them to install the floral pattern on the screens.

Staff are still finalizing the cost due to material shortages but estimate that it won't exceed \$ 20,000. Funding is also provided in CIP # 868. The art will be installed in Spring, 2022.

Faces of Hagerstown:

The Arts Council posted a call for photographs to be installed along the District Court in the new section of the Cultural Trail and in Artist's Alley. Seventy nine photos were submitted and the Commission selected 20 pictures for the new section of the Trail and another 6 for Artist Alley. Estimated cost to fabricate and install the photos is \$ 9,000 and it will also be funded by CIP #868. The photos will be installed in Spring, 2022.

The City Council previously awarded a contract to Mark Schwenk of Frog Valley Artisans in Berkley Springs, WV to fabricate and install an array of multi-level colorful aluminum sculptures suspended in an arc-shape by cables about 20 feet above the ground. The sculptures are assorted flowers and butterflies. This art will be installed over the next new section of the Cultural Trail just south of Washington Street. The adjacent Bead Building renovation may delay the installation until later in 2022.

Mayor Keller and Councilmember McIntire like all the proposals.

Councilmember Aleshire stated he likes them all too, especially the long mural, which refrains from any level of including the current political climate and public representation. The quote on the mural is ok as it is something everyone has said and is not specific to a specific person. He wondered if it has to be included at all.

It was the general consensus of the Mayor and City Council to move forward with the artwork as presented. Agreements with the artists will be placed on future agendas for approval.

Wheaton Park Improvement Concepts

Rodney Tissue, City Engineer, and Eric Deike, Director of Public Works, were present to review concepts for improvements at Wheaton Park.

Consistent with the Mayor and Council's Strategic Plan, staff is recommending significant upgrades to Wheaton Park. While that park is in overall good condition, staff suggest comprehensive improvements based upon the following:

1. The residential rental building has been boarded up and vacant for almost 30 months
2. There is no marked, improved parking
3. There are limited activities for children
4. The park layout feels rather haphazard and unplanned
5. Availability of Community Development Block Grant (CDBG) funds

To begin the process toward a comprehensive improvement plan, staff hosted a community meeting on-site on August 31, 2021 to obtain feed-back from the community on improvements they would like to see. A summary of the meeting is included in the meeting material. Approximately 15 people attended and provided input.

Staff then took these ideas and wishes and used them to create three concepts that were presented at another public meeting on October 27, 2021. Approximately ten people attended and provided their feedback on the concepts.

Concept A includes the least number of improvements, adds a basketball court in green space, some parking and keeping the house. There was no support for this concept.

Concept B includes medium improvements, adds larger basketball court, misting pad, more play equipment, bandshell, more parking provided, with the house remaining. This concept was supported by those who want to keep the house.

Concept C includes the most improvements, adds basketball court, misting pad, more play equipment, sports court, bandshell and more parking. The house does not remain in this concept. This concept generated the most support.

The main decision on which concept to implement centers around whether the former residential building should be renovated or remodeled. The City has owned an 1800 square foot concrete block residential unit at 124 Charles Street in the park since 1950. It is assumed the City obtained the dwelling to be a residence for the park caretaker. The dwelling was built around 1931 and was originally a duplex. At some point, decades ago, it was rather haphazardly converted to a single unit. The City rented the property over the years and the last tenant left in May, 2019.

Since the house was converted from a duplex to a single dwelling unit in a rather haphazard fashion, there are many issues. The five bedrooms are very small (some too small for a bed). It does not have a central heating and cooling system and the copper plumbing has all been removed by vandals. Some significant water intrusion deterioration is present in the trim and wood components. The flooring is in poor condition and the windows are not air tight. There does not appear to be any insulation. Any lead issues also need to be addressed with the City rental laws. To make the unit suitable to use, Parks staff estimates the cost at over \$ 160,000. The most recent rent received was \$ 635.00 per month.

For comparison, staff obtained a ballpark price of less than \$ 20,000 from a local demolition contractor.

Removing the house will improve security. With removal of the house, the pavilion and play areas will be visible from Sumans Avenue. Gerard Kendle, security specialist with the Hagerstown Housing Authority, completed a security assessment on the property.

Due to the poor condition and the poor position of the structure in the park, staff recommends removing the building and adopt Concept C as the master plan for the park. If Concept B is selected by the Council, staff would suggest an end user be found to operate the building and not City staff. Re-uses allowed by zoning include renovating the structure for a rental property, rezoning the park to institutional to allow for offices, and a variety of special exception uses such as day care, museum, ambulance, police, fire, small school, religious sanctuary, community center, and a recreation center.

Approximately \$ 300,000 in CDBG funds is currently available to design and construct a first phase of the selected concept in 2022. Staff estimate full build out of either Concept B or C would be approximately \$ 1,000,000.

