

Mayor and Council Executive Session and Work Session April 12, 2022 Agenda

"The City of Hagerstown will inspire an inclusive, business-friendly, and sustainable community with clean, safe, and vibrant neighborhoods."

"The City of Hagerstown shall be a community focused municipality"

The agenda and meeting packet is available at www.hagerstownmd.org/government/agenda

“Without a sense of caring, there can be no sense of community.” -Anthony J. Dangelo

EXECUTIVE SESSION

3:00 PM 1. **The Mayor and Council will meet in Open Session only for the purpose of voting to close its meeting to discuss matters that the Open Meetings Act permits it to discuss in Executive/Closed Session.**

3:00 PM 2. Executive Session Agenda

4:00 PM WORK SESSION

4:00 PM 1. 2022 National Pike Festival Event ~ *Chad Walker, Secretary & Treasurer-The National Pike Festival*

4:10 PM 2. FY23 Budget Review ~ *Michelle Hepburn, Chief Financial Officer and Brooke Garver, Accounting & Budget Manager*

4:30 PM 3. Update on Wheaton Park Improvement Project - Phase I ~ *Rodney Tissue, City Engineer, and Jonathan Kerns, Community Development Manager*

4:45 PM 4. Public Hearing Follow-Up- Eklund Family LLC Local Conversion District Overlay (LCDO) at 4 Cypress Street ~ *Megan Flick, Planner*

4:55 PM 5. Hagerstown-Washington County Convention and Visitors Bureau Request for American Rescue Plan Act (ARPA) Funding ~ *Dan Spedden, President-Hagerstown-Washington County Convention and Visitors Bureau*

5:05 PM 6. AFSCME Local 1540 and AFSCME Local 3373 Labor Contracts ~ *Don Francis, Director of Human Resources*

5:15 PM 7. Approval to Submit Application for Maryland SOLE Grant Funding ~ *Nathan Fridinger, Electric Operations Manager*

CITY ADMINISTRATOR'S COMMENTS

MAYOR AND COUNCIL COMMENTS

ADJOURN

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

The Mayor and Council will meet in Open Session only for the purpose of voting to close its meeting to discuss matters that the Open Meetings Act permits it to discuss in Executive/Closed Session.

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Executive Session Agenda

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

April_12__2022_Executive_Session.pdf

Description

Executive Session Agenda



EXECUTIVE SESSION

MAYOR & CITY COUNCIL

APRIL 12, 2022

AGENDA

3:00 p.m. EXECUTIVE SESSION

1. To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; (# 4)
**One business proposal*
2. To consider the acquisition of real property for a public purpose and matters directly related thereto; (#3)
**Potential acquisition of a downtown property*

***AUTHORITY: Annotated Code of Maryland, General Provisions Article: Section 3-305(b)**
(Subsection is noted in parentheses)

CITY OF HAGERSTOWN, MARYLAND

PUBLIC BODY: Mayor & City Council

DATE: April 12, 2022

PLACE: Council Chamber, 2nd floor, City Hall

TIME: 3:00 p.m.

AUTHORITY: **ANNOTATED CODE OF MARYLAND, GENERAL PROVISIONS ARTICLE:** **Section 3-305(b) :**

1. To discuss:
 - ☐ (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or
 - ☐ (ii) any other personnel matter that affects one or more specific individuals;
- ☐ 2. To protect the privacy or reputation of individuals with respect to a matter that is not related to public business;
- ☒ 3. To consider the acquisition of real property for a public purpose and matters directly related thereto;
- ☒ 4. To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- ☐ 5. To consider the investment of public funds;
- ☐ 6. To consider the marketing of public securities;
- ☐ 7. To consult with counsel to obtain legal advice;
- ☐ 8. To consult with staff, consultants, or other individuals about pending or potential litigation;
- ☐ 9. To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- ☐ 10. To discuss public security, if the public body determines that public discussions would constitute a risk to the public or public security, including:
 - (i) the deployment of fire and police services and staff; and
 - (ii) the development and implementation of emergency plans;
- ☐ 11. To prepare, administer or grade a scholastic, licensing, or qualifying examination;
- ☐ 12. To conduct or discuss an investigative proceeding on actual or possible criminal conduct; or
- ☐ 13. To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; or
- ☐ 14. Before a contract is awarded or bids are opened, discuss 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.
- ☐ 15. Administrative Function

EXECUTIVE SESSION AGENDA

City Hall • Council Chamber • 1 East Franklin Street • Hagerstown, MD 21740
301.739.8577, Ext. 113 • Telephone for the Hearing Impaired 301.797.6617

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

2022 National Pike Festival Event ~ *Chad Walker, Secretary & Treasurer-The National Pike Festival*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

FY23 Budget Review ~ *Michelle Hepburn, Chief Financial Officer and Brooke Garver, Accounting & Budget Manager*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

FY23_Budget_Review_Memo_04-12-2022.pdf

Description

FY23 Budget Review Memo
04.12.22



CITY OF HAGERSTOWN, MARYLAND

Finance Department
301-739-8577 X160

To: Scott Nicewarner, City Administrator

From: Michelle Hepburn, Chief Financial Officer
Brooke Garver, Accounting & Budget Manager

Date: April 12, 2022

Subject: FY23 Budget Review

On Tuesday, April 5, 2022, we began FY23 Proposed Budget discussions with a summarized overview. Staff will continue to review the FY23 Proposed Budget through April and May. The schedule outlined below is a draft and can be updated based upon time needed and discussion topics.

April 12, 2022:

1. Assessable Base and Property Tax Rate – Section 1, Pages 4-5
2. Hagerstown Field House – Section 1, Page 6
3. American Rescue Plan Act of 2021 – Section 1, Page 7
4. Appropriation of GF Fund Balance Reserves – Section 1, Page 8
5. City-wide Highlights of Proposed Budget – Section 1, Page 17
6. City-wide Staffing Schedule – Section 1, Page 28
7. General Fund Revenue and Expenditure Budget Comparisons – Section 1, Pages 36-38
8. General Fund Overview Statement of Revenue and Expenditures – Section 2, Pages 1-4

April 19, 2022 through May 17, 2022:

Future budget review work sessions are anticipated to continue discussions on the General Fund and cover the following topics throughout April and May.

1. General Fund 5 Year Projections – Section 6
 - a. General Fund Revenue Projections – Pages 3, 5, and 7
 - b. General Fund Expenditures Projections – Pages 4, 9 and 10
 - c. General Fund Debt Service Projections – Pages 12-13
2. Capital Improvement Program – Section 7
 - a. Strategic Plan – Pages 2-3
 - b. General Fund Projects by Funding Source (Bond Financing; CIP Fund Balance; and Transfers to CIP-General Fund) – Pages 15-19
 - c. Mayor and Council Discussion of priority projects
3. General Fund Operating Revenue – Section 2, Pages 5-14
4. General Fund Operating Budget Expenditures – Section 2, Pages 15-66
5. Economic Redevelopment - Section 4, Pages 10-12
6. CDBG Program - Section 4, Pages 3-8
7. Parking Fund 5 Year Projections - Section 6, Pages 24-26
8. Parking Fund Capital Improvement Projects - Section 7, Pages 36 and 163-166
9. Stormwater Fund 5 Year Projections - Section 6, Pages 31-32
10. Stormwater Fund Capital Improvement Projects - Section 7, Pages 42 and 172-179
11. Electric Fund 5 Year Projections - Section 6, Pages 15-17
12. Electric Fund Capital Improvement Projects - Section 7, Pages 30 and 109-132
13. Water Fund 5 Year Projections - Section 6, Pages 18-20
14. Water Fund Capital Improvement Projects - Section 7, Pages 32 and Pages 133-145
15. Wastewater Fund 5 Year Projections - Section 6, Pages 21-23
16. Wastewater Fund Capital Improvement Projects - Section 7, Pages 34 and 146-162

May 10, 2022:

- Public Hearing: FY23 Budget and Property Tax Rate
- Introduction of Ordinances (FY23 Budget and Property Tax Rate)

May 17, 2022:

- Adoption of Ordinances (FY23 Budget and Property Tax Rate)

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Update on Wheaton Park Improvement Project - Phase I ~ *Rodney Tissue, City Engineer, and Jonathan Kerns, Community Development Manager*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Update_on_Wheaton_Park_Improvement_Project-Phase_I.pdf

Description

Update on Wheaton Park
Improvement Project-Phase
I




CITY OF HAGERSTOWN, MARYLAND

Department of Parks and Engineering

April 12, 2022

TO: Scott Nicewarner, City Administrator

FROM: Rodney Tissue, City Engineer 
Jonathan Kerns, Community Development Manager

RE: **Update on Wheaton Park Improvement Project- Phase I**

1. **Background:** As requested, we would like to provide an update to the Mayor and Council on the progress of the phase I improvements.
2. **Mayor and Council Action Requested:** Provide input and feedback
3. **Status of Construction Document Preparation:** City Council authorized the design of the phase I improvements in late December of 2021. We immediately hired Mahan Rykiel and Triad Engineering to complete the phase I improvement plans that includes the parking lot, misting pad, plaza, sidewalk and stormdrain on Charles Street and the removal of the residential building. The plans are 70% complete and the design is ongoing.

The next step is submitting and obtaining approval from the Planning Commission and finalizing the plans. This will take about six to eight weeks. Therefore, our realistic goal is bid the contract in June or July and construction this fall.

4. **Status of CDBG Environmental Review Process and Historic Preservation Requirements:**
Since the Wheaton Park Project will utilize Federal Community Development Block Grant (CDBG) funds, the City must complete a CDBG "Environmental Review" for the project *prior* to contractor/construction bidding and groundbreaking.

With the demolition of a "contributing" structure within a recognized historic district being part of the project, the CDBG Environmental Review process has taken additional time due to relevant Section 106 Historic Preservation regulations.

