

EXECUTIVE SESSION AND WORK SESSION – October 4, 2022

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In Mayor Keller's absence, City Clerk Donna K. Spickler called the Executive Session to order at 3:02 p.m.

On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember T. Burnett, the Council unanimously agreed by voice vote of all members present to appoint Councilmember R. E. Bruchey, II as the Chair of the Mayor and City Council meetings today.

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 of all members present at the time of the vote to meet in closed session 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)), to consider the acquisition of real property for a public purpose and matters directly related thereto; (#3); and to consult with counsel to obtain legal advice; (#7) (Section 3-305(b)), on Tuesday, October 4, 2022 at 3:02 p.m. in the Council Chamber, 2nd floor, City Hall, Hagerstown, Maryland. Councilmember S. McIntire was not present for either vote.

The following people were in attendance: Councilmember R. E. Bruchey, II, Councilmember K. B. Aleshire, Councilmember T. Burnett, Councilmember T. Martinez, Councilmember S. McIntire, City Administrator Scott Nicewarner, City Attorney Jason Morton, City Attorney Ann Rotz, Michelle Hepburn, Chief Financial Officer, Rodney Tissue, City Engineer, Eric Deike, Director of Public Works, Jill Thompson, Director of Community and Economic Development, Annaston Cree, Planning Outreach Coordinator, Margi Joe, Community Development Manager, and Donna K. Spickler, City Clerk.

The meeting was held to discuss acquisition of property for a proposed Antietam Street Parking Deck and other property, to consult with the attorney for legal advice on one issue, and membership of the Hagerstown Youth Council. Initially, there were two items to discuss with the City Attorney. Discussion of one item was postponed. 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.

WORK SESSION – October 4, 2022

Councilmember R. E. Bruchey, II called this Work Session of the Mayor and City Council to order at 4:12 p.m., Tuesday, October 4, 2022 in the Council Chamber at City Hall. Participating with Councilmember Bruchey were Councilmembers K. B. Aleshire, T. Burnett, T. Martinez, and S. McIntire, City Administrator Scott A. Nicewarner, and City Clerk D. K. Spickler. Mayor Keller was not present.

Proclamation: Character Counts! Week

Councilmember Bruchey read a proclamation naming October 16-22, 2002 as Character Counts! Week in Hagerstown, Maryland. Character Counts! provides a framework of universal values that transcend cultural, religious, political, and socioeconomic values through the six pillars of character – Trustworthiness, Respect, Responsibility, Fairness, Caring, and Citizenship. Carolyn Brooks, Director of Character Counts!, accepted the proclamation.

Proclamation: Fire Prevention Month

Councilmember Bruchey read a proclamation naming October, 2022 as Fire Prevention Month in Hagerstown, Maryland. The 2022 Fire Prevention Week theme is “Fire Won’t Wait. Plan Your Escape”. This theme focuses on reinforcing the critical importance of developing a home escape plan with all members of the household and practicing it regularly. Fire Chief Steven Lohr, Fire Marshall Dale Fishack, and members of the Hagerstown Fire Department accepted the proclamation.

This year marks the 100th anniversary of Fire Prevention Month.

Coalition 2022 Review and 2023 Request

Paul Frey, CEO/President of the Washington County Chamber of Commerce, and Jim Kercheval, Executive Director of Greater Hagerstown Committee, were present to discuss the Coalition’s 2023 Draft Legislative Priorities. The City of Hagerstown is a founding member of the Washington County Community Coalition. Since 2005, a number of dedicated community stakeholders have joined together to advance Washington County’s interests at the state level, including the CVB, the Washington County Free Library, Washington County Government, the City of Hagerstown, the Greater Hagerstown Committee, the Community Foundation, Hagerstown Community College, CHIEF, the Town of Boonsboro, the Town of Williamsport, and the Chamber of Commerce.

The process to develop the coalition’s agenda begins with a series of meetings to which the entire leadership of all of the Coalition partners is invited. The group begins in the summer with brainstorming sessions designed to identify issues or projects that are important to the community. Over the course of several meetings, the partners trim down the list and agree on a manageable set of items. The Coalition’s partners research the agenda items, identify specific requests, and prepare white papers or fact sheets for the lobbyists to use as educational materials. Once the issues are chosen and the agenda is set, the Coalition works with a team of professional lobbyists led by John Favazza of Manis Canning & Associates. The lobbying team uses the consensus agenda to develop a coordinated plan of action.

Beyond the set agenda, the Coalition uses the lobbyist as a “trip-wire” - an early warning system to alert community leaders of legislative threats to Washington County. Armed with the information, and working with the lobbyists, the Coalition partners can

often resolve issues before they become problems.

