

Mayor R. E. Bruchey, II called this Work Session of the Mayor and City Council to order at 4:05 p.m., Tuesday, July 17, 2018 in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, A. Heffernan, E. Keller, S. McIntire, and L. C. Metzner, City Administrator Valerie Means, City Attorney Jennifer Keefer, and City Attorney Jason Morton. City Clerk D. K. Spickler was not present.

Update on Maryland Symphony Orchestra (MSO) with Executive Director, Stephen Marc Beaudoin

Amanda Whitmore, Downtown Coordinator, introduced the new Executive Director of the Maryland Symphony Orchestra, Stephen Marc Beaudoin. Mr. Beaudoin joined the Maryland Symphony Orchestra as Executive Director in early September of 2017, and is a proud Hagerstown resident.

Mr. Beaudoin has over 16 years of senior, nonprofit and public sector, leadership experience including as Executive Director of PHAME – an innovative Portland-based nonprofit serving artists and musicians with intellectual disabilities and helping to build a more inclusive creative world; as Assistant Director of the Fenway Alliance in Boston; Executive Director of Vox Consort Baroque music ensemble; and as a consultant to nonprofits on fundraising and organizational development. Mr. Beaudoin also served as a publicly elected school board member in Oregon, where he was elected to the board of the Multnomah Education Service District, an \$ 81 million public education agency, where he served one term as board chair. Mr. Beaudoin holds a Bachelor of Music degree from the New England Conservatory of Music in Boston, MA.

Since its founding in 1982, the Maryland Symphony Orchestra’s influence and reputation has reached far beyond Western Maryland. It is one of only four professional symphony orchestras in Maryland and audience members from south Central Pennsylvania, West Virginia’s Eastern Panhandle, the Shenandoah Valley of Virginia and the Baltimore-Washington Metropolitan area are drawn to concerts held at the historic Maryland Theatre in downtown Hagerstown.

Mr. Beaudoin thanked the City of Hagerstown for their continued support of the MSO. The MSO’s operating budget is \$ 1.5 million, making it the largest operating cultural entity in the region. The MSO is adding concerts that are engaging families and kids. They have added a concert after-party for young professionals called Club MSO.

During the last year, the MSO welcomed over 60,000 audience members. The MSO educational programs served over 11,400 students. Subscriptions are up 7%, with single tickets being up 21%. They had a record-breaking MSO Symphony Ball with more than \$ 110,000 raised, and Disney: Tale as Old as Time (highest-grossing show). They launched Club MSO and Frederick Friends of MSO. They built and strengthened backyard relationships. A new vision, values and strategic goals have been adopted.

Throughout the year, they will be highlighting local artists and looking at the opportunities they have to address civic challenges. They are looking for ways to use music to help connect people and solve social challenges.

The Mayor and City Council thanked Mr. Beaudoin and the MSO for their excellent programs and work in the community.

2018 Western Maryland Blues Fest Report

Jill Thompson, Director of Community and Economic Development, and Kitty Clark, Community Events Coordinator, were present to provide a summary of the 2018 Western Maryland Blues Fest.

An Event Summary Report, summarizing key statistics of this year's festival, was reviewed. The report highlights successes in cost-saving and efficiency measures, which were the result of significant staff work and led to the streamlining of festival production and a better than expected net cost.

A Summary Financial Report shows preliminary, unaudited 2018 actuals compared with the 2017 actuals and the 2018 budget. Revenue was lower than budgeted – especially ticket sales and sponsorships. However, expenses were also well contained. Overall, the event performed better than budgeted. The net cost to the City was \$ 39,200 compared to a budgeted net cost of \$ 52,000. This compares to a net cost of \$ 112,500 in 2017, a \$ 73,300 savings over last year.

Two issues that may have impacted attendance were the weather and the Governor's visit. The forecast called for rain, and even though it did not materialize to the extent predicted (in fact, both days started out sunny), it is possible that people opted not to take a chance. Governor Hogan's visit to Hagerstown, while positive in that he stopped by Blues Fest, may have pulled some people away (in particular VIP ticket holders) to other events and fundraisers taking place later in the day.

Cost saving measures included shortening the event to 2 days, having a single stage resulting in fewer bands, the use of competitive quotes and requests for proposals for merchandise, soft drinks, graphic design, catering, and the backline; and partnering with a non-profit organization to sell merchandise, rather than hire a for-profit company to do this.

A Blues consultant (Paul Benjamin) booked artists, provided advice, and emceed the event. A Comprehensive digital marketing campaign was used in the overall marketing plan. Online ticket sales and online volunteer management were utilized. The sponsorship packets were updated and more comprehensive benefits were offered. The focus was kept downtown with all the events being held in the Central Lot.

They worked with Main Street Hagerstown to distribute a Downtown Savings Pass attendees could use. The relationship with the South Hagerstown High School music program was deepened.

