

MARYLAND HISTORICAL TRUST
BOARD OF TRUSTEES' MEETING
Thursday, December 7, 2023 at 10:00 AM

Pursuant to notice, the regular meeting of the Board of Trustees of the Maryland Historical Trust was held in the MHT Board Room on the third floor of 100 Community Place in Crownsville, Maryland.

Trustees present: Sarah Kunkel Filkins, Howard Freedlander, James Delgado, Samuel J. Parker, Jr., Laura Davis Mears, Senator Chris West and Franklin A. Robinson, Jr

Trustees participating virtually: Jeffrey Buchheit, Julie Earnstein, Al Feldstein, LaShay Harvey, and Kristine Roome

Area Representatives present: W. Dickerson Charlton, Tom Vitanza, Kirsti Uunila, Sakinah Linder, Douglass C. Reed, and Harry Spikes, II

Area Representatives participating virtually: Dean Camlin and Lisa Sasser

Office of the Attorney General: Rieyn DeLony, Adam Snyder

MHT Staff: Elizabeth Hughes, Anne Raines, Collin Ingraham, Kate Jaffe, Kathy Monday, Carey Jones, Stacy Montgomery, Dana Halpert, Traci Verzi, Nell Ziehl, Brenna Spray, Greg Brown, Eric Frere.

MDP: Secretary Rebecca Flora

Guests: John Zebelean, Terry Klima, Liz Groszer; Christina Liminatis, Preservation Maryland; Taylor Means, Maryland Commission on African American History and Culture.

AGENDA

K1 CALL TO ORDER

Chair Mears called the meeting to order at 10:06 AM. Board members introduced themselves.

K2 APPROVAL OF MINUTES

Mr. Freedlander made a motion, seconded by Mr. Reed, to approve the October 19th meeting minutes. The Board voted unanimously to approve the minutes.

K3 PUBLIC COMMENT

Ms. Groszer provided public comment in opposition to the loan of the Baltimore City Confederate monuments for exhibition in Los Angeles, California and stated that the monuments should be viewed as works of art first rather than as Confederate monuments solely.

Mr. Klima stated his view that MHT's approval of the loan of the Baltimore City Confederate monuments to LAXART further aggravates the breach of easement and that MHT has abdicated its duty to safeguard the monuments.

Mr. Zebelean expressed concern about the active corrosion on the monuments that was documented during the most recent inspection and decried the loan of the monuments to an exhibition in which they would be treated as objects of derision and scorn.

K4 COMMITTEE REPORTS

K100 Capital Programs Committee

K101R African American Heritage Preservation Program Grant Awards

Ms. Means provided an overview of the history and purpose of the African American Heritage Preservation Grant Program which is administered as a joint partnership of the Maryland Commission on African American History and Culture (MCAAHC) and MHT. She reported that one hundred and seven (107) eligible grant applications were received by the July 17, 2023 deadline. The total eligible funding request was over \$20.2 million; the majority of the funding requested was for rehabilitation, with the remainder for predevelopment or new construction. Applications represented 20 counties and the City of Baltimore.

Twenty-one projects are recommended for full funding and three projects are recommended for partial funding, for a total of \$5,000,000. The MCAAHC evaluated, ranked, and recommended funding levels for eligible applicants in accordance with the program project selection criteria. Ms. Means presented the Commission's funding recommendations to the MHT Board of Trustees for action. She explained that following the Board's action, the recommendations will be forwarded to the Secretary of the Maryland Department of Planning for final approval.

Mr. Freedlander inquired about how the grant awards were publicized. Ms. Ziehl explained that a press release is prepared and issued through the Maryland Department of Planning Communications Office and projects are highlighted on blog posts and social media posts throughout the year.

Mr. Charlton asked if all funded projects were required to convey historic preservation easements to MHT. Ms. Raines responded that easements are only requested on selected properties as not all funded projects benefit properties that are individually eligible for the National Register.

