

EXECUTIVE SESSION AND WORK SESSION – March 14, 2023

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

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 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)), and to continue the Executive Session after the Work Session on Tuesday, March 14, 2023 at 3:30 p.m. in the Council Chamber, 2nd floor, City Hall, Hagerstown, Maryland.

The following people were in attendance: Mayor T. Martinez, Councilmember K. B. Aleshire, Councilmember R. E. Bruchey, II, Councilmember T. Burnett, Councilmember S. McIntire, City Administrator Scott Nicewarner, and City Clerk D. K. Spickler.

The meeting was held to discuss the interviews for the vacant Councilmember seat. No formal action was taken during this portion of the meeting. On a motion duly made, seconded, and passed, the meeting was paused at 4:00 p.m.

WORK SESSION – March 14, 2023

Mayor T. Martinez called this Work Session of the Mayor and City Council to order at 4:08 p.m., Tuesday, March 14, 2023 in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, R. E. Bruchey, II, T. Burnett, and S. McIntire, City Administrator Scott A. Nicewarner, and City Clerk D. K. Spickler.

Proclamation – AmeriCorps Week – March 12 through March 18, 2023

Mayor Martinez read a proclamation naming March 12-18, 2023 as AmeriCorps Week in Hagerstown, Maryland. Nikisha Tyler, Anastasia Broadus, Delia Tricket, Akida Jones, and Allie Mathey accepted the proclamation.

HUB @ Frostburg State University at Hagerstown

Jamey Tobery-Nystorm, FSU HUB@USMH, was present to thank the Mayor and City Council for their support of the early learning program. The City of Hagerstown provided emergency funding from the ARPA funds in October 2022. The grant will take them through September 30, 2023. A total of 52 families and 111 children received assistance through their program.

Council Interviews

The Mayor and City Council interviewed five people for the vacant Council seat. Each candidate was asked the same questions and their responses are recorded here.

Each candidate was asked the following questions:

1. What is your #1 top priority?
2. Have you read the City's goals and objectives document and if so, are there areas you would add or advocate for?
3. Are there any City services that should be reduced or expanded?
4. Why are you interested in applying for this vacancy if you haven't run for office?
5. What type of business growth would you like to see in the City?
6. Regarding homelessness and substance abuse disorders what is your philosophy in addressing these societal issues?
7. What do you see as the expectation of the time commitment for a Council person?
8. What could the City do to improve neighborhood stability?

Sean Flaherty, 28 McKee Avenue, Hagerstown, Maryland, watches the Mayor and City Council meetings each week. He has lived in Hagerstown for 1 ½ years and is heavily involved with the Dewey Central Neighborhoods 1st group. He works from home as a product and business analyst. He served in the Army National Guard and was a defense contractor for several years. He chose to live in Hagerstown because he liked the area and wanted to get involved.

Mr. Flaherty stated his two top priorities are reducing crime and increasing economic development. There are buildings that can be fixed up. He would address those by specifically working with police and looking for additional funding. The drones were a great purchase to help reduce crime.

Hagerstown is not being marketed enough. Hagerstown has a great police department and Neighborhoods 1st program. Both these features should be publicized. He hopes by reactivating the Neighborhoods 1st people stay involved. Residents want a better place to live.

He has read the strategic plan and reviewed the Urban Improvement Project. He likes the Cultural Trail and is excited about a new stadium being built. The strategic plan is a good outline of the things the Mayor and City Council want to happen. His goals align with the strategic plan. A goal is to have people come to Hagerstown and find jobs. Crime issues and economic development go hand in hand.

He likes the services here. His trash is picked up on time and the street sweeper is a good service. He has good neighbors. He has lived in other areas but chose Hagerstown to be his home.

He attended South Hagerstown High School for one year and enjoyed living here then. This is a great area. He loves his home and his home is part of the whole City. He wants to be part of the things that are coming.

Jobs with higher pay are needed. He suggested looking to attract tech companies. Hagerstown could be part of a remote work component for those companies. All types of jobs are needed. People without four year degrees should be able to find jobs here.