Possible agenda Items include funding for the field house, funding for the Doleman Black Heritage Museum, water distribution strategic plan, drug house ordinance, tax sale legislation for vacant and abandoned houses, a 24 hour crisis center, use of the former hospital site, America 250 funding, and legislation impacting water system usage, rate structures, fee collection, and disconnection.

There will be a number of new legislators this year. The Coalition will start building relationships with them and will invite them to visit Hagerstown and Washington County to see what is here.

Mr. Frey and Mr. Kercheval asked the Mayor and City Council to review the draft list that has been emailed to members and prioritize their top issues. The annual Day in Annapolis will be held on Wednesday, January 25, 2023. This has been a popular event among legislators.

Councilmember Aleshire asked how the groups coming into the legislative session know what the community's top priorities are. Mr. Kercheval stated it is difficult when some items have been on the list, for example widening of I-81, since the start of the coalition. However, the Coalition leaders follow the direction of the 8 or 9 partners and communicate that to the legislators.

Mr. Frey indicated they are hearing there is significant funding available for the 2023 session.

Councilmember Aleshire noted members of the coalition have different perspectives of a 24 hour crisis center. It is fine to have different opinions. However, if there is not a crisis center, downtown will continue to be that crisis center by default. Mr. Kercheval stated most people realize there has to be some sort of treatment facility. The most common concern is location rather than the need for a facility.

Councilmember Aleshire stated the number of schools that are over capacity needs to be addressed. If leaders don't have the long term fortitude to move the student population within the schools and even out the number of students, the Board of Education will have to construct new schools to accommodate the growing student numbers. Mr. Kercheval stated he knows finding land in the early 2000's was difficult. Most agree that the place for a new high school is at the East end of Hagerstown and efforts should be focused there. Councilmember Aleshire stated the answer to address over capacity is not hundreds of students having classes in trailers when there is a large state surplus.

Mr. Frey stated the City of Hagerstown is invited to participate in the Coalition's lobbying efforts again this year, and he is asking the City to contribute \$ 5,000.00, as was done last year. It was the general consensus to continue participating in the Coalition as requested.

Discussion with Compass GR Partners

Hannah Garagiola, President of Compass GR Partners, was present to discuss the City of Hagerstown's legislative needs during the 2023 General Assembly Legislative Session.

The City partnered with Compass GR Partners during the 2022 Legislative Session to focus specifically on support for the field house. An agreement for the coming session was approved by the mayor and City Council on September 27, 2022.

Compass Government Relations Partners, LLC will represent the City to obtain capital funding for an indoor sports facility as well as other matters that are identified as priorities. As there will be new leadership at the State level, Ms. Garagiola stated the relationships the Mayor and City Council have developed with State officials will be beneficial.

Compass Partners is looking forward to being the City's eyes and ears in Annapolis and helping moving the City's priorities forward.

Frostburg State University (FSU) Hub @ University System of Maryland – Hagerstown (USMH)

Jamey Tobery-Nystrom, Frostburg State University, was present to discuss a request for City of Hagerstown financial support for the FSU HUB@USMH program from the American Rescue Plan Act (ARPA) funds the City received. Sandra Dubway, Community Director, and Sharday Holmes, Certified Teacher, were also present.

The FSU HUB@USMH was conceived in 2014, after the Maryland Kindergarten Readiness data was released and Washington County Public School (WCPS) kindergarten students were scored as last in the state. The purpose of the FSU HUB@USMH is to engage families in early learning activities to prepare students 0-4 years of age for pre-kindergarten and kindergarten. The FSU HUB@USMH builds relationships with families and connects partners.

During the 2021-2022 academic year, they served 87 children, 52% of whom lived within the City limits of Hagerstown. For 81% of these families, their median income is below \$ 41,905.00 and 30% of the children are at-risk or receiving early intervention or special education services. None of these families are receiving any service currently because there is no funding.

Financial partners of the program include Meritus Hospital/USMH and Frostburg State University. Other partners are Bester Community of Hope, City of Hagerstown, Discovery Station, Hagerstown Area Religious Council, Head Start of Washington County, Washington County Public Schools, Washington County Free Library, and the Washington County Department of Social Services.

The Maryland State Department of Education (MSDE) Special Education, Part B grant has been awarded to the program since 2014. In 2022, MSDE has delayed the release of the RFP/grant application for this specific grant. Therefore, the FSU HUB@USMH is requesting temporary support from the City of Hagerstown until such time as the renewal of the grant or a new grant is secured. Temporary support of \$ 20,000.00 would provide funding for the Downtown Community Director and the Lead Teacher through December, 2022.