Councilmember Aleshire asked about the size of the grass area. Mr. Tissue stated it would be a multi-use area that is 150' x 120'. Councilmember Aleshire noted that other jurisdictions have installed artificial turf in areas this large to provide a more durable life span.

Councilmember Martinez stated there used to be a tennis club there.

Councilmember Burnett thanked staff for listening to her about this park and the need for improvements. She thanked staff for their work in repairing sheds and fixing the floor in the bandstand. She has been involved in hosting the Ruth Ann Monroe summer basketball tournament, which has been held for 50 years. She prefers Concept B keeping the existing layout with removing the house. She supported keeping the house at one point but realizes there are safety and security concerns. A plaque could be placed at the site of the house honoring those who had significant impact on the park. She does not think moving the tennis court is appropriate. She received a lot of input and the kids just want to get wet so a splash pad or something similar would be a nice addition to the park. She likes the configuration of the courts in Concept B. The courts are used as event space during events during the tournament.

Councilmember Martinez stated so many families have held their reunions in the same place for 20 years. She thinks any improvements will be appreciated.

Councilmember Burnett suggested lining the green space for football in the fall.

Mr. Tissue asked if Councilmember Burnett would like to see more play equipment in the former house location. She stated that is correct.

Mayor Keller noted Fred Chavis sent a letter of support after the meeting material was compiled.

Councilmember McIntire asked if Councilmember Burnett has talked with the community about the Option B layout and removing the house. Councilmember Burnett indicated she has. Her main concern is the safety and security of the patrons and the park.

Mayor Keller asked if replacing the grass area with turf would affect the City's Stormwater Management program. Mr. Tissue stated it might be considered as an impervious surface.

Councilmember McIntire thanked Councilmember Burnett for her passion for this park and the improvements.

It was the general consensus to move forward with Option B, with the house being removed and adding more playground equipment.

An official plan will be included on the agenda for approval on November 23, 2021 that includes \$ 300,000 for Phase I. Phase I will include parking improvements and more play equipment.

FY23 Imagine Hagerstown

Kitty Clark, Community Events Coordinator, was present to provide a recap of last season's Imagine Hagerstown events, a preview of Spring 2022 events, and seeking approval of the FY23 budget.

In Calendar Year 2021, Imagine Hagerstown produced five Fourth Friday events in University Plaza. Each one took place as planned with no changes required due to Covid-19. As had been done in Calendar Year 2020, these events were BYOB, a situation that is both simpler to administer and more economically advantageous for downtown restaurants who are able to sell alcoholic beverages packaged to go. The lineup was diverse in genre and appealed to a diverse audience.

Overall, the Fourth Friday model works. People are getting familiar with the events, know to bring their own chairs, and know to bring in their own food and drinks. HPD and Parks staff have done a great job keeping University Plaza looking great and feeling safe.

The financial summary for FY21 was provided. Net cost of FY21 Imagine Hagerstown (July, 2020 – June, 2021) was \$ 21,662.00. The City was fortunate to be allowed to carry over unused FY20 grant funds from the state and the county arts councils that resulted in lower net costs to the City in FY21.

There are 2 more Fourth Friday events on the schedule in FY22 – May 27, 2022 and June 24, 2022. The artists for these events will be finalized in the next several months. Per the budget the Mayor and City Council approved last March, staff is working with a budget with a net cost to the City of \$ 36,100.00.

Staff are seeking approval of an FY23 budget for Imagine Hagerstown in the current format - 5 events in University Plaza with an opening act and a headliner band. This is necessary because artists and support services for the summer events need to be contracted in winter/spring of 2022, in advance of approval of the City's FY23 budget. For these 5 events, staff are reusing a small increase in the net cost from \$ 36,00.00 to \$ 44,000.00, which gives a bit more ability to hire bands with larger followings and to have sufficient marketing funds to promote the events.

This budget is acceptable to the Mayor and City Council and a vote to approve it will be scheduled for the November 23, 2021 Regular Session.

American Rescue Plan Act – Project Review

Scott Nicewarner, City Administrator, Michelle Hepburn, Chief Financial Officer, Brooke Garver, Accounting Manager, and Stacey Pierre-Louis, Grants Administrator, were present to review an updated listing of suggested and requested projects which would utilize the first two installments of American Rescue Plan Act (ARPA) funds provided to the City.

Mr. Nicewarner noted this presentation to the elected body and the community includes a general explanation of staff recommendations, the examples of eligible uses per the Department of Treasury Interim Final Rule, the Federal project expenditure categories related to Compliance and Reporting guidelines, and a review of the projects as they align within each of these use and reporting guidelines.