He witnessed sad treatment of homeless people in other cities. He wants to help the homeless, not lock them away. Hagerstown has to be safe in order to draw people here. Hagerstown has so much potential.

He views the Council position as a full time job. It is more than showing up on Tuesdays. There is a significant commitment to serving the residents.

The stability of the Neighborhoods 1st program is important. The role of the Council overall is to promote Hagerstown across the state. He likes that Hagerstown is a smaller city with larger city amenities and is close to large cities.

He suggested starting a wiener dog race in Hagerstown.

Jennifer Gardner, 1056 Bramly Drive, Hagerstown, Maryland, stated her top priority is engaging with the public. She feels that being an active listener and really hearing what people are saying is very important. She will support different businesses and the community so they feel like they are heard and represented.

She has read the strategic plan and feels safety is an important goal for Hagerstown. She feels the right way to handle things is to get more people involved by working with the strategic plan. The stadium is an important project for Hagerstown. It is good the City purchased drones to help fight crime.

Services for people who are having problems with crime need to be expanded. This would not only be policing but also community engagement. People who don't feel heard or represented are acting out. If they are angry, having trauma issues, etc. they may be causing issues because they are upset. If the City is not listening to them and helping them get better, nothing will change. In her business, she wants her clients to feel at peace and have peace of mind. She wants them to be their best selves. People need to feel they have been heard, otherwise they will only see the bad things.

She decided to apply for the vacancy because she is inspired by Mayor Martinez. She is the best person to be Mayor. She wants to be part of Mayor Martinez's vision. She is someone who knows what she wants and uses beautiful words to deliver her message. Ms. Gardner is an ambassador for the Chamber of Commerce and she knows how important it is for people to show up for each other. Being a business owner has made her a better and more responsible person.

More services are needed to support warehouses. She likes the Hagerstown Community College incubator program. She would like to see something like that downtown. One of her favorite events is the Ground Hog Day event the County organized. She would like to see a hub market brought back to Hagerstown.

Substance abuse stems from trauma. She has family members who suffer with substance abuse issues. People need support when they are trying to live a better life.

She knows being a Councilmember involves a lot of time but it is a good commitment. She is excited for the opportunity to attend events.

She thinks an incentive program for local landlords will help with stability. If people live where they feel safe it will provide stability.

Stacy Lynn Michael, 112 East Irvin Avenue, Hagerstown, Maryland, stated her top priority is to support youth. They are where the City's future is. The Field House will provide activities for youth. She would like to learn more about the E.N.V.Y. program. She believes that program will help make the community stronger. Organizations are struggling to get youth to participate.

She has watched the meeting video from the most recent review of the strategic plan and the State of the City. She has listened to each elected official to determine what their goals are. One of her goals is to understand infrastructure needs for the development around the City. She wonders if there will be enough housing for employees at the warehouses. She wonders how traffic around the stadium will be handled. She thinks going door to door with information is effective. Regardless of the outcome of this interview, she wants to be part of the City's future.

She has looked at the amount of parking and wonders if the surface lot parking could be reduced to push parking to the decks, where there is more revenue. This would help economic development services. She is appreciative that her property taxes have not increased. She would review City services to determine if any should be increased or decreased.

She has not run for office but has been engaged in the community. She wants to be part of the difference this administration is making. Even if they disagree with each other, when they leave they have each other's backs. Her sister had a heart attack and a leg amputated 11 years ago. She had to learn what services were availability for her sister. She wants to help people.

Downtown was the core of Hagerstown in her childhood. It is important to bring back that feeling. She sees what is in Frederick and wonders what can be done here. But Hagerstown shouldn't be Frederick, it should stand on its own. She would work to make businesses part of the vision with the stadium, the sports center, and schools.

She has been involved with REACH and helping feed homeless people. She pointed out 2% of Hagerstown's base population is homeless. She sees more homeless people each year. There is an increase in panhandling as well. Something is causing this increase. There are more than 800 non-profit agencies that can help but the people who need help aren't aware how they can help. The people at REACH are different from the ones who stand at intersections. She would like to help with a program to get homeless the help and assistance they need.