Mr. Vitanza inquired if the review committee confirms that plans and specifications for these projects are consistent with the Secretary of the Interior's Standards for Rehabilitation and if these projects could be marked with signage providing credit to MHT. Ms. Raines indicated that, for those projects for which easements are not required, projects are subject to the state Section 106 review process. MHT staff indicated that they would explore signage options and return to the Board with recommendations for the next funding round.

The following motion was made by Dr. Delgado, seconded by Mr. Parker, and approved unanimously.

RESOLVED, that the Maryland Historical Trust Board of Trustees concurs with the Maryland Commission on African American History and Culture in the recommendation to the Secretary of the Maryland Department of Planning to fund those projects in the “A=Recommended for Funding” category and “AR=Recommended for Funding” category should Additional Funds become Available category, as further described in Exhibit A (African American Heritage Preservation Grant Chart for Fiscal Year 2024); and

RESOLVED, that the Maryland Historical Trust Board of Trustees concurs with the Maryland Commission on African American History and Culture in the recommendation to the Secretary of the Maryland Department of Planning to maintain a reserve of \$14,545.17 to be used for emergency project grants during FY2024.

K102R Historic Preservation Loan Regulations

Ms. Hughes reported that the MHT Historic Preservation Loan Program was established in 1989 as a reorganization, modification, and expansion of an earlier revolving loan program that was established by the MHT Board in 1973. The Loan Program provides loans to nonprofit organizations, local jurisdictions, business entities, and individuals to assist with the acquisition, rehabilitation, or restoration of historic properties. In addition, the Loan Program may fund rehabilitation or restoration of properties owned by MHT.

House Bill 674 (SB425), enacted as Chapter 203 during the 2023 session of the General Assembly, allows MHT to make non-repayable transfers of Loan Program funds to qualified nonprofit organizations: (1) to pay for the nonprofit to acquire historic properties or interests therein for resale or lease; (2) to pay costs to rehabilitate historic properties owned by the nonprofit for resale or lease; (3) to make loans to other nonprofits, political subdivisions, or business entities to acquire, rehabilitate, or refinance historic properties; (4) to make loans to individuals to rehabilitate National Historic Landmarks; and (5) for necessary administrative and programmatic expenses.

State Finance & Procurement § 5A-318(b)(1) authorizes the MHT Board to adopt regulations to carry out the purposes of the Trust, and § 5A-318(b)(15) authorizes the Board to delegate that power to the Director. The Director, MHT staff, and the Office of the Attorney General have drafted revisions to the Loan Program regulations to account for the 2023 legislation by adding new provisions enabling the transfer of Loan Program funds to certain qualified non-profit organizations for the uses described above. Should the Board delegate to the Director the authority to adopt the regulations, MHT Staff will submit the revised regulations to the Secretary of Planning for her review under State Finance & Procurement § 5-203(b)(2). If the Secretary approves, the proposed regulations will then be submitted to the Office of the Attorney General for approval as to form and legal sufficiency, after which the regulations would be presented to the Governor’s Office under the Moore Administration’s guidelines for promulgating regulations. After gubernatorial review, the proposed regulations would be submitted to the General Assembly’s Joint Committee on Administrative, Executive and Legislative Review (AELR) and then to the Division of State Documents for publication in the Maryland Register and public comment. Accounting for the various review periods and the legislative moratorium on the proposal of new regulations at the end of the year, Staff anticipates that the proposed regulations will not be published before late February and will not be finalized until Spring 2024.

The following motion was made by Mr. Reed, seconded by Mr. Spikes, and approved unanimously.

RESOLVED, that the Maryland Historical Trust Board of Trustees delegates to the Director the authority to adopt amendments to the regulations for the MHT Historic Preservation Loan Program as are appropriate and necessary to implement legislation regarding transfers of MHT loan funds enacted during the 2023 session of the General Assembly as Chapter 203 of the Laws of Maryland.

