

EXECUTIVE SESSION – July 12, 2022

Mayor Keller called the Executive Session to order at 3:01 p.m.

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 consult with counsel to obtain legal advice; (#7) (Section 3-305(b)), to conduct collective bargaining negotiations or consider matters that relate to the negotiations; (#9) (Section 3-305(b)), to consider the acquisition of real property for a public purpose and matters directly related thereto; (#3) (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 discuss 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)), on Tuesday, July 12, 2022 at 3:01 p.m. in the Council Chamber, 2<sup>nd</sup> floor, City Hall, Hagerstown, Maryland. Councilmember K. B. Aleshire was not present at the time of the vote.

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, Amy Taylor, City Attorney, Jason Morton, City Attorney, Michelle Hepburn, Chief Financial Officer, Don Francis, Director of Human Resources, Fire Chief Steven Lohr, Adam Hopkins, Battalion Chief, Mark Cleck, Battalion Chief, William Schildt, Attorney, Eric Deike, Director of Public Works, Rodney Tissue, City Engineer, Jill Thompson, Director of Community and Economic Development, Christopher Siemerling, Economic Development Specialist, and Donna K. Spickler, City Clerk.

The meeting was held to discuss a security agreement, a union contract, acquisition of property for City operations, a business proposal, and membership of the Hagerstown Loan Review Authority, The Historic District Commission, and the Police Accountability Board. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 3:49 p.m.

WORK SESSION AND SPECIAL SESSION (45<sup>TH</sup> VOTING SESSION) – July 12,  
2022

Mayor E. Keller called this Work Session and Special Session (45<sup>th</sup> voting session) of the Mayor and City Council to order at 4:02 p.m., Tuesday, July 12, 2022 in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, R. E. Bruchey, II, T. Burnett, T. Martinez, and S. McIntire, City Administrator Scott A. Nicewarner, City Attorney Amy Taylor, and City Clerk D. K. Spickler.

Special Recognition: “If I Were Mayor” Contest Winner

Mayor Keller presented a Certificate of Special Recognition to Gabby Bonel, Paramount Elementary School, for her “If I Were Mayor” Essay. Each year, the Mayor selects three local essays from Washington County students. Ms. Bonel was one of the Mayor’s picks this year. Since she was not able to attend the Mayor and City Council Meeting on June 28, 2022, Mayor Keller invited her to attend this meeting.

Memorandum of Understanding with United States Postal Service Discussion

Amy Taylor, City Attorney, was present to review a Memorandum of Understanding (MOU) with the U. S. Post Office located at 44 W. Franklin Street in Hagerstown, Maryland.

The Post Office, located at 44 W. Franklin Street, falls under exclusive federal jurisdiction. This means the State of Maryland does not have criminal jurisdiction over crimes occurring on that property, and the Hagerstown Police Department lacks authority/jurisdiction to enforce the laws of Maryland at that property. Ms. Taylor noted the post office located at 12912 Conamar Drive falls under “Proprietary Interest Only Jurisdiction”. Therefore, the State and local law enforcement have the same authority to enforce state criminal laws on the property as they would on any other private property.

To convert the status of the property from exclusive to concurrent, the United States Postal Inspection Services (USPIS) will reach out to the Governor to request an agreement under General Provisions Article Section 6-202, which will allow for the enforcement of state criminal laws on USPS property.

The MOU is limited to situations involving requests for police services received by the Hagerstown Police Department U.S. Post Office located at 44 W. Franklin Street in Hagerstown or which relates to activities occurring on that property. The MOU will be in effect until such time as the jurisdictional status of the property is changed or a party to this MOU wishes to withdraw.

It was the general consensus to move forward with approving the MOU during a Special Session scheduled for later today.

City Event Sponsorship Requests

Brittany Arizmendi, Community Engagement Officer, was present to review the FY23 City Event Sponsorship Requests.

The Community Engagement Office recently assumed responsibility for the review process of event sponsorships that was previously in the Department of Community and Economic Development. City event sponsorships are to provide support for events taking place in the City which have a positive impact on local businesses and offer

benefits to its citizens. Sponsorship funds help offset the cost of events, which sometimes include charges for overtime city staff. The majority of these events take place downtown in the Main Street and Arts & Entertainment District, which is a key proponent of drawing people downtown.

Ms. Arizmendi stated Holly Fest is scheduled for Monday, November 21, 2022 at the Maryland Theatre. She was notified that the event scheduled at the Maryland Theatre on Saturday, November 19, 2022 was recently cancelled. That date is being offered to the City for Holly Fest. Holly Fest and the tree lighting could be a larger event by adding a Makers Market to the activities available if it is held on a weekend.

