

WORK SESSION – June 6, 2023

Mayor T. Martinez called this Work Session of the Mayor and City Council to order at 4:04 p.m., Tuesday, June 6, 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.

Proclamation - National League of Cities: Small Cities Month

Mayor Martinez read a proclamation naming June, 2023 as National League of Cities Small Cities Month in Hagerstown. Scott Nicewarner, City Administrator, accepted the proclamation.

Mr. Nicewarner noted Hagerstown is one of the larger, small cities. It is heartening to know that other jurisdictions have good ideas moving forward and he is looking forward to sharing those ideas with the Mayor and City Council. He thanked the Mayor and City Council for their help in making Hagerstown one of the leading small cities in the country.

Officially Designating Alley 2-121 as Ralph Teetor Alley

Jim Bender, Interim City Engineer, and Mike Keifer were present to discuss having Alley #2-121 designated as “Ralph Teetor Alley”.

Mr. Keifer is the owner of 733/735 Maryland Avenue. There is a short alley beside his property, and he would like to have the alley designated as “Ralph Teetor Alley”. The naming of alleys has traditionally been approved by the City Council (e.g. “Lou Scally Alle”, “Lieba Alley” etc.)

Ralph Rowe Teetor was born in Hagerstown, Indiana in 1890. He was born with sight, but lost his vision after an accident when he was six years old. Teetor was able to complete his education, earning bachelor’s and master’s degree in mechanical engineering from the University of Pennsylvania.

Teetor worked for, and was eventually made president of the Perfect Circle Company, a piston ring and auto part manufacturer in Hagerstown, IN. While there, he designed the first cruise control mechanism that was ever used in automobiles. He also had several other automobile-related inventions, and was selected to be the president of the Society of Automotive Engineers. After his death in 1982, he was posthumously inducted into the Automotive Hall of Fame in Dearborn, Michigan for his many contributions to the automotive industry.

Although it is unclear to staff whether Mr. Teetor ever visited Hagerstown, MD, he was likely one of the most noteworthy residents of the Sister City, Hagerstown IN.

Staff sent a letter to the owners of the property on the other side of the alley at 727 Maryland Avenue, explaining Mr. Keifer’s request, and asked if they had any objection to

naming the alley. That property is not owner-occupied. Mr. & Mrs. Pulliam, the owners, live in Silver Spring, MD. Staff is still awaiting a response from the Pulliams.

Mr. Keifer noted it has been 10 years since Hagerstown, Maryland and Hagerstown, Indiana developed a Sister City relationship. During those 10 years, he has tried to build on that relationship with visits and a self-funded scholarship. Mayor Martinez will be visiting Hagerstown, Indiana with him in August in recognition of the 10 year anniversary. Residents of Hagerstown, Indiana will be visiting later this month and he thought naming an alley after Mr. Teetor would be commendable. If approved, he hopes the alley signs could be completed before they arrive on June 24, 2023. He also would like to have a plaque noting the alley destination that could be put in the Hagerstown, Indiana City Hall.

Councilmember McIntire asked if Hagerstown, Indiana has any interest in naming something in recognition of someone from Hagerstown, Maryland, for example Mike Keifer Alley. Mr. Keifer stated he is not looking for recognition, just ways to keep the relationship going.

It was the general consensus to include formal approval of naming the alley as requested on the agenda for June 20, 2023. Staff was directed to complete the signs so they will be in place prior to arrival of the Hagerstown, Indiana visitors.

Juneteenth Celebration – FY23 Event Sponsorship

Brittany Arizmendi, Community Engagement Officer, was present to review the FY23 Event Sponsorship for the Juneteenth Celebration.

Ms. Arizmendi reviewed the status of the FY23 Event Sponsorship budget. The budget was set at \$ 46,500 and actual expenditures are at \$ 47,086. The total amount of requests for FY23 funding was \$ 107,870. More than 25 events have been provided sponsorship assistance through this budget.

Any event requesting more than \$ 5,000 has been reviewed with the Mayor and City Council for funding direction. The most recent request is from the Doleman Black Heritage Museum for a Juneteenth Celebration taking place on June 16 and June 17, 2023 in University Plaza. Alesia Parson-McBean and Patricia Smart discussed the event with the Mayor and City Council on May 16, 2023. The total request is for \$ 12,100. Staff is recommending a sponsorship of \$ 5,000 to stay consistent with other funding and budgetary limits.