K103R African American Heritage Preservation Program Regulations

Ms. Hughes reported that the African American Heritage Preservation Program, or AAHPP was established in 2010 as a partnership between MHT and the Maryland Commission on African History and Culture (MCAAHC). The Program provides grants to assist in the preservation of buildings, sites, or communities of historical and cultural importance to the African American experience in Maryland.

House Bill 1088, enacted as Chapter 29 during the 2022 session of the General Assembly, removed the match requirement for all grantees, and set a cap of \$500,000 for each grant.

The Director, MHT staff, and the Office of the Attorney General have drafted revisions to the Program regulations to account for the 2022 legislation by deleting provisions requiring matching funds and adding a cap on the dollar amount of each grant. Should the Board delegate to the Director the authority to adopt the regulations, MHT Staff will submit the revised regulations to the Secretary of Planning for her review. If the Secretary approves, the proposed regulations will then be submitted to the Office of the Attorney General for approval as to form and legal sufficiency, after which the regulations would be presented to the Governor's Office under the Moore Administration's guidelines for promulgating regulations. After gubernatorial review, the proposed regulations would be submitted to the General Assembly's Joint Committee on Administrative, Executive and Legislative Review (AELR) and then to the Division of State Documents for publication in the Maryland Register and public comment. Accounting for the various review periods and the legislative moratorium on the proposal of new regulations at the end of the year, Staff anticipates that the proposed regulations will not be published before late February and will not be finalized until Spring 2024.

The following motion was made by Mr. Freedlander, seconded by Mr. Feldstein, and approved unanimously.

RESOLVED, that the Maryland Historical Trust Board of Trustees delegates to the Director the authority to adopt amendments to the regulations for the African American Heritage Preservation Program as are appropriate and necessary to implement legislation that changed AAHPP grant terms: (i) elimination of the requirement for matching funds and (ii) establishment of a maximum grant award amount, enacted during the 2022 session of the General Assembly as Chapter 29 of the Laws of Maryland.

K104 Monument Relocation Committee Report

Mr. Robinson reported that the Monument Relocation Committee met on November 30th to discuss the MHT Board's direction to the Working Group to "work with the City of Baltimore in the development of an RFP seeking sites where the Confederate monuments may be erected singly or in a group in a location that provides protection and public access and that includes contextual interpretation in close proximity to the monuments." Eric Holcomb attended the meeting and provided a spreadsheet of entities that had either expressed interest in the monuments or been approached by the City to solicit their interest in the monuments since 2017. Hannah Burstein of LAXART attended the meeting and reported that the monuments had been packed and placed into storage for safekeeping in advance of the exhibition launch.

Mr. Robinson indicated that the Working Group will be meeting with Mr. Holcomb after the first of the year to begin consideration of what elements should be included in a draft RFP that would guide selection of a permanent location for the monuments once they return to Maryland. At the same time, consideration will be given to creation of a portal on the Commission for Historical and Architectural Preservation website where expressions of interest could be submitted.

K200 Survey, Registration, Community Education & Museums Committee

K201 FY23 Heritage Fund Grant Program Report – Preservation Maryland

Ms. Hughes explained that a grant agreement was entered into on December 15, 1994, and subsequently extended in 2002, 2004, and 2017, by the Maryland Historical Trust (MHT) and Preservation Maryland (PM) to establish a fund to be held and managed by PM and dedicated for historic preservation projects throughout the State. Interest earned on the Fund supports the Preservation Maryland Heritage Grant Program.

The agreement stipulates that PM must provide to MHT on an annual basis a report documenting the management and investment of the Fund including: 1.) interest and dividend earnings and all other income attributable to the Fund, 2.) grant disbursements; and 3.) all other transactional activity that has occurred during the reporting period. A "Heritage Fund Program Report: Fiscal Year 2023" was submitted by PM in fulfillment of this requirement of the agreement.

Christiana Limniatis, Program and Outreach Manager for PM, presented highlights of the report and answered questions about the program. She noted that PM received 33 requests for funding in FY23 of which 13 were funded totaling \$97,000.