Ms. Tobery-Nystrom indicated they are also seeking funding from other sources, such as Maryland Rebuilds: Expanding Mental Health Supports and Services, the Office of Grants Management for Washington County, and the JLG Community Engagement Program.

Councilmember McIntire asked if they have approached the County Commissioners for assistance. Ms. Tobery-Nystrom indicated they had and the request was not granted. The Commissioners indicated it appeared this is a City program and if they funded this one, they would have to fund other early education programs.

Councilmember Aleshire is frustrated because he does not think local governments across the board are not understanding the fine print in the ARPA rules and regulations. The ARPA funds are intended to be used to address the impact of the pandemic. This program is the definition of what the County's grant program should be funding. ARPA is not intended for new programs and purchases. He appreciates this request for a program that is what ARPA funds are intended to be used for.

It was the general consensus to move forward with providing the funding as requested.

CHOICE Neighborhood Partnership with Hagerstown Housing Authority

Sean Griffith, Hagerstown Housing Authority Executive Director, was present to provide information about the CHOICE Neighborhood Partnership with the Hagerstown Housing Authority. Mr. Griffith stated he prefers the term Community Transformation for this program.

Choice Neighborhoods (CN) the Housing and Urban Development's (HUD) signature place-based program. It is a competitive grant program designed to redevelop distressed HUD-assisted housing and transform the surrounding area into a neighborhood that existing and new residents choose to live in. There are two types of grants: Planning and Implementation. Congress provided annual appropriations beginning in 2010 and continuing today with \$ 250 million in FY22.

Three core goals of Choice Neighborhoods are:

1. Housing: Replace distressed public and assisted housing with high-quality mixed-income housing that is well-managed and responsive to the needs of the surrounding neighborhood
2. People: Improve outcomes of households living in the target housing related to income and employment, health, and education

3. Neighborhood: Create the conditions necessary for public and private reinvestment in distressed neighborhoods to offer the kinds of amenities and assets, including safety, good schools, and commercial activity, that are important to families' choices about their community

The grant funding is to be used to assist communities in developing a comprehensive Neighborhood Transformation Plan and building support for the plan to be successfully implemented. It is awarded to PHAs, cities, nonprofits, and tribal entities. The maximum grant award is \$ 500,000 and the grant term is two years.

Mr. Griffith stated the HHA is reviewing the 5 and 10 year plans for the Parkside and Douglas communities, although revitalization plans will not be limited to those two areas.

The needs of the people in the community is a key component of the review and grant funding. The review includes community outreach to find out what people need. The renovations would not be based on what the HHA or the City wants it to look like but rather what the community wants it to look like. Up to \$ 150,000 of the CN Planning Grant may be used for "Early Action Activities".

Applicants may have a Co-Applicant. Mr. Griffith asked if the Mayor and City Council would be willing to have the City of Hagerstown be a partner and co-applicant for this grant. He thinks the partnership would be more successful in being awarded the grant.

Mr. Griffith provided information about a successful program in Columbus, Ohio. They received a Choice Neighborhoods award in 2014. The \$ 30 million of CN grants, along with \$ 225 million of additional funding and programming from more than 45 local organizations, has been a catalyst for redevelopment and bringing new investment to the neighborhood. The target housing site was redeveloped into a mixed-income community with 450 units through multiple phases. All households were offered case management and invited to participate in a variety of programming designed to address resident needs in healthcare, wellness, education, and employment. Partners developed an intergenerational center that provides daycare for children and the elderly, a park, an entrepreneurship center, commercial corridor improvements, and infill for-sale housing.

Councilmember Aleshire noted it appears Columbus found an area that was not developed to create the neighborhood. He clarified the HHA would be looking at existing neighborhoods. Mr. Griffith stated ideally, the project would transform an existing area. There could be multiple areas.

It was the general consensus to support the request to partner with the HHA for this grant program Mr. Griffith will work with Scott Nicewarner, City Administrator, to establish a team to work on the application, which is due in July, 2023.

Hagerstown Field House 290 East Memorial Boulevard – Phase II Update

Rodney Tissue, City Engineer, and John Wack, President of Eastern Sports Management (ESM), were present to provide an update on Phase II of the Hagerstown Field House to be located at 290 East Memorial Boulevard.

In March, 2022, the City entered into a Phase II agreement in the relationship with Eastern Sports Management (ESM) to develop the facility. Specifically, the City contracted with them to complete the Phase II efforts that included development of site plans, 35% complete building plans, legal agreements for construction and operations and an economic impact statement. The legal agreements are being reviewed by staff and the City's legal counsel and will be presented to the Mayor and City Council later this month.

