

EXECUTIVE SESSION – August 19, 2014

Councilmember L. C. Metzner made a motion to meet in closed session to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, #4 (Section 10-508(a)) at 3:43 p.m. in Room 407, 4th Floor, City Hall, Hagerstown, Maryland. Councilmember D. F. Munson seconded the motion.

Motion carried 4-1 with Councilmember K. B. Aleshire voting no.

The following people were in attendance: Mayor D. S. Gysberts, Councilmember K. B. Aleshire, Councilmember M. E. Brubaker, Councilmember L. C. Metzner, Councilmember D. F. Munson, Councilmember P. M. Nigh, City Administrator Bruce Zimmerman, John Lestitian, Director of Department of Community and Economic Development, Michelle Hepburn, Director of Finance, Andrew Sargent, Downtown Manager, and Donna K. Spickler, City Clerk. The meeting was held to discuss a proposal for a business to expand their presence in downtown Hagerstown through property acquisition. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the executive session was adjourned at 4:10 p.m.

WORK SESSION – August 19, 2014

Mayor D. S. Gysberts called this Work Session and Executive Session of the Mayor and City Council to order at 4:21 p.m., Tuesday, August 19, 2014, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, M. E. Brubaker, L. C. Metzner, D. F. Munson and P. M. Nigh; City Administrator Bruce Zimmerman, City Attorney William Nairn and City Clerk D. K. Spickler.

WORK SESSION – August 19, 2014

Preliminary Agenda Review

Consent Agenda

A. Department of Community and Economic Development:

1. Application Permit for Leadership Washington County – University Plaza, September 11, 2014

B. Police Department:

1. Annual Software Agreement for HPD Record Management System – Keystone Public Safety, Inc. (Maple Shade, NJ) \$ 34,098.00
2. Annual Software Agreement for HPD Mobile Data Terminal – Keystone Public Safety, Inc. (Maple Shade, NJ) \$ 37,709.00
3. Lexipol Law Enforcement Manual Subscription Service – Lexipol, LLC (Aliso Viejo, CA) \$ 14,393.00

C. Department of Utilities:

1. SCADA Maintenance Agreement – ABB, Inc. (Wickliffe, OH)
\$ 59,940.00
2. Repair/Replacement of the Chlorine Hoist Conductor Rail – Kone Cranes,
Inc. (Springfield, OH) \$ 16,368.00

Introduction of an Ordinance: Amending Chapter 173 – Disorderly Intoxication

Chief Mark Holtzman stated this amendment will remove the “public drunkenness” statute in order to comply with Maryland law which covers the same behavior and preempts the City Code. Future charges regarding disorderly intoxication types of complaints shall be charged under the appropriate sections of the Maryland Code.

Councilmember Brubaker asked if there is a significant difference between Maryland law and City law. Chief Holtzman stated the State statues allow the charge to be filed under a civil citation. Drunkenness has gone by the wayside in the court system.

Introduction of an Ordinance: Amending Chapter 25-1 – Drug Free School Zone

Chief Mark Holtzman stated in order to reflect the changes in the school boundaries with the addition of the Barbara Ingram School for the Arts (BISFA) Downtown, an updated map and amendment to the City Code, Chapter 25-1, Drug Free School Zone Map, is being proposed. The updates will permit the enforcement of the Drug-Free School Zone extending 1,000 feet around the BISFA along with all other previous schools within the city limits.

Approval of a Resolution: Memorandum of Understand with Hagerstown Police Department with Washington County Sheriff’s Department for Search and Rescue Committee

Chief Mark Holtzman stated this MOU with the Washington County Sheriff’s Department will allow the Chief of Police to serve as a member of the governing board for the Washington County Joint Search and Rescue (SAR) Committee.

Following changes in the past year to State law which place the primary responsibility for search and rescue of all missing/lost persons on local law enforcement, the Hagerstown Police Department (HPD) has partnered with surrounding Washington County agencies and the Emergency Communications Division to create a Search and Rescue (SAR) Committee.

The SAR Committee will establish standardized policies and procedures for Search managers tasked with the responsibility of conducting all search and rescue operations with respect to missing/lost persons in Washington County.