A list of required steps related to Section 106 compliance and their status is included below:

- Project concept plan sent to Maryland Historical Trust (MHT) for Review - *completed in January 2022 with "adverse effect on historic properties" finding by MHT,*
- Consultation with MHT and interested consulting parties (typically historic preservation organizations/entities) on proposed project plan - *completed February/March 2022,*
- Consultation with federal Advisory Council on Historic Preservation (ACHP) - *in progress with expected completion by end of April 2022,*
- Memorandum of Agreement (MOA) between City of Hagerstown to document mitigation measures offsetting loss of structure (e.g. interpretive markers, photo documentation, etc...) - *in progress with expected completion in early to mid-May 2022.*

Parks and Recreation Division

351 North Cleveland Avenue • Hagerstown, MD 21740
Ph: 301.739.8577 Ext. 169 • Fax: 301.790.0171

Engineering Division

1 East Franklin Street • Hagerstown, MD 21740-4817
Ph: 301.739.8577 Ext. 125 • Fax: 301.733.2214

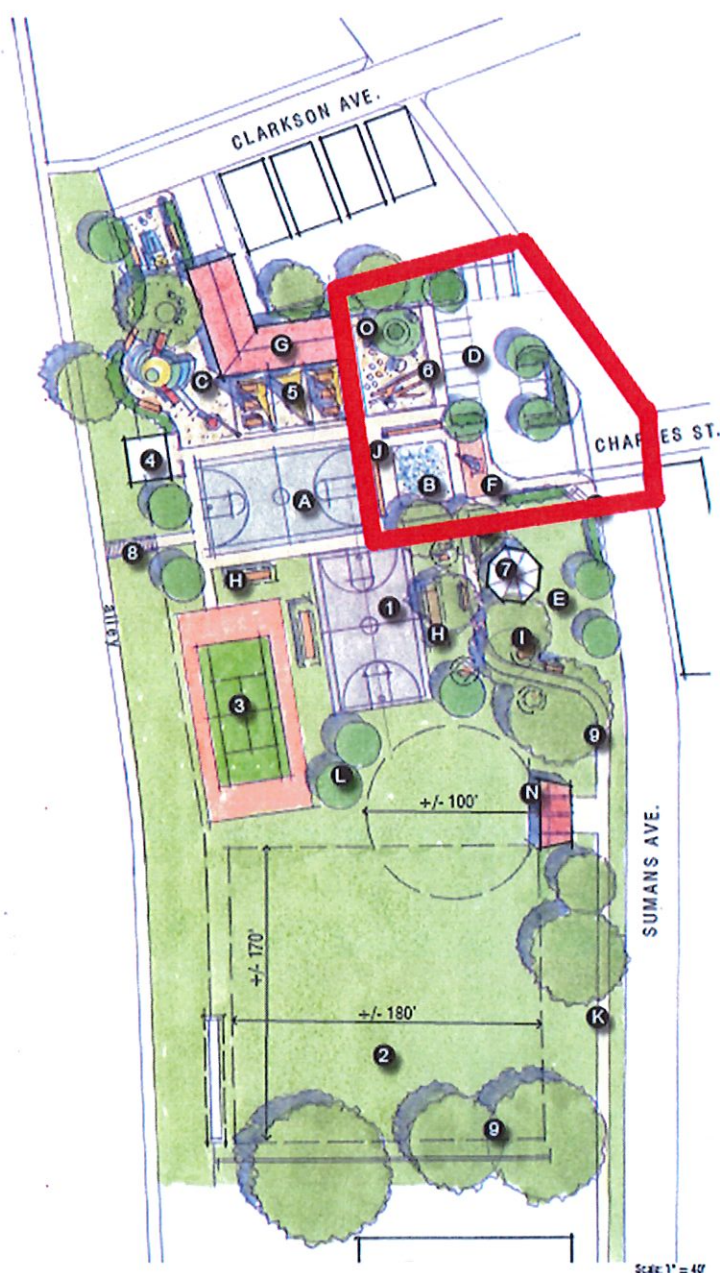
After the MOA between MHT and the City is executed, DCED staff will finalize the overall CDBG environmental review documentation which involves these steps:

- Advertising a Notice of Intent to “Request a Release of CDBG Funds” for the project – *7 day local comment period anticipated in late May 2022,*
- Submission of the Request for Release of CDBG Funds to HUD Baltimore Office– *additional 15 day comment period anticipated in late May/early June 2022,*
- HUD Baltimore returns executed Release of Funds Document to the City- *anticipated in mid to late June 2022,*
- Advertisement of Bid/Contractor Solicitation can begin after receipt of the Release of Funds document

The CDBG environmental review process should be fully complete to allow for project bidding in June or July 2022. This timing aligns with construction document preparation.

Attachments: Master Plan with Phase I highlighted

c: Eric Deike
Mark Haddock
Scott Smoot
Jon Kerns
Jim Bender
Lauren Metz



Overview

- Remove/Reconfigure Existing Paved Pavement & Storage Building to Create Space for a New Full Size Basketball Court
- Realign Sidewalk Along East Park Edge - Create a Gathering Lawn/Green Space with New Stage
- Focal Plaza with Mating Pad
- Field & Bleacher Improvements
- Off Street Parking Improvements Off Of Alley & Charles Street
- Playground Upgrades
- New Additional Bandstand/Stage Area
- Provide Seating/Shade & Comfort Areas
- Create Smaller Outdoor Game Pad Areas or Rooms
- Remove House - Add Natural Play Area

Existing

- 1 Basketball Court
Maintenance As Needed
- 2 Multipurpose Field
Seating/Maintenance As Needed, Replace/Maintain Existing Bleachers
Possible To F Surface
- 3 Tennis Court
Rough/Restore - New Parking (As Needed) Consider Adding Public Ball Court Layout
- 4 Restrooms
Maintenance (As Needed)
- 5 Paved Pavement
Remove Existing Structure, New Paved Pavement
- 6 House
To Be Removed
- 7 Bandstand
Keep In Existing Location, Restoration Underway
- 8 Stage
Restore/Replace (As Needed)
- 9 Trees (Typical)
Prune/Maintain (As Needed)

Proposed

- A Basketball Court
New Full Size Regulation Court Space
- B Mating Pad
Flexible Use Plaza Space with Mating Feature, Space
Designed to Accommodate Events/Gathering Area when Not
In Use
- C Playground/Play Feature
New ADA Accessible Equipment for Children of All Ages
- D Parking
New Off Street Surface Parking: +/- 11 Spaces Total
- E Park Green Space
Gathering Lawn Area Adjacent & Under Existing Shaded Tree
Area for Music, Bands, and Other Events, New Stage & Pavilion
- F Plaza Space with Art/Sculpture Opportunities
Opportunity Areas for Seating/Gathering & Art/Sculpture
Display
- G Paved Pavement Area
Paved Tables, Shade Features, Lighting & New Storage Area
- H Bleachers
Consider Shade Structure Over Bleacher Areas
- I Outdoor Game Pads or Rooms
Gaga Ball, Corn Hole, Informal Table Games Etc.
- J Seating
Benches or Seating Features
- K Sidewalk Realignment
Realign Sidewalk Slightly to Create Room for New Lawn/Green
Event Space Area
- L Tree Planting
Plant Additional Large Upright Deciduous Trees for Shade &
Comfort
- M Stage
Create Corner Entry into the Green Area
- N New Stage/Bandstand Area
Additional Lawn Gathering Space for Events
- O Natural Play Area
New Play Improvements with Nature Elements

**WHEATON
PARK**

Hagerstown, Maryland

IMPROVEMENTS MASTER PLAN

PARK IMPROVEMENT OPPORTUNITIES | MAHAN RYKIEL

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Public Hearing Follow-Up- Eklund Family LLC Local Conversion District Overlay (LCDO) at 4 Cypress Street ~ *Megan Flick, Planner*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Public_Hearing_Follow-Up-
_Eklund_Family_LLC_LCDO_at_4_Cypress-
_Megan_Flick__Planner.pdf

Description

Public Hearing Follow-Up-
Eklund Family LLC LCDO
at 4 Cypress- Megan Flick,
Planner



City of Hagerstown, Maryland
Committed to Safety
Dedicated to Partnership and Progress

MEMORANDUM

TO: Scott Nicewarner, City Administrator

FROM: Megan Flick, Planner

DATE: April 7, 2022

SUBJECT: Public Hearing Follow-Up: Eklund Family LLC LCDO at 4 Cypress

Mayor & Council Action Requested

Review public input received for the above rezoning case WS-2021-01 for a Local Conversion District Overlay at 4 Cypress Street. The Local Conversion District is a type of rezoning overlay that allows use of nonconforming small properties in residential districts for a variety of commercial or mixed-use activities.

Background Information

The property is an existing mixed-use building located on the corner of Cypress Street and Potomac Avenue. It is currently occupied by one dwelling unit and one office space. The applicant wishes to expand the permitted commercial uses for that office space to include the following uses: professional offices; administrative support offices; business and professional offices; ambulatory health care services; scientific and technical services. Catering kitchens was struck from the list of potential uses.

Planning Commission expressed no concern over the applicant's proposal to install additional parking. There are no other specific requests or recommendations from the Commission aside from requiring a site plan for the parking proposal.

Review of Public Input

The Planning Commission received the following public input at their public review meeting:

- Edward Little, 8 Cypress Street – Not opposed to the proposed overlay, but have concerns about the traffic impacts from when it was previously a dental office and the littering by clients as they waited to enter the building during COVID. The street parking by the

dental clients created conflicts for the neighborhood. If they do not build the proposed parking lot, it will be a problem.

- Brenda Little, 8 Cypress Street – repeated concerns about parking and littering.

The Planning Commission made a positive recommendation to the Mayor and Council regarding approval of this rezoning overlay. No public input was received at the Mayor and Council public hearing.

Next Steps

The rezoning ordinance would be introduced on April 26 and approved on May 24, becoming effective on June 24.