She does not own a business but she does work from home. She anticipates the time commitment for a Councilmember would be similar to having a full time job. She would be flexible enough with her working hours to be available to attend meetings and events.

The community has to work together to create stability in the neighborhoods. People should watch out for their neighbors. If someone sees something suspicious they should say something.

Matthew J. Schindler, 1125 Oak Hill Avenue, Hagerstown, Maryland, stated one of his priorities is addressing the vacant and blighted properties. He hopes to see more life downtown and see things grow.

He has reviewed the strategic plan and goals. He would advocate for as much community involvement as possible. The more involvement, the better the City will be.

The services provided by first responders is the top City service. There needs to be adequate resources and equipment for them to respond appropriately.

He has run for Councilmember. He applied for this vacancy because he loves the City. He was born and raised here. His family has been in Hagerstown for many generations. He wants to support the City any way he can by supporting sports teams, picking up trash, and serving on boards. He views being a Mayor and Council member as the highest form of service there is.

Balanced growth is important. More foot traffic is needed for restaurants to stay open later. It is important to grow in a diverse way. It is good to have an even mix of businesses.

The answer to decreasing homelessness is to have adequate resources. Homelessness has a lot of causes. If homelessness was 100% fixable it would have been done by now. Contacts with first responders and substance abuse treatment programs are meaningful tools.

Being a member of the Mayor and City Council is not a job you turn off. There is no cap to the time commitment for serving the citizens of Hagerstown.

In order for people to be invested in Hagerstown they need to feel supported by the Mayor and City Council and the community. Businesses will stay in Hagerstown when they are supported. People appreciate seeing things they helped with or someone they know helped with. Building community investment is needed.

Stephen Schutte, 836 Armstrong Avenue, Hagerstown, Maryland stated his top priority is to understand the strategic plan and find the place he can help the most. Continued growth and community diversity are also priorities for him.

An important goal is neighborhood revitalization and stability. All residents need access to active and healthy living and this can be enhanced by partnering with Meritus Health System and participating in their campaigns. He strongly believes in employee development and retention. He thinks the City is working toward that goal. A good working relationship with legislators is important for Hagerstown. He hopes to be able to tear down the silos between governments.

He appreciates the efforts made for enhancements to the refuse collection. He would like to offer grants and money to have developers take over facilities. He would like to see the expansion of the white elephant or unicorn properties incentives.

He is interested in the Council vacancy because of civic pride. Hagerstown has been kind to him for the past 10 to 15 years. He works closely with the library and the Chamber of Commerce. The Hagerstown Youth Council is probably one of the biggest reasons he applied for the vacancy. Being around those kids is what pushed him to be more involved in government. He is always advocating for a better Hagerstown.

Any growth is good but he believes incremental growth is important. You can't overlook the small wins and highlighting them as much as possible. Seeing a vacant store front occupied is a great thing. He liked the pop up shops and holiday cheer program. The City could provide incentives to members of the Hagerstown Community College incubator to come to Hagerstown for their next step.

To address homelessness, you have to meet people where they are. He believes the community as a whole falls into the out of sight out of mind mentality. There are those that want and seek help and those who aren't interested in being helped. Washington County has many non-profit agencies and engaging those third parties to help collaborate and help people could help reduce homelessness. It will not be an overnight fix.

He would devote as much time as necessary to being a Councilmember. He realizes there is more than just the meetings. He can't preach meeting people where they are if he is not out in the community. He is involved throughout the community and wants to offer everything he can.

Meeting people where they are is the model of incentive for him and finding out what neighborhoods are going through. Perception is often reality. He would work on changing the perception that the City is not safe. He would start by talking with people. Constant movement of the City Council and Mayor rotating throughout the community is needed. Retaining City staff is important for stability.

"Hub City Garage" Parking Deck Construction Bids

Rodney Tissue, City Engineer, and Eric Deike, Director of Public Works, were present to discuss the Hub City Garage Parking Deck bids.

Since the bid opening on February 14, 2023, staff met with the low bidder, Callas Contractors, Inc., to find ways to lower the overall cost of the project to as close as

possible to the budget in FY23 CIP #173 of \$ 10,000,000 without compromising elements important to the City Council.