Approval of Renewal of Agreement between Hagerstown Police Department and Drug Enforcement Administration

Chief Mark Holtzman presented the latest agreement between the Hagerstown City Police Department and the U. S. Drug Enforcement Administration (DEA) for the period of time that covers September 30, 2014 through September 29, 2015. There are no substantive changes to the current agreement. This agreement renews HPD's commitment to provide two officers and one sergeant to the Hagerstown DEA office to work specifically on narcotics investigations in the Hagerstown and surrounding areas. In return, the DEA provides reimbursement for overtime costs associated with drug investigations up to \$ 17,734 per officer to the City of Hagerstown. This continuing partnership between HPD and the DEA is vital to the department's ongoing mission of disrupting illegal drug trafficking and reducing violent crime in the community.

Approval of After School Program: Parkside Community Center

Chief Mark Holtzman stated an after school program is proposed by the Hagerstown Housing Authority for the 2014-2015 school year at the Parkside Community Building on Sumans Avenue. Qualified staff will provide a supervised program for students in grades K-3 that will focus on homework assistance, enrichment opportunities, character building and life skills sessions. The program cost is \$ 18,881.00.

Approval of After School Program: BTJ Dance Group

Chief Mark Holtzman stated an after school program is proposed by the Hagerstown Housing Authority for the 2014-2015 school year for qualified dance instructors from Ballet and All That Jazz to provide a supervised program for the participants in a safe environment. The participants have the opportunity to be a part of a structured organization while being reinforced with character building and positive life skills. The City proposes to provide up to \$ 3,500.00 for this program.

Approval of Proposal: R. C. Willson Phase IV/Consent Agreement – Hazen and Sawyer - \$ 430,132.00

Michael Spiker, Director of Utilities, and Nancy Hausrath, Water Operations Manager, were present to review a proposal from Hazen and Sawyer. In connection with the approved Construction Management Services Contract for Gannett Fleming for the R. C. Willson Phase IV Improvements, MDE is requiring the City to retain the services of Hazen and Sawyer to assist with this project for critical phase submittal review and to conduct a follow-up study mirroring the initial study that was completed in October, 2011. This study will evaluate corrosion potential to ensure compliance with the Lead and Copper Rule and TOC removal for compliance with the Stage 2 DBPR.

In May of 2013, the Mayor and Council approved a \$ 121,415 in funding to Hazen and Sawyer to initiate the work described herein. Hazen and Sawyer are the Engineers of Record for this project and as such their services are required through the start-up,

testing, and implementation of the Chloramination Public Outreach Phase. The \$ 430,1332.00 proposal will allow the City to complete all required work in accordance with the MDE Consent Agreement for compliance with the Safe Drinking Water Act Stage II Disinfection/Disinfectant By-Product Rule. The City's compliance deadline begins in October 2014 and compliance must be achieved with the completion of four consecutive quarters of testing culminating in August 2015.

Approval of Purchase: MUNIS Software Maintenance Renewals – Tyler Technologies, Inc. (Dallas, TX) \$ 176,576.23

Scott Nicewarner, Director of Information Technology and Support Services, reported the cost of the annual renewal of licensing and support for the City's financial system is \$ 176,576.23. This support is crucial to maintaining operations of the system.

Approval of Additional City Funding for Children's Village

Mr. Zimmerman stated the motion for the funding for Children's Village will clarify that this funding was previously allocated for the Contemporary School for the Arts. The Contemporary School for the Arts has not been able to develop a program that is eligible to receive City funding.

It was the general consensus to include approval for all items listed on the preliminary agenda on the August 26, 2014 agenda, unless otherwise noted.

This completed the preliminary agenda review.

Augustoberfest 2014

Karen Giffin, Community Affairs Manager, Jill Colbert and Charlie Sekula, Augustoberfest Charitable Foundation, discussed the annual Augustoberfest event. For the 19th year, Augustoberfest 2014 will be a two-day festival that boasts festivities found at traditional Oktoberfest celebrations in Bavaria. The attendance of this event has doubled in size over the last two years and is becoming one of the most anticipated festivals in Hagerstown and Washington County. More than 200 volunteers work to make this event a success each year.

