

EXECUTIVE SESSION, WORK SESSION, AND SPECIAL SESSION (69TH VOTING SESSION) – May 16, 2023

EXECUTIVE SESSION – May 16, 2023

Mayor Martinez called the Executive Session to order at 3:03 p.m.

On a motion duly made by Councilmember S. McIntire and seconded by Councilmember M. J. Schindler, the Mayor and City Council unanimously agreed by voice vote to meet in closed session 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, May 16, 2023 at 3:03 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, Councilmember M. J. Schindler, City Administrator Scott Nicewarner, Michelle Hepburn, Chief Financial Officer, Nancy Hausrath, Director of Utilities, Kathleen Maher, Director of Planning and Code Administration, and City Clerk Donna K. Spickler.

The meeting was held to discuss a business proposal. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 3:42 p.m.

WORK SESSION AND SPECIAL SESSION (69TH VOTING SESSION) – May 16, 2023

Mayor T. Martinez called this Work Session and Special Session (69th voting session) of the Mayor and City Council to order at 4:01 p.m., Tuesday, May 16, 2023 in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, R. E. Bruchey, II, T. Burnett, S. McIntire, and M. J. Schindler, City Administrator Scott A. Nicewarner, and City Clerk D. K. Spickler. Councilmember R. E. Bruchey, II was not present at the beginning of the meeting.

2023 Juneteenth Celebration Event Sponsorship Request

Alesia Parson and Patricia Smart, Doleman Black Heritage Museum, Inc. (DBHM) were present to discuss the 2023 Juneteenth Celebration being held on Friday, June 16, 2023 and Saturday, June 17, 2023 in University Plaza. DBHM submitted a request for \$ 12,100.00 an event sponsorship from the City of Hagerstown.

Ms. Parson stated the event grows each year and the same is anticipated for 2023. The more people know what Juneteenth is, the more engaged and aware they become. Some jurisdictions celebrate until December 6 – which is the date in 1863 the emancipation proclamation was acknowledged. Juneteenth is a celebration of surviving slavery. She

noted there was a travel book showing where black people could travel to and be safe. One of the safe places was the Harmon Hotel in Hagerstown. She noted the DBHM has an exhibit dedicated to the Harmon Family.

The DBHM hosts the Juneteenth celebration. This year the program activities focus on what happened following the signing of the emancipation proclamation and the importance of the Jim Crow era (from 1863 to 1963). It is important for all to understand all the history. Notable people from the community will be asked to recite something from those periods on the Friday evening portion of the event. History is important and it is important to see people engaging and recognizing that importance.

The Washington County Arts Council is also sponsoring the event.

The event is being held at University Plaza. They hope to bring services to the unhoused and they will not ask that the unhoused be removed that weekend.

Events include socially conscience karaoke, character fashion show, a believers walk, floating yoga, health and wellness lectures, and information on suicide prevention. Juneteenth is about celebrating and helping each other.

Ms. Smart issued an invitation to the Mayor and City Council to participate in the fashion show. People will be dressed in the regalia of a famous person dressed in the fashions of the 1860's and Civil War era. The characters would mingle with people at the event and field questions about who they are.

Councilmember Aleshire thanked Ms. Parson for her efforts with this event and the museum. His family visited a fairly rich African American portion of a museum at Solomons Island. Seeing his kids discover this history is nice.

Ms. Parson wants African American history to be less of a surprise. This administration and others have been amenable to this museum being in Hagerstown. They have \$ 23 million to raise to have the museum in its permanent location. Writing grants while planning a Juneteenth celebration is challenging.

Mayor Martinez thanked Ms. Parson and Ms. Smart. She and her daughter will be attending the fashion show.

Mr. Nicewarner clarified the requested sponsorship is \$ 12,100.00. He noted the sponsorship budget is over budget for the year. The amount provided last year was \$ 10,000.00. The most provided to any of the events requesting sponsorships in FY23 was \$ 5,000.00.

Councilmember McIntire would like to be able to grant the request. Ms. Parson noted \$ 12,100.00 is only part of the amount needed. She would hate to have to find the funding from somewhere else at this late date.

Ms. Parson is scheduled to make a request for funding from the Washington County Commissioners in the next two weeks. As a society and community this is a very important events. Sometimes the numbers are not a true reflection of what society needs. This event may be a vehicle to connect with youth.