It was the general consensus to accept the offer for use of the Maryland Theatre for November 19, 2022.

Ms. Arizmendi provided a spreadsheet showing a brief history of sponsored events and requested sponsorship amounts for FY23. Two new events (Fiber Fest and Watches and Whiskey) along with a modified request from the Alsatia Club for the 2022 Mummers Parade were also included. Sponsorships exceeded the budget by \$ 22,000 in FY22. Requested amounts for FY23 are above the budget as well. She noted 3 events have requested \$ 10,000.00. Providing large amounts limits the available budget for new events. She is requesting guidance from the Mayor and City Council on whether or not to limit the amount that is provided for requests. She noted Maryland Main Street put a cap on their funding in order to provide assistance to more events.

Mayor Keller indicated she thinks the Alsatia Club is not requesting a larger amount now. They are satisfied with the amount they receive and the in-kind services provided. She will confirm this.

Mayor Keller suggested putting a limit on the amount, such as a cap or a percentage of the event's total budget.

Councilmember McIntire suggested including a review of the number of people an event draws to downtown.

Ms. Arizmendi stated someone had suggested creating a fund specifically for new events. Mayor and City Council members supported this idea.

Councilmember Aleshire thinks new events should be limited to a smaller amount.

Mayor Keller and Councilmember McIntire asked what past individual event budgets have been.

Mr. Nicewarner informed the group staff have been reviewing a policy of providing the sponsorship after invoices are submitted.

Ms. Arizmendi will provide additional information on past event budgets and a policy for providing a sponsorship at a future Work Session.

Follow-up to Public Hearing: A-2022-01, Annexation of Unger Properties, LLC

Kathleen Maher, Director of Planning and Code Administration, was present to review the information from the Public Hearing for the Annexation of the Unger Properties, LLC.

Unger Properties, LLC initiated annexation of the 115.84 +/- acre farm at 1302 Virginia Avenue, Case No. A-2022-01, by submitting a petition for annexation. The petition was presented at the April 26, 2022 Mayor and City Council meeting by the applicant's attorney, Zach Kieffer. The Mayor and City Council introduced the annexation resolution and approved the annexation plan on April 26, 2022. As required by State Law, there were four published notices advertising the Hearing and the Annexation Plan was provided to the appropriate County, Regional, and State Planning Agencies at least 30 days prior to the Public Hearing. Both the State and the County acknowledged that the requested zoning of RMOD does not substantially differ from the current RU zoning, and express approval of the zoning by the County is not required. The public hearing was held on June 28, 2022.

At the hearing on June 28, 2022, Councilmember Aleshire raised a number of questions concerning the Annexation Plan and issues related to the development review process, which staff addressed at the meeting or in a follow-up email on June 30, 2022. The email is part of the meeting material. The applicant's attorney requested that the Mayor and City Council adopt the annexation resolution and stated that issues raised regarding traffic, open space, etc., would be addressed in the development review process. Prior to the hearing, staff received an email from a nearby resident expressing concerns about traffic and school capacity, which staff addressed at the hearing. Since the hearing, staff have not received any other public input on the proposed annexation.

Staff informed the Mayor and City Council at the hearing that a slight correction to the boundaries has been forwarded to the City by the applicant's engineer. The change is so minor it is undetectable at the scale of the map exhibits. Staff proposes replacing the metes and bounds description, annexation plat, and zoning exhibit in the resolution package that is voted on for approval to reflect the corrections.

Councilmember Aleshire noted the response regarding school districts and capacity seems to indicate there is no initiative at the County to be proactive in the location of schools to address development. He asked if there anything in the City Code that requires a designated playground/green space for a development of this size.

Ms. Maher stated the City's code requires green space for developments above a certain density. This development is below that density level. The Planning Commission has received the proposed design and there is designated recreational space. Ms. Maher

stated they often see tot lots in developments, even if it is not required. A tot lot was donated to the City and staff encourage that.

Councilmember Bruchey asked if Councilmember Aleshire is recommending amending the City Code to make it mandatory that park/green space is required in a development.

Councilmember Aleshire stated he thinks green space is necessary in a development this size. Other Councilmembers agreed.

Mayor Keller stated a discussion about adding this requirement for future annexation will be scheduled.

It was the general consensus to include approval of the annexation resolution on the July 26, 2022 Regular Session agenda. The metes and bounds description, annexation plat, and zoning exhibit have been updated in the resolution packet to reflect the slight boundary corrections forwarded to staff by the applicant's engineer. If the resolution is approved, the annexation becomes effective in 45 days.