Attachments: Staff Analysis

Application from Eklund Family LLC for LCDO at 4 Cypress

City of Hagerstown
Local Conversion District Overlay Zoning Request
ZM-2021-01: 4 Cypress Street
Staff Report

Applicant/Owner:	Eklund Family LLC 1301 Potomac Ave
Request:	Local Conversion District overlay on a mixed-use building for the purposes of the continued use of one dwelling unit and the potential reuse of the existing dental office for additional commercial uses.
Location:	4 Cypress St Corner of Cypress & Potomac Ave
Existing Use:	Mixed-Use Building occupied by dental office and dwelling unit
Area:	9904 square feet
Existing Zoning:	RMOD (Residential – Moderate Density)

Analysis

The purposes of this district are to stimulate the adaptive reuse of existing, nonresidential and mixed-use structures embedded within developed residential districts and communities, to maintain and increase the city's assessable tax base, and to expand business and employment opportunities. The Local Conversion Overlay District allows for alternate forms of use and development for buildings and/or spaces that are part of or very close to residential uses in residential districts. Allowing such uses to fit into existing commercial and mixed use structures re-establishes the historically mixed use nature of the City's 19th and early 20th Century residential communities.

The Local Conversion Overlay District provides an alternative development concept for underutilized structures while protecting the general health, safety, welfare, and aesthetics in the vicinity of the site through the commitment to an approved development concept plan. It is acknowledged that such uses will be outwardly commercial in nature and operation, but are reviewed individually to ensure the proposed use or uses and improvements are not an undue burden on the surrounding area.

Staff comments are in bold italics.

The Land Management Code lists four general requirements for the establishment of a Conversion Overlay District (Article IV, Section J.3.e. Page 4-61):

1. The area proposed for a conversion district shall be in one (1) ownership, or, if in several ownerships, the proposal shall be filed jointly by all the owners of property included in the development plan. **The application has been filed by Eklund Family, LLC, which is the current owner of the property.**
2. The development shall be for an existing, nonresidential or mixed use structure, constructed before October 1, 1956..., **The building is currently mixed-use and is commonly known to have existed well before 1956, having been occupied by various commercial uses.**
... The building in which all proposed uses will be contained, except:
 - (a) outdoor dining areas and outdoor merchandise display, as regulated elsewhere in this provision; **No outdoor dining areas are proposed.**
 - (b) additions, as permitted in Subsection i. below. **No additions are proposed.**
3. The owners or developers must indicate that they plan to begin construction of the development within one (1) year after final approval. If construction does not begin within one (1) year, the zoning of the site shall revert to its previous classification unless a time extension is requested by the developer and agreed to by the Planning Commission. **If no development occurs within one (1) year of final approval, and the applicant fails to request an extension, the local conversion overlay is no longer valid.**
4. This overlay district shall only be used for buildings or parts of buildings that are oriented in appearance and access to a public street. **The structure is oriented toward Cypress Street.**

Special Design Requirements (Section J.3.i. Pages 4-62 & 4-63)

1. Additions shall be designed consistent with the architectural theme of the structure and shall be located in the space least visible to the general public. **No additions are proposed for the site at this time.**
2. No outdoor vending machines shall be permitted. **None proposed.**
3. No outdoor storage of any kind is permitted except display of merchandise at convenience and grocery stores if historically part of a use on the subject property. **Not applicable. No outdoor storage area shall be permitted.**
4. No outdoor dining or seating area for a restaurant shall be permitted in any of the rear yard area between the building and rear property line or within ten (10) feet of a side property line unless historically part of the on-site use. **Not applicable. No restaurant or dining use is proposed.**
5. Buildings of an industrial, warehouse or automotive service design shall be enhanced via architectural or cosmetic enhancement, site amenities, landscaping, and other strategies to achieve suitability for their new use(s) within a residential district and compatibility with the neighborhood. **The building is a mixed-use building that has been well maintained. The applicant proposes to add parking and landscaping.**

6. Storefronts previously modified or enclosed shall be rehabilitated to reintroduce a storefront window display design. ***This is a requirement of the Land Management Code; however, there is no existing storefront.***

OTHER CONSIDERATIONS AND REQUIREMENTS:

Lot Area Requirements and Off-Street Parking (Section J.3.h – Page 4-62)

1. The maximum lot area for a Local Conversion District shall be 20,000 square feet.
The property is approximately 9904 square feet in area.
2. Minimum parking requirements and lot size requirements shall not apply to this overlay district, however existing on-site parking shall not be reduced unless the remaining parking meets current Ordinance requirements. The Board of Zoning Appeals shall not grant a variance to this requirement. However, upon illustration in a rezoning exhibit, the Mayor and Council, as part of the petition for rezoning, may approve a site design that reduces the amount of existing parking if it finds that to do so is an acceptable step to ensure the adequate landscaping and screening of the use from adjacent properties. ***The applicant proposes to construct new parking as part of this proposal, which is the first time this will occur with a Local Conversion District overlay. There is nothing in the ordinance that prohibits this; the ordinance only prohibits removing existing parking below current ordinance requirements. The Planning Commission had no concern with additional parking when discussed at the January 12 work session.***

Suitability of the Proposed Zoning District.

A Local Conservation Overlay District is permitted use in the RMOD zoning district. ***The principal structure was built prior to October 1, 1956 (primary structure built 1920) and the principal structure has been used as a business prior to October 1, 1956. This proposal is very consistent with the type of reuse envisioned by staff when they crafted the zoning ordinance that created the local conversion district process.***

Compatibility of Existing and Proposed Development.

This proposal is for the continued use of an existing mixed-use building containing a medical office (dentist) and a residential dwelling unit. The applicant wishes to expand the permitted commercial uses in the office space to include: professional offices; administrative support offices; business and professional offices; ambulatory health care services; scientific and technical services; and catering kitchens. It is located along one of the city's major radial city streets in a mostly residential area (RMOD zoning). The nature of the proposed use, when considering the intended rehabilitation of the building, and its location are such that the proposed use is compatible with the surrounding area.

Population Change

Not applicable.

Can the site be adequately served with public water and wastewater facilities?

Water and wastewater service currently exist.

The site shall be located adjacent to adequate highway facilities, capable of serving existing and anticipated traffic.

Potomac Avenue is one of the major arteries that radiates out from the center of the city. The location is two blocks from Northern Avenue and various commercial uses. The commercial use will change from a dental office to one of the proposed commercial uses. There are no identified traffic capacity issues on Potomac Avenue or Cypress Street. Therefore, the site is capable of serving existing and anticipated traffic.

Relationship to the Comprehensive Plan.

The property is located in the North End; an area characterized by older, less dense housing constructed on larger lots than typically found other older areas in the city, and date to the early 20th Century. Most buildings along Potomac Avenue between Hamilton Boulevard and Northern Avenue are residential, but a few commercial and institutional buildings do exist. Rehabilitating this site would improve the curb appeal in the main corridor that runs into the downtown from the northern edge of town. The 2018 Comprehensive Plan recommends maintaining Medium Density Residential land uses in this neighborhood. However, this local conversion zoning overlay would implement the Plan's recommendation to make buildings more attractive for adaptive reuse.

Site Plan Conditions Recommended by the Planning Commission

- 1. Modifications to the building should be in accordance with the proposal.***
- 2. Additional parking proposed by the applicant will require a site plan.***



CITY OF HAGERSTOWN, MARYLAND

Planning and Code Administration Department

LOCAL CONVERSION OVERLAY REZONING APPLICATION

Submittal Requirements:

- Original Application and 17 copies
- 18 copies of concept plan
- Filing fee (please consult current fee schedule)

Case No. ZM -

2021-01
Office Use Only

Munis 2021
3119

APPLICANT INFORMATION: Application may only be made by property owner or his/her authorized agent, or any other person(s) with a 50 % or more contractual or proprietary interest in the area covered by the zoning map amendment application.

Applicant Name: Eklund Family, L.L.C.
Contact Person: William C. Wantz Email: wantz@mac.com
Mailing Address: 123 W. Washington St., Hagerstown MD 21740
Telephone: (301) 733-7972 Fax: (301) 416-7455

OWNER INFORMATION: Owner's Affidavit must be submitted with application, if not the same as applicant.

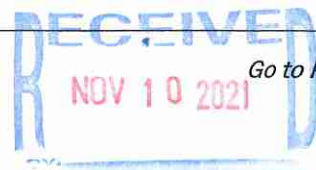
Property Owner Name: Eklund Family, L.L.C.
Contact Person: Claudia Eklund Email: claudiageklund01@aol.com
Mailing Address: 1301 Potomac Avenue, Hagerstown MD 21742
Telephone: (301) 790-0981 Fax: _____

All correspondence will be sent to applicant. If the owner also wishes to receive a copy, please check box. ☐

PROJECT INFORMATION:

Project Location (Street Address): 4 Cypress Street
Tax Map Number: Tax Map 301, Parcel 648 Year Built: 1920
Size of Property: 9,630.9 Sq. ft. (0.221 acres) Square Footage of Building: 3,600 Sq. Ft.
Current Use of Building: dental clinic (1st Floor); residential apartment (2nd Floor)
Proposed Use (Area and types of commercial uses, number of dwellings)

Continuation of mixed use building of commercial and residential units, continuation of dental clinic, continuation of residential apartment, professional offices, administrative support offices, business and professional offices, ambulatory health care services, scientific and technical services, catering kitchens



Go to Page 2 →

Are there existing or enclosed storefronts present? Approval of the Local Conversion Overlay District requires the reopening and reestablishing previously enclosed storefront windows. If construction is required, please provide concept drawings.

No

Describe any proposed additions for outdoor dining and seating area, including fencing, pavers and furniture, and any proposed landscaping.

Landscaping around proposed parking area

Describe any other proposed improvements to the site intended to improve its condition and appearance for compatibility with the surrounding area.