Mr. Nicewarner will discuss a funding source with staff within the next week.

Ms. Parson stated the ramifications of every black resident seeing that it took 2 years for the City to support the event and the difference in the budget for July 4th and this event will be significant.

Hagerstown Baseball

David Blenckstone, General Manager, and Linda Ebersole, Ownership, were present to discuss Hagerstown Baseball.

Mr. Blenckstone was named as the General Manager of Hagerstown Baseball last month. There are currently two employees – him and Ms. Ebersole. They have a temporary office in the former Herald Mail building. That building is scheduled to be sold at auction next week.

Things are moving forward for the new team. A Name the Team contest will start next week. He encouraged people to enter the contest.

The Maryland Stadium Authority (MSA) is close to releasing renderings of the stadium. The plans are being reviewed to fine tune components of the stadium.

Mr. Blenckstone stated it is amazing to be part of this game changing project in Hagerstown. This is an exciting time for the team and for the downtown.

2023 Legislative Session Review

Senator Paul Corderman and Delegate Brooke Grossman were present to provide a review of the 2023 Legislative Session.

Delegate Grossman reported \$ 3 million was secured for the Hagerstown Field House. This is not where she hoped it would be as there was a shortfall noted mid-budget. Additional funding will be requested during the next legislative session to fill the gap. There is \$ 100 million in the State budget for I-81 Infrastructure improvements to make it a better and safer highway. Funding was restored for Hagerstown Community College.

The tax sale amendments were passed so the City can begin to address blight in neighborhoods. Alterations to the Enterprise Zone criteria were prevented.

Discussions have been held to develop ways to address an educator shortage.

Senator Corderman noted every session is different and this year started with significant change in the elected bodies. Delegate Grossman was instrumental in helping get the tax sale bill passed. Her help will be needed again to continue addressing attempts to amend the Enterprise Zone.

One of the biggest statewide issues that was not addressed is the increase in crime. Regardless of politics, elected leaders have an appetite to do something but don't know what to do. A lot of social issues have been discussed. He thanked Mr. Nicewarner for his participation in the hearings during the session and advocating for the City. He is a tremendous asset to Hagerstown.

The Senate and the House passed bills legalizing the recreational use of cannabis. The bills become effective on July 1, 2023. The tax on the sale of cannabis will be transferred to cities in Maryland.

The Governor granted \$ 2 million for funding for the field house at the beginning of the session. The Senate included an additional \$ 1 million. Governor Moore granted \$ 2.5 million for renovations at the Robert W. Johnson Community Center. Senator Corderman noted even though some funding was pre-authorized during the previous session, it is not guaranteed. As the budget moves through the General Assembly, there are many opportunities for additions and deletions.

It is important for he and Delegate Grossman to know what issues are most important to Hagerstown and what bills could be presented to address those issues. The tax sale amendment is a good example of the collaboration needed to be successful.

Senator Corderman and Delegate Grossman are both always open to discuss questions or concerns.

Councilmember Aleshire thanked the Senator and Delegate for protecting and expanding on the funding for the turf facility. The simplest message the City can convey is that they are committed to this happening. Although the City did not receive the funding that was hoped for, the Mayor and City Council are confident, as is the contractor/developer, that it will be a success and an asset for the City. By next year's session, he hopes the field house is under construction.

Councilmember Aleshire noted there is a different magnitude of development happening all over the county, most notably are the warehouses. Along with this development is the need for people to fill jobs. He stated the City and County will be discussing the utility locations being focused more on residential areas. He believes existing elementary and middle schools can absorb the additional students from families moving to the area. He does not think the high schools can take on more students. It will be necessary to advocate for state funding for additional school construction.

Amendments were proposed during the session for a reduction in Admission and Amusement Taxes. The proposed amendments would have greatly impacted a municipality's ability to create revenue for public safety to provide services to visitors to

enjoy the amenities. Approximately 70% of the property taxes collected goes toward police and fire services. The need for these services will increase with the incoming development. There will be a need to advocate for public safety services in the community.

Delegate Grossman stated it is important show legislators who present bills like this to Hagerstown to see first-hand the needs for market rate housing and why reducing potential revenue in any format is detrimental to the community.