Options for the Mayor and City Council's consideration are as follows:

1. Option #1 – Construct as Bid: This option is to construct a five story structure, 397 parking space deck with brick facades with open window design and not accepting any add alternate bids except for graffiti protection of the brick. Once the final engineering is done, staff would estimate the construction contract amount would be approximately \$ 11,500,000. The completion time for this option is at least 365 calendar days (or estimated completion in May, 2024) but brick availability is still being determined.
2. Option #2: Five Floors, Scaled-Back Aesthetics: Based on the feedback from City Council on February 14, 2023, the highlights of this option include five story, 397 space structure, Antietam Street (front elevation, and just 18' of the west wall at Antietam Street remains a brick façade with open window design, on the other three elevations (balance of the east, north and east wall toward the Cultural Trail), eliminate window appearance and instead use a spandrel design that is typical of many parking decks. These spandrels would be concrete with no brick. Brick could be added for an additional \$ 153,663.

Per a letter from Callas, the original bid of \$ 11,630,000 can be reduced by \$ 808,254 for a contract amount of \$ 10,821,746 and staff believe additional, ongoing value engineering may lower this by another \$ 100,000 or more. This option is the lowest cost per parking space created. The completion time for this option may be less than Option #1 since far less brick are needed (longest lead-time item) and only requested for the Antietam Street panels installed toward the end of the erection. This schedule is being evaluated.

3. Option #3 – Eliminate Fifth Floor. As discussed with the City Council last fall, staff bid the deck as a five story structure with a deduct alternate to eliminate a level from the deck (total of four floors or 315 spaces). This is the only way to stay below a \$ 10,000,000 contract amount. Constructing a four story deck with brick cladding and open window lowers the cost to an estimated \$ 9,900,000. This is the highest cost per parking space created. The completion time for this option is at least 365 calendar days. Another option for a four story deck is to construct scaled back aesthetics. The construction contract amount would be less than \$ 9,200,000, the least expensive overall. The completion time for this option is likely less than a brick clad deck.

Funding sources are identified as a bond issue, stormwater fund, economic redevelopment fund, and the Parking Fund.

Councilmember Bruchey stated the deck should be five floors. He likes Option #2.

Mr. Deike stated they are still working on ways to lower the costs further. He reiterated they will not be able to meet the budgeted amount with a five story deck.

Councilmember Aleshire asked about the time frame for the project. Mr. Tissue stated closing on the land will likely occur in early April if the Mayor and City Council approve the construction in March. Mr. Deike stated construction will begin in late May.

Councilmember Aleshire is concerned this time frame and escalated costs is setting up the City to be delayed with the construction. He doesn't want the City to be blamed for slowing the project down.

Mr. Deike indicted the timeline staff has been using is that the stadium and the deck would be ready for opening at the same time.

Councilmember Aleshire agreed with that timeline but he wants to ensure the City isn't being asked to be flexible while elimination of the Admission and Amusement Tax bill is still being considered. This is just another thing for the City to work through.

Councilmember Bruchey noted the Washington County Commissioners are also opposing this bill. Mr. Nicewarner pointed out the bill is not moving through committee so far. Councilmember Bruchey is hopeful the legislation is pulled before it gets to a committee hearing.

Councilmember Bruchey stated the longer the City waits, the worse it will get. Costs will continue to increase. A stadium has been discussed for 20 years and it is time to get the project completed.

It was the general consensus to move forward with Option 2 as presented.

Licensing of Transient Housing

Kathleen Maher, Director of Planning and Code Administration (PCAD), Paul Fulk, Neighborhood Services Manager, and staff from Police and Fire were present to discuss requirements for a transient housing licensing program. The concept of transient housing licensing was initially introduced to the Mayor and City Council in a PCAD update on August 15, 2017 and discussed further during the fall of 2018 during two work sessions. Discussions were sparked by concerns and complaints about conditions at a certain hotel. Most recently Transient Housing Licensing was discussed in September and November of last year because of concerns and complaints about conditions at more than one hotel. Because of the concerns with the health, safety and general welfare of visitors and extended-stay occupants in Hagerstown's hotels/motels/short-term rentals, the Mayor and City Council directed staff to develop a hotel licensing program.