Augustoberfest is being held on Saturday, August 23, 2014 and Sunday, August 24, 2014.

Ms. Giffin reported the Augustoberfest Charitable Foundation donated \$ 5,000.00 to the Maryland Theatre for renovation work on the back stairs and lighting.

Increased attendance is attributed to inexpensive admission and where the event is marketed. The children's area has also been expanded as well.

Ms. Colbert thanked the City for partnering with the Foundation to make this event a success.

Mr. Sekula has attended the Oktoberfest in Austria and this event is truly a miniature Oktoberfest.

Mayor Gysberts thanked everyone involved with this event. He would like to see more children involved in Sister City events.

Downtown Movement – Pop-Up Shops

Andrew Sargent, Downtown Manager, and Jackie Beach-Walker, Rori Daughtridge, and Katie Mace, Downtown Movement, were present to introduce the Downtown Movement, a grassroots organization that is assisting in the downtown revitalization effort.

The City has worked closely with the organization to help coordinate their first happening, a Pop-Up Shop event that will occur from Friday, August 22 to Sunday, August 24, 2014 in parallel with Wind Down Friday and Augustoberfest. During this three-day event, the Downtown Movement will fill eight vacant storefront spaces with thirteen retail establishments. The City has been partnering with the Downtown Movement on marketing and property owner coordination for this event.

Ms. Daughtridge stated the idea is based on the idea of temporary shops as she saw in Brooklyn, New York.

Ms. Mace mentioned there are vendors being added each day. A Farmer's Market will also be included. The biggest challenge the group has faced is changing the perception of Hagerstown. People have to look to the future rather than to continually look to the past.

Ms. Beach-Walker stated the best thing about the event is the sense of community.

Ms. Daughtridge stated the group heard the City was difficult to work with but they found it was easy and it has been exciting.

Councilmember Brubaker stated people in this group are young and exciting. The Governor believes Hagerstown's salvation will be young people and groups like this.

Mayor Gysberts noted this group started the chalkboard project - where people can write their ideas for Hagerstown. More information is available at www.downtownmovement.com.

Councilmember Aleshire stated events like this and the Wind Down events are helping bring families to downtown. He believes it is not one big thing, i.e. a new stadium, that will save downtown, it's a million little things.

Councilmember Munson thanked the group for their enthusiasm and efforts.

Councilmember Metzner thanked the Downtown Movement participants for making a decision to change their community.

Mayor Gysberts invited anyone interested to apply for one of the City's volunteer boards.

Ms. Beach-Walker stated this is just the first of the popup events planned. They hope to hold similar events during the Christmas tree lighting and Blues Fest.

Review of Ordinance – Chapter 70, Cable Television and Open Video Systems

Karen Giffin, Community Affairs Manager, Scott Nicewarner, Director of Information Technology and Support Services, William Nairn, City Attorney, and Tom Robinson, CBG Communications, were present to discuss an ordinance regulating cable systems within the City limits.

Mr. Nairn stated that although Chapter 70 – Cable Television and Open Video Systems, was previously repealed, he feels it is necessary to have a simple ordinance requiring a franchise agreement for a cable system to operate within the City and provide a fee to cover at least a portion of the associated costs. The procedures for entering into a franchise agreement include a \$ 25,000 application fee. The consultants feel this is a reasonable and appropriate fee to cover the extensive review that is required for the agreement.

It was the general consensus of the Mayor and City Council to include introduction of the ordinance on the August 26, 2014 agenda.

Hagerstown Cable TV-Related Franchise Renewal

Karen Giffin, Community Affairs Manager, Scott Nicewarner, Director of Information Technology and Support Services, William Nairn, City Attorney, and Tom Robinson, CBG Communications, then discussed the proposed franchise agreement with Antietam Cable Television.

Mr. Robinson reported the franchise renewal has been reviewed for the last 18 months. During this time, audits were completed, residential needs assignments were collected and negotiations between the City of Hagerstown and Antietam Cable Television were held.

