

EXECUTIVE SESSION, SPECIAL SESSION (79<sup>TH</sup> VOTING SESSION) AND WORK SESSION  
NOVEMBER 7, 2023  
MAYOR AND CITY COUNCIL HAGERSTOWN, MARYLAND  
EXECUTIVE SESSION, SPECIAL SESSION (79<sup>TH</sup> VOTING SESSION) AND WORK  
SESSION – November 7, 2023

EXECUTIVE SESSION – November 7, 2023

Mayor Martinez called the Executive Session to order at 3:10 p.m.

On a motion duly made by Councilmember T. Burnett and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote of all members present for the vote to meet in closed session to discuss, before a contract is awarded or bids are opened, a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process; (#14) (Section 3-305(b)), and 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)), on Tuesday, November 7, 2023 at 3:10 p.m. in the Council Chamber, 2nd floor, City Hall, Hagerstown, Maryland. Councilmember K. B. Aleshire was not present for the vote.

Participating with Mayor Martinez were Councilmembers K. B. Aleshire, T. Burnett, S. McIntire, and M. J. Schindler, City Administrator Scott Nicewarner, Jill Thomson, Director of Community and Economic Development, Margi Joe, Community Development Manager, Amanda Gregg, Business and Community Development Finance Specialist, Michelle Hepburn, Chief Financial Officer, and City Clerk Donna K. Spickler.

The meeting was held to discuss a purchase offer for City owned property, membership of the Board of Code Appeals, Historic District Commission, Board of Zoning Appeals, the City Ethics Commission, and the Council vacancy. On a motion duly made, seconded, and passed, the meeting was adjourned at 3:51 p.m.

SPECIAL SESSION (79<sup>TH</sup> VOTING SESSION) AND WORK SESSION – November 7, 2023

Mayor T. Martinez called this Special Session (79<sup>th</sup> voting session) and Work Session of the Mayor and City Council to order at 4:02 p.m., Tuesday, November 7, 2023, in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, T. Burnett, S. McIntire, and M. J. Schindler, City Administrator Scott A. Nicewarner, and City Clerk D. K. Spickler.

SPECIAL SESSION (79<sup>TH</sup> VOTING SESSION – November 7, 2023

On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote to meet in Special Session.

**Approval of Appointments: Hagerstown Youth Council**

**Action:** On a motion duly made by Councilmember S. McIntire and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously agreed to appoint the following people to the Hagerstown Youth Council, all with terms to expire September 26, 2025:

Allen Anderson  
Crystal Dominquez  
Naomi Kandrick  
Joanna Leedy  
Torin Malott  
Brianna Mathews  
Olivia Yamashita

Mayor Martinez provided the Oath of Office to all members except Brianna Mathews, who will receive the Oath at a later date.

**Approval of the Addition of Part Time Police Officers**

**Action:** On a motion duly made by Councilmember M. J. Schindler and seconded by Councilmember T. Burnett, the Mayor and City Council unanimously agreed by voice vote to approve the hiring of up to four part-time police officers.

These part-time officers would be hired immediately and used to augment patrol operations, targeting juvenile and disorder crimes in the parks and downtown area.

This is a clarification from the motion previously approved on October 24, 2023, stating that these are “contractual part-time police officers”.

The Special Session was closed at 4:11 p.m.

Public Artwork: Hub City Garage

Brittany Arizmendi, Community Engagement Officer, was present to review the artist selection for the Hub City Parking Garage Public Art project. The Public Art and Design group received 10 submissions from the call for artists. Two artists were interviewed by the group, and Nigel Sussman was unanimously selected as the artist for this public art project.

Mr. Sussman’s signature style is eclectic, almost like a doodle. One side of the art is focused on baseball and the stadium, and the other side focuses on the arts, which is what was requested in the call for artists. The Public Art and Design group provided feedback to include some things that are unique to Hagerstown.

Councilmember McIntire likes the artwork but wants to see more Hagerstown items and less focus on sports.

Councilmember Schindler stated he likes the style and also would like to see it more tailored to Hagerstown.

It was the general consensus to include approval of a resolution and artist agreement on the November 21, 2023 Regular Session agenda.

#### FY25 Budget – Agency Contributions

Michelle Hepburn, Chief Financial Officer, and Brooke Garver, Accounting and Budget Manager, were present for the annual review of the General Fund Agency Contributions.

