

EXECUTIVE SESSION, SPECIAL SESSION (57TH VOTING SESSION), AND WORK SESSION
DECEMBER 13,

2022

MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

EXECUTIVE SESSION, SPECIAL SESSION (57TH VOTING SESSION), AND WORK
SESSION – December 13, 2022

EXECUTIVE SESSION – December 13, 2022

Mayor Keller called the Executive Session to order at 3:30 p.m.

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 closed session to consider the acquisition of real property for a public purpose and matters directly related thereto; (#3) (Section 3-305(b)), and to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; (#4) (Section 3-305(b)), on Tuesday, December 13, 2022 at 3:30 p.m. in the Council Chamber, 2nd 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. Martinez, Councilmember S. McIntire, City Administrator Scott Nicewarner, Jason Morton, City Attorney, Ann Rotz, City Attorney, Jill Thompson, Director of Community and Economic Development, Eric Deike, Director of Public Works, Doug Reaser, Business Development Specialist, Christopher Siemerling, Economic Development Specialist, Stephen Bockmiller, Zoning Administrator, and City Clerk D. K. Spickler. Councilmember T. Burnett was not present.

The meeting was held to consider acquisition of property for City operations and a business proposal. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 3:53 p.m.

SPECIAL SESSION (57th VOTING SESSION) AND WORK SESSION – December 13,
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Mayor E. Keller called this Special Session (57th voting session) and Work Session of the Mayor and City Council to order at 4:03 p.m., on Tuesday, December 13, 2022 in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, R. E. Bruchey, II, T. Martinez, and S. McIntire, City Administrator Scott A. Nicewarner, City Clerk D. K. Spickler. Councilmember T. Burnett was not present.

SPECIAL SESSION – December 13, 2022

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 4:03 p.m.

Introduction of an Ordinance: Authorizing the Sale of Property Located at 239 N. Locust Street (Alms House)

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember R. E. Bruchey, II, 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 239 N. Locust Street, Hagerstown, Maryland to Augustine M. Boyce for a purchase price of \$ 45,000. The sale will provide the opportunity for new investment and redevelopment at 239 North Locust Street. The sale will be in accordance with all of the terms and conditions outlined in the Purchase Agreement.

Approval of a Resolution: Authorizing the Sale of Property Located at 216 S. Prospect 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 sale of property located at 216 S. Prospect Street, Hagerstown, MD to Alece and Paul Drnec for a purchase price of \$ 15,000 pursuant to the ordinance which was effective on September 24, 2020. The sale will be in accordance with all of the terms and conditions outlined in the purchase agreement.

The Special Session was closed at 4:04 p.m.

Doleman Black Heritage Museum Presentation

Alesia Parson-McBean, Doleman Black Heritage Museum (DBHM) Project Coordinator, attended and made a presentation to the Mayor and City Council.

Ms. Parson-McBean reminded the group there is an agreement between the DBHM and the City of Hagerstown regarding a loan for funding to DBHM to purchase the property at 439 Pennsylvania Avenue. There was also a verbal agreement made at that time that if the project was started within 4 years, the loan would be forgiven.

She thanked the Mayor and City Council for their assistance in making certain the project would move forward and for providing the needed funding. She also thanked the Mayor and City Council and City staff for standing up for the DBHM when members of the board were being discredited. She thanked everyone for recognizing the hard work the group has been doing to make the project successful.

Since the museum is not yet located in the permanent location, she presented a check for \$ 120,000 to the City of Hagerstown from the DBHM.

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Ms. Parson-McBean recognized that the Rev. Dr. Patricia Wilson-Cone, Chaplain, Janice Kelsh, Secretary, and Mr. Paulie Ward, Board Member, were in attendance.