None

CONCEPT PLAN:

A concept plan shall be submitted with this application. The concept plan should include the following:

- ☒ A scaled drawing showing the building footprint, the street, and all property lines
- ☒ Any proposed additions (*subject to limitations in City's Land Management Code, Art. 4, Section J.3.i.*)
- ☐ Existing off-street parking spaces, if any
- ☒ Any proposed fencing and landscaping
- ☐ Illustrations showing the general size, location, illumination, and nature of signage
- ☐ Any new site lighting proposed
- ☒ Front elevations of the building, including what the storefront will look like

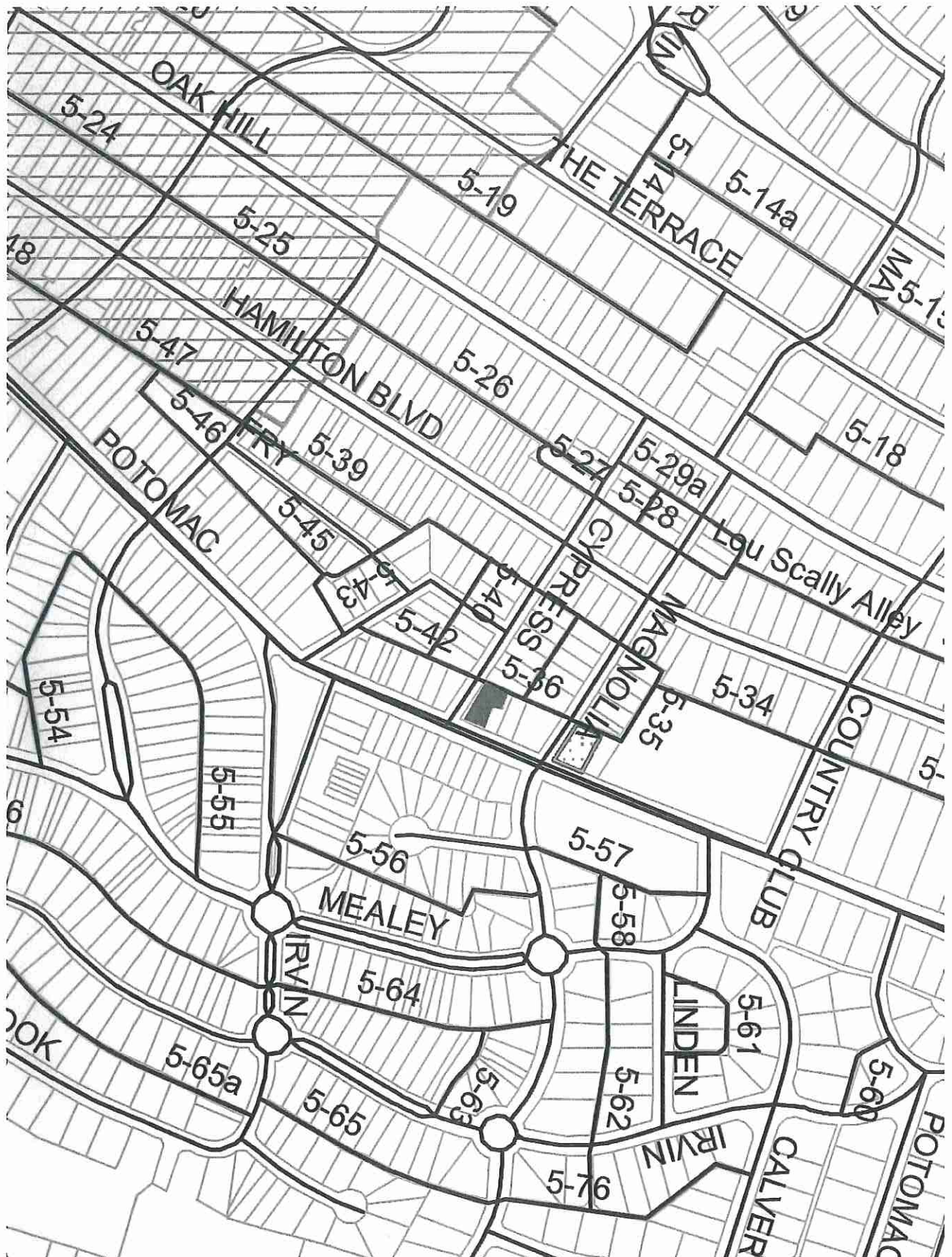
STATEMENTS:

I understand that zoning approval by the Mayor & City Council or site plan approval by the Planning Commission does not constitute permission to construct. Appropriate permits must be obtained from City of Hagerstown Planning & Code Administration Department before construction may commence. I hereby attest or affirm that all the information provided in this application is correct and true to the best of my knowledge and understanding. **Applicants that are not signed will not be accepted.**

Applicant's Signature

Date

City of Hagerstown, Maryland
Planning and Code Administration Department
One East Franklin Street, Suite 300
Hagerstown, MD 21740
T | 301.739.8577, Ext. 138
F | 301.790.2650



EXPLANATORY STATEMENT

Application of Eklund Family, L.L.C. For Rezoning to Local Conversion District

The subject property is located at 4 Cypress Street, zoned RMOD, under one ownership, and is improved by an existing two-story former bakery commercial building, as documented in the deeds comprising the recorded chain of title. The property is located in a residentially zoned neighborhood.

The current use of the property as part of an existing dental practice constitutes a valid nonconforming use. The Applicant continues to use the building as a part of its dental practice facilities, with a concentration in reconstructive dentistry serving the greater Hagerstown region. Under the Local Conversion District provisions of the Ordinance, "[a] Local Conversion District can be overlaid on an active or expired nonconforming non-residential or mixed-use structure." The Applicant seeks to rezone the property to a Local Conversion zoning district, superseding its current nonconforming use status.

Among the potential long-term benefits of receiving Local Conversion District approval is the flexibility in the eventual marketing of the property for uses other than the current dental clinic, should the Applicant desire to offer the property for sale.

The current use has co-existed harmoniously with the surrounding residential community, sharing available on-street parking. The Applicant seeks to establish an off-street parking lot should the property be rezoned Local Conversion.

The existing building occupies a portion of the lot. There are currently no off-street parking facilities on the existing site serving the nonconforming use. The Applicant envisions the construction of a new parking lot to serve the existing building and uses, to be located as shown on the concept plan on the portion of the lot adjacent to the intersection of Cypress and Potomac.

The establishment of off-street parking on the subject parcel would return several on-street parking spaces to general neighborhood use. The proposed off-street parking facility may properly be considered a customary accessory use incidental to the enumerated uses proposed in the application, as contemplated in the Local Conversion District provisions of the Ordinance.

As further contemplated in the Ordinance, the building and parking will be oriented toward the adjacent public streets.

The application is accompanied by a concept plan showing the location, design and buffering of the proposed off-street parking lot, and the proposed development layout.

No alteration of the total square footage of the existing building is proposed. The architectural theme of the building will be retained. The building height will not change. It is anticipated that there will continue to be signage associated with the commercial component of the use.

The Applicant proposes to continue the existing second-floor apartment use, with the option of assigning up to 2 off-street parking spaces to the residential tenancy. The footprints of the commercial first floor and residential second floor levels are identical, at 2,500 sq. ft. per floor, as depicted on the accompanying concept plan.

No street furniture is contemplated in connection with this rezoning proposal.

The rezoning concerns the existing lot, as described in a deed recorded in Liber 3316, folio 358, having a platted land area of 9,630.9 square feet (0.0221 acres). The maximum area of the proposed Local Conversion district does not exceed 20,000 square feet.

HISTORY OF 4 CYPRESS STREET

Sources: Dr. & Mrs. Eklund
Paul L. Wood
Land Records

Prior to his death, Paul L. Wood resided at 187 Clearwater Square, Sparta, TN 38583. He previously served as Chief of Police of the City of Hagerstown, and was retired from law enforcement. This statement is based upon Mr. Wood's personal knowledge and recollection.

Prior to March 2, 1977 (the effective date of the City Zoning Ordinance), Jerry Harrell and Paul L. Wood ran a karate school at 4 Cypress Street under the name of Cobra Karate School. Harrell and Wood owned the property, as indicated in the recorded deeds, from June 26, 1975 through February 7, 1977.

As indicated in the deeds, the building had previously been used as a bakery. Harrell and Wood conducted classes in martial arts and self-defense in the property together until Wood left the school sometime in the mid-1970's. In February 1977, Jerry Harrell and Wood transferred the property to Jerry Harrell, Gregory Smith, Ronald Smith and David Burgan, who continued the use under the name "Free State Karate School". Harrell and the new owners continued the karate school until the property was sold to the Warners in October, 1978.

The Warners owned the property from 1978 until 1980, when it was acquired and converted into its present use for the practice of dentistry.

Recently, Dr. Eklund relocated most of his dental practice to the nearby former Allegany Electronic building at the intersection of May Street and Potomac Avenue, following a rezoning of that property to a Local Conversion district and extensive renovation of the existing commercial structure.