Councilmember Burnett and Councilmember Schindler support staff's recommendation of \$ 5,000. Councilmember Bruchey supports funding the full request of \$ 12,100. He stated this is a federal holiday and celebrates independence. He asked what is spent on the July 4th Fireworks each year. Councilmember Bruchey stated Juneteenth celebrates independence and incorporates everyone in Washington County. He believes if other things are celebrated and funded, this should be as well. Mr. Nicewarner stated the fireworks event contract is for \$ 28,000 and is a City hosted event.

Councilmember McIntire stated if Juneteenth was a City event there would be a different funding source. Councilmember Bruchey stated Juneteenth could be a City event.

Councilmember Aleshire stated there were a number of items on the agenda on May 16, 2023 when Ms. Parson-McBean was present, including the sale of property off Eastern Boulevard. He felt the Council worked diligently to generate some gain from the sale of the property. Possible changes to the Cultural Trail were discussed and then it was discussed that the gain from the property sale be used for the parking deck. He is frustrated the discussion went in the direction of depleting possible resources for miniscule requests for events and activities. His frustration is not about Juneteenth or any event. It is about the good gain realized from the sale being used for an entirely different use. Year after year, the City found a way to fund Bluesfest and Augustoberfest. Juneteenth is important to the community and the Mayor and City Council should find a way to make this event happen to its full potential.

Councilmember McIntire stated there is now a more data based process in place for sponsorships now. In the past, decisions were emotionally driven. She would love to find the money to fully fund the requested sponsorship. However, how many more requests would be made if that precedent is set.

Councilmember Aleshire stated a data based decision would have said the profit would be at a certain level. Councilmember Bruchey stated data shows the fund balance reserve policy sets the reserves at 17%, and currently there is 31% in reserves.

Mayor Martinez stated consistency is important. At the beginning of this administration, being consistent and community driven was discussed. The “knowing someone could get something done” attitude is not fair. It is difficult to explain to someone why they received a certain amount and someone else received a different amount. She won’t be part of non-consistency.

Ms. Arizmendi pointed out there are several events that did not receive the full amount requested. She anticipates similar conversations based on the requests received so far for FY24.

Councilmember Burnett is not discrediting Juneteenth but the Council needs to be fair with all requests.

Councilmember McIntire stated the goal of events is to have people downtown having fun, feeling safe, and coming back. Event sponsorships are intended to help make that happen.

Councilmember Bruchey asked about the hotel/motel revenue. Brooke Garver, Accounting and Budget Manager, stated a majority of that revenue will be used for the field house. She doesn’t know the exact amount of this funding. Councilmember Bruchey stated he understands there will be \$ 415,000 in hotel/motel funds after utilizing \$ 30,000 for the Independence Celebration at Hagerstown Community College.

Considering the majority of that funding is from locations within the City limits, Hagerstown does not receive a majority of the funding.

Mayor Martinez stated she was born and raised in Hagerstown and Washington County. As a black woman, Juneteenth is very important to her. At the same time, she wants the group to be extremely careful how this is discussed. It is difficult for her and Councilmember Burnett. They are not going to advocate for another community unfairly. She will make decisions with integrity and fairness. She would like to see Juneteenth be a city event and this can be discussed further.

Councilmember Bruchey stated it would be fair to fund Juneteenth to at least the same level as last year.

Councilmember McIntire pointed out there were not as many events last year since the pandemic was still affecting gatherings. That was a different time and the City was able to provide \$ 10,000. She supports staff's recommendation of \$ 5,000 this year. Councilmember Burnett and Councilmember Schindler also support staff's recommendation.

Therefore, on the consensus of the Council, \$ 5,000 will be provided in event sponsorship to the 2023 Juneteenth celebration.

Department of Housing and Community Development Grant FY24

Joanna Wu, Planner, and Kathleen Maher, Director of Planning and Code Administration, were present to review the Department of Housing and Community Development Grant FY24.

Mayor and Council authorization is needed to begin the process to submit FY 2024 applications to the State's Community Legacy Program and Strategic Demolition Fund Program as well as adoption of a resolution in support of the City's applications. The deadline for grant applications is June 29, 2023.