#### Reallocation of Summer Camp Funds from Robert W. Johnson Community Center Discussion

Mayor Keller informed the group that the Robert W. Johnson Community Center (RWJCC) Summer Camp has been cancelled. The City had agreed to provide \$ 15,000.00 to RWJCC for the camp. People in the community wanted to continue with the camp and worked with the YMCA, who agreed to operate the planned camp. She thanked the YMCA for their help in providing camps for kids. She asked if the Council is agreeable to transferring the funding from the RWJCC camp to the YMCA.

Councilmember Martinez stated the camp is now being called the Wheaton Park Community Camp.

It was the general consensus to move forward with transferring the funding originally provided to RWJCC to the YMCA to cover the costs for the camp.

#### IAFF Local 1605 Labor Contract

Don Francis, Director of Human Resources, and Fire Chief Steve Lohr, were present and announced the City's negotiation team has reached a tentative agreement with the International Association of Firefighters, Local 1605.

This collective bargaining agreement was voted on and ratified by the union's membership on July 6, 2022. If the Mayor and Council find the tentative agreement acceptable, it will be scheduled for a formal vote during the Special Session on July 12, 2022. Mr. Francis recommends approval of the agreement.

The cost of the FY23 wage enhancement to the General Fund is \$ 484,813.00. If approved during the Special Session later today, the pay change to the new contacted rate will be effective on July 11, 2022.

Approval of the Program Year 2022 (City FY2023) Community Development Block Grant (CDBG) Annual Action Plan

Jill Thompson, Director of Community and Economic Development (DCED), and Annaston Cree, Planning and Outreach Coordinator, were present to review and request approval of the Program Year 2022 (City FY2023) CDBG Annual Action Plan in order to receive the City's annual entitlement of CDBG funds.

The City of Hagerstown is an entitlement recipient of Federal CDBG funds from the United States Department of Housing and Urban Development (HUD). Each year, the City of Hagerstown is required to submit an Annual Action Plan to HUD and this plan serves as the City's application for CDBG funds. CDBG allocations were recently announced by HUD and Hagerstown's FY23 CDBG entitlement will be \$ 783,642.00.

Consistent with CDBG National Objectives and Hagerstown's Five Year CDBG Consolidated Plan, the FY23 CDBG Annual Action Plan concentrates funds on neighborhood-based projects and programs. CDBG funded grant and loan programs for low/moderate income homeowner home repairs will be provided by DCED and community partners. Proposed Public Facility projects will be carried out in cooperation with the Engineering Department. These projects include:

1. Sidewalk accessibility ramp construction
2. Wheaton Park Enhancement Project
3. Alms House Rehabilitation Project

The FY23 Annual Action Plan also proposes support for local public service providers.

In order to foster transparency and strengthen Community Development programming, the CDBG Citizen Advisory Committee assists staff with review of all requests for CDBG Public Service funding. Public Service agencies submit applications requesting CDBG funding and after application review by the advisory committee and City staff, application rankings are presented to the Mayor and City Council for review.

The CDBG Citizen Advisory Committee has met and provided insight on all CDBG Public Service funding requests for FY23. A spreadsheet containing the committee's rankings of the public service applications was provided with the meeting material. Per CDBG regulations, Public Service funding is limited by a regulatory cap that is 15% of the sum of the FY23 Entitlement amount and the FY22 Program Income amount. This amount is \$ 131,496.00. It is estimated and fluid as FY22 Program Income is not locked in until the close of the fiscal year.

In FY22, \$ 75,000.00 of CDBG funding was budgeted for a new CDBG activity of the Microenterprise Grant Program. A microenterprise, as defined by the CDBG program regulations, is a small business with 5 or fewer employees with one or more of these 5 employees also owning the microenterprise. The 5 employee requirement would be based on total head count of employees and not full-time equivalent hours.

The City's Microenterprise Grant Program provided grants of \$ 5,000.00 to microenterprises located in the City of Hagerstown and with the owner(s) meeting CDBG income guidelines. Eligible uses of the grant included operational capital, rent/mortgage, inventory, equipment, and other similar business expenses.

The FY23 Annual Action Plan provides \$ 75,000.00 for continuation of the Microenterprise Grant Program.

The Program Year 2022 (City FY2023) CDBG Annual Action Plan is scheduled for approval during the July 12, 2022 Special Session.

Once approved, staff will immediately submit the plan to HUD which will allow FY23 CDBG expenditures to begin. Future changes to the Annual Action Pan can occur after this approval during the fiscal year through a routine CDBG plan amendment process, if necessary.

It was the general consensus to move forward with the required actions as stated.

#### Community Liaison Coordinator Position

Police Chief Paul "Joey" Kifer was present to discuss a Community Liaison Coordinator position.