To date, and as represented on a spreadsheet included with the meeting material, City Council has approved \$ 4,875,000 in projects utilizing ARPA funds. This leaves a balance of unallocated funding of \$ 5,325,000 out of the original \$ 10,200,000 of the first installment of the \$ 20,400,000 total funding amount. Staff have identified those projects they feel address the goals of the community (community survey results), Mayor and City Council (strategic planning sessions and final documentation), and staff/departamental priorities. These designations are flexible and open to City Council modification. The amount to fund those listed projects, or projects added to the list by City Council during these discussions, are left to the body to provide within the remaining \$ 5,325,000 or identified through the final installment of \$ 10,200,000 to be received in May, 2022.

Ms. Pierre-Louis stated they have reviewed the Federal interim final rule and there are many ideas for uses of the funding. Appendix A, showing the Expenditure categories projects must fit within, and a chart showing eligible uses in the interim final rule, were provided to the Mayor and City Council.

Ms. Hepburn pointed out the final rule has not been finalized at this point. It continues to morph and change. Staff want to make sure everything the Mayor and City Council are discussing is included and reviewed. The City is required to list all the things they are thinking about funding and place them in subcategories. Any progress and changes will then have to be reported to the federal government. Staff has been accumulating feedback from the survey and the strategic plan into the ideas.

Another component to consider when reviewing projects is that the Infrastructure Bill was passed this week. For the most part, that funding is going to be allocated across the State and the State will determine how it is distributed. It is likely municipalities will be required to submit applications for the funding.

Based on recent discussions with the Mayor and City Council, potential funding for iPads for Board and Commission members, funding for tourism, and funding for public restrooms was added to the list.

Ms. Hepburn reported the City has received the first installment of \$ 10.2 million. Of that amount, \$ 4.8 million has been spent or allocated. The City has provided \$ 2.1 million in premium pay for employees. It is not clear what will happen with the second installment of \$ 10.2 million or what will continue to come from the Infrastructure Act.

The spreadsheet provided does not include anything new. Staff added notations for where additional research is needed, or for projects that could be completed with a

partner. No dollar amounts are included on this spreadsheet. Amounts will have to be included in January for reporting purposes.

Based on the discussion in October, staff added activities and projects for a combined project to address the addiction crisis. This includes a 24 hour crisis center, bridge funding gap for treatment, mobile crisis for nights and weekend, detox/crisis bed, and an outreach coordinator liaison position. The Mayor and City Council can adjust any of the items except for the shared items.

Mr. Nicewarner indicated input from community organizations and non-profit entities includes funding for CDL license assistance and day care transportation. He informed each group they would need to present their project/plan to the Mayor and City Council for consideration.

Councilmember Aleshire feels as though there is a disconnect with the approach because of the randomness of the projects. There has not been cohesive discussion with the elected body for direction for the projects.

Ms. Hepburn stated an internal committee reviewed projects and ideas that would fit within the categories. Discussion for each category could be scheduled if that is what the Mayor and City Council want to do.

Mayor Keller suggested holding a morning Work Session on December 14, 2021 for further discussion.

Councilmember Aleshire does not feel the elected body has gotten to the point of discussing how they want to apply the funding.

Mr. Nicewarner does not think the Mayor and City Council and staff are talking about different things. He noted that ARPA funding is being used to address blight as a result of the pandemic. These are suggestions for the Mayor and City Council to consider. Items can be removed as the elected body sees fit.

Councilmember Aleshire is concerned the funding will be spent before a number of the issues are addressed. There may be 10 items approved and all the funding is spent. Then, they realize there are 20 other things that need to be done.

Mr. Nicewarner stated staff is looking to the Mayor and City Council to prioritize the projects.

The next discussion of the projects will be held on December 14, 2021.

Mayor Keller then invited John Grave, Student at Fountaindale Elementary School, to the table.

Mr. Grave provided a written statement about the City Market. He visits the market often and enjoys all the activities and merchandise there. He urged the Mayor and City Council to keep the City Farmers Market like it is.

CITY ADMINISTRATOR'S COMMENTS

Scott A. Nicewarner, City Administrator reminded everyone that the Downtown Tree Lighting and Holly Fest will be held on Monday, November 22, 2021. He thanked the Youth Advisory Council for picking out a nice tree. He also thanked the Good Spirits Tree Farm for providing the tree.

MAYOR AND COUNCIL COMMENTS

Councilmember S. McIntire had no additional comments.

Councilmember T. Burnett had no additional comments.

Councilmember K. B. Aleshire had no additional comments.

Councilmember T. Martinez stated she will be hosting an open mic night on December 6, 2021.

Mayor E. Keller congratulated the Washington County Free Library on their new pick up center location at the North Pointe shopping center. This is the first pick up center in Maryland. She invited Olivia Kifer to be the guest Mayor to close the meeting.

There being no further business to come before the Mayor and City Council, on a motion duly made, seconded and passed, the meeting was adjourned at 5:30 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: January 25, 2022