The goal of the programs is to provide funding to local governments and community development organizations for essential projects aimed at strengthening declining urban areas through a comprehensive approach that includes activities such as business retention and attraction encouraging home-ownership and rehabilitation, and commercial revitalization. Projects must be consistent with the goals and strategies outlined in the City's Sustainable Community Plan and the projects must be located in the City's Sustainable Community Area.

The Maryland Department of Housing and Community Development has \$ 6 million in Community Legacy funding and \$ 5 million in Strategic Demolition funding for grant and loan awards around the State in FY 2024. Community Legacy funds may only be used for capital projects – bricks and mortar projects or loan/grant programs for brick and mortar projects. Projects must be ready to go and be completed within two years. The Strategic Demolition Fund may only be used for pre-construction costs of a project –

acquisition, demolition, architectural and engineering services, site work, utility infrastructure, etc. While there is no matching requirement, the application needs to show that the project will leverage other funds.

Staff recommends applying to the Community Legacy Program for three City projects. All three projects are consistent with the Sustainable Community Plan and within the Sustainable Community Area. The Community Legacy projects are listed below:

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| 1. A wayfinding system for visitors | \$ 125,000 |
| 2. Vacant structures to shell condition | \$ 250,000 |
| 3. Light in alleys | \$ 100,000 |

Councilmember McIntire noted there is a required match by property owners for the vacant structures to shell condition and the lights in the alley. She asked if that is typical. Ms. Maher stated a match is not required but having some type of match increases the chances of being awarded a grant.

Councilmember Aleshire asked if these proposals are in priority order. Ms. Wu stated staff recommends this ranking. Councilmember Aleshire stated it seems the vacant structures to shell condition would be the most applicable for the Strategic Demolition Fund grant. He thinks the wayfinding system will occur regardless of being awarded a grant. Ms. Maher pointed out #1 supports community enhancement and #2 creates community enhancement.

It was the general consensus of the Mayor and City Council to prioritize the projects as follows:

1. Vacant structures to shell condition
2. Light in alleys
3. Wayfinding system

Approval of a resolution supporting the grant application will be included on the June 20, 2023 Regular Session agenda.

2023 Maryland Municipal League Legislative Request

Kathleen Maher, Director of Planning and Code Administration, was present to review a legislative request for potential submission to the Maryland Municipal League (MML).

The MML is inviting legislative requests for potential State legislation in 2024 that would be beneficial to municipalities. Staff are suggesting requesting amendments to the Local Government Article's annexation provisions on planning and zoning authority. The proposal is to modify how the review occurs on requested zoning for annexation.

Before 2006, when a property was being contemplated for annexation, State law required that a review occur on the requested zoning to see if it was consistent with the land use recommendations in the municipal and county comprehensive plans. Due to

dissatisfaction with how a municipality in the eastern part of the state was growing through annexation, H.B. 1141 was developed and passed in 2006 which amended State law to change how the zoning review occurred for annexations and required certain growth and infrastructure planning to be included in municipal and county comprehensive plans.

The 2006 change included:

1. The annexation zoning review now has the comparison occur between the requested municipal zoning and the existing county zoning to determine if a “substantial difference” exists between the two. If it is determined that it fell into that category, the County Commissioners must grant “express approval” of the requested zoning or development with that zoning would have to wait five years.
2. Municipal comprehensive plans must include a Growth Element that assesses the impact of growth on infrastructure and designates a municipal growth area based on this analysis and for which future annexations are restricted.
3. Municipal and County comprehensive plans must include a Water Resource element which contains significant technical analyses of water, wastewater and stormwater utilities and recommendations for those utilities based on capacity constraints contemplated by future growth.

The allowed uses and bulk and density provisions in municipal and county zoning are usually not a match, and a side-by-side comparison of proposed municipal zoning and existing county zoning will often be deemed “substantially different”. This is particularly the case if the following conditions exist:

1. If the municipality deals with urban issues and growth patterns and their county deals with suburban and rural issues and growth patterns.
2. If the County comprehensive plan has not been updated since before 2006, the County zoning may be out-of-date from a growth planning perspective.
3. If the County residential zoning is significantly less dense than Maryland’s Priority Funding Area (PFA) requirements, the municipal zoning can be falling into the “substantially different” category if the municipal density is PFA compliant.

The 2006 change set the stage for a very awkward and potentially contentious zoning review process with the County which results in a great deal of uncertainty for annexers and municipalities.