Mr. Nicewarner stated more than 400 bills were presented and 2/3 of what the Maryland Municipal League supported passed. One disappointment was the failure of the bill to create a municipal police accountability board rather than a county board. Originally, the bill for the use of recreational cannabis did not include any tax revenue from the sale of cannabis to municipalities. This was changed prior to approval of the bill. One tax sale property bill passed during the session. The one that provided the ability to hold properties back from the tax sale did not pass. Staff will work with the Delegation to re-present this bill in the next session.

Mr. Nicewarner thanked Senator Corderman and Delegate Grossman for their support of bills that are important to the citizens of Hagerstown.

Senator Corderman noted a great example of collaboration is the work done to address blight with a plan for addressing the tax sale properties. Conversation regarding this plan will continue. He has discussed the school capacity needs with the Washington County Board of Education and the Washington County Commissioners. The Board of Education is committed to providing additional school capacity. He is certain there will be continued dialog about the Admissions and Amusement Taxes.

Mayor Martinez appreciates hearing about collaboration. If people work together and build on common ground, Western Maryland can be great.

Senator Corderman congratulated Mayor Martinez on her recent appointment to the Affordable Housing Board of Trustees.

Beacon House – Childcare in Hagerstown/Washington County

Tony Williams, Beacon House CEO, Founder and Head of School, and Ms. DeGrange, were present to discuss the mission of Beacon House. Bailey Kercheval, Board President, Payton DeGrange, Lil' STEAMERS Director, and Shawn Hess, STEAM Works Director, were also present.

Beacon House's mission is to eliminate barriers to develop every child they serve to meet their full potential. Their vision is to grow a child through a comprehensive personalized learning plan. They believe that every student deserves a personalized learning plan to bridge their gaps and grow their strengths. They provide a holistic (integrated/comprehensive) approach to education. Beacon House is a Maryland State

Department of Education (MSDE) approved nonpublic school K-8 and MSDE licensed childcare provider for ages 6 weeks to 15 years old.

Statistics from 2022-2023 show 69% of their students receive financial support for care (through the State Childcare Scholarship or internal scholarship). Many, 36%, have an identified special need. Most are learning and behavioral special needs.

Mr. Williams stated it is becoming difficult in Hagerstown to find child care. This is happening all across Maryland. With Beacon House's current license, they can only take 3 children under the age of 1. They would like to expand their services in Hagerstown and could do that with the purchase of another building. The former school at 530 N. Locust Street is for sale for \$ 1,300,000. The building was most recently the ABC Contractors Building. They would like to purchase the building and renovate it for use as an educational facility. An investor is willing to purchase the building. Congressman Trone has secured funding of \$ 2,000,000 for the purchase. They will not be able to use the building unless they have an estimated \$ 358,000 to do the renovation work. If the work can be started soon, they could open this fall and their enrollment would increase by 2 to 3 times. This new educational center will greatly help Hagerstown and Washington County by providing increased child care services. There is not enough school capacity for pre-kindergarten students in the public school system. They could also offer pre-k classes.

Ms. DeGrange indicated there is a wait list for both facilities currently offered by Beacon house. The building on Cleveland Avenue has capacity for 31 and there are 30 students on the wait list. It can take a long time for a space to open. Students receive 3 meals and a snack each day.

Mr. Williams stated other groups contact Beacon House asking if they have space for more students. Schools also are asking. Beacon House will be offering a summer camp again this year. The need is great for a safe place for kids to go. Mr. Williams is hopeful funding will be available from Congressman Trone to do the renovation.

Councilmember Aleshire asked Mr. Williams what is the ask from the City. Mr. Williams indicated they would accept anything the City can afford but would like to receive funding for the renovations from the City.

Councilmember Aleshire stated, as a parent of 5, his family has paid for child care over the course of his children's school years. He asked if Beacon House charges for childcare.

Mr. Williams stated non-profit doesn't mean no charge for services.

Councilmember Aleshire stated it would be difficult for him to choose which organization to fund when multiple groups are requesting funding. He is fine with vetting requests within the budget if there is excess revenue. If that funding is available, there would have to be an open application process for any entity that provides a specific service.

Mr. Williams stated he does not understand how this request is different from the obligation and opportunity to ask the government for additional information.

Councilmember Aleshire stated if the City is in the business of construction for providing child care, he would request proposals from other entities if they are interested in the funding.

Mr. Williams doesn't understand why this request is different when the City is always open for requests.