3316 0358

CLERK OF CIRCUIT COURT
WASHINGTON COUNTY

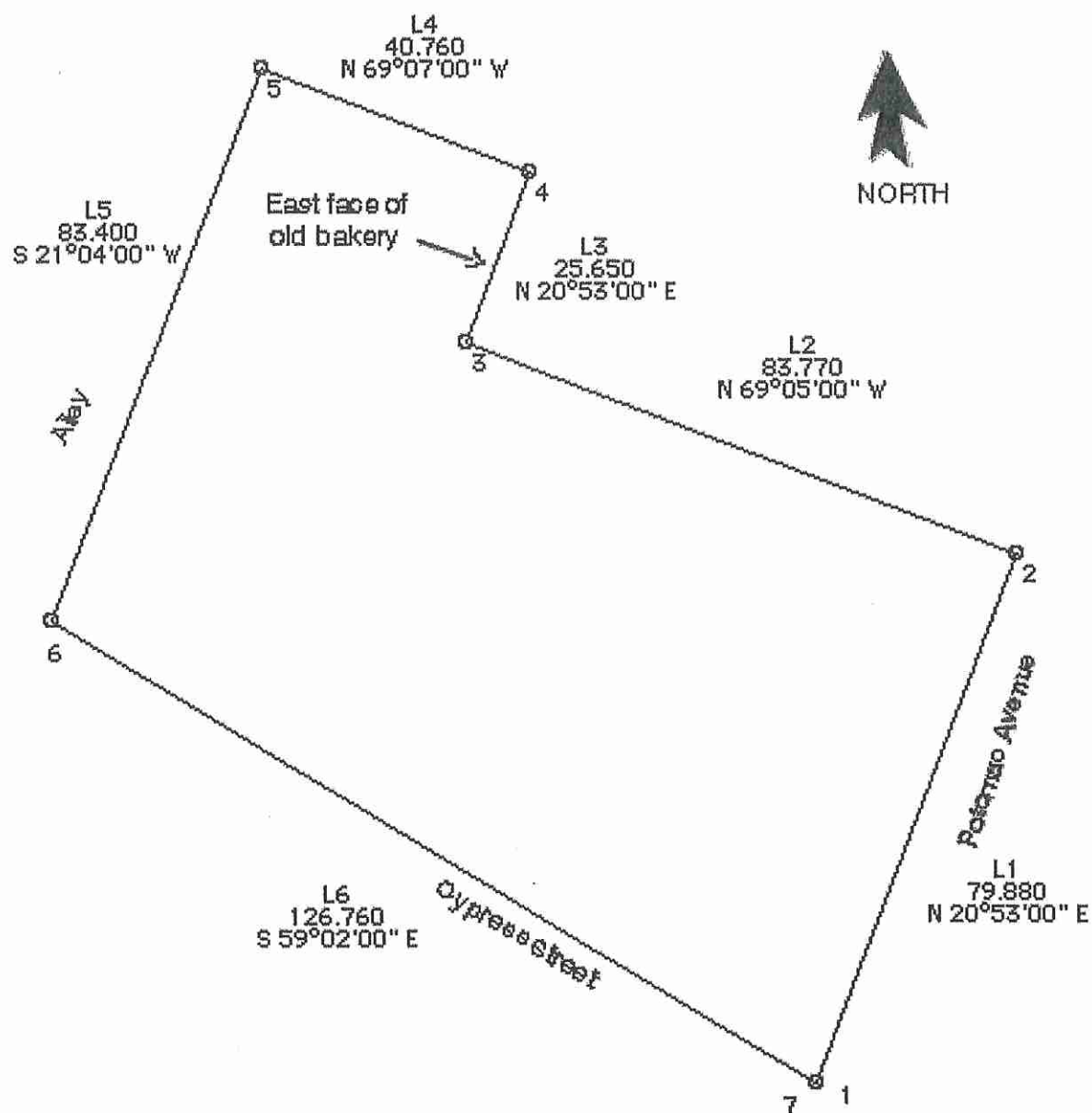
DEED

THIS DEED, made this 13th day of April, 2007, by DAVID C. EKLUN and VON MARIE EKLUND, husband and wife, of Washington County, State of Maryland.

WITNESSETH: That for and in consideration of the sum of TWO HUNDRED FIFTY THOUSAND (\$250,000.00) DOLLARS, and other good and valuable considerations, the receipt of which is hereby acknowledged, we, the said DAVID C. EKLUN and VON MARIE EKLUND, do hereby grant and convey unto EKLUND FAMILY, LLC, all the following described pieces or parcels of ground, together with the improvements thereon, situate on the northwest corner of the intersection of Cypress Street and Potomac Avenue in Hagerstown, Washington County, Maryland, and being more particularly described as follows:

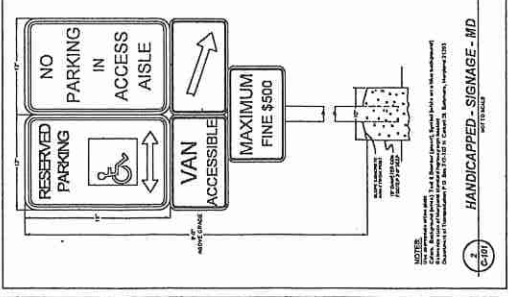
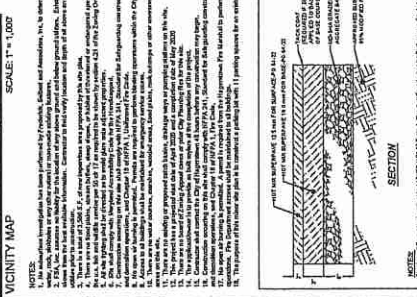
BEGINNING at the intersection of the West marginal line of Potomac Avenue with North marginal line of Cypress Street, said intersection being defined as being 10.0 feet West of the West curb line of Potomac Avenue and 8.0 feet North of the North curb line of Cypress Street as measured perpendicularly to said curb lines, and running thence along the West marginal line of Potomac Avenue North 20 degrees 53 minutes East 79.88 feet to the Southern boundary of the land conveyed by Hagerstown Table Corporation to Donald Lee Burger, Jr. and Teresa Ellen Burger by deed dated May 19, 1972, and recorded in Liber No. 550, folio 35, among the Land Records of Washington County, Maryland, thence along the Southern boundary of said land North 69 degrees 05 minutes West 83077 feet to the East face of the East wall of the old bakery, thence North along the East face of said wall North 20 degrees 53 minutes East 25.65 feet to a point, thence North 69 degrees 07 minutes West 40.76 feet to the East margin of a public alley, thence along the East margin of said public alley South 21 degrees 04 minutes West 83.40 feet to the North margin of Cypress Street, thence along the North marginal line of Cypress Street South 59 degrees 02 minutes East 126.76 feet to the place of beginning, and being part of Lots No. 7 and No. 8 in Fairmont Park Addition to J. Summer Draper to Hagerstown, Maryland, as designated on the plat thereof recorded in Plat Record No. 1, folio 61, in the Office of the Clerk of the Circuit Court for Washington County, Maryland, together with access to and perpetual use of the sewer disposal pipes, water and gas supply pipes, underground drainage pipes, and all other underground facilities and services and all metal gutters, drains and down spouts serving the building and land herein mentioned, which access to and use of was reserved by the Hagerstown Table Corporation and its assigns by deed dated May 19, 1972, and recorded among the aforesaid Land Records in Liber No. 550, folio 35.

BEING the same property which was conveyed unto Grantors, by deed dated the 4th of February, 1988, and recorded in Liber 868, folio 82, among the Land Records of Washington County, Maryland.





Handicapped parking layout diagram showing a 10' x 14' space. The diagram includes dimensions for the space, vehicle, and wheelchair, and a note about the 5' x 8' wheelchair footprint.

[illegible]







**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Hagerstown-Washington County Convention and Visitors Bureau Request for American Rescue Plan Act (ARPA) Funding ~ *Dan Spedden, President-Hagerstown-Washington County Convention and Visitors Bureau*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

CVB_ARPA_Request.pdf

Description

ARPA Funding Request
from CVB



AMERICAN RESCUE PLAN

CITY OF HAGERSTOWN

Proposal for Use of American Rescue Funds to Boost
the Tourism Economy in Hagerstown, MD

Submitted by Dan Spedden, President
Visit Hagerstown & Washington County CVB
4/19/2021



EXECUTIVE SUMMARY

The allowable uses of Coronavirus State and Local Fiscal Recovery Funds include aid *for tourism, travel, and the hospitality industry*. Visit Hagerstown provides marketing, advertising, and sponsorship money to 125+ tourism members and enterprises in the City of Hagerstown. The result of our work at Visit Hagerstown is the delivery of customers to the door of our tourism enterprise partners.

Previously received CARES ACT funds aided the CVB to utilize funds that closely matched our annual marketing and production budgets for 2020 and 2021.

Herd immunity to COVID-19 is accelerating through vaccinations, and *pent-up demand* for travel is mounting.

Funds requested will promote safe travel and will target our markets within a 4-hour drive. The CVB will continue to promote road trips, outdoor recreation, our Scenic Byways, and exploration and museums and historic sites.

NOW is the time to AMPLIFY the message!

We are requesting funds in the amount of \$250,000 via a grant to Visit Hagerstown from the American Rescue Plan for the ability to do the following:

- Amplify advertising in Digital, Print and Video utilizing Governor Hogan's "*Open for (Fill in the Blank)*" tagline, reaching targeted tourism audiences to continue awareness-building and capture more visitors to businesses in Hagerstown. **Estimated Cost: \$150,000**
- Fulfill the large quantity of event sponsorships we receive annually to help our planners resume tournaments, arts, social, and other events (both current and new), to ensure their success. **Estimated Cost: \$25,000**
- Assist the World Canal Conference with costs associated with costs incurred in downtown locations where the conference is occurring. **Estimated Cost: \$25,000**
- Printing of various brochures (ie.:Hagerstown Underground Railroad, Maps, etc). **Estimated Cost: \$25,000**

We will use only Hagerstown-based businesses as much as possible: Manning Media, High Rock Studios, Scantner Photography, Herald Mail Media, Tris-State Printing and more as needs for production arise.

The CVB will not spend these funds on operations. Our intent in asking for the funds are to assist our members and all businesses within City limits by advertising the events, amenities and offerings.