If municipal comprehensive plans have been updated since 2006, they now include the Growth Element and the Water Resource Element with extensive analyses of growth impacts and utility capacity and constraints and designation of a municipal growth boundary for annexations based on those analyses. Any annexation proposed by a municipality which is compliant with the 2006 Comprehensive planning requirement is now backed by significant growth planning. The land use recommendations for the growth area outside the municipality in the municipal plan are likely to be fairly similar to the land use recommendations in the county comprehensive plan, since municipalities are required to consult with the county on these growth issues in the plan. The adopted zoning ordinance for the municipality will be consistent with the planning

recommendations in the comprehensive plan. Thanks to the growth and land use planning that has been accomplished since 2006, it would be more appropriate to compare requested zoning with the land use recommendations in comprehensive plans to determine if requested municipal zoning is appropriate for an annexation.

The requested legislative change to address the zoning review problem for municipalities is to revert the zoning review to the pre-2006 process which had the requested zoning for an annexation compared to the land use recommendations in the municipal and county comprehensive plans. This change will be consistent with smart growth planning and should greatly reduce the need for the “express approval” process with the County Commissions on annexations.

Councilmember Aleshire noted the County doesn’t have a valid argument to say the zoning doesn’t match for the 2 most recent annexation proposals on Broadfording Road and Swann Road, based on what the applicant voluntarily provided. He does agree however that the zoning for Swann Road is not consistent with the County zoning. He stated there is a clear difference in the character of the Cedar Lawn area than at Hager’s Crossing.

Ms. Maher stated typically denser residential development is near industrial development. This is why a decision should not be based on zoning but instead on the land use plan. A plan for growth has been developed with the County and then it is thrown to the side based on who decides to develop farm land.

Mr. Nicewarner indicated MML representatives agree this change would be advantageous to municipalities and are willing to tackle the issue through the legislative process.

It was the general consensus to submit the 2023 MML Legislative Request by the deadline.

Operation Take Back Initiative

Chief Paul “Joey” Kifer was present to request authorization to utilize American Rescue Plan Act (ARPA) funding for a component of the Operation Take Back Initiative.

Chief Kifer stated the funding will expand the city wide camera system into the King Street area of Hagerstown.

The purchase of this expansion will include 30 cameras, covering 13 locations, fiber, and installation at a cost of \$ 185,029.49. Spichers Appliances is the sole source vendor due to the current awarded contact for the City maintenance service area and prior camera purchase.

Councilmember Bruchey asked if the monitoring and management of the cameras is solely done in-house by HPD employees at the front desk or the Watch Center. He also

asked if it is in real time or post review. Chief Kifer stated most review is after an incident. Depending on the circumstances, a live stream can be used.

It was clarified that the camera system is not connected to the 911 Communication Center in any manner.

FY2024 Community Development Block Grant (CDBG) Annual Action Plan

Margi Joe, Community Development Manager, and Rachel Paul, Planning and Outreach Coordinator, were present to request Mayor and City Council approval of the FY24 Community Development Block Grant (CDBG) Annual Action Plan, in order to receive the City's annual entitlement of CDBG funds.

The City of Hagerstown is an entitlement recipient of Federal CDBG funds from the United States Department of Housing and Urban Development (HUD). Each year, the City of Hagerstown is required to submit an Annual Action Plan to HUD and this plan serves as the City's application for CDBG funds. CDBG allocations were recently announced by HUD and Hagerstown's FY24 CDBG entitlement will be \$ 781,156.

Consistent with CDBG National Objectives and Hagerstown's Five Year CDBG Consolidated Plan, the FY24 CDBG Annual Action Plan concentrates funds on neighborhood-based projects and programs. CDBG-funded grant and loan programs for low/moderate income homeowner home repairs will be provided by DCED and community partners. Proposed Public Facility projects will be carried out in cooperation with the Department of Parks and Engineering. These projects include Wheaton Park facility rehabilitation/improvements, Alleyway Repair/Repaving, and sidewalk accessibility ramp constriction. The FY24 Annual Action Plan also proposes support for local public service providers. An excerpt from the CDBG Annual Action Plan listing all FY24 CDBG Action Plan activities is included in the meeting material.

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

The CDBG Citizen Advisory Committee has met and provided insight on all CDBG Public Service funding requests for FY24. A spreadsheet containing the committee's ranking of the public service applications is included with the meeting material, and the recommended Public Service agency funding scenario is indicated.