Preliminary Agenda Review

Mayor Keller announced that Citizen Comments for the October 25, 2022 Regular Session will be welcome either in person or by submitting comments by email to councilcomments@hagerstownmd.org by 5:00 p.m. that day. If by email, the submitter's 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. Wheaton Park Improvements Phase I – Superior Facilities Management Services, LLC (SFMS) (Bethesda, MD) \$ 384,342.06
2. MKS Business Park Stormwater Retrofit Project - Superior Facilities Management Services, LLC (SFMS) (Bethesda, MD) \$ 250,000.00
3. Downtown Redevelopment – 32 North Potomac Street – Boulevard Contractors Corp. (Owings Mills, MD) \$ 2,450,00.00

B. Fire Department:

1. Turnout Gear Replacement – Witmer Public Safety Group (Williamsport, MD) \$ 31,080.00

C. Information Technology:

1. Barracuda Essentials Compliance Edition – Year 3 of 3 – System Source (Hunt Valley, MD) \$ 20,494.00

D. Planning and Code Administration:

1. 2023 Ford Ranger – Keystone Ford (Chambersburg, PA) \$ 32,890.00

E. Police Department:

1. ForenScope Smart Tablet – Evident (Union Hall, VA) \$ 35,580.00

F. Public Works:

1. Emergency Repair for Unit 16 – Trash Truck – Mar-Eco, Inc. (aka Keystone Ford) (Chambersburg, PA) \$ 15,162.60
2. Street Closure – Antietam Velo Club Bike Race and 5k Run

G. Utilities:

1. Light: Emergency Purchase – Vehicle Repairs – ALTEC (Frederick, MD) \$ 37,323.24
2. Light: Norfolk Southern Railway Crossing – RailPros Field Services (Omaha, NE) \$ 33,820.00

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3. Light: Substation Power Transformers – Anixter-Wesco (New Castle, DE)
\$ 1,023,566.00
4. Water: ABB SCADA Software Contract, Three Year Agreement from 1/1/23
– 12/31/25 – ABB, Inc. (Warminster, PA) \$ 232,949.00
5. Wastewater: Chemical Purchase – Thioguard – Premier Magnesia, LLC
(Wayne, PA) \$ 346,500.00
6. Water and Wastewater: Line Locating Services – Triple A Locating Services,
LLC (Severn, MD) \$ 221,500.00
7. Wastewater: WWTP SCADA System Upgrade: Micro-Tech Designs, Inc.
(Hampstead, MD) \$ 543,017.00

This completed the Preliminary Agenda Review. There were no additional questions about any items. All items, unless noted, are scheduled for approval on December 20, 2022.

2022 Annual Package of Proposed Land Management Code Text Amendments

Stephen Bockmiller, Development Review Planner and Zoning Administrator, was present to brief the Mayor and City Council on a pending recommendation from the Planning Commission regarding the annual package of Land Management Code (LMC) updates for 2022. This presentation is being made ahead of the actual recommendation due to the compressed holiday schedules and the timing needed to advertise for a January 31, 2023 Mayor and City Council public hearing.

The Planning Commission's public review meeting (PRM) for the 2022 text amendment package was held on November 9, 2022. One member of the public participated in the November 9th PRM and no additional material was submitted during the 10-day open record period following the PRM. The next step in the process is for the Planning Commission to make a recommendation to the Mayor and City Council which is scheduled for the Commission's December 14, 2022 workshop meeting.

The LMC is an assembly of four previously independently structured ordinances that were combined between 2008 and 2010 into a single, better organized and cross-referenced code. Those ordinances are the Zoning Ordinance (now Article 4, LMC), Subdivision and Land Development Ordinance (now Article 5, LMC), Floodplain Management (now Article 6, LMC), and Forest Conservation (now Article 7, LMC). Proposals or ideas for amendments and adjustments are collected throughout the year, and are processed annually in a single package to conserve staff time and City resources.

The LMC amendments recommended this year by the Planning Commission for the Mayor and Council's consideration consist of thirteen amendments or groupings of amendments. Six loosen the existing regulations or make them more accommodating. Four create new or tighten existing regulations. Three are corrections and clarifications.

The proposals are as follows:

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1. 2022-01 Permitting solar farms in the POM District on EPA/MDE remediation sites
2. 2022-02 Adding thirteen new permitted uses to the INST district and one new use each to the CG and CR Districts
3. 2022-03 Minor adjustment to three standards for wall mounted signs
4. 2022-04 Permit gambling establishments per Maryland law in the CC-MU and CR Districts
5. 2022-05 Amend the public notice requirements for text and map amendments to be consistent with Maryland law
6. 2022-06 Adjustments to the flex building performance standards of the POM District
7. 2022-07 Clarifying that the definition of livestock includes beekeeping
8. 2022-8 Clarifying the accessory structure setback requirement from a principal structure
9. 2022-9 Minor correction to the Conversion Overlay District section to correct an internal conflict of language
10. 2022-10 Relocate and adjust industrial performance standards to apply to all industrial uses, not just districts
11. 2022-11 Regulations for camper, recreational vehicle, and boat parking in residential zoning districts
12. 2022-12 Performance standards for raw land in the N-MU District to encourage mixing of housing types
13. 2022-13 Regulation of new driveway entrances to public streets from improved residential properties

Detailed information for each proposal is included in the meeting material that is available.