MARKETING PLAN:

SITUATIONAL ANALYSIS

- Prior to the COVID-19 business interruption 1.2 million visitors spent \$285.9 million dollars in Washington County, generating \$39.8 million in State and Local taxes.
- In Spring of 2020 we saw an initial decrease of 70% of our budget, which is primarily funded by lodging tax dollars.
- With CARES Act funding we were able to boost visitor spending at hotels which recovered occupancy levels to nearly 70% by Fall of 2020.
- As of March, we began to see visitor occupancy rates comparable to historical data for the off season in Washington County (Jan-Mar) in 2021.
- Our goal for continued tourism recovery is to maintain the restoration of the tourism economy, and attempt to exceed 2019's pre-COVID visitor spending levels.
- Visitor spending supports Food and Beverage, Retail, Transportation, Recreation, and Lodging. The positive economic impact on these tourism sectors is well documented in an annual tourism economic impact report.
- *Herd Immunity is growing as is Pent-Up Demand for travel.* This is fully in our favor to capitalize on to ensure continued growth and success. We need to remain the **loudest voices** that consumers hear and the funding to steer the consumer to spend in Washington County.
- American Rescue Act funds would be spent on advertising, promotion, ad & video creation, shipping and logistics for print material and now, Event Sponsorships.
- Several planners are resuming the execution of events, tournaments, and the sponsorship of events that draw attendees from across the region.
- The CVB will continue with a safe travel theme that is consistent with the MD Office of Tourism's "Open for _____" theme.



MARKETING PLAN:

WHO WE ARE



LOCATION

THE PERFECT ROAD TRIP! At the crossroads of I-81 and I-70, Hagerstown is within a day's drive of most of the population along the Eastern Seaboard; Washington DC, Baltimore; Pittsburgh, Philadelphia, Richmond, New York City etc. COVID marketing research indicates that people will be more willing to drive than to fly. Those who live within a 4-hour drive radius are our geographic target. Additionally, our Scenic Byways provide excellent for Road Trip ideas.



RELEVANCE TO THE TOURISM ECONOMY

OUTDOOR RECREATION IS SAFE RECREATION! COVID recovery research data leans in favor of recreation and leisure-based, drive-to destinations, rather than large cities with dense populations, as a safety precaution. This weighs heavily in our favor, as a drive-to destination, with an abundance of recreational, cultural and entertainment amenities, all available on a budget. Our City Parks, Cultural Trail, Fairgrounds Park, Museum of Fine Arts, and Historic Sites (Underground Railroad) have a broad appeal and make us the ideal location to visit now that travel restrictions are lifted. We remain a safe location to visit as the desire to travel is weighed against social distance and responsible recreation.



STRATEGY

AMPLIFY & BOOST THE MESSAGE! A **Visitor** defined as someone who comes from more than 50 miles away. We will pursue our multi-media approach to aggressively captivate our target audiences; print, digital, radio, and videos. By promoting these events, attractions and recreation via our "OPEN FOR _____" MESSAGING, we position our selves to remain top of mind to the traveling public.



MARKETING PLAN: STRATEGIES & METHODS



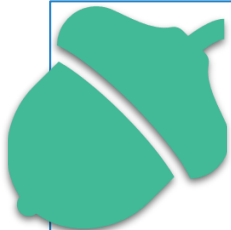
Digital & Print Ad Campaigns

- Digital Content Articles, Focused on Outdoor Recreation and Safe Attractions & Dining & Lodging
- I-81 & I-70 Virtual Billboards:
- Relax, Refuel, Refresh Theme
- Video Content for Digital Ads
- Retro Themed Recreation & Road Trips



Travel Writers - Pitch Story Ideas (FREE)

- Outdoor Recreation
- Road Trips
- Civil War & Cultural Sites
- Events & Festivals
- Underground Rail Road



Sponsorships – Provide Seed Funds to Assist and Incentivize Events

- Sports Tournaments
- Festivals
- Special Events
- World Canal Conference Assistance



Publications

- Reprint of Brochures (Walking, Underground Railroad, etc.).
- Update brochures prior to reprinting with current info and design graphics



SAMPLE OF MEDIA BUYS

ADVERTISING: DIGITAL, PRINT, & WEB SITE ADS

Manning Media Digital - Virtual Billboard, Native Ads, Video, Audio

Print Ads:

Group Tour Publications (Destinations, Group Travel Leader, Courier)

AAA Magazine

Philadelphia Magazine

Birding Magazines

Recreation News

Destination Maryland Visitor Guide

BH&G, Rachel Ray, Southern Living - Bundled Ad Buys

USA Today

Pittsburgh Magazine

Baltimore Magazine

Washington Post

Baltimore Sun

ADVERTISING TOTAL

150,000

SPONSORSHIP

Sports Tournaments, Festivals, Group Travel, Special Events

Canal Conference Assistance

SPONSORSHIP TOTAL

\$50,00

ADDITIONAL MARKETING PROJECTS: Brochures, Video, etc.

Produce Professional Video Content, Acquire Photography Assets, Design and Printing/Reprinting of Brochures (Shopping, Dining, Museums/Historic Sites, African American Heritage, Underground Rail Road Trail, Walking Tours, Maps and Others) and costs of maintaining the mobile app.

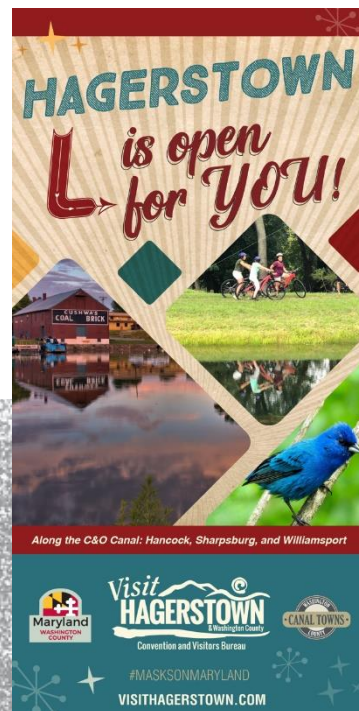
ADDITIONAL PROJECTS TOTAL

\$50,000

TOTAL

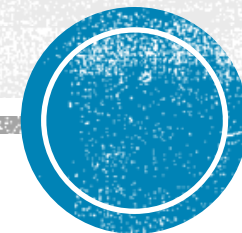
\$250,000

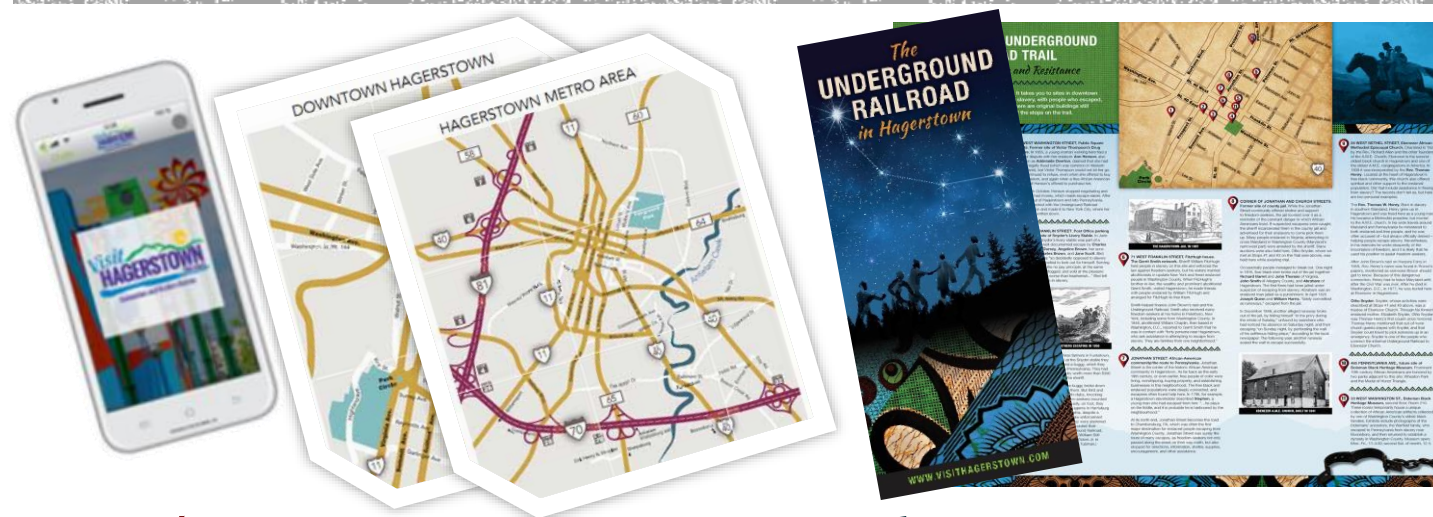
**FUNDS
USAGE
TO AMPLIFY &
BOOST MESSAGING**



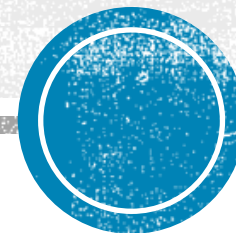
RETRO
THEMED
ADS
“OPEN
FOR

”





MOBILE APP, MAPS & BROCHURES





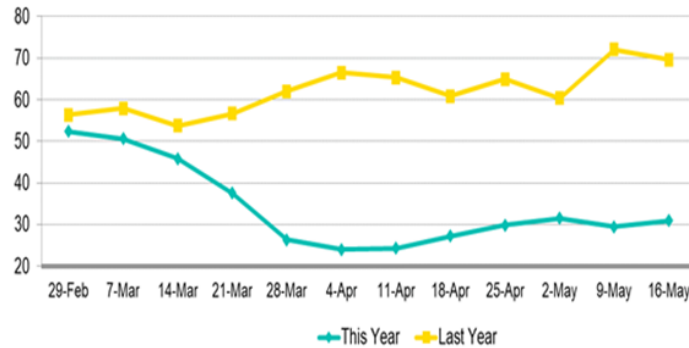
RETURN ON INVESTMENT

- ALL COVID grant funding to be used **only** for Marketing.
- It Works! See the following pages for measurements of success.
- There is Still More to Do.