Despite a top-notch line-up, booked by a nationally-known Blues festival producer and a comprehensive marketing plan, attendance was down. Additionally, beverages sales and merchandise sales were down.

Aspects of the current model for Blues Fest (same genre of music, reliance on corporate sponsorship, reliance on beer and merchandise sales) may need to be examined, including the following:

1. Businesses are being asked to sponsor more and more local events.
2. The beer distributor suggests people don't drink as much alcohol out anymore and that the younger generation may not socialize in this way.
3. Newer events compete for people's time and money.
4. With the objectives of this festival being to put Hagerstown on the national map, get people to experience downtown, and increase overnight hotel stays and promote other tourist activities, consideration should be given to how better achieve these objectives with new thinking on strengthening an event of this scope.
5. Consideration should be given to possible reinvention, rebranding, and/or additional new things for 2019 in order to achieve attendance growth.

Councilmember Keller thinks this event should stay a blues event. She believes some of the decrease in attendance and sponsorship could be from the early discussions about whether or not the event would even be held this year. She noted the amount of sponsorships obtained given the confusion about the event is encouraging.

Councilmember Aleshire would prefer to keep the event a blues festival as well. He agrees the event needs to move in order to regain some of its popularity. Parking should be easy and convenient for attendees. He thinks the event should be moved to the Cultural Trail, which would give attendees the feeling of a festival.

Councilmember McIntire thinks events do have a life cycle. Leadership Washington County held a food truck event and it was well attended because it was new and fresh. The Cultural Trail would be a good location.

Councilmember Metzner commended everyone for what they were able to achieve. He agrees that the venue needs to change. He thinks a multi-genre music festival is a good idea. Excellent local talent could be featured. He wondered if next year should be skipped because of all the construction downtown. If the Mayor and City Council really want to rebrand the event, it may be good to not hold it next year.

Ms. Thompson noted the FY19 budget includes funding for a Blues Fest event in June, 2019.

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Councilmember McIntire wondered if there is a way to do more, smaller events, similar to First Fridays in Frederick.

Councilmember Aleshire is not opposed to postponing the event for a year. He has envisioned a chain of green spaces downtown. A festival could be held in those green spaces. He thinks an event held in these locations should be large.

Councilmember Metzner stated that when Blues Fest began, there were venues at the Maryland Theatre and at Hagerstown Community College. He could envision a music festival with the headliner playing at the Maryland Theatre and other groups in University Plaza, City Park, and the new plaza.

Councilmember McIntire offered another idea of a 5K run with different music at different stations along the run.

Councilmember Metzner reminded everyone that one of the most popular events in Hagerstown was the Park Arts Festival. He anticipates a big event that included the MSO, the Washington County Arts Council, Barbara Ingram School for the Arts, high school jazz bands, paddle boats on the lake, vendors, and artists would be very popular.

Councilmember Keller thinks this type of event is a great idea; however, it should not replace the Blues Fest.

Councilmember McIntire stated it may be difficult to get people to sponsor multiple events.

Ms. Thompson noted that funding is budgeted for a signature event. If a new event like a Hub City Music Festival is held, more time than 10 months will be needed to plan it successfully.

If the Blues Fest is postponed for a year, Councilmember Aleshire wants the budgeted funding used to enhance other events that will be held.

Ms. Means pointed out the Mayor and City Council could earmark the funding for a 2020 event.

Councilmember McIntire would be in favor of taking a year off and having a large event in 2020. Councilmember Metzner suggested maybe it could be coordinated with the grand re-opening of the Maryland Theatre.

Councilmember Aleshire pointed out there are other projects associated with the UIP that will have grand re-openings.

Councilmember Keller thinks taking a year off is a step backward after fighting to keep the event going this year.

Councilmember Aleshire would be fine with providing the funding to the Maryland Theatre to book blues musicians.

Mayor Bruchey suggested using any surplus for Economic Redevelopment.

Councilmember Heffernan would also like to see additional, smaller events.

The 2019 Blues Fest will be postponed due to construction. Staff will return with a proposal for how to redirect the FY19 funds for continued event programming.

Ethics Ordinance Amendments

Jason Morton, City Attorney, was present to discuss mandatory and other revisions to the Hagerstown Code of Ethics. Reverend Stan Steele, Chairman of the Ethics Commission, was unable to attend this meeting. The City's Ethics Commission has convened several times in consultation with the City Attorney to discuss revisions to the Hagerstown Code of Ethics which are mandated by a State law that was passed last year. The State law requires that these mandatory revisions be adopted by the City on or before October 1, 2018. Mr. Morton discussed the mandatory revisions.