In the Fall of 2018, a tiered licensing program was presented based on hotel/motel affiliation with chained-brand, fire protection levels, time period since substantial renovations, and valid complaints. The proposal was not introduced at a Regular Session due to insufficient support.

In the fall of 2022, a tiered licensing program was presented based on HPD, HFD, CRS, and Code Calls for Service. The ordinance was introduced at the November 22,

2022 Regular Session and tabled at the December 20, 2022. The Table was not removed during the January 17, 2023 Special session and the motion expired due to insufficient support.

As discussed in previous Mayor and City Council meetings, the main areas of concern for staff have not changed and they are when:

1. Maintenance of hotels and transient housing falls below codified standards for fire safety and property maintenance
2. Lack of training of hotel/motel staff on fire protection, emergency incident, and evacuation standards
3. The use of hotel units for extended stay which were not designed for such occupancy and thus lead to unsafe living conditions
4. The use of hotels as dwelling units or rooming house units in zoning districts which do not allow such uses
5. Hotels not in good standing on required State, County and City taxes or on City utility payments
6. The increase in demands on calls for service from the police, fire, community rescue, and code departments

Staff's research of hotel and transient housing licensing has found that a number of jurisdictions in Maryland and across the nation have such licensing programs. In Maryland, staff have found ordinances requiring hotels and short-term rentals to be licensed in Annapolis, Anne Arundel County, Baltimore County, College Park, Gaithersburg, Howard County, Laurel, Montgomery County, Ocean City, Rockville, and Salisbury. Frederick County does not have a hotel licensing program but does require annual certification training for hotel staff.

Recent Incidents at Hotels are:

1. Hotel 1 – Report of smoke on the top floor on 2/6/23 and upon arrival by HFD it was discovered no fire but the fire alarm was not functioning as intended. Further investigation revealed the fire suppression system was not operational for 2 months. Code Administration joined HFD for a more comprehensive inspection of the facility due to observations by HFD during their clearing of the building and more life safety and property maintenance violations were found. The property was condemned due to unsafe conditions. The condemnation displaced over 100 occupants and 2 businesses.
2. Hotel 2 – HFD was requested by the owner for an inspection to issue an event assembly permit. The inspection was performed on 2/8/23 and it was discovered during this inspection the fire suppression system was not properly functioning as intended for the last 7 months.
3. Hotel 3 – A kitchen fire was reported at the hotel on 2/14/23. The Fire Marshal's Office reported to Code Administration the fire occurred in a room that was converted to an apartment with a kitchen. HFD and Code Administration performed a room-by-room inspection the following week with consent from the property owner. The inspection revealed several life safety and property

maintenance violations along with 4 created apartment units without the proper approvals. The 4 illegal apartment units were condemned.

Staff has continued to research other jurisdictions and have continued discussion with community members on concerns about the condition of hotels and transient housing in Hagerstown, staff's list of program requirements for a transient housing licensing has remain unchanged Those requirements are:

1. Human Trafficking Training
2. Overdose Response Program training
3. Require Guest registry
4. Prohibitions on hourly rates for hotels/motels
5. Real Estate taxes current at the time of license application
6. Personal Property taxes current at the time of license application
7. All City controlled utilities current at the time of license application

All programs identified in the state have registration fees for hotels, motels, and short-term rentals. There were no exemption clauses or tiered programs in Maryland. College Park does have a biennial inspection qualification process if a hotel/motel meets certain standards. Based on the July 2022 discussion with Mayor and City Council and discussion in the fall, staff developed an alternative tier system for hotels and motels that is not based on calls for service but based on inspection results.