Mayor Martinez clarified that Councilmember Aleshire is saying for the large amount of funding requested, other agencies should have the opportunity to request the funds for a comparable service. All requests would be vetted in a fair manner.

Mr. Williams stated there would always be that issue. As elected officials, they have to decide what is best for the community.

Councilmember Aleshire stated if there is funding set aside for a specific purpose, entities should have the opportunity to submit a proposal to request the funds. The Mayor and City Council would then vet the requests in a fair manner and make a decision they feel would most effectively meet their objectives. In fact, Brooke's House requested funding several weeks ago. The Mayor and City Council are going to receive proposals from other entities for that funding as well. It is important for this body to be transparent in all aspects.

Councilmember Schindler stated there is no question there is a need for child care.

Mr. Williams stated some of these students have been kicked out of other programs because no one wants to work with them. Not everyone has the ability to work with challenging kids.

Councilmember Aleshire appreciates they are not asking for operating funds. He always considers what improves the building rather than the operating costs.

Councilmember McIntire asked if this project meets the qualifications and requirements for the Invest Hagerstown program. Mr. Williams indicated non-profit organizations are not typically eligible for that program.

Mr. Kercheval stated most of the legwork has been done. The investor has been good to work with. He invited the Mayor and City Council to tour the facility at 20 W. Washington Street on Monday, May 22, 2023 from 6:00 to 8:00 p.m.

Skate Park Security

Eric Deike, Director of Public Works, Chip Thomas, Tony Scholara, and other members of the original Skate Park Task Force, were present to discuss security at the Skate Park at Fairgrounds Park.

Issues continue to occur in and around the skatepark by individuals or groups of children and young adults harassing skaters and users of the park and south pavilion. Mr. Deike reiterated that the issues are not being caused by the users of the skatepark, it is other individuals. This harassment sometimes includes the use of motorcycles, scooters or some other type of motorized vehicle. Access to the skatepark is completely open making it easily accessible by these people and their vehicles.

City staff met with former members of the skatepark committee on Tuesday, April 18, 2023 at the skatepark. Scott Nicewarner, City Administrator, presented the issues of concern looking for advice and suggestions from all parties. Ideas included placement of natural deterrents (i. e. large rocks) to a complete fence around the skatepark.

A final solution was not determined at that time. It was decided that a discussion before the Mayor and Council regarding this issue would be the next step.

Staff is looking for guidance on whether to install or place physical security measures around the skatepark. These security measures could be fencing or types of barricades to either hinder or possibly prevent access by motorized vehicles.

Mr. Thomas has been to 100 different skateparks and has assisted with review of contractor proposals. He has been at the Hagerstown skatepark all but 3 days since it opened. He is aware of the safety concerns. He also assists with teaching lessons on Saturdays at the skatepark.

Mr. Scholara has a dual relationship with the skatepark – as a member of the former Skatepark Task Force and as a rider . A majority of what is occurring at the skate park is a reflection of the challenges across the country.

Councilmember McIntire asked if the police department’s use of drones recently has decreased the activity at Fairgrounds Park. Mr. Scholara stated that is what he beleive.

Chief Paul “Joey” Kifer agreed the drones are impacting the activity. A few juveniles have been arrested and it appears they are the ring leaders of a lot of the scooter and dirt bike activity.

Mr. Scholara noted the police department has attempted to identify youth who would benefit from services provided by his employer, Potomac Case Management services. A proposal has been discussed that involves sending footage of videos of youth participating in bad things to the School Resource Officers to identify them. Counselors would then reach out to these youth. He recognizes there is a much bigger problem in the community as there is limited guidance for many of these kids at home. Most parents don’t know where their kids are. A physical barrier at the skate park may only be a band aid to the problem.

Mr. Nicewarner appreciated the candid conversation recently at the Fairgrounds Park. While there, he viewed kids using the hill at the pavilion as a launch pad to the skate park. He wondered if there is a way to block this makeshift ramp. The issues are not

being caused by the users of the skatepark. This is happening all over the City. What is being done with the drones and being more aggressive with the ring leaders is what's going to make a difference. He attended a City Managers Association meeting last week and someone from Washington, D. C. asked him about the skatepark and mentioned the problems that have been happening. A great amenity like the skatepark should not be tainted by the individuals who are causing the problems. There are some ways to make it safer for the youngest riders. If the shenanigans had continued with equipment being vandalized and employees getting hurt, he would not have hesitated to recommend a fence. Since the bad activity has quieted some, he is not at that point. He believes there are some changes that can be made while still keeping the skate park inviting.