Councilmember Aleshire has a camper/pop-up parked in his gravel driveway, which is large enough to hold 12 vehicles. He asked if he will have to move his camper if Amendment 2022-11 is approved.

Mr. Bockmiller indicated it depends on the size of the camper. He pointed out Councilmember Aleshire's property is atypical. Councilmember Aleshire stated most residences with State Road frontages are atypical.

Councilmember Aleshire stated it appears once the camper is moved it would become non-conforming. It would be difficult to apply the 12 conditions in this amendment to every lot in the City.

Mr. Bockmiller stated there are examples that would be unique. Some of the conditions are straightforward like not having people live in the camper. There are length and height limits as well.

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Mr. Bockmiller provided photographs of several examples of parked vehicles that would not be permitted if the amendments are approved. The amendments would protect neighboring property owners' interest and general property values. He noted the amendments would not prohibit parking campers on a property but they would provide regulations. He reminded the Mayor and City Council they can make adjustments as they see fit following the public hearing testimony.

Councilmember Aleshire stated the issue for him is the restriction in the side and front yard. He believes the amendments are on the right track with regulating a length of time a camper is allowed and not allowing people to live in one.

Mr. Bockmiller stated the regulations are designed to be as uniform as possible. There may be potential buyers who wouldn't consider purchasing a property with a large camper next to it.

Councilmember Aleshire noted there are some buyers who wouldn't consider a property if there was a poorly maintained pool next door. He thinks the amendments are on the right track but some are beyond the necessity of addressing the issue. He pointed out it is incredibly difficult to find space to rent to store a camper right now.

Mr. Bockmiller pointed the current proposed amendment provides a grandfather clause for existing parked campers and similar vehicles.

Kathleen Maher, Director of Planning and Code Administration, stated staff will forward the Mayor and City Council's concerns to the Planning Commission. The Mayor and City Council will have the opportunity to make any changes after the Planning Commission submits their recommendations to the elected body.

Councilmember Aleshire is concerned the amendments will allow a sports betting parlor at the new stadium. He asked if these amendments provide the capability for an establishment within the City limits to have a parlor like there is at Rocky Gap. Mr. Bockmiller indicated it does, within certain districts.

Councilmember Aleshire stated he would be opposed to a betting parlor at the new stadium. He would support it as an accessory use but not for a fully operational casino. He wants to avoid adding to the vices that the City already struggles with downtown.

Mr. Bockmiller stated this amendment is a result of a request from a hotel owner in the CR district, which is also a recreational facility.

Ms. Maher indicated these concerns will be relayed to the Planning Commission as well.

2022 Comprehensive Rezoning

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Kathleen Maher, Director of Department of Planning and Code Administration, was present to brief the Mayor and City Council on a pending recommendation from the Planning Commission for a 2022 Comprehensive Rezoning. This presentation is being made ahead of the actual recommendation due to the compressed holiday schedules and the timing needed to advertise for a January 31, 2023 Mayor and City Council public hearing.

The Planning Commission's public review meeting (PRM) for the 2022 Comprehensive Rezoning was held on November 9, 2022. This comprehensive rezoning is intended to clean-up eight areas that should have been rezoned to INST in the 2020 comprehensive rezoning and to add two other areas that have arisen as planned INST uses. No one from the public participated in the November 9, 2022 PRM and nothing was submitted in the 10 days following the PRM. The next step in the process is for the Planning Commission to make a recommendation to the Mayor and City Council, which is scheduled for their December 14, 2022 workshop meeting.

The City's updated Comprehensive Plan, *visionHagerstown 2035*, was adopted on April 3, 2018. In order to implement the Comprehensive Plan's Future Land Use Map recommendations, the City undertook a comprehensive rezoning in 2019-2020 which became effective on July 23, 2020. One of the significant changes of that comprehensive rezoning was rezoning of 35 properties to implement the new Institutional (INST) zone on schools, parks, government properties, and other institutional uses.