All hotels and motels would register during their first license year at the Tier 1 level , no license fee. The Hagerstown Fire Department and Code Administration would conduct an initial joint inspection and the following property maintenance criteria will determine the tier level for the hotel and motel at their first renewal along with a license fee for the tier:

Tier 1:

1. Less than 0.5 code violations per room
2. Fire Suppression system is functioning as intended
3. Fire Alarm system is function as intended
4. No annual license fee

Tier 2:

1. Equal to or greater than 0.5 code violations per room
2. Fire Suppression system is functioning as intended
3. Fire Alarm system is not functioning as intended
4. \$ 500 annual license fee

Staff suggests the first license year would begin once the ordinance is effective and expire on December 31, 2023. After the initial effective year, staff suggests a license year from January 1 to December 31.

Using a business friendly approach hotel and motels that did not meet criteria to become a Tier 1 hotel/motel at their initial inspection conducted by HFD and Code

Administration can make corrections to move into the Tier 1 status. Life Safety violations corrected within 7 days and Quality of Life violations corrected within 30 days from the date of the initial inspection notice confirmed with a re-inspection within those timeframes can become a Tier 1 hotel/motel. Hotel/motels making corrections of life safety and property maintenance violations outside of those timeframes would be classified as Tier 2.

The goal of the ordinance is to ensure hotel/motel owners and management are maintaining their properties. A hotel/motel obtaining Tier 1 status at an inspection without making corrections to be designated as a Tier 1 hotel would be required to supply annual fire suppression and fire alarm reports to the Fire Marshal Office at the next two annual anniversary dates from their last joint inspection. No joint inspection would be performed at the next two anniversary dates. The Fire Marshal's Office reserves the right to perform inspections independent of this ordinance during this time period. At the third anniversary from the last joint inspection by HFD and Code Administration, a new joint inspection will be performed by HFD and Code Administration to determine the tier status.

A Tier 1 hotel that had to make corrections to obtain the Tier 1 status is required to have an inspection approximately one year after the last joint inspection to determine tier status. A Tier 2 hotel/motel would have an inspection approximately one year after their last joint inspection to determine tier status.

Any hotel/motel inspected after the initial and subsequent inspection by HFD and Code Administration would have the following criteria to determine their tier level and license fee.

Tier 1

1. Less than 0.25 code violations per room
2. Fire Suppression system is functioning as intended
3. Fire Alarm system is functioning as intended
4. No annual license fee

Tier 2

1. Equal to or greater than 0.25 code violations per room
2. Fire Suppression system is not functioning as intended
3. Fire Alarms system is not functioning as intended
4. \$ 500 annual fee

The Code violations per room threshold is lowered after the initial inspection since the hotel/motel should understand the standards used for inspections and the lowered number should encourage proper maintenance of life safety and quality of life conditions in the hotel/motel.

Each jurisdiction researched varies on when a license can be suspended or revoked. The overall goal of any property licensing program is to establish minimum standards for

the property and establish penalties if the minimum established standards are not being met. Suspensions and revocations can be for set period of time or until outstanding items are corrected to become compliant with local requirements. Staff would recommend having the ability to suspend and revoke licenses and remaining in the suspended/revoked status for 30 days before applying for reinstatement.

A suspended license would not permit the acceptance of new guests but the transient housing structure could remain open. A revoked license would not permit the transient housing structure to be occupied and require all areas to be vacated. Both a suspended and revoked license would require a reinstatement of the license prior to occupancy. Fines for failure to comply would result in a maximum penalty of \$ 1,000. A \$ 500 reinstatement fee would be required at the time of reinstatement.

The results of inspections and the lack of compliance along with calls for service would be codified standards for suspension or revoking licenses. Staff recommends a calls for service component in the suspension and revocation criteria as the demands on the public safety officers can contribute to the quality of life at a hotel/motel. Research of other jurisdictions has identified calls for service being added to the suspension and revocation areas of hotel/motel ordinances.

Bed & Breakfast and Short-term rentals are incorporated into other transient housing licensing programs in Maryland jurisdictions. Staff recommend including these uses in any program developed for transient housing. Bed & Breakfast uses are limited per the Land Management Code to particular zoning districts or through special exception hearing. Short-term rentals are currently permitted in any residential structure. Staff also recommend an annual human trafficking training certification from the property owner(s) at the time of application. An annual inspection conducted by the Code Department for minimum property standards is to be required in any established program for these transient uses.