Staff requests the Mayor and City Council offer comments on current construction cost estimates and the schedule, the Economic Impact Statement, initial overview of the Developer's Agreement and Lease legal agreements, and proceeding with Phase III of the final design of construction documents.

As staff strives to minimize the City debt on the construction of the estimated \$ 24 million facility, the current plan is as follows:

1. Confirmed Funding Sources:

- | | |
|----------------------|---|
| a. \$ 2,500,000 | State of Maryland Capital Budget over two years |
| b. \$ 2,200,000 | City of Hagerstown FY21 surplus funds |
| c. <u>\$ 700,000</u> | ARPA funds for stormwater portion of project |
| \$ 5,400,000 | |

2. Potential Funding Sources:

- | | |
|------------------------|---|
| a. \$ 1,000,000 | Private charitable donation |
| b. \$ 5,000,000 | Community Project Funding (Federal) Grant
(submitted in April) |
| c. \$ 250,000 | Strategic Demolition Fund (State) Grant (submitted
in August) |
| d. \$ 5,000,000 | ESM-funded debt service over 25 years |
| e. <u>\$ 1,250,000</u> | Washington County Hotel/Motel Tax (submitted in
July) |
| \$12,500,000 | |

The draft Economic Impact Statement prepared by Impact Datasource indicates the facility could host over 18,000 spectators a year and over 27,000 out of town tournament visitors each year and they would spend over \$ 1.3 million locally on lodging and an additional \$ 2.3 million in restaurants, groceries, and other items. The spectators would pay upwards of \$ 400,000 in annual gate fees that would be subject to an admissions tax. Forty three employees would be directly employed to operate the facility and there be another 68 indirect jobs in the community. Overall, in the next 15 years, the project is estimated to support over \$ 62 million in taxable sales. ESM will assume the risk of negative cash flows from operations. ESM will guarantee tax payments and revenue share payments to help cover the City debt service.

The Developer's Agreement includes construction of the facility. ESM will prepare the bid documents, assist the City in bid review and will manage the construction of the project. The City will contract directly with a general contractor and with ESM for project management. Funding agency requirements must be met.

The lease agreement addresses operation and management of the facility for 20 years. There are many details to be worked out.

Mr. Wack stated the project is at the end of Phase II now. During Phase II it was anticipated that Phase III would be construction. It now looks like there will be a Phase III a and Phase III b so the project can keep moving in order to be shovel ready when the Legislative Session starts in January, 2023. Funding components are more complex than first anticipated due to Maryland laws.

Estimated costs have increased by \$ 2.2 million due to the current economic state. All the raw materials and labor costs have increased significantly. Originally, there was going to be one building. Current plans are for three buildings. It will appear as one building from the outside. Design and soft costs will be tightened up to provide cost savings. Given the change in the economy within the last six months and increased competition, Mr. Wack thinks they will be able to reduce some of the estimates. When the project reaches the bid process stage it will be based on final prices.

Councilmember Aleshire asked if the lead time will change over the next 6-12 months. Mr. Wack stated the delay is due to Maryland laws for procurement for contractors and is being addressed by bidding the project under the City's procurement rules. The current consultant agreement will be continued and they will keep working to prepare the bid documents so the project is not delayed any further. The architectural agreement needs to be incorporated into the development agreement and that process is moving forward as well. ESM is hoping to begin construction during the second quarter of 2023. Mr. Wack noted there have been challenges to be addressed; however; he is not worried about the business model because people are beginning to return to their regular group activities.

The legal agreements will be reviewed with the Mayor and City Council in the coming weeks.

Rental Licensing Amendment

This agenda item is being rescheduled.

Trick or Treat

Scott Nicewarner, City Administrator, requested the Mayor and City Council continue the date and responsibilities of Trick-or-Treat in the City of Hagerstown as requested in October of 2020.

“It is suggested that families Trick-or-Treat this year on Monday, October 31 from 6:00 p .m. to 8:00 p.m. in order to give friends, motorists and police an idea when to expect pedestrians and visitors at their door. Participation and scheduling is entirely up to each family Since Trick-or-Treat will not be scheduled by the City, the City would not re-schedule or suggest a “rain date” in the event of inclement weather. Moreover, it is perfectly acceptable for folks to opt-out and not participate. We ask that each family determine what is best for them.”

This statement places the desire to participate, or not to participate, in this activity on October 31st entirely with the family. The understanding is the City departments will be more aware that the date/time may be used for neighborhood participation in Trick-or-Treat in the City. However, whether it rains, snows, sleet, or hails, the City will not be responsible for cancellation or rescheduling of the event.