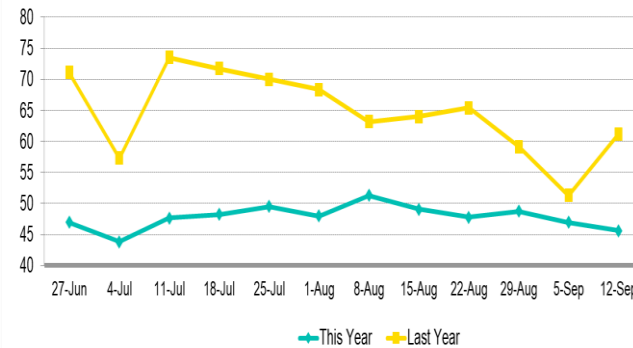
1

Weekly Occ (%) - Feb 29, 2020 to May 16, 2020



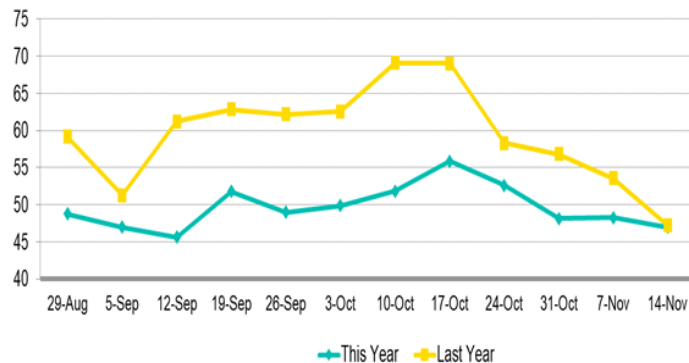
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Weekly Occ (%) - Jun 27, 2020 to Sep 12, 2020



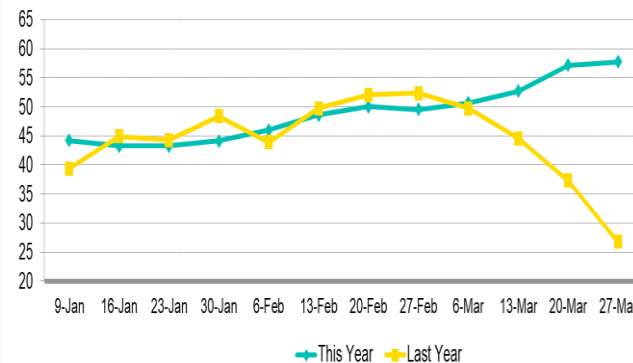
3

Weekly Occ (%) - Aug 29, 2020 to Nov 14, 2020



4

Weekly Occ (%) - Jan 09, 2021 to Mar 27, 2021



SOURCE: Smith Travel Research

BY THE NUMBERS

Hotel Occupancy

Our primary Key Performance Index is Hotel Occupancy. Increases are demonstrated in these metrics from Smith Travel Research for Washington County hotels.

The Blue Line represents COVID 2020 and 2021. The Yellow Line depicts 2019.

- 1 Spring 2020:** COVID quarantine began. Occupancy drops significantly for the Spring, from 70% to a low of 25%.
- 2 Summer 2020:** Occupancy began to increase and held steady, with 40% - 50% occupancy. *The increase is correlates with the receipt of the CARES ACT funds and marketing resumed.*
- 3 Fall 2020:** We began to mirror the same trend of Fall 2019, with occupancy only 10%- 20% below from the previous year.
- 4 Winter 2020:** Occupancy began to mirror the trend of 2019, with a return to normal occupancy (off season), until the anniversary of COVID.

We need to continue this positive trend with more robust advertising.

VISITOR SPENDING

Visitor spending in Washington County
Millions of dollars

	2015	2016	2017	2018	2019	2019 Growth	2015-2019 CAGR
Lodging*	\$52.8	\$52.6	\$52.9	\$52.2	\$53.2	1.8%	0.2%
Food & beverages	\$70.2	\$71.0	\$70.5	\$72.5	\$75.2	3.7%	1.7%
Retail	\$57.1	\$55.2	\$55.0	\$56.5	\$56.7	0.3%	-0.2%
Recreation	\$33.9	\$36.4	\$36.4	\$37.6	\$37.7	0.4%	2.7%
Transportation**	\$48.0	\$41.5	\$42.4	\$46.4	\$46.5	0.3%	-0.8%
Total	\$262.0	\$256.7	\$257.3	\$265.2	\$269.3	1.6%	0.7%

*Lodging includes 2nd home spending

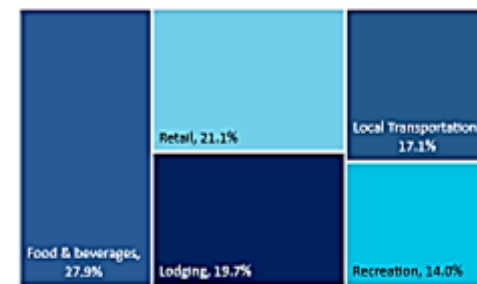
**Transportation includes both ground and air transportation

Source: Tourism Economics

Visitor spending timeline
Millions of dollars

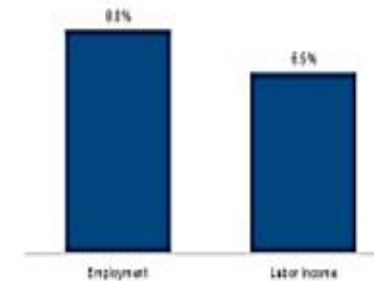


Visitor spending by category
Percent of total



ECONOMIC IMPACTS

Tourism share of county economy



Source: Tourism Economics, Bureau of Labor Statistics

Visitor impacts in Washington County

	Employment in units, income and taxes in millions of dollars					
	2015	2016	2017	2018	2019	% Chg
Employment						
Direct	3,428	3,435	3,394	3,394	3,432	1.13%
Total	5,275	5,281	5,203	5,202	5,252	0.97%
Share of State	2.41%	2.38%	2.32%	2.30%	2.32%	
Labor Income						
Direct	\$83.5	\$86.8	\$87.1	\$90.3	\$94.7	4.90%
Total	\$163.8	\$170.9	\$171.1	\$176.7	\$184.9	4.62%
Share of State	1.77%	1.76%	1.70%	1.71%	1.74%	
Tax revenues						
Federal	\$34.07	\$35.21	\$35.30	\$36.44	\$37.93	4.06%
State and Local	\$38.02	\$37.78	\$38.15	\$39.84	\$40.99	2.66%
Hotel	\$2.05	\$2.03	\$2.06	\$2.16	\$2.30	6.55%
Total	\$72.09	\$72.99	\$73.45	\$76.28	\$78.92	3.33%

Source: Tourism Economics, Maryland Department of Revenue

THE TOURISM ECONOMY MATTERS IN HAGERSTOWN & WASHINGTON COUNTY

Data shown is the most recent reporting available (2019)

A Visitor is defined as a customer who came from further than 50 miles away.

2020 figures will be available later in this year.

SOURCE: Tourism Economics





THANK YOU!

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

AFSCME Local 1540 and AFSCME Local 3373 Labor Contracts ~ *Don Francis, Director of Human Resources*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

1540_Contract_Approval_M__C_Memo_4-2022.pdf

Updated_-_3373_Contract_Approval_M__C_Memo.pdf

Description

Memo - 1540 Contract

Updated Memo - 3373
Contract



CITY OF HAGERSTOWN, MARYLAND

Don Francis, SHRM-SCP, SPHR, IPMA-SCP
Director of Human Resources
dfrancis@hagerstownmd.org

DATE: April 12, 2022

TO: Scott Nicewarner, City Administrator

FROM: Don Francis, Director of Human Resources

RE: AFSCME Local 1540 Labor Contract Approval

The City's negotiation team has reached a tentative agreement with the American Federation of State, County and Municipal Employees Local 1540. This collective bargaining agreement was voted on and ratified by the union's membership on March 28, 2022. If the Mayor and Council find the tentative agreement acceptable, it will be scheduled for a formal vote during the regular session on April 26, 2022. I recommend the Mayor and Council approve and adopt this collective bargaining agreement. Attachment 1 contains a summary of the agreement.

The cost of the FY23 3% wage enhancement is \$294,838 (\$ 112,172 is out of the General Fund).

Changes to AFSCME Local 1540 Contract - Tentative Agreement (Projected Effective Date 7/1/22)

Below is a list of amendments to the AFSCME Local 1540 Collective Bargaining Agreement. Anything not mentioned below will remain as currently written. Wording changes are **highlighted and underlined** deletions are ~~crossed out~~

- 1) Three-year agreement through June 30, 2025
- 2) Article 1 (Purpose) there were no changes but the paragraphs were rearranged.
- 3) Article 2, Section 2 a and b (Union security). The language in this section was changed to conform with the current law. The new wording does not require membership and eliminates service fees. (This actually changed 2 years ago and has been followed but the contract language is just catching up)
- 4) Article 2, Section 2 h (new section) added wording to allow for the union rep to attend new employee orientation.
- 5) Article 6, Section 2 (Seniority) changed wording on how an employee loses seniority. It states "An employee shall lose his/her seniority upon ~~voluntary resignation~~ **separation from City....**
- 6) Article 7, Section 1 (Holidays) added Juneteenth as an observed Holiday.
- 7) Article 12, Section 2 (Leave of absence) added wording to indicate when an employee can take a leave of absence when appointed as an officer of the Union. It now reads "Notwithstanding other provisions of this Agreement, any employee elected or appointed as a **state or national** officer of the Union....". It used to just say "officer".
- 8) Article 13, Section 9 (Hours of work) deleted a repetitive sentence regarding job descriptions This is covered in Article 27.
- 9) Article 14, Section 2 (Overtime) changed section 2 to read "Overtime assignment shall be distributed equally to employees working within the same job classification within the department. An overtime assignment shall be offered to the employee who has the fewest number of overtime hours to his/her credit, according to the over-time rotation list which shall be reviewed and updated **after each overtime event** ~~on a weekly basis~~. If the employee either does not accept the hours or cannot be reached by telephone, the employee next on the list will be offered the assignment. **If the employee who did not answer returns the phone call within 30 minutes they will not be charged the "hours worked" unless the overtime is still available and they turn it down. An employee calling back cannot bump an employee that has already accepted the overtime.** ~~provided however~~, If a sufficient number of employees does not agree, or is not available, to perform the assignment, the City shall draft the remaining number of employees needed, beginning with the least senior employee or employees in the job classification, and provided further, that in an emergency, the City may obtain sufficient additional employees needed to complete the work from any available source. A record of the overtime hours offered each employee shall be posted on the department bulletin board monthly.