Staff is seeking direction on desired ordinance requirements for transient housing properties. If the Mayor and City Council are in favor of moving forward with a licensing program for transient housing, staff will work with the City Attorney on the necessary ordinances for introduction in April, 2023.

Councilmember Bruchey stated his issue with a licensing program is if calls for service for police, fire or ambulance response is counted against the hotel/motel. This is punishing the hotel owner for the call but not the person who needs the emergency assistance. This is especially true for people who overdose. A normal disturbance call is acceptable to count as a call for service.

Councilmember McIntire shares the same concerns. She asked who is responsible for defining the call for service. Mr. Fulk indicated it depends on how the ordinance is written. Some put that responsibility to the first responders.

Ms. Maher stated the Crime Prevention Ordinances included a review of all calls to determine which counted.

Councilmember McIntire stated in other jurisdictions it did not reduce the number of calls for service. The ordinance and the changes in submitting documentation is not going to reduce the people with the need to get help and hope for better management of the hotel.

Mr. Fulk stated Baton Rouge, Louisiana is experiencing similar issues to Hagerstown. They made changes in their licensing program in January with the hope to address the problem.

Councilmember McIntire pointed out the APM hotel was not shut down due to calls for service. Staff has the ability to shut down a hotel for life safety violations. Mr. Fulk stated the APM was on the radar because of a recent homicide at the property. A fire call prompted the inspection.

Councilmember McIntire asked if this proposed ordinance would have prevented the need to shut down the APM. Mr. Fulk stated if the ordinance had been passed in 2018 it would have but it probably would not have if it was passed in 2022. Councilmember McIntire clarified that over time a licensing program of this type would reduce the safety issues.

Ms. Maher stated this ordinance should not be viewed as a cure for what is happening. A second component is someone has to figure out how to get people out of the motels into more permanent housing and getting them the help they need. The hotel rooms are not designed for long term living.

Councilmember Aleshire stated how hotel proprietors and agencies choose to operate is outside the City's control. He doesn't want to read a news report that a hotel burnt down because the owners didn't follow the City's list for a residence being operated in a commercial manner. He wants to make sure the guest is protected when they secure the room with their name on the registry.

Mayor Martinez pointed out there were people in rooms at the APM that were not registered. The management had no idea who was staying there.

Councilmember McIntire recalled Sean Griffith, Hagerstown Housing Authority, stated at one time there are 7,500 families on a waiting list for housing. This ordinance and moving people into more secure permanent housing will reduce those numbers.

Councilmember Aleshire stated the numbers are so high because Washington County doesn't close the list.

Ms. Maher stated this ordinance is intended to help people living in unsafe conditions.

Councilmember Bruchey stated calls for service add up fast when there are 240 rooms and in one weekend there are 2 overdoses.

Mr. Fulk stated this ordinance has similar regulations as Martinsburg, West Virginia's public nuisance ordinance.

Councilmember Aleshire wants hotels to have working HVAC systems, an appropriate guest registry, no long term living units, etc. He wants all those public safety issues enforceable through this ordinance but he realizes an ordinance can't be written to address all situations. His goal is to make sure these places are being operated in the manner they are supposed to be for the safety of everyone who is staying there.

Mr. Fulk clarified the Mayor and City Council want to remove the calls for service from the ordinance and to establish a time frame for addressing violations if a license is revoked.

Councilmember Aleshire is done with the good faith effort to get a condemned hotel open. He wants the list to be completed before it is cleared for occupancy.

Mr. Nicewarner stated on Trip Advisor places look really nice but in reality it is not a place most people would want to stay at. He hopes the City is able to somehow deal with the places that facilitate the drug use and repeated drug use. The social agencies can help deal with this as well. There will never be enough housing to not have to rely on hotels/motels for temporary housing. People who stay in a hotel deserve a safe and clean place to stay. The Mayor and Ashley Roush, Community Liaison, helped an elderly couple who had been evicted from their apartment find housing in Martinsburg. Hagerstown cannot be seen as the city that allows this to continue.

Councilmember McIntire asked if there is a way to direct the conversation to the individuals staying in the hotels, which might be more helpful.