Since the initial comprehensive rezoning, staff have discovered eight properties that were inadvertently left out of the Institutional Zone rezonings and two other museum properties that make sense to be rezoned INST. Details are provided in a chart with the meeting material. Those properties include the following:

1. Jonathan Hager Elementary School
2. Potomac Heights Elementary School
3. Kiwanis Park (along Antietam Creek within the Light Business Park)
4. Oswald Park (along Prospect Avenue)
5. Rotary Club of Longmeadow Park (on Northern Avenue)
6. Terrapin Park (in Collegiate Acres)
7. Wheaton Park (in Jonathan Street Neighborhood)
8. Woodland Way Park (in North End)
9. Future home of Doleman Black Heritage Museum (465 Pennsylvania Avenue)
10. Future home of expansion of Washington County Museum of Fine Arts (321 Highland Avenue/111 Key Street)

A second comprehensive rezoning is underway to clean-up these oversights and facilitate future development of the two properties owned by the museums. Both museum properties are adjacent to City parks.

Exhibits showing the before and after zoning of the affected properties, as well as a draft update to the zoning map showing the areas proposed for rezoning were presented.

Information on the proposed rezoning was sent to affected property owners on September 27, 2022, posted on the City web site by September 30, 2022, and advertised twice in the Herald Mail in October and November.

A Public Hearing before the Mayor and City Council will be scheduled for January 31, 2023.

Request for Allocation of ARPA Funds: City-Wide Restaurant Ready Grant Program

Christopher Siemerling, Economic Development Specialist, was present to review a proposal to create an incentive program utilizing American Rescue Plan Act (ARPA) funds.

This proposal is meant to respond to the negative economic impact small businesses faced as a result of the COVID-19 pandemic to lower the barriers associated with opening a restaurant within the City of Hagerstown's corporate boundaries. The proposal is to develop an incentive program to assist with the attraction and fit-out of new restaurants that will foster a positive economic impact. Examples of such impact include creating jobs, increasing economic activity and foot traffic, and attracting additional businesses to the community.

Staff propose funding the program with a total of \$ 250,000 by reallocating the following:

1. \$ 50,000 from "Negative Economic Impact – Create Home Office Space"
2. \$ 200,000 from "Revenue Replacement – Placeholder for future governmental service needs."

Per the proposed guidelines, only one application per property would be accepted. The program is designed to be as flexible as possible while ensuring it is not all utilized by one single person.

Councilmember Aleshire noted the funds can be used for furniture, equipment, and fixtures. He asked if those things then become the property of the applicant. Mr. Siemerling indicated they do.

Councilmember Aleshire stated in the past, the City has provided funding to fit out the space and it becomes a loss to the City because the tenant takes everything. The fit-out should stay with the building.

Councilmember McIntire asked if the prior program was a loan or grant.

Councilmember Bruchey recalled that a specialty oven was purchased for a space and the City couldn't use it when the tenant left. He appreciates the flexibility of the proposed program. The ARPA funds need to be used.

Councilmember McIntire would like to add assistance with marketing and branding as eligible expenses.

Councilmember Aleshire asked if chain restaurants are eligible. Mr. Siemerling indicated they are not. Councilmember Aleshire is concerned there is not a stated maximum for individual funding. Mr. Siemerling indicated the ARPA Review Committee will review each individual application.

Councilmember Bruchey suggested including a maximum amount for the grant with the ability to make exceptions, depending on the project.

Councilmember Aleshire asked if the grant is available for either improvements to an existing building or for a new space. Mr. Siemerling indicated the requirements are written for a fit-out, not for a new build.

It was the general consensus to set the maximum grant at \$ 50,000.

Councilmember Aleshire suggested setting the application deadline for January, 2024. Mr. Nicewarner stated if there is money left by November, 2023, staff could revisit the program with the Mayor and City Council and request an extension of the due date.

Mr. Siemerling summarized that the total amount available for this grant program will be \$ 250,000, with a maximum request of \$ 50,000 for each project. The deadline to submit applications will be January, 2024. Chain restaurants are not eligible to apply. Marketing and branding assistance is to be included as an eligible expense. Projects must be for fit-out of existing space and not a new build.