Mr. Deike stated staff could work with architects the City has on retainer for ideas if that is the direction of the Mayor and City Council.

Mr. Nicewarner stated that is an option. He realizes this is the first major conversation about the issues at the skate park. The Mayor and City Council can decide how they want to proceed from this point.

Councilmember McIntire appreciates that the former task force members have been included in the discussions. She would appreciate keeping them included.

Councilmember Martinez asked if other skate parks have fencing around them. Most do not. This is usually if they are close to a major roadway. Someone from New Zealand visited Hagerstown last weekend specifically to ride at the skate park.

Councilmember Aleshire has two objectives – to protect the investment and to ensure the positive experience for the patrons. It seems that this issue is discussed about every 4 months in the short time the skate park has been open. Both his objectives suffered because of the issues. The only reason the experience for patrons doesn't seem to be suffering as much as would be expected is the City is investing a large amount of manpower to make sure the objectives are met. He doesn't mind discussing this every few months. He noted there is decorative fencing along City Park to protect the investment and positive experience there. He believes there needs to be some type of fencing.

Councilmember McIntire pointed out the Mayor and City Council has discussed the issue with the dirt bikes for years and are just now finally seeing improvement. She thinks the idea of some soft/minimal barrier is worth considering.

Mr. Scholara stated he thinks the patrons should be asked for their thoughts on a barrier. They invested a lot to make it like it is.

Councilmember Aleshire pointed out the patrons aren't providing funding for the skatepark. He is concerned about the safety of the patrons.

One of the members asked what a barrier would solve. The older riders stop kids from throwing their bikes on the track. The problem isn't the skate park.

Mr. Scholara understands there is a process. He thinks there are versions of a chain link fence that could become a barrier. He is not trying to demoralize any kind of idea.

A majority of the calls to the police department aren't from the skate park. The calls are from other areas of Fairgrounds Park. There are no fences along the paths or the playgrounds. The skatepark is no different. He thinks a fence is an unnecessary cost.

Councilmember Aleshire stated he would not mind discussing this again in 4 to 6 months. Mr. Scholara stated the issues might be different in the middle of the summer season.

Mr. Nicewarner stated the skate park needs to be treated like any other amenity in the City's parks. It is nice but there are things that will need to be done as time goes on. He agreed maybe it should be re-visited in 4 to 6 months to review what has been done and what has worked and what has not. He is optimistic that the skate park is still as popular as it was when it opened. Enforcement has helped but the City needs to continually review how to make it better for patrons and staff.

Councilmember McIntire asked if other parks have experienced the rock throwing and scooters thrown into the bowl. One of the members stated those parks become abandoned. When the older riders tell the kids to stop doing those things, they don't listen.

Mr. Scholara stated other parks do have some of these issues. He typically looks for less crowded times when he visits other parks. These type of issues don't usually occur on Saturdays. Sometimes it feels as though a fence is being used against new visitors.

Riders say the feeling at the Hagerstown skate park is totally different. People are friendlier here.

Councilmember Schindler is interested in solutions to specific instances. Discussions of the solution should include these former members of the task force to represent the skateboarding community. An amenity that no one uses is a dead amenity.

The skatepark is all about the kids. They don't want to kick out any kids. They have been able to help these kids and they didn't do it with a fence.

Mr. Scholara stated a Play Hard, Live Clean event is being held on June 9, 2023 to get youth interested in positive decision making. He thanked the Mayor and City Council for including this group in the discussion even though the task force has ended.

Mayor Martinez thanked the group for their efforts. She thinks these discussions show that everyone wants the skate park to be a safe and fun place to be.

Preliminary Agenda Review

Mayor Martinez announced that Citizen Comments for the May 23, 2023 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.

Mayor Martinez informed the group that ordinances to amend the City Code in relation to Transient Housing and Vacant Structures, and a resolution to approve a bond issue will be added to the May 23, 2023 Agenda.

Councilmember R. E. Bruchey, II returned to the meeting.