Per the General Fund Agency Contributions policy, this discussion provides the opportunity for the Mayor and City Council to discuss any adjustments to be included in the FY2024/25 budget for General Fund agency contributions.

As outlined in the policy, any changes to total funding levels or any changes to the agencies guaranteed to receive funding from the City will be considered by the Mayor and Council by the end of October.

At this time, the policy includes the following 8 core agencies:

1. Community Rescue Services (CRS)
2. Hagerstown Municipal Band
3. Hagerstown Neighborhood Development Partnership (HNDP)
4. Maryland Symphony Orchestra
5. The Maryland Theatre
6. Washinton County Historical Society
7. Washington County Museum of Fine Arts
8. Washington County Free Library

The budget amount is typically between \$ 195,000 and \$ 205,000 for all Agency Contributions.

Councilmember Aleshire stated he understands there is interest in discussing CRS transitioning to a County Department. If that occurs, he doesn't think CRS would remain an entity that City taxpayers fund. He is ok with leaving the funding in the budget for now. He would prefer CRS make a specific request for funding from the City of Hagerstown since they are now a billable service.

Ms. Hepburn noted funding was subsequently provided to the Heart of the Civil War Heritage Area during the last three fiscal years.

Councilmember Aleshire stated he struggles with funding an agency that provides grants to the City.

It was the general consensus to include \$ 205,000 in the FY25 proposed budget and to fund the original 8 agencies as in previous years.

American Rescue Plan Act of 2021 (ARPA) Allocations and Update

Michelle Hepburn, Chief Financial Officer, and Brooke Garver, Accounting and Budget Manager, were present to review the ARPA Allocations and to provide an update of funds spent to date.

ARPA funding provided to the City of Hagerstown totals \$ 20.4 million. The City has spent \$ 7.5 million or approximately 37.0% of that total funding as of October 31, 2023. The totals below do not include amounts that are obligated and encumbered on open purchase orders:

1. FY21 - \$ 2.15 million
2. FY22 - \$ 2.11 million
3. FY23 - \$ 1.96 million
4. FY24 through October 31 – \$ 1.33 million

The IRS defined seven different eligible categories in which this funding can be spent. Each category has specifications in eligibility criteria. The chart below reflects the Categories and the current allocation and strategy of how the City plans to spend the \$ 20.4 million:

1. Public Health	12%
2. Negative Economic Impacts	9%
3. Negative Economic Impact: Public Sector	8%
4. Premium Pay	11%
5. Infrastructure	28%
6. Revenue Replacement	31%
7. Administrative	1%

Completed projects include the Ice Rink Dehumidification System, Goodwill Community Outreach program, stopgap funding for the FSU HUB@USMH, 2-factor authentication software, public facility emergency equipment, backhoe purchase, camera truck purchase, Hagerstown Police Department (HPD) firing range target system, Police Athletic League roof replacement, purchase of drones for HPD, Hagerstown Fire Department (HFD) ladder truck, community outreach vehicle, HFD Department natural gas generator, and premium pay for city employees.

Projects that have been started or are in process include the purchase and renovation of 32 N. Potomac Street, Convention and Visitor’s Bureau assistance for marketing, Heart of the Art Grant Program, blight eradication/Operation Takeback Initiative, outreach coordinator position, Office 365 implementation, purchase of trash truck, City Hall

elevator replacement, Arctic Wolf software, Pump Station #9/#33, stormwater project, HPD Body-Worn Cameras, Professional Court extension, and Grant Coordinator. The Fire Department is not moving forward with the risk reduction boards and therefore, an additional \$ 150,000 is available for other projects.

Ms. Hepburn informed the group the Department of Community and Economic Development (DCED) will be presenting a proposal for a City-wide restaurant grant to the Mayor and City Council in the next few months.

Nancy Hausrath, Director of Utilities, has indicated that the Pump Station #13 project will not be completed prior to December, 2024. This project will use other funding sources. Staff plans to use this funding for a lining project.

Bids are out for construction for Pump Station #33. The bids are due at the end of November and staff hope to have approval of the contract ready for the Mayor and City Council in December.

A request for bids is planned for the spring for garbage totes.

Washington County is managing the Professional Court extension. The City will utilize \$ 1.15 million in ARPA funding toward its portion of the project costs.