Approval of the grant program will be included on the December 20, 2022 Regular Session agenda.

Program Open Space (POS) Annual Program

Eric Deike, Director of Public Works, was present seeking direction and approval from the Mayor and Council on recommendations for the Program Open Space (POS) funds for Fiscal Year 2024 and beyond.

Each year, staff reviews and recommends any number of projects to be submitted for POS funding through Washington County Government. The list of projects for Fiscal Year 2024 is to be submitted by December 29, 2022.

The list of projects in order of priority are as follows:

1. Hager House – Phase I Renovation of the Visitor’s Center: Designs have been completed on the renovation of the visitor’s center which houses local artifacts from the area and from the Hager House. POS Funds Requested: \$ 135,000, City Match \$ 15,000

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2. Antietam Creek Waterway Trail: This is to create a creek access point on the north side of the Mt. Aetna Road bridge. This is additional funding to supplement the \$ 45,000 in POS funds received in 2020 since that wasn't adequate to get the design and construction done. POS Funds Requested: \$ 135,000, City Match \$ 15,000
3. Hagerstown Field House: Request would be for funding a portion of the new indoor basketball courts. POS Funds Requested: \$ 250,000, City Match \$ 25,000

POS funding requires a 10% match from the City. If all three projects were to be accepted, the impact would be a match of \$ 55,000.

Councilmember Aleshire asked how POS funds can be used for the Field House given it will be a privately owned operation. Mr. Deike stated staff had the same question. He will reach out to the POS representative to find out before an application is submitted.

Mr. Nicewarner asked if there is another project the Mayor and City Council would like to include on the list if the Field House is not eligible. The group indicated adding more to the request for the Hager House would be acceptable.

Future projects include City Park Lake improvements, a new gazebo at City Park, Mansion House Rehab, Hager House Visitor Center Phase II Renovation, replace the roof of the Train Museum, Golf Course Improvements, Parking Lot Improvements Near the BMX track, add lights to soccer field, and renovate the Gatekeeper's House.

It was the general consensus to submit the list, possibly amended as discussed. Washington County staff will review the projects to determine which may be funded. Approval of the application is scheduled for the December 20, 2022 Regular Session.

Street Closure Request and Event Changes – Antietam Velo Club Bike Race & 5k

Amy Riley, Recreation Coordinator, and Joe Jefferson, Antietam Velo Club, were present to discuss the 2023 Velo Club Bike Race and 5k.

The annual Antietam Velo Club Criterium Bike Race is being changed and includes additions to the events. These events will serve as substitutes for the annual cycling event that has taken place in the Arts and Entertainment District. Proposed changes include the following:

1. Moving the event date from the month of June to Saturday, May 6, 2023
2. New location and race route
3. Addition of a 5k foot race

City staff request approval from the Mayor and City Council for the following low impact street closures:

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1. Cycling Event Course Description – Start on Prospect Avenue near The Terrace intersection heading east, right turn on Oak Hill Ave., right turn on Charles Street, right turn on Hamilton Lane, merge onto Forest Dr., right turn on Prospect Ave. and back to the finish.
2. 5k Foot Race Course Description – Start on Prospect Ave. (near Apple Alley) traveling east, right turn on Oak Hill Ave., right turn on Charles Street, right turn on Hamilton Lane, merge onto Forest Dr., left on Park Lane, right on Woodland Way, right on W. Hillcrest Rd., right on The Terrace, and left on Prospect Ave. Upon reaching Prospect Ave. at the conclusion of the first lap, participants will complete another lap on the exact same route before finishing back on Prospect Ave. near Plum Alley.

The cycling loop has been used for multiple cycling events in the past, although it has not been used in 10 or more years. The foot race loop was created with the recommendation of the Hagerstown Police Department and has been reviewed (in person) and approved by police personnel.

The City's Logistics Committee (representatives from Public Works, Engineering, Parks and Recreation, Police, Fire, and HR/Liability) review all facets of these events to ensure compliance, safety, and to create conditions for optimal event outcome. All applicants will provide the City with a Certificate of Insurance naming the City of Hagerstown as an additional insured.

Mr. Jefferson stated the plan is to move the event from the Father's Day weekend event to earlier in the racing season. Construction of the new stadium and the closing of Hood Street have changed the characteristics for the event.