Councilmember Aleshire stated the guest registry needs to be accurate so the managers can manage the things they can. Large apartment buildings go through a process for awareness and participation. He wondered if requiring hotel/motel owners and managers to complete some sort of certification would be effective. If they complete the certification the fee could be waived. An inspection would still be completed.

Mr. Nicewarner stated it is unlikely the hotel owners will listen to City staff. Eventually, staff will talk to the ones where the issues are.

Councilmember McIntire stated she hopes they would listen to what is needed for everyone's safety. She stated it wouldn't hurt to try talking to them again.

Councilmember Bruchey stated he has no problem with an annual inspection for all hotels. Then the hotel owners can take care of the issues and address the life safety and quality of life issues. He is not supportive of including calls for service in a tier plan or requiring security on site 24/7. The hotels should not be the City's police department. He wants people to be safe too.

Mr. Fulk stated staff will incorporate the concerns from this discussion into a final draft for the Mayor and City Council's review at a future work session.

Mr. Nicewarner noted some areas have a rating system for restaurants. The grade they receive is posted on the door as a way to show it is a good restaurant. He wondered if some designation for passing hotel inspections could be implemented. Councilmember Bruchey stated that is not the City's place.

Mr. Nicewarner wants to make sure people are staying in safe places and they know what kind of space they are renting.

CITY ADMINISTRATOR'S COMMENTS

Scott A. Nicewarner, City Administrator, stated the St. Patrick's Day run will be held on Saturday, March 18, 2023. This is a fun event. New totes are being distributed downtown as part of a pilot program to assist Waste Management in reducing costs by automating some collections. Trash will be picked up from the new totes starting this week.

MAYOR AND COUNCIL COMMENTS

Councilmember S. McIntire had no additional comments.

Councilmember R. E. Bruchey, II thanked Sgt. Cox, Jacob Mull, and Tom Routzhan for responding to a call at the Sheetz store on Cannon Avenue last weekend. They handled the call with patience and were able to resolve it without arresting someone. The City is blessed to have officers like them watching out for citizens.

Councilmember Bruchey noted a citizen put up a fence to protect his property and was stopped by a Code Enforcement Inspector who asked him about a permit. It appears the fence is taller than permitted. He stated a Work Session is needed to talk about what people can do to protect their properties. This fence is attractive and should be allowed.

Councilmember T. Burnett had no further comments.

Councilmember K. B. Aleshire also mentioned the fence. He stated all parts of the City experience different issues. Some areas are similar to a construction area while others are more urban. Many properties have storage buildings or refuse enclosures. Fencing provides a little more privacy to the property owner that has a more confined space. It is worth looking into if it is done in a manner that is appropriate. He thanked the 19 people who submitted their names for consideration for the Council vacancy. It would be nice to be able to interview everyone who applied but he believes the process the Council established is the best for this situation. At the end of the day, they are everyone are fellow citizens trying to make the decisions for all. He encouraged them to remain interested and consider running for office.

Mayor T. Martinez thanked Brother Andy Smith for bringing the Youth Corps to the meeting. The “If I Were Mayor...” essay deadline is March 31, 2023. She visited Eastern Elementary School last week and the students had great questions and solutions to offer. She presented a proclamation to the Parkside Girl Scouts on Sunday.

She urged people to pick up trash if they see it blowing around. Everyone working together will make Hagerstown a better place.

EXECUTIVE SESSION – March 14, 2024 (continued)

On a motion duly made by Councilmember S. McIntire and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously agreed by all members present to reconvene the Executive Session at 6:15 p.m. Councilmember Bruchey, II was not present at the time of the vote.

The following people were in attendance: Mayor T. Martinez, Councilmember K. B. Aleshire, Councilmember R. E. Bruchey, II, Councilmember T. Burnett, Councilmember S. McIntire, City Administrator Scott Nicewarner, and City Clerk D. K. Spickler.

The meeting was held to discuss the interviews for the vacant Councilmember seat. No formal action was taken during this portion of the meeting.

There being no further business to come before the Mayor and City Council, on a motion duly made, seconded and passed, the meeting was adjourned at 6:26 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: April 25, 2023