A discussion of the ENVY (Ending Needless Violence in Youth) Program is scheduled for December.

The Mayor and City Council earlier this year agreed to implement a program utilizing \$ 924,670 in ARPA funds for assistance to non-profits to address negative social and economic impacts exacerbated by the pandemic. The program is intended for reimbursement of expenses.

The request from Brothers United Who Dare to Care was not included in this funding because the Mayor and City Council approved the request separately. Andy Smith, Director, has indicated this program needs upfront funding in order to purchase equipment to start the program.

Mayor Martinez stated the reason Brother Andy had to change his request was because what he presented was to start the program. He did not realize ARPA funds couldn't be used for staffing costs.

Councilmember Aleshire clarified that this entity was not part of the non-profit funding program. Ms. Hepburn indicated that is correct. It is incumbent upon him to give some deference to the fact some of the smaller agencies do not have significant funds to purchase items for starting a program.

Mr. Nicewarner pointed out that, in this case, the funding would be seed money.

It was the general consensus to revise the subrecipient agreement with Brothers United Who Dare to Care to provide the funding up front. Formal approval will be scheduled for November 21, 2023.

American Rescue Plan Act (ARPA) Nonprofit Funding Recommendations

Michelle Hepburn, Chief Financial Officer, and Brooke Garver, Accounting and Budget Manager, were present to review the scoring matrix, nonprofit applications received, and provide recommendations on awardees.

A Nonprofit Funding Request Program and Funding Guidelines were approved in July, 2023. In addition to the application, other required documentation included: IRS designation letter, current certificate of good standing with the State of Maryland, project budget, and evidence of an active SAM.gov registration (a requirement for an entity to receive Federal funding). Applications were received through 4:00 p.m. on September 1, 2023. As outlined in the application document, an internal staff subcommittee was established that reviewed the applications through October and prepared a spreadsheet to reflect a summary of all applications received. Many thanks and appreciation were offered to each member of the subcommittee who helped in this important process. There was a total of 55 applications submitted. Of that total, 42 met the overall eligibility requirements as outlined in the nonprofit guidelines.

The proposals are meant to respond to the negative economic impact nonprofit organizations experienced due to the COVID-19 pandemic and help provide support to the community to better serve the citizens of Hagerstown that fall within the categories outlined in the application: Children & Families, Seniors, Economic Recovery, Health/Health Disparities, Transportation, Mental Health , and Education.

Staff were provided with a total not to exceed \$ 600,000 for the nonprofit program with a maximum amount of \$ 50,000 per category that grant recipients could receive. Due to the overwhelming responses received, the subcommittee's recommendation includes a request for additional ARPA reallocation in the amount of \$ 324,670 to fund eighteen organizations that scored a total of forty points or more. All organizations were scored utilizing the same matrix that was discussed in July and that was included in the application. The maximum possible points was 70. The scoring matrix, summary of applications received, and more information on the eighteen recommended awardees were provided with the meeting material.

Staff seek direction and approval to move forward with notifying all organizations that applied, prepare subrecipient agreements for the organizations that will receive funding, and reallocate existing ARPA funding from another category.

The total amount requested from all 55 applicants was \$ 4.1 million. All the programs and proposals are worthy of consideration.

The top scoring requests are as follows:

1. Potomac Case Management Services, Inc. – proposal to install a public restroom in their facility.  
Mayor Martinez asked if the restroom would be open even when they aren't. Ms. Hepburn will ask this question.
2. Children in Need, Inc.
3. United Way of Washington County – RIDE United for ALICE population
4. Washington County Free Library – Equitable healthcare access with telehealth at the library
5. Apples for Children, Inc. – Infant and early childhood mental health support services program
6. Girls, Inc. – two applications – one for the Growing Stronger, Smarter, Bolder Program (expansion of an existing program). The other is for a social emotional learning program director.  
Councilmember McIntire asked why this staff position is eligible. Ms. Hepburn stated this staff person will serve youth. Other applications were requests for increases to existing staff salaries. Councilmember McIntire stated she is disappointed with the content of some of the applications.
7. Boys and Girls Club of Washington County – After-school youth program
8. Brooke's House – Counseling center
9. Community Rescue Service, Inc. – equipment acquisition
10. Head Start of Washington County, Inc. – Martin Luther King Center Head Start program
11. Gatekeepers Corporation – Business of Living program
12. Hagerstown Housing Authority – HUD Real Estate Assessment Center Standards Project
13. Hagerstown Housing Authority: Transportation – McCleary Hill Transportation Assistance
14. Hagerstown Children's School Association
15. Community Free Clinic, Inc – Core Programming
16. Discovery Station
17. ARC of Washington County, Inc. – Paving the fitness path