Councilmember McIntire asked why the event was moved to downtown several years ago. Mr. Jefferson indicated then Councilmember Haywood requested the event be moved after she saw the Father's Day race in Williamsport. Events downtown have been well received but post pandemic, earlier season cycling events are drawing larger crowds. Competing events around the region put a strain on the cycling community and the resources of the City of Hagerstown.

Mayor Keller noted that weekend is the IAFF Bonanza Extravaganza. She wondered if needed fire services needed would be limited. Mr. Jefferson indicated this is a low impact event requiring minimal manpower for traffic direction.

It was the general consensus to approve the requested street closure and the changes to the event.

Request from Blackthorn Capital Partners to Convey Land

Rodney Tissue, City Engineer, was present to review the request from Blackthorn Capital Partners to convey land. As a follow-up to the discussion with City Council in July, 2021, Blackthorn Capital Partners purchased 51-53 West Washington Street (most

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recently Potomac Bead) and is currently renovating the building. Blackthorn is seeking retail tenants for the first floor and the upper floors will be market-rate one and two bedroom apartments.

Blackthorn is requesting 351 square feet of adjacent land be transferred to them from the City to allow them to modify their building and hopefully establish outdoor dining. The City is reserving easements over portions of this land to provide continued access to the utilities.

If the Council is willing to grant this conveyance, staff will prepare the proper ordinance for Mayor and City Council approval. The plat must be approved by the Planning Department and recorded prior to closing.

It was the general consensus to move forward with the requested transfer of land.

Automated Speed Enforcement Contract

Police Chief Paul “Joey” Kifer was present to discuss the purchase of Rekor Recognitions Systems, Inc. (the City of Hagerstown’s Automated Speed Enforcement System Contractor) by Alumint, Inc.

The City has enjoyed a good working relationship with Rekor (formerly Brekford) for many years. In 2019, the City piggybacked on to Rekor’s contract with Calvert County in order to receive a lower rate per each camera. The City’s current contract with Rekor incorporates the Rekor/Calvert County contract which was signed on August 26, 2019. The current City/Rekor contract term is until January 31, 2023, but it automatically renews for another year (until January 31, 2024), because neither party gave notice to terminate 90 days before the end of the current term. The City also has the right to terminate the current contract if the City determines that it is no longer in the City’s best interest or does not have the funding to maintain the program.

Rekor is in the process of being bought out by a third party, Alumint. HPD and the City Attorney had a Zoom meeting with Alumint on November 3, 2022 and were favorably impressed with them. If Alumint moves forward with the purchase (which appears imminent), the services under the current contract would be seamless – and they may even be able to upgrade some of the fixtures of the current system.

Rekor cannot assign its rights under its contract with the City without the City’s consent. Staff have informed both Rekor and Alumint of that. HPD and legal counsel believe that an assignment would be in the City’s best interest. Calvert County has already consented to the assignment, so unless the City wants to terminate and bid out the contract (which HPD does not recommend), then the City should accept the assignment. The City will have time next year to assess how Alumint is doing and to consider bidding out the contract.

It was the general consensus of the Mayor and City Council to move forward with approving the assignment of the Rekor contract to Altumint.

Proposed Community Development Grant (CDBG) Annual Action Plan Amendments:
Reallocation of Alms House CDBG Funding and CDBG Emergency Repair Program
Individual Grant Maximum

Margi Joe, Community Development Manager, was present to request approval of recommended amendments to the Community Development Block Grant (CDBG) FY2023 Annual Action Plan. The amendments are required for the following:

1. Recommended reallocation of CDBG funding of \$ 362,642 from Alms House Rehabilitation project to:
 - a. Existing activity – Single Family Emergency Repair Grant Program (\$ 60,000 – total funded amount \$ 100,000)
 - b. Existing activity – Accessibility Ramps (\$ 50,000 – total funded amount \$ 170,000)
 - c. Re-opened activity – Hagerstown Skate Park (\$ 30,000)
 - d. New project – Improvements to Triangle North of Park Circle (\$ 150,000)
 - e. New project – Alleyway Repaving (\$ 72,642)
2. Increase in funding maximum for individual Emergency Repair Grant cases from \$ 10,00 to \$ 15,000

On July 12, 2022, the Mayor and City Council approved the FY2023 CDBG Annual Action Plan which included an allocation of \$ 362,642 for a project to rehabilitate the Alms House into a police substation. However, based on current market conditions and anticipated success of transferring the property to the private sector, the Mayor and City Council approved the return of the Alms House to the Competitive Negotiated Sale list on July 26, 2022.