Consent Agenda**A. Community Engagement:**

1. Open Container Exemption for Wind Down – School's Out for Summer – June 14, 2023
2. Open Container Exemption/Street Closure for Caribbean Festival – July 1, 2023

B. Engineering:

1. Pavement Markings - Alpha Space Control, LLC (Chambersburg, PA) Not to Exceed \$ 50,000.00

C. Information Technology:

1. Arctic Wolf IT Security Software Annual Renewal – HPD – Carahsoft Technology Group (Reston, VA) \$ 55,957.66

D. Police Department:

1. Dual Purpose Patrol and Narcotic Detection Dog – Tri-State Canine Services (Warren, OH) \$ 15,000.00
2. Various Uniform Shirts – Howard Uniform Company (Baltimore, MD) \$ 17,096.04
3. Annual Contract for Five Axon I
4. License Plate Readers – Axon Enterprises, Inc. (Scottsdale, AZ) \$ 76,371.00

E. Public Works:

1. Replacement of HVAC System at Hagerstown Ice Rink – M. S. Johnston Company (Hagerstown, MD) \$ 91,150.00
2. Park Equipment – Playground Specialists, Inc. (Thurmont, MD) \$ 100,551.20
3. Open Container Exemption – Doleman Black Heritage Museum Juneteenth – June 16 and 17, 2023

F. Utilities:

1. Light – Linework Services Blanket Contract – Diamond Electric (Boonsboro, MD) \$ 350,000.00
2. Light – Equipment Refurbishment Blanket Contract – Southeastern Transformer Company (Dunn, NC) \$ 70,000.00
3. Light – Vegetation Management Blanket Contract – All Reliable Services (Saint Augustine, FL) \$ 354,100.00
4. Light - Regulatory Consulting Services Blanket Contract – Power Services Agreement - GDS Associates, Inc. (Marietta, GA) \$ 75,000.00
5. Light – Consulting Services – Compensation Analysis - Paypoint HR (Davidsonville, MD) \$ 32,500.00
6. Light – Software Support, Maintenance, and License Blanket Contract – Milsoft Utility Solutions (Abilene, TX) \$ 35,235.00
7. Light- Substation Maintenance and Repair Blanket Contact – TRC Companies (Lancaster, PA) \$ 175,000.00
8. Light – Underground Locating Blanket Contract – USIC Locating Services, LLC (Indianapolis, IN) \$ 75,000.00
9. Light – 2023 F-150 4x4 Super Cab (Replacement of Vehicle 102) – Keystone Ford (Chambersburg, PA) \$ 45,800.00
10. Light – Breaker Replacement - Anixter-Wesco (Eaton) (Greenwood, DE) \$ 68,806.00
11. Light – Meter Test Equipment – Radian Research, Inc. (Lafayette, IN) \$ 24,047.50
12. Water – 10” Fire Line Meters – Ferguson Waterworks (Frederick, MD) \$ 42,537.65
13. Water – Chlorinator Annual Maintenance Contract – Environmental Service & Equipment Company, Inc. (Marcus Hook, PA) \$ 11,553.00
14. Water – Polymer – Coyne Environmental (Croydon, PA) \$ 45,900.00
15. Water – Potassium Permanganate - Chemrite (Buford, GA) \$ 28,174.79
16. Water and Wastewater – Underground Line Marking- USIC (Indianapolis, IN) \$ 150,000.00
17. Water and Wastewater – FY24 Patching Contact – Huntzberry Brothers, Inc. (Smithsburg, MD) \$ 357,339.00
18. Wastewater – Change Order 2 to Pelletizer Contract – Black and Veatch Corporation (Gaithersburg, MD) \$ 350,000.00
19. Wastewater – Garage Door Replacement – Palmer Construction Company (McConnellsburg, PA) \$ 101,460.00
20. Wastewater – OAB Deck Repair Parts – Process Solutions, Inc. (Columbia, MD) \$ 10,176.69

This completed the Preliminary Agenda Review. There were no additional questions about any items. All items, unless noted, are scheduled for approval on May 23, 2023.

Farmer’s Market Agreement

Brittany Arizmendi, Community Engagement Officer, was present to review the schedule for the Farmer’s Market. The outdoor farmers market will take place in the

parking lot at 25 W. Church Street every third Thursday, beginning in May and ending in October. Each month there will be a theme, activity, live music, and giveaways.