With the growing social issues of homelessness, drug addiction, and youth violence influencing the community, staff has developed a new full time position within the city government that will act as the liaison with community partners and stakeholders along with city departments to bring the best positive impact to the City. This position will be part of the police department's staffing and budget.

For the first 2 years, the position's funding will come from the American Rescue Plan Act (ARPA) federal funds with subsequent years falling under the police department budget. The position is set at an MG-17 pay grade, \$ 50,689.60 to \$ 81,452.80 as the salary range.

The main function of this position will be to develop operational strategies with community partners and city government to meet the community needs. They will facilitate meetings, apply for grants, and provide guidance to all partners in the effort to meet specified goals and objectives. Currently, there are a number of groups doing their individual work and everyone involved believes working together and expanding the efforts will be beneficial for the community. The City will be able to apply for grants that some of the community partners may not be eligible for.

The Coordinator will gather data and file reports on the progress of the initiatives that are developed.

Formal approval of the new position will be included on the July 26, 2022 Regular Session agenda.

Social Agencies in the Community Discussion

Mayor Keller welcomed representatives of many social service agencies in Hagerstown to the meeting for a discussion of services that are available.

The following people were in attendance:

Steven Youngblood, Department of Social Services  
Brook Grossman, Horizon Goodwill  
Jim Grossman  
Kyle Manchris, Department of Labor  
Joe Sachet, Department of Social Services  
Cindi Messersmith, Shepherd Pratt  
Teri Conrad, Bester Community of Hope  
Dr. Mark Sewell, Community Action Council  
Jeannie Asbury, REACH  
Vicky Sterling, Washington County Health Department  
Phil Scolaro, Potomac Case Management Services  
Jay Trovato, Washington County Free Library  
Jason Summers, Lifehouse Church  
Jenny Fleming, Habitat for Humanity  
Kelli Tencer, United Way  
Jennifer Collier, Gatekeepers  
Bill Gaertner, Gatekeepers  
Jeremy Longeam, Dual Highway Sheetz  
Beth Towns, Dual Highway Sheetz  
Stephanie Corl, Dual Highway Sheetz  
Marvin Lohr, downtown property owner  
Delegate Brenda Thiam  
Patrick Prudhomme, downtown resident

Each person provided an overview of their agency and the assistance available or of their concerns. Mayor Keller wants to provide citizens with information about what help is available for someone who needs help. Her goal is to establish what role the City has in helping people in need get to the appropriate organizations. She asked what is missing with help for those with mental illnesses.

The following issues were discussed:

1. Community crisis response is needed 24 hours per day
2. Difficulty filling positions within the agencies

3. Walk in treatment facility
4. The need for a 24/7 intervention hub that would be available for people needing help during a crisis. The hub would be a place where all agencies can work together and provide the information and needed documents for assistance. This type of assistance is difficult to find after 4:00 p.m.
5. Key is finding the right community partners
6. Multiple crisis calls at the Dual Highway Sheetz store
7. A person has to be willing to engage in services – they can't be forced to get help
8. Agencies serving greater numbers without additional funding
9. Need people on the street to reach out to those in crisis
10. Extensive training requirements for crisis social workers
11. Judge Wright collaboratively creating a mentoring program that assists families
12. Large homeless population with fentanyl addiction
13. Need one lead person/agency to coordinate the services
14. Homeless Coalition is working in the community
15. Case Management for law enforcement – referrals are low compared to reports from citizens.
16. Who to contact if you know someone needs help
17. How can the community solve homelessness? How can the City help make the connections for people with the agencies?
18. No services available after 5:00 p.m.
19. Difficult to meet the criteria for getting into assistance programs
20. Is there a place someone can go for the night without meeting the criteria?
21. Understand the need for agencies to have checks and balances to continue receive funding.
22. Several agencies do work together on a daily basis.
23. All shelters are valuable but many have limited hours. There are things in place within the shelters to keep everyone safe.
24. Agencies working with the homeless have a goal to get people housed – some have rapid housing programs.
25. Once housed, mentoring for successful, daily living has been offered
26. Some people simply don't want housing.
27. How can homelessness be stopped before eviction occurs.
28. State and Federal rental assistance is slow in being sent out
29. Streamlining the process for receiving any assistance
30. Community Liaison position is being created to help connect the dots so to speak
31. Need services for youth
32. How big a space would be needed for a central intake operation
33. Possibility of a 24 hour Crisis Center with medical treatment has been eliminated
34. Affordable housing as the community grows

Mayor Keller stated City officials do care about the people in Hagerstown. She wants to get information out to community members so they know who to contact for help. It is exhausting to navigate through the process for many people.