Ms. Hepburn stated the committee worked to find a way to fund as many requests as possible. The direction from the Mayor and City Council was very clear. The matrix provided the basis for scoring each application consistently and transparently. The goal of the program is to put as much funding as possible back out into the community. The committee felt all the agencies had good programs and would have liked to be able to fund them all.

Councilmember McIntire stated all the agencies are deserving of funds.

Councilmember Aleshire wondered how many of the agencies are part of a larger organization. He would like to review the individual applications to find this information. The fact that 55 applications were submitted shows that at least 55 entities have an interest in what is happening in Hagerstown. He anticipates some of those not funded will contact the Mayor and City Council members. He supports the funding recommendation from the review committee.

Mr. Nicewarner noted time is included during next week's Work Session to further review the funding, if needed.

Ms. Hepburn stated the review group first determined if the agency is located in the City limits or if at least 50% of the demographic population served live within the City limits.

Councilmember McIntire stated she trusts the matrix and the recommendation from the 6 member review group. She is also supportive of the recommendation but would like to review the applications.

Mr. Nicewarner stated the applications will be provided to the Mayor and City Council members. They should take note of the scoring within the matrix information.

Councilmember Aleshire stated if anyone has a question, they can contact him, and he will pass that on to staff.

Councilmember McIntire asked if the agencies have been notified of the scores. Ms. Hepburn stated the meeting information was made public last Friday but no notices have been sent out. Ms. Hepburn noted all applicants will be notified when the Mayor and City Council make a final decision.

Mr. Nicewarner doesn't think there could have been a better selection of review group members to go through this process. Ms. Hepburn pointed out it was a diverse group as well.

Councilmember McIntire pointed out the community is clearly in need.

Review of the funding recommendation will continue at the November 14, 2023 Work Session.

### **CITY ADMINISTRATOR'S COMMENTS**

*Scott Nicewarner, City Administrator*, reminded everyone City offices are closed on Friday, November 10, 2023 in observance of Veteran's Day. There will be no change in trash collection.

Mr. Nicewarner thanked all staff who participated in working the annual Alsatia Mummer's Parade and throughout the Halloween weekend. The parade went very well.

He thanked Secretary Jake Day, Department of Housing and Community Development, for visiting Hagerstown and Washington County last week. He thinks the City can look forward to a lot of good things from DHCD during this administration.

The Mayor and City Council met with the Washington County Delegation yesterday. Mr. Nicewarner met with the Delegation to discuss Maryland Municipal League's legislative priorities.

The Department of Natural Resources is holding a public meeting on Tuesday, November 14, 2023 from 6:00 p.m. to 7:30 p.m. to discuss Hamilton Run and its flood risk. City staff will be participating in this meeting. Some remediation work has been completed in the Mills Park area.

**MAYOR AND COUNCIL COMMENTS**

*Councilmember S. McIntire* had no additional comments.

*Councilmember T. Burnett* will be assisting the Hagerstown Fire Department with Operation Warm on Thursday. Free coats will be given to kids at Bester Elementary school during Operation Warm.

*Councilmember K. B. Aleshire* thanked the Delegation for scheduling time to hear the City's concerns and needs. The delegation members seemed interested in working on these issues.

*Councilmember M. J. Schindler* echoed Councilmember Aleshire's thanks to the delegation. He thanked everyone for their efforts to make last weekend successful.

*Mayor T. Martinez* congratulated the members of the Youth Council who were appointed during this meeting. The Council is working on some exciting projects.

She congratulated L. A. Knight, a North Hagerstown High School graduate who recently wrestled on Fox 5. Will Abels, another North Hagerstown High School graduate, is a comedian on You Tube.

Mayor Martinez thanked the Hagerstown Police Department for giving her a tour of the command center on the night of the Mummer's Parade.

Secretary Day's visit was very informative. She hopes he is willing to work with Hagerstown and Washington County on the issues they are facing.

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 5:44 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: December 19, 2023