Ms. Arizmendi reviewed an event rental agreement with Hub City Brewery, the property owner of 25 W. Church Street, for the market dates. The Mayor and City Council approved the agreement.

Councilmember McIntire noted staff are doing a great job marketing the market events.

Caribbean Festival

Brittany Arizmendi, Community Engagement Officer, and Erika Bell, Vibe Lounge, were present to discuss a new festival in July – a Caribbean Carnival.

Ms. Bell stated the event is being planned for Saturday, July 1, 2023 from noon to 6:00 p.m. in the first block of South Potomac Street. The street will be closed from 9:00 a.m. to 8:00 p.m.

The event will feature vendors, live music, food, and adult beverages. This will be a carnival style event and will bring awareness to the growing Caribbean community in Hagerstown. Costumes are encouraged.

Councilmember McIntire asked if the promotional material can be translated to other languages. Ms. Arizmendi stated Spanish, Portuguese, and French have been suggested.

It was the general consensus to include approval of the open container exemption and street closure on the May 23, 2023 Regular Session agenda.

Budget Review

Michelle Hepburn, Chief Financial Officer, reported there are no major highlights or changes for either the Stormwater Fund or the Golf Fund.

Councilmember Aleshire left the meeting.

Reserved Funds – Community City Center Plan Catalyst 1 – Office Development and Retirement

Jill Thompson, Director of Community and Economic Development, and Michelle Hepburn, were present to review the \$ 250,000 in First Third funds that were reserved in 2014 for the Community’s City Center Plan Catalyst Project #1 – Office Development and Recruitment.

The funds were reserved as a result of an incentive referenced in the Request for Qualifications (RFQ) seeking a developer for the project. The funds are shown as “Future Commitment” in Section 4, page 11 of the FY24 Budget Book.

The RFQ was issued 12/26/14 with a response deadline of 3/2/15. The RFQ provided that the City could terminate any partnership related to this project if performance measures were not met within 5 years. One developer responded with an exploratory proposal; however, a project did not materialize.

Ms. Thompson stated it is well past the time frame for the project to be started/completed. It was funded originally with general fund reserves.

Ms. Hepburn stated this reserved funding is part of the special revenue funds. This is different than the general fund reserves. Several years ago, the tax rate was raised and the additional funding was used to fund the Invest Hagerstown program. Even though the deadline has passed, a formal vote is required to update or change the allocation. She asked the Mayor and City Council to consider allocating the funding to the Hagerstown Field House project.

Ms. Thompson is supportive of this request.

Formal approval to redirect the funding will be included on the agenda for June 20, 2023.

Proposed Amendment to the Sewer Capacity Allocation Program (SCAP)

Kathleen Maher, Director of Planning and Code Administration, and Nancy Hausrath, Director of Utilities, were present to discuss proposed amendments to the Sewer Capacity Allocation Program (SCAP).

The City of Hagerstown first adopted a SCAP in 2005, in response to a Consent Judgement with the Maryland Department of the Environment (MDE) on January 12, 2005. The Consent Judgement limited the amount of sewer allocation that the City of Hagerstown was permitted to issue each calendar year for new development until the wastewater plant was rehabilitated and upgraded or until other sewer system improvements were satisfactorily completed according to MDE.

The City was required to adopt an annual SCAP, subject to MDE approval, while the Consent Judgement remained in effect. The SCAP was required to provide for management of existing and future sewer commitments, distribution of future flow allocations in relation to capacity, and a system to limit the issuance of building permits and approval of new subdivision plats so as not to exceed a certain annual threshold of gallons per day.

In January 2010, the City of Hagerstown completed the required upgrades to the Hagerstown Wastewater Treatment plant, which then lifted the Consent Judgement.

Upon the recommendations of the City's 2008 and 2018 Comprehensive Plans, the City has continued to utilize an annual SCAP as a prudent means of managing the City's wastewater resources. At least once in each calendar year, the City reviews this program

and, if deemed necessary, may revise the program with Mayor and City Council approval. Such changes may include alterations in the allocations.

In the early years of the SCAP, the SCAP provided for an annual allocation of 60,000 gpd for new residential development and 20,000 gpd for new non-residential development within the city. In addition, any unused allocation for each category at the end of the year would roll into the same category for the following year. In 2009, due to insignificant residential growth within the city, the SCAP was amended to drop the annual allocation to 50,000 gpd for new residential development, increase the annual allocation to 30,000 gpd for new non-residential development, and to have any unused allocation for new residential development at the end of the year roll into the non-residential category for the following year.