The State Ethics Commission sent a letter to Reverend Steele on October 3, 2017 outlining the mandatory revisions. The letter said that enclosed were "new model laws with the changes highlighted on the website." That was not correct, there were no new model laws enclosed, nor were there any on the State's website. Therefore, Mr. Morton drafted the mandatory revisions, which were presented to the Mayor and City Council for review.

The mandatory amendments affect the following Sections of the City Code:

1. 33-3 Prohibited Acts (A)(1)(7)
2. 33-3.1 Financial Disclosure – Elected Officials (E)(1) and (G)(9) and (10)
3. 33-4 Financial Disclosure (D)(1)
4. 33-4 Financial Disclosure (F)(8)

In addition, the Ethics Commission proposes two other potential revisions which are not mandated by the State's Ethics Commission: (1) a provision regarding gifts to officials and employees to include items won in raffles and similar award; and (2) providing (in some instances) for independent legal counsel to the Ethics Commission for proceedings which come before it. Proposed amendments were presented to the Mayor and City Council for review for Section 33-3(F)(1) and new Section 33-5. The recommended revisions will be discussed at a later date with the Mayor and City Council when members of the Ethics Commission are able to attend the meeting.

The Ethics Commission recognizes that unlike the State's mandatory revisions, the gift and legal counsel provisions are subject to discussion, revision or rejection by the Mayor and City Council. The Ethics Commission believes that the proposed gift revision will benefit the commission itself, officials and employees, and the City as a whole. It

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provides guidance to Commission members and City officials and employees by defining what constitutes ethical conduct.

The revision regarding legal counsel tracks the language governing the City's Human Relations Commission in Section 82-2 of the City Code, and provides for independent counsel in those rare instances when the City Attorney cannot advise both the Commission and the official or employee before it.

Councilmember Metzner will not support a definition of gift that includes raffles. The Ethics Commission needs to understand that raffles should be excluded as gifts. Every MML meeting includes a raffle.

Councilmember Heffernan pointed out there are fundraising raffles going on continually. He wants to support organizations and not be limited from participating.

Councilmember Aleshire asked if this would apply to participation in events/raffles that are not in their professional capacity. Mr. Morton stated the State Ethics Commission issued a finding that prizes should not be accepted by anyone in their official capacity. It does not address winning something in someone's personal capacity.

Councilmember Keller stated if the person who raised question against her would have reached out to her directly after she won a prize, it wouldn't have become a big issue. She stated the elected officials win things a lot. They have normal lives and attend events.

Councilmember Metzner stated if the Ethics Commission wants to say the elected officials are not allowed to win raffles, say it that way, don't define a raffle as a gift.

Mayor Bruchey stated he has attended many Chamber Events as Robert Bruchey, not Mayor Bruchey. Raffles are always being held at these events.

Ms. Means stated some clarification and distinction needs to be made between elected officials and City employees. City employees should not purchase a raffle at a Chamber Event since they are attending in their official capacity and the City does business with the Chamber. She stated her opinion is that the elected officials should use caution when considering purchasing raffle or drawing tickets at events.

Councilmember Metzner recommended clarifying the expectations for employees through an employee policy, rather than in the Ethics Ordinance.

Mr. Morton was directed to prepare an ordinance to implement the mandatory revisions for approval. He stated he works with the Ethics Commission and they, as well as the Mayor and City Council, take their mission of transparency seriously.

Kathleen Maher, Director of Planning and Code Administration, and Paul Fulk, Neighborhood Services Manager, were present to receive clarification from the Mayor and City Council on the changes desired to the Rental Facilities Ordinance following the two public forums held on May 15, 2018 and June 19, 2018.

Staff provided the following documents for the discussion:

1. Chapter 197 Amendments as proposed on May 1, 2018
2. April 5, 2018 memorandum outlining the proposed changes
3. April 10, 2018 PowerPoint presentation discussed during the work session
4. Public Input from forums
5. Public Statement provide by Judith Wheeler
6. Signatures in support of proposed changes provided during the public forum
7. More information regarding other jurisdictions, site visits and questions raised during the forums provided by PCAD staff

Councilmember Aleshire suggested reviewing the seven amendments in the proposed amendments to determine if there is consensus on any of them. If there is consensus, he recommended moving forward with enacting those and then continue to discuss the other amendments. He supports adding dormitory and residential care facility to the definition of a rental unit and implementing a license fee. He also supports revising the inspection schedule for new construction and rehabs to PEP standards and adding a provision for shutting down a unit when a license is revoked.

Councilmember Keller does not support including dormitories and homeless shelters in the definition of a rental unit because of the fee. Councilmember Aleshire stated he would be ok with waiving the fee for these units.

Mayor Bruchey informed the group he will veto this ordinance if it is not passed unanimously. He thinks these amendments should be reviewed with a group of people who will be affected by them before they are implemented, similarly to the process before the rental licensing program was implemented.

Ms. Maher stated staff contacted many of the dormitory and homeless shelter type of establishments to determine what oversight they may have from a parent group. Most are not supervised sufficiently.