The Mayor and City Council agreed to issue this statement again this year.

Skate Park Discussion

Scott Nicewarner, City Administrator, stated this item is on the agenda to provide the opportunity to talk about the Skate Park since it opened and the challenges staff have experienced there. He noted the Skate Park Task Force has remained very engaged in making the park a success.

Eric Deike, Director of Public Works, and Chief Paul “Joey” Kifer were present to provide information.

Chief Kifer stated a few weekends ago there were some substantial issues at the skatepark and the police department responded to a call for a large fight and arrests were made. The police officers informed Chief Kifer the people causing the problems were not those using the skatepark. There was a group of other young people who were there to cause problems. He met with the skate board rider groups last week to discuss how to keep this from happening again. They agreed to be on site in the evenings as much as possible.

Mr. Deike noted neither he nor Chief Kifer have the staff resources to be walking through the park all the time. Of the 100 people at the park, only 10 to 15 were the problems. Staff continues to meet to work on rules of operation for the facility. On the evening of the fight, there were more than 100 kids there. The regular skateboard group does monitor itself. Cameras are in place and they are being monitored. He stated the fight isn't the biggest concern for him. He is very concerned that kids were throwing rocks the size of golf balls at the Parks staff on site. One rock hit someone who was doing a ride along with the police department. He is concerned someone will show up with a weapon and cause a significant injury.

Mr. Deike stated this is a fantastic facility and most people are there to have fun. People from out of town are also visiting this park. Most of the problems have settled down, partly due to the recent weather. The facility is shiny and new and unfortunately

some people just want to disrupt others enjoying it. Officially, the task force doesn't exist but some of the members still want to be involved.

Chief Kifer stated they have asked the regular group to talk to the Tony Hawks group at other parks to see if they had experienced these problems and how they may have addressed them. The police department will be prepared to deal with bad influences. The problem was the 40 to 50 kids who were there with no bicycles, skateboards, or roller blades. They obviously were not there to use the skate park.

Councilmember McIntire noted this was the first place where kids had a place of their own.

Chief Kifer stated there was an incident where skatepark users stepped in to help other visitors to de-escalate a situation.

Councilmember Aleshire reiterated what he said at the outset of this project. Most of the skateparks in Maryland have fences around them. This is the only amenity at Fairgrounds Park that is not fenced in. He watches the cameras and sees individuals riding their ATV's or dirt bikes across the skate park. He also believes there is an interest from this group of individuals who want to disrupt people from using the facility for its intended purpose. He noted there is no protection for individuals with special needs. He views a fence as a way to keep the folks who honestly want to use the park honest. No one should be in the skatepark after stated hours of operation.

Councilmember McIntire wondered why the former basketball court doesn't create the same issues. Councilmember Martinez thinks there were the same issues. Large groups with the same dynamic are gathering at the pavilion on the hill.

Councilmember Aleshire stated a basketball court doesn't seem to have the same feeling of lounging. A fence would indicate this is not a lounging area.

Councilmember McIntire stated it is not the skatepark user causing the problem, it is a group of 10-15 people. There is a concentrated effort to keep this from happening. She is not ready to say yes to putting up a fence. The optics are not what the skating community wants.

Councilmember Bruchey had previously suggested all users under the age of 18 must be accompanied by an adult. Councilmember McIntire does not support this.

Mr. Deike stated any rule put in place will be a challenge to enforce.

Councilmember Aleshire stated a fence would prevent dirt bikes from going across the park. He is concerned that someone will be using the park appropriately and be hit by a dirt bike. He understands the skate park is not the problem.

Mr. Deike stated a quote for a fence was \$ 40,000.00.

Mr. Nicewarner pointed out Hagerstown's park is like the crown jewel in the skate park world.

Chief Kifer stated no one is asking the skate park users to police it and deal with a weapon. However, with small incidents, the older riders could guide the younger ones on how to use the park appropriately.

Councilmember Burnett stated this would be a prime example of a community taking back the community.

It was the general consensus to not erect a fence at this time.

CITY ADMINISTRATOR'S COMMENTS

Scott A. Nicewarner, City Administrator, announced there are a lot of things happening in Hagerstown. Walk Maryland Day will be held on October 5, 2022. The annual Harvest Hoedown and Community Yard Sale will both take place on Saturday, October 8, 2022 at Fairgrounds Park. Ghost Tours at the Hager House and City Park Train Hub begin on October 7, 2022.

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 had no additional comments.

Councilmember R. E. Bruchey, II encouraged people to enjoy all the upcoming activities in Hagerstown.

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: November 22, 2022