Agreement has been reached with Antietam Cable on all of the major issues. The agreement is non-exclusive and the term is 12 years. The agreement includes the following:

1. Broad definition of Cable Service Gross Revenues upon which Franchise Fees are based.

2. Provisions that enable Antietam to compete fairly with other Cable Service or materially equivalent service providers. Antietam must provide 2 years notice if they decide to end the agreement. They cannot terminate the agreement without having another company lined up to provide cable service.
3. Antietam to pay Franchise Fees of 5% of its Gross Revenues quarterly – based on self-reporting. Mr. Robinson suggested completing a performance evaluation halfway through the contract.
4. Audit rights of the City if there is an underpayment.
5. Performance evaluation session during Year 6 of the Franchise.
6. Mandatory insurance requirements.
7. \$ 10,000 letter of credit requirement.
8. Customer Service Standards set forth in Exhibit A.
9. Grantee to provide 60 cents per month per residential Subscriber during Years 1 and 2 of this Franchise, 70 cents per month per residential Subscriber thereafter for Access or I-Net capital. This can be a pass through on Subscriber's bills.
10. Two Access Channels, one for use by the City and one for the BOE and HCC.
11. Detailed criteria regarding the submission and approval of a Plan before a Public Access Channel may be authorized by the City.
12. Triggers for the provision of the Access Channels in high definition format.
13. PEG video on demand capacity of 3 hours per month during Years 1-6 of the Franchise and 5 hours per month thereafter.
14. Availability of Access program listings in the Electronic Program Guide.
15. Institutional Network requirements.
16. Complimentary Basic and Expanded Basic Service at specified locations.
17. Liquidated damages provisions with notice and an opportunity to cure.

Councilmember Brubaker asked if the City can establish rules for late fees. Mr. Robinson does not think late fees are addressed in the customer standards in the agreement. There may be some capability to control the amount or frequency of the late fee. He will review this.

Mr. Robinson mentioned the revenue from the PEG fees accrued by the City over the last several years is being used to upgrade the equipment in the Council Chamber.

Ms. Giffin stated people wanting to use the public access channels must provide a detailed and viable operating plan. Mr. Robinson indicated this clause was reviewed extensively. The City government channel will continue. However, anyone wishing to activate the additional channel must provide a very detailed plan for operational support and content. This would require significant resources.

Mr. Robinson stated the list of possible connection sites is labeled Exhibit D. After reviewing the list, it was noted that District Court is not included and should be since Circuit Court is included.

Mr. Robinson stated much of the negotiation process focused on the liquidated damages provisions.

Mayor Gysberts thanked the negotiating team for their detailed work.

Councilmember Munson asked if this agreement prohibits the City from providing broadband or high speed internet. Mr. Nicewarner stated this agreement is only for a television franchise agreement and does not address internet service.

It was the general consensus to include introduction of the ordinance to renew the franchise agreement on the August 26, 2014 agenda. A Public Hearing is scheduled for August 26, 2014 as well.

Mr. Zimmerman thanked the team for their work. There were many issues to discuss and work through. He acknowledged that Brian Lynch, Antietam Cable Television General Manager, was present.

Community's City Center Plan Implementation - #8 Neighborhood Support Strategies – Vacant Structures Program

John Lestitian, Director of the Department of Community and Economic Development, and Kathleen Maher, Planning Director, were present to discuss a vacant structures program, which supports the Community's City Center Plan Implementation - #8 Neighborhood Support Strategies. Casey Morton from John Salvatore's office was also present.

The Community's City Center plan identifies support strategies for neighborhoods in Catalyst Project #8. As mentioned in July, elected officials and staff have and continue to hear from residents that they need the City to address core problems in their neighborhoods. To this end, staff seek direction to prepare amendments to the existing Vacant Structures Program.