Councilmember Aleshire is concerned that it appears the City is willing to overlook the minimum living standards for the most vulnerable citizens. He stated there should at least be a minimum awareness of the living conditions at these places.

Councilmember Keller stated if shelters are closed, there will be more people living under the bridges. Everyone deserves a safe place to sleep.

Councilmember Aleshire stated six months ago the Mayor and Council talked about people living in unsafe conditions at a hotel and they all agreed it had to be shut down. Now, it seems that it's acceptable to have people staying in a place that is unsafe.

Councilmember Keller stated there needs to be a plan for helping people who may be displaced in situations like that.

Councilmember Metzner thinks the dormitories and homeless shelters should be inspected, but not in the same manner as a standard rental unit. These places should be inspected to ensure they are safe and healthily to stay in. The City acted appropriately to the reported living conditions at the hotel. He suggested that staff develop a minimal life safety standard inspection for these properties.

Ms. Means indicated these inspections are allowed under the Life Safety Code. The inspections are conducted through the Fire Department, not the Code Department.

Mayor Bruchey is concerned that a landlord will be forced to evict a tenant if issues are found at the 36 month inspection period.

Mr. Fulk noted the fear of eviction has been personified in this community. If violations are found, there is an allotted time to correct them before the next step is taken. People are not being evicted for these things under the current regulations. Tenants are evicted and the unit is shut down if it is found to be unsafe to live in.

Councilmember Metzner is concerned there are no enforcement tools in the ordinance. If a landlord's license is revoked, they continue to operate the unit.

Councilmember Keller noted the landlords she has talked to say the changes are not necessary because the regulations are already in place.

Ms. Maher noted without the revocation clause and actions, the City does not have the ability to gain compliance from the landlord.

Councilmember Heffernan stated the landlords who contact him are in favor of the rental licensing program and they want the City to punish those that don't comply and reward those who do.

Councilmember Aleshire stated he would support legislation that provides a stronger revocation clause and a plan for getting in to the places that have not been inspected. He believes these two things will accomplish what the Mayor and City Council and the citizens who spoke at the forums want. Termination of utilities may be necessary to completely shut down a unit.

Councilmember Metzner pointed out there needs to be a method to identify the properties that are being used for rental units.

Mr. Fulk noted it could be difficult to determine if a single family dwelling is a rental unit. Additional analysis will be required to determine this.

Councilmember Metzner stated landlords who have deficient units should be moved to the top of the inspection list for all the units they own. He requested a copy of the checklist of what the inspectors look at in a unit, including which are failure items.

Ms. Maher stated in order to get into the places that have never been inspected, the City should have a scheduled inspection schedule.

Mayor Bruchey does not want staff to enter a unit without the landlord being present. Administrative orders should not be needed.

Mr. Fulk summarized the discussion as addressing the situation of the bad landlords and providing enforcement tools.

Councilmember Heffernan reported the landlords have also requested a definitive list of the items that will be inspected.

CITY ADMINISTRATOR'S COMMENTS

Valerie Means, City Administrator, informed the group that Locust Street will be reopened this week. CSX will be working on railroad tracks on Pennsylvania Avenue and Northern Avenue. Staff has been monitoring the closing of South Potomac Street and it has been going well. Timing of signals will be re-evaluated when school starts.

MAYOR AND COUNCIL COMMENTS

Councilmember S. McIntire urged people to attend the Farmer's Market on Saturday for ice cream and fun activities.

Councilmember L. C. Metzner visited family in Denver, which is extremely bicycle friendly. He is proud of the progress Hagerstown has made in being bicycle friendly. Denver has a significant homeless problem and increasing problems with panhandling.

Councilmember A. Heffernan had no additional comments.

Councilmember K. B. Aleshire mentioned the recent email about the ice rink planned expansion. This seems to come from nowhere. Things like this make the community and its leaders appear disconnected and disorganized, especially when studies are being completed for similar uses. Citizens have contacted him about the people staying under the bridges asking how it can be allowed. There are many places that can provide assistance for these people. He mentioned the splash pad is attracting a lot of people to the Lineal Park in Frederick and he thinks it would be popular in Hagerstown.

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Councilmember E. Keller addressed a recent article published in the Baltimore Magazine. She thinks it was well written. She thinks everyone would be naïve to deny that the article wasn't true. The article highlighted the negative side of Hagerstown but didn't discuss the good things. This is a nationwide problem. The City and the County are finally talking about the problem and taking steps to address the Opioid crisis.

Mayor R. E. Bruchey, II talked with Chief Kifer this morning about the people at the bridge. Things are being put in place.

There being no further business to come before the Mayor and City Council, on a motion duly, made, seconded and passed, the meeting was adjourned at 6:13 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk
(From the video)

Approved: September 25, 2018