Per CDBG regulations, Public Service funding is limited by a regulatory cap that is 15% of the combined FY24 Entitlement amount and the FY23 Projected Program Income amount: $15\% \times (\$8781,156 + 250,000) = \$ 154,673$. This number is estimated and fluid as FY23 Program Income is not determined until the end of the fiscal year and the cap

amount is subject to Finance recommendation during budget build. This year's cap is conservatively set at \$ 140,000.

Because of high response to the call for applications and the number of recipients recommended by the advisory committee, some awardees are recommended to receive funding that may be significantly less than requested. This was done in an effort to proportionally allocate the available resources to all selected applicants.

Councilmember Bruchey asked why the Community Free Clinic requested \$ 50,000 and staff's recommendation is \$ 22,500. Ms. Joe stated this is because of the Committee's desire to fund as many requests as possible.

Councilmember Aleshire wants to clarify that the microenterprise grant category cannot be used for an individual seeking a grant for a cannabis sales/growing facility since this is still illegal federally. Ms. Joe stated this could be added as a restricted activity to the microenterprise regulations. Councilmember Bruchey noted not every Councilmember is asking for this clarification.

Councilmember McIntire would like to have an update about the Bridge to Change program.

Councilmember Burnett is glad to see funding for the Wheaton Park improvements.

It was the general consensus to schedule approval of the FY24 Annual Action plan during the June 20, 2023 Regular Session. Once approved, staff will immediately submit the plan to HUD which will allow FY24 CDBG expenditures to begin on July 1, 2023. If necessary, changes to the Annual Action Plan may occur after this approval during the fiscal year through a routine CDBG plan amendment process.

CITY ADMINISTRATOR'S COMMENTS

Scott Nicewarner, City Administrator, announced beginning June 7, 2023 Potterfield Pool will be open every day. Movies in the Park start again this weekend. The next community yard sale will be held on Saturday, June 10, 2023 at Fairgrounds Park. Flag Day will be celebrated during events at City Park. Slam the Weight is holding a dance on the plaza on June 10, 2023.

MAYOR AND COUNCIL COMMENTS

Councilmember S. McIntire thanked the Kiwanis Club for the kindergarten registration program event. She noticed many non-English speaking kids there. It is important to translate these meeting documents into Spanish and other languages. This administration's mission statement says this will be an inclusive government and it needs to be inclusive.

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

Councilmember T. Burnett is happy to announce this year marks the 60th Anniversary of the Ruth Ann Monroe Basketball Tournament. The tournament is held at Wheaton Park and begins on July 30, 2023. She encouraged kids from ages 8 to 18 to sign up for the tournament. Last year, 240 kids participated. She would like a proclamation from the Mayor recognizing this important milestone.

Councilmember K. B. Aleshire attended a few events over the last several weeks. The Walmart re-opening was one event he attended. It is amazing there are so many people who are long time Walmart employees from this community.

The post-legislative forum was recently held. It was repeated that there was a significant change in the leadership of both the Senate and House and how everyone took a pause through this session. The next session is expected to be a bit livelier. Lobbyist John Favazza stressed the Washington County Community Coalition functions effectively by discussing the issues with all the partners and determining a group priority list.

Councilmember M. J. Schindler noted staff is doing a great job bringing events to downtown. The Voltage Wrestling event was great. There were many people there who had not visited downtown recently.

Mayor T. Martinez stated she was a pro-wrestling fan when she was younger and she enjoyed the Voltage Wrestling event. She found out that an employee at the Light Department is a wrestler. She saw many new people at the event.

She attended the Flags for Heroes event at Rotary Park. It was an emotional event for her. She is from a military family and has connections to the first black Boy Scout Troop in Hagerstown. She and Councilmember Schindler and Councilmember Bruchey placed wreaths at various locations on Sunday, May 26, 2023 in recognition of Memorial Day.

She congratulated all graduates on their accomplishments.

Mayor Martinez stated it is amazing to see people celebrating Hagerstown. Recent events include a ribbon cutting at the Women's Club, Thunder in the Square with almost 200 vehicles registered, and Imagine Hagerstown featuring The Regan Years. Chat and Chew will be held on Saturday, June 10, 2023 at VibeZ beginning at 3:00 p.m. She encouraged anyone from ages 13 to 24 to register for the event.

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 5:24 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: July 25, 2023