In recent years, residential planning activity has increased significantly within the city and the demand for allocation within the SCAP is growing much more competitive while the demand for non-residential allocation has remained comfortably within its annual allocation allotment. In order to better manage the demand for allocation in the city, it is proposed to amend the SCAP as follows:

1. Shift back to the pre-2009 apportionment of allocation between new residential and non-residential development within the City:
 - a. New Residential Development Shift from 50,000 gpd to 60,000 gpd
 - b. New Non-Residential Development Shift from 30,000 gpd to 20,000 gpd
2. Have unused residential allocation roll into the residential category for the following year as occurred before 2009.

Staff have also updated the reference on page one from Flow Transfer Agreement to Joint Sewer Service Area Agreement.

A red-lined copy of the proposed SCAP was provided with the meeting material.

It was the general consensus of the Mayor and City Council to schedule approval of a resolution to amend the SCAP on the May 23, 2023 Regular Session agenda.

Special Session (69th Voting Session) – May 16, 2023

Mayor Martinez called this Special Session (69th voting session) of the Mayor and City Council to order at 6:25 p.m., Tuesday, May 16, 2023 in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers R. E. Bruchey, II, T. Burnett, S. McIntire, and M. J. Schindler, City Administrator Scott A. Nicewarner, and City Clerk D. K. Spickler. Councilmember K. B. Aleshire was not present.

On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote of all members present to meet in Special Session at 6:25 p.m.

Approval of an Ordinance: Tax Rate Beginning July 1, 2023

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 approve an ordinance to establish the City's tax rates for the fiscal year July 1, 2023 through June 30, 2024 on the basis of \$ 1.002 per \$ 100 of assessed value of all real property and \$ 2.505 per \$ 100 of assessed value of all business personal property within the City of Hagerstown.

Approval of an Ordinance: Budget FY 2023/24

Action: On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote of all members present to approve an ordinance to adopt the City's budget for fiscal year July 1, 2023 through June 30, 2024 in the total amount of \$ 214,986,818.

Introduction of an Ordinance: Amend the City Code by Repealing and Re-enacting Chapter 140, the Land Management Code

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember M. J. Schindler, the Mayor and City Council unanimously agreed by voice vote of all members present to introduce an ordinance to amend the City Code by repealing and re-enacting Chapter 140, Land Management Code. The re-enacted Land Management Code includes the 2023 package of annual revisions finalized by the Mayor and City Council. This re-enacted version of the Land Management Code shall be known as version 3.10.

Introduction of an Ordinance: Authorizing the Sale of Property Located at 11850 Indian Lane, Hagerstown, Maryland

Action: On a motion duly made by Councilmember S. McIntire and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously agreed by voice vote of all members present to introduce an ordinance authorizing the sale of property located at 11850 Indian Lane, Hagerstown, Maryland to Ryan Daughtridge and Rori Cannon for a purchase price of \$ 625,000. The sale will be in accordance with all of the terms and conditions outlined in the Contract of Sale.

The Special Session was closed at 6:27 p.m.

CITY ADMINISTRATOR'S COMMENTS

Scott Nicewarner, City Administrator, announced the first Farmer's Market will be Thursday, May 18, 2023, the Edmond McElhenny Chili Cook Off will be held on

MAY 16, 2023

MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

Saturday, May 20, 2023, and the National Pike Wagon Train will be in Hagerstown on Saturday, May 20, 2023.

MAYOR AND COUNCIL COMMENTS

Councilmember S. McIntire thanked Latrina Hise Bean for her efforts to make Teacher Appreciation Week at Western Heights Middle School special.

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

Councilmember T. Burnett had no additional comments.

Councilmember M. J. Schindler is looking forward to being a judge at the chili cook off on Saturday.

Mayor T. Martinez also thanked Ms. Bean for organizing the teacher appreciation. Many businesses also contribute to this effort. She then read an essay from the “If I Were Mayor....” Contest from Blessing Engemise. Blessing would like to add more adult and family events. Blessing would like to change how people act downtown to help them stop ruining their bodies and help Hagerstown be better.

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 6:33 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: June 27, 2023