Mr. Parker commented that while the amount of funding distributed through this program is not large, the projects are meaningful and PM does a good job administering the program.

K202 Draft Statewide Preservation Plan: Overview and Discussion

Ms. Ziehl reported that MHT has been drafting the 2024-2031 update to the statewide historic preservation plan over the past several months. Staff have been working with members of the public, other state entities, and nonprofits across Maryland to develop the plan which has the working title of Heritage2031. When completed, the plan will guide historic preservation, archaeology and cultural heritage activities around the state.

Ms. Ziehl provided an overview of the plan goals and objectives. She explained that public comment on the draft plan is being accepted through December 22, 2023 and encouraged Board members to share this information with their networks.

K203R Maryland Preservation Awards: Category Changes

Ms. Spray reported that the MHT Board of Trustees has given the Maryland Preservation Awards each year since 1975. The awards and award categories have changed dramatically over time to accommodate emerging trends and activities in Maryland preservation, archaeology, and cultural heritage. Over the past ten years, the awards have not been altered, with the exception of a new award for the Outstanding Stewardship of Archaeological Resources. During this time, staff, Board members, and constituents have raised many suggestions for updating the awards categories.

On November 14, 2023, the MHT Board Survey, Registration, Community Education, and Museums Committee met virtually to consider changes to the Maryland Preservation Awards categories. Three members participated; one member provided written comments prior to the meeting. Ms. Spray then explained the rationale for changes to the various award categories.

The following motion was made by Ms. Uunila, seconded by Ms. Filkins, and approved unanimously.

RESOLVED, that the Maryland Historical Trust Board of Trustees approves changes in the Maryland Preservation Award categories as follows:

Leadership & Service

Outstanding Individual Leadership at the Local Level
Outstanding Organizational Leadership at the Local Level
Maryland Legacy Prize (formerly The Calvert Prize)

Education & Community Engagement

Excellence in Public Programming & Exhibits
Excellence in Media & Research
Community Impact
Preservation Partnerships

Stewardship

Outstanding Stewardship of Cultural Sites
Outstanding Stewardship of a MHT Easement Property
Outstanding Stewardship by a Government Agency

Project Excellence

Excellence in Rehabilitation
Excellence in Restoration
Excellence in Sustainable Design

K300 Management & Planning Committee

K301 Equity Working Group

Mr. Parker, Chair of the Equity Working Group, noted that there was nothing to report at this time.

K302 Budget & Legislation

Ms. Hughes reported that staff have submitted the fiscal year 2025 capital and operating budget to the Department of Budget and Management. The Governor's budget will not be available to review until it is introduced to the General Assembly in January. A virtual meeting of the Board will follow the release of the budget.

Ms. Hughes reported that the agency is not sponsoring any administration legislation this year. She understands that Preservation Maryland, in collaboration with the development community, may be seeking changes to the Historic Revitalization Tax Credit Program during this legislative session

K303 Litigation & Legal Issues

Mr. Snyder reported there is no active litigation and no legal issues to report on at this time.

K304 2024 Meeting Schedule

Ms. Hughes shared the list of proposed meeting dates:

- January 25, 2024 - Virtual Meeting
- Thursday, March 21, 2024 -100 Community Place, Crownsville, MD
- Thursday, May 16, 2024 - Location TBD
- Thursday, July 25, 2024 - Location TBD
- Thursday, October 17, 2024 - 100 Community Place, Crownsville, MD
- Thursday, December 5, 2024 - Location TBD

No meeting date conflicts of concern were cited by Board members. Mr. Reed recommended planning a board meeting at the Claggett Center in Frederick County in May or July.

Announcements

Mr. Feldstein reported that the Governor's Office has a \$1 million grant program designed to help protect sites, including cultural site, from hate crimes that may be of interest to the Board.

Meeting adjourned at 12:00 PM