Catalyst Project #8 lists among other initiatives additional neighborhood support and in particular cites code enforcement and incentive programs. While the City has implemented a variety of financial incentive programs (e.g., City-wide and City-center down payment assistance programs targeting vacant structures, Partners in Economic Progress, First Third Grant Program, etc.) to facilitate re-use and rehabilitation of vacant and under-utilized structures, these programs have a limited source of funding and not all structures and situations are suitable to those programs. Code Enforcement is necessary to ensure that those structures that fall vacant are not harming the community. As discussed at the July 8, 2014 Work Session, Urban Partners heard loud and clear in the public meetings, as staff have heard in the Council Chambers from both residents and

from the Mayor and City Council, that blight and deterioration are growing; we are in fact losing the battle as residents, both longtime and new, tire of the conditions in their neighborhoods.

This issue of blight, neglected or mismanaged properties is now pervasive throughout the city. Significant causes of blight are the conditions and activity at vacant structures. Vacant structures easily become neglected and are then the locations of crimes, fires, and nuisance conditions. Staff believe the recent amendments to the rental licensing program, the addition of the Crime Free Program and adjustments within the Excessive Use of City Services ordinance are good steps, and that the next step is to proactively address vacant structures in order to provide the necessary support for neighborhoods and residents.

As noted, both the Mayor and City Council and staff have heard consistently from residents appealing to the City for assistance in the neighborhoods. In the fall-winter of 2013, there were approximately 1,260 vacant residential structures in the city. Based on research, staff estimate there were another 87 vacant non-residential structures at that time. No neighborhood is immune from the negative effects of vacant structures. Within the last week, staff met with residents about concerns at a vacant structure on The Terrace.

The City currently has two ordinances specific to vacant structures; one for residential property and the other for commercial (non-residential). These ordinances were well intended and do provide a basic structure for future efforts but have not achieved the desired results. Both appropriate and effective regulatory measures and adequate resources are necessary to successfully mitigate the effects of vacant structures.

The proposed revisions to the Vacant Structures Program are intended to provide a better tool for the City to address the challenges facing the community posed by vacant properties. The blight cast by such properties can become contagious if left unmonitored and if owners are not held accountable to properly maintain their properties. Unmonitored vacant structures cause blight by:

1. deteriorating in condition, attracting vandalism and other criminal acts, and losing property value;
2. negatively affecting the value of surrounding properties and the quality of life of nearby residents;
3. negatively affecting the desirability of the neighborhoods and commercial areas as places to own a home and conduct business, and weakening the assessable base;
4. creating safety hazards for first responders as property status and interior conditions are unknown and calls for service can result from their attractive nuisance conditions.

The proposed changes will allow the following to occur:

1. bring foreclosed properties, blighted properties, and properties placarded as uninhabitable immediately into the program;
2. bring other vacant properties into the program once they have been vacant for a continuous period of four months;
3. bring all vacant non-residential (commercial/mixed-use) structures throughout the city under the purview of the program;
4. require owners of licensed properties to have a designated contact person located within 30 miles of Hagerstown and to show proof of property insurance;
5. require owners of licensed properties to maintain their premises to certain minimum Crime Prevention through Environmental Design (CPTED) standards in addition to the property maintenance standards;
6. adjust license fees to cover the City's expenses to adequately staff this program by hiring two full-time positions;
7. inspect all licensed properties on an annual basis.

Outcomes: The proposed revisions to the existing Vacant Structures are intended to identify and abate contagious blight quickly, deter vandalism and other criminal acts at vacant properties, protect first responders from unknown conditions at vacant properties, stabilize property values, and improve neighborhood morale through visible enforcement. These revisions will allow staff to:

1. improve capabilities to protect neighborhoods from adverse influences posed by unmonitored vacant structures;
2. protect first responders by ensuring that vacant structures are secured from illegal access, adequately maintained to prevent unsafe interior conditions, and included in a database accessible to first responders.

Chapter 233, Vacant Residential Structures ordinance amendments include:

1. Amend the definition of vacant residential structure to bring foreclosed properties, blighted properties, and properties placarded as uninhabitable immediately into the program. All other vacant properties would be brought into the program once they have been vacant for a continuous period of four months.
2. Amend the requirements for an application submittal to include a designated contact person must be located within 30 miles of Hagerstown and require proof of property liability insurance in the amount of \$ 300,000.
3. Include standards which are based on Crime Prevention through Environmental Design (CPTED) properties. These additional requirements are minimal entry door lighting from dusk to dawn, prescribed locking requirements for doors and windows, and pruning requirements for shrubbery and trees to allow unimpeded views of the structure's windows and doors and from the public right-of-way.