Councilmember Aleshire pointed out this is not secular to the City of Hagerstown; it is a County wide problem.

Mayor Keller noted that these problems are discussed during national seminars and workshops. It is a nationwide problem.

The Mayor and City Council appreciate what the agencies are doing in the community to help citizens who are hurting. Mayor Keller stated they want to know how to be better community partners.

SPECIAL SESSION (45<sup>TH</sup> VOTING SESSION) – July 12, 2022

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 Special Session at 5:50 p.m. on Tuesday, July 12, 2022 in the Council Chamber, City Hall, Hagerstown, Maryland.

**Approval of a Resolution: Approval of the Program Year 2022 (City FY2023) Community Development Block Grant (CDBG) Annual Action Plan**

**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 adopt a resolution approving the Program Year 2022 (City FY2023) Annual Action Plan for the Community Development Block Grant program, authorizing the Mayor to file an application for financial assistance with the U. S. Department of Housing and Urban Development in the amount of \$ 783,642.00 for the Community Development Block Grant program, and further authorizing the Mayor to execute all other documents relating to the City's Community Development Block Grant program for Program Year 2022 (City FY2023).

**Approval of Memorandum of Understanding – U. S. Post Office, 44 W. Franklin Street, Hagerstown, Maryland for Assistance of Hagerstown Police Department**

**Action:** On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to approve a Memorandum of Understanding concerning the U S. Post Office located at 44 W. Franklin Street, Hagerstown, Maryland for assistance of the Hagerstown Police Department to act as an agent of the Postal Service to enforce the rules and regulations contained in Title 39 Code of Federal Regulations, section 232.1.

**Approval of Reallocation of Funds for 2022 Summer Camp from the Robert W. Johnson Community Center (RWJCC) to the YMCA**

**Action:** On a motion duly made by Councilmember T. Martinez and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously agreed by voice vote to approve reallocating \$ 15,000.00 in funding for the 2022 Summer Camp at the Robert W. Johnson Community Center (RWJCC) to the YMCA.

A resolution approving the 2022 Summer Camps and associated User Agreements was approved on March 22, 2022. The Summer Camp at the RWJCC will be operated by the YMCA as indicated in the User Agreement with the RWJCC.

Discussion: Councilmember McIntire thanked everyone who put this together in a very short period of time.

### **Approval of IAFF Local 1605 Contract**

**Action:** On a motion duly made by Councilmember T. Burnett and seconded by Councilmember R. E. Bruchey, II, the Mayor and City Council unanimously agreed by voice vote to approve the IAFF Local 1605 contract to be effective July 11, 2022 to June 30, 2025.

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

*Scott A. Nicewarner, City Administrator*, appreciated the discussion during this meeting. It is good for citizens to see and hear from the organizations that are working in the community to try to make things better. He thanked the Mayor and City Council for providing the opportunity for everyone to be together.

### **MAYOR AND COUNCIL COMMENTS**

*Councilmember T. Martinez* thanked everyone who made the RWJCC camp happen. It proves the community will come together when they need to. She specifically thanked Mayor Keller and Mr. Nicewarner for their efforts.

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

*Councilmember T. Burnett* announced the 59<sup>th</sup> Annual Ruth Ann Monroe basketball tournament will start on Sunday, July 17, 2022 at Wheaton Park. She thanked the sponsors, volunteers, parents, and coaches for supporting this event year after year.

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

*Councilmember S. McIntire* was pleased to see so many people at the Amish Outlaws rescheduled Imagine Hagerstown event last week.

Councilmember Martinez reminded everyone that Lyfe Jennings will be performing at the Maryland Theatre on July 17, 2022. Lyfe is a musician who was arrested at age 14

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MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

and was able to turn his life around. She thanked Kalim Johnson for his efforts to have this concert held in Hagerstown.

*Mayor Keller* stated it is incredible to see so many people downtown during last week's Throwback Thursday Imagine Hagerstown. She thanked Brittany Arizmendi, Community Engagement Office, and Cassie Hershberger, Events Coordinator, for the great idea. Hagerstown Hopes held their 10<sup>th</sup> Annual Pride Event at Doubs Woods last weekend and it was a great event.

She and Chief Kifer will be holding a live streamed question and answer session tomorrow at 6:00 p.m. She encouraged people to send her their questions.

Bloom's Alley, 101 E. Baltimore Street, Hagerstown, Maryland, has requested a letter of support for their application for the Maryland Historical Trust African American Heritage Grant. It was the general consensus of the Mayor and City Council to submit the requested letter of support.

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 5:59 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: August 23, 2022