As the CDBG funding will no longer be used for this project, it is recommended that the funding be reallocated to the above-mentioned existing and new projects.

In August, 2021, the Mayor and City Council approved a CDBG amendment to increase the maximum award for the Single Family Emergency Repair Grant from \$ 5,000 to \$ 10,000. Due to the continued escalating cost of typical emergency repair projects, staff recommends a further increase in the maximum award amount for eligible projects to \$ 15,000. A formal CDBG amendment is required for this change per the City's CDBG Citizen Participation requirements.

Amending the CDBG Action Plan involves routine processes typically handled by staff. The amendment for the proposal funding reallocation will also require Mayor and City Council approval as the activities are receiving reallocated funding in excess of \$ 25,000.

It was the general consensus of the Mayor and City Council to approve the recommended amendments. The amendments will be scheduled for approval during the January 31, 2023 Regular Session after required public comment periods have closed.

Review of Lease – The Foundry Pop-Ups

Doug Reaser, Business Development Specialist, was present to review a request of The Foundry Pop-Ups to amend their lease terms.

The Foundry Pop-Ups currently leases approximately 1,400 square feet at 6 N. Potomac Street (Elizabeth Hager Center). The lease began January 1, 2022. A temporary lease from November 17, 2021 – December 31, 2021 with no rent due as leasehold improvements were performed in early 2022. The current rent is \$ 30,000 per year which includes tenant required leasehold improvements to the space. This amount was paid by the State under the Project Restore program. The lease allows for an opt-in of an annual renewal under set rent amounts. The rent is set to adjust to \$ 20,300 annually or \$ 14.50/ft which was similar to the previous tenant (CVB) lease rate.

The Foundry has requested rent relief to opt in for January for the next year of 50% of rent for 4 months or \$ 3,383.33. The request for relief is due to unknown operating conditions from January-March (when lead hold improvements occurred during this time frame in 2022) and slower than expected retail draw to the downtown per the business.

Councilmember McIntire clarified The Foundry has not paid rent themselves yet. Mr. Reaser indicated that is correct, the State program has paid all the rent to this point.

Councilmember McIntire also clarified that The Foundry is opening another location, utilizing a different State program. Mr. Reaser indicated that is correct and it will be a different type of operation. Councilmember McIntire stated she is concerned the rent has been provided by the State and now they are looking at opening another operation.

Councilmember Aleshire there are two factors for him – performance and demand. The Mayor and City Council strives to engage with entities to help bring downtown alive and try to encourage them financially as they gain their footing. Secondly, he would rather see a space occupied with a minimal investment from the City than an empty space. He would be interested to know if there is demand for this space from another party that wouldn't need the same level of support.

Mr. Reaser stated the space has not been marketed to other entities.

Mayor Keller supports the request if the \$ 3,300.00 investment helps keep them in business.

Councilmember McIntire pointed out it is difficult to own a business and the owners need to make sure they can keep it operating. She agrees the funding is not a large amount and it would be a good investment to keep a business from closing.

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It was the general consensus to approve the request. Formal approval will be scheduled for the December 20, 2022 Regular Session.

CITY ADMINISTRATOR'S COMMENTS

Scott A. Nicewarner, City Administrator, had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember T. Martinez had no additional comments.

Councilmember K. B. Aleshire thanked Alesia Parson-McBean for her tireless efforts with the Doleman Black Heritage Museum (DBHM). She has worked on this project for a long time. The DBHM is one of the things the Mayor and City Council should support. Kids need to see the importance of all Hagerstown's history. He hopes the Mayor and City Council have the opportunity to return the funds to DBHM so they can continue moving forward with the museum.

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

Councilmember S. McIntire had no additional comments.

Mayor E. Keller announced J's Diner will be celebrating their 3rd anniversary on Saturday, December 17, 2022. She thanked the Hagerstown Fire Department for the beautiful job they did with the funeral for Firefighter Zach Reid. She offered support to Sgt. Josh McCauley and his family following the loss of their daughter last week.

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 5:32 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: January 31, 2023