No disciplinary action may be taken against any employee who declines to work overtime in any non-emergency **situation or cannot be reached by telephone. Employees that cannot be reached by telephone or do not return the phone call as outlined above, shall be posted for the number of hours of overtime equivalent to**, ~~except he/she shall be posted, without pay, for the number of hours overtime equivalent to that which he/she would have worked but refused. A~~ written exemption prepared by the employee and approved by ~~the Department Head~~ **their**

immediate supervisor will exempt the employee from voluntary overtime. This will not exempt the employee from working overtime in an emergency situation, forced overtime and/or drafted overtime as outlined in paragraph 1 of Article 14, Section 2.

To return to the overtime list, the employee must notify his immediate supervisor in writing. When returning to the overtime list, the employee will be placed on the overtime list equal to the employee with the highest overtime hours, offered/worked.

- 10) Article 17 (Retiree Healthcare Eligibility) changed wording indicating an employee cannot jump on and off the healthcare plan. It will now read “At the time of retirement, ~~if an employee declines~~ **an employee must elect to obtain coverage for himself/herself and eligible dependents who were eligible for the City’s health and/or dental insurance coverage at retirement.** ~~the City’s health and/or dental coverage they may elect to obtain coverage, at a later date, for himself/herself~~
A retiree who has declined coverage at the time of retirement may make a one-time election for coverage for themselves and/or their dependents that were eligible for the City’s health/dental insurance coverage at the time of retirement. Once this election is made, should they leave the plan, their decision is irrevocable.
~~If this benefit changes, retirees will be given thirty (30) days’ notice and the opportunity to obtain the City’s health and/or dental coverage for himself/herself and eligible dependents that were eligible for the City’s health and/or dental insurance coverage at retirement.~~
- 11) Article 19 (working conditions) Increased stipends for summer coveralls from \$60 to \$80, increase winter coveralls from \$140 to \$180 and boots from \$140 to \$175
- 12) Article 20 (Rates) Increased shift differential from \$.90 to \$1.50 and \$1.00 to \$2.00
- 13) 3% wage increase July 2022, 2023 and 2024
- 14) Added a longevity step at 28 years
- 15) Rearranged longevity steps. They were 1, 2, 3, 9, 14, 19 and 25. You will now receive longevity steps at 1, 2, 3, **8, 13, 18 23 and 28**



CITY OF HAGERSTOWN, MARYLAND

Don Francis, SHRM–SCP, SPHR, IPMA–SCP
Director of Human Resources
dfrancis@hagerstownmd.org

DATE: April 12, 2022

TO: Scott Nicewarner, City Administrator

FROM: Don Francis, Director of Human Resources

RE: **AFSCME Local 3373 Labor Contract Approval**

The City's negotiation team has reached a tentative agreement with the American Federation of State, County and Municipal Employees Local 3373. This collective bargaining agreement was voted on and ratified by the union's membership on March 28, 2022. If the Mayor and Council find the tentative agreement acceptable, it will be scheduled for a formal vote during the regular session on April 26, 2022. I recommend the Mayor and Council approve and adopt this collective bargaining agreement. Attachment 1 contains a summary of the agreement.

The cost of the FY23 wage enhancement to the General Fund is \$395,429 (plus benefits costs of \$164,000) (67 sworn officer positions) and the cost was offset by the elimination of an additional 5 officer positions.

Changes to AFSCME Local 3373 Contract - Tentative Agreement (Projected Effective Date 7/1/22)

Below is a list of amendments to the AFSCME Local 3373 Collective Bargaining Agreement. Anything not mentioned below will remain as currently written.

1. 3 - Year agreement
2. Pay scale modified (see Appendix A below)
3. Article 1. Purpose - Restructured to include other management rights excluded from previous contracts.
4. **Article 2, Section 1A**– Officers can join Union when finished FTO. DO not have to wait a year
5. **Article 2, Section 1B** – Re worded based on current law.
6. **Article 4, Section 2** – Changed time frame to review rules and regulations.
7. **Article 5, Section 2** – Deleted all other schedule but 8s. Provided wording to go to other shifts.
8. **Article 5, Section 6** – Call back pay deleted wording regarding call back and start of shift overlapping. You will receive either four hours at time and one half or until your shift starts.
9. **Article 5, Section 6** – Increased court time from a 1-hour minimum to a 2-hour minimum.
10. **Article 5, Section 8** - Deleted wording on what the City can charge private companies requesting police OT
11. **Article 5, Section 12** Increased FTO pay from \$35 to \$75
12. **Article 5, Section 13** Opened up stand by pay for the entire department.
13. **Article 6, Section 2** Changed wording limiting how many times an ex-employee can jump on and off health care at retirement
14. **Article 6, Section 3** Added wording clarifying the \$350 received when retirees draw social security
15. **Article 7, Section 1** Added Juneteenth as a Holiday

16. **Article 8, Section 9** Changed wording for requesting leave
17. **Article 9, Section 1, 2D, Art 10, Sec 6 and 8** Changed days to hours Actual time stayed the same.
18. **Article 10, Section 2** Added wording regarding light duty, work related and non-work related injury
19. **Article 16, Section 5** Added wording for wearing outer carrier
20. **Article 16, Section 7** LEOBR - Deleted for new law
21. **Article 16, Section 9** Re-wrote light duty

APPENDIX A

AFSCME Council 67, Local 3373: Annual Salaries

Annual Longevity Steps: “1st Year” refers to the 1st through 365th day of employment. “2nd Year” is the 366th through 730th day of employment.

<u>ANNUAL LONGEVITY STEPS (years of service)</u>	<u>ANNUAL SALARIES FY23</u>	<u>ANNUAL SALARIES FY24</u>	<u>ANNUAL SALARIES FY25</u>
01	\$46,700.16	\$53,248.00	\$53,248.00
02	56,056.00	56,056.00	56,056.00
03	58,843.20	58,843.20	58,843.20
04	61,796.80	61,796.80	61,796.80
05	63,336.00	63,336.00	63,648.00
06	64,916.80	64,916.80	65,561.60
07	66,539.20	66,539.20	67,516.80
08	68,203.20	68,203.20	69,555.20
09	69,908.80	69,908.80	71,653.20
10	71,656.00	71,656.00	73,777.60
11	73,444.80	73,444.80	75,628.80
12	75,296.00	75,296.00	77,521.60
13	77,168.00	77,168.00	79,456.00
14	79,102.40	79,102.40	81,452.80
15	81,078.40	81,078.40	83,470.40
20		83,096.00	87,651.20

- Contract Term of 3 years (July 1, 2022 – June 30, 2025)
- Scale will take effect July 4, 2022.

(All employees will advance on the pay scale and receive increase on July 4, 2022 based on their year of service as of July 4, 2022.)

All step increases take effect the Monday following the employees’ anniversary date.

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Approval to Submit Application for Maryland SOLE Grant Funding ~ *Nathan Fridinger, Electric Operations Manager*

Mayor and City Council Action Required:

Approval to Apply

Discussion:

The Maryland Energy Administration is seeking applications from Maryland nonprofits, state agencies, counties and incorporated cities, public and private schools, and community colleges for the FY22 Streetlight and Outdoor Lighting Efficiency (SOLE) pilot program for conversion of outdoor High Intensity Discharge (HID) lighting to Light-Emitting Diode (LED) technology. A total of \$2 million is being offered on a first-come first-served basis with a cap of up to \$500,000 per application due by April 28, 2022.

Financial Impact:

Staff is requesting approval to apply for a grant amount of \$358,823.17, with the total project cost being \$422,144.90. Per the terms, a 15% contribution amount of \$63,321.74 will be required. The Light Department will donate \$44,250.30 in labor charges, leaving a remainder of \$19,071.44. Following completion, a projected annual energy savings of \$37,652.83 to the General Fund is anticipated.

Recommendation:

Approval

Motion:

Action Dates:

Work Session - April 12, 2022

ATTACHMENTS:

File Name

20220412_WS_Memo_-_SOLE_Grant_Application.pdf

Description

Memorandum



425 East Baltimore Street

Hagerstown, MD 21740-6105

March 29, 2022

TO: Scott Nicewarner, City Administrator

FROM: Nathan Fridinger, Electric Operations Manager

SUBJECT: April 12, 2022 – Work Session Discussion MD SOLE Grant

ACTION: Approval to submit application for Maryland SOLE Grant Funding

The Maryland Energy Administration is seeking applications from Maryland nonprofits, state agencies, counties and incorporated cities, public and private schools, and community colleges for the FY22 Streetlight and Outdoor Lighting Efficiency (SOLE) pilot program for conversion of outdoor High Intensity Discharge (HID) lighting to Light-Emitting Diode (LED) technology. A total of \$2 million is being offered on a first-come first-served basis with a cap of up to \$500,000 per application due by April 28, 2022.

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Routes
Dual Hwy/Franklin to Nottingham
E Wash; Public Square to Cannon
Eastern Blvd
N Potomac; Franklin to Eastern/Northern
S Potomac; Antietam to Wilson
W Wash; Public Square to Burhans
W Wash St; Burhans to Nottingham
W Wash Ave; Antietam to Merbaugh

There is a chance of exclusion as per the grant terms, “upgrades of utility-owned fixtures of any kind are not eligible for finance under this program’s FOA”, however, staff would like the opportunity to pursue these funds under the assumption that municipal utilities may not have been considered while these terms were drafted.

cc: Nancy Hausrath, Director of Utilities
Michelle Hepburn, Chief Financial Officer

Page 1 of 1