Chapter 232, Vacant Commercial Structures ordinance amendments include:

1. The term “vacant commercial structures” would be changed to “vacant non-residential structure” and the definition would be changed to match the conditions outlined in the residential program.
2. Amend the scope of the program by removing the geographic limitation to the City Center and have the program be applied city-wide.
3. Amend the requirements for an application submittal to include a designated contact person must be located within 30 miles of Hagerstown and require proof of property liability insurance in the amount of \$ 1,000,000.
4. Amend the inspection schedule and change it to an annual basis, no matter how long the property is vacant.

Inadequate staffing levels has been a significant impediment to fully implementing the Vacant Structures Program. To adequately implement this program, with or without the proposed revisions, requires staff resources to research eligible properties, license and renew licenses of eligible properties, develop and administer a database of licensed structures that is accessible to first responders, inspect 1,000 properties on average on an annual basis, and process citations and abatements of code violations.

In order to have the desired impact on neighborhoods and to support residents, the City must have the required labor to administer the proposed revised program. Staff have determined that the program will require dedicated staffing and that it will be necessary to hire one full-time inspector/coordinator position and one full-time administrative position. Provision of this staffing increase will require a dedicated funding source.

Best practices indicate that vacant structures programs be funded through appropriate fees. Staff foresee that the proposed positions to administer the Vacant Structures Program would be funded by a revision to the license fee system for the programs. For the Vacant Residential Structures ordinance, it is proposed to increase the license fee from \$ 100 annually to \$ 150, plus \$ 20 per dwelling unit, at the initial registration and \$ 300 , plus \$ 20 per dwelling unit, at registration renewal. For the Vacant Non-Residential Structures ordinance, it is proposed to maintain the existing annual fee amounts of \$ 250, \$ 500 and \$ 1,000, but to have the increase from \$ 250 to \$ 500 occur at first renewal (rather than for vacancies of 2-4 years) and the increase to \$ 1,000 occur at second and subsequent renewals (rather than for vacancies over four years). Based on conservative projections, approximately \$ 158,000 would be raised in the first full year from vacant structures of these programs. It is anticipated that this revision to the fees would generate adequate funding to cover the City’s expenses to properly staff this program.

Staff believe the recommendations are responsive to the appeals of residents and concerns heard at Council meetings, and will improve the conditions of neighborhoods. Protecting property values is a top priority. Curb appeal, quality of life, and improved conditions on the ground all work towards making a neighborhood desirable. With the proposed changes to the program and staffing levels, staff believe the City would have adequate resources to protect the neighborhoods from adverse influences posed by

unmonitored vacant structures. Additionally, the City would be in a better position to protect first responders by ensuring that vacant structures are secured from illegal access, adequately maintained to prevent unsafe interior conditions, and included in a database accessible to first responders.

The challenge for the community is to find productive new uses for these vacant properties or to attract new owners who will put these properties back to productive use.

An additional challenge for the City is to secure funding sources to provide a revenue stream for large abatements, which are necessary from time to time to address unsound structures and other life safety threats posed by vacant structures. In response to Council comments about the potential for revenue sharing with the County, staff have done some initial research on the County's transfer tax and learned that the County received approximately \$ 308,553 on average for the last three fiscal years in transfer tax from real estate sales within the city.

Councilmember Aleshire supports the concept of the proposed revisions. Some of the items are too strict in terms of regulating property. He is more concerned that a designated contact is available to address an issue than with how far they are from Hagerstown. He is not comfortable with assigning a regulatory process to undefined non-quantifiable principles, which he feels the CPTED principles are. He does not envision dusk to dawn lighting being associated with the timely response to an issue at the property.

Mayor Gysberts stated the idea is that CPTED principles would make the property safer and less attractive for illegal use.

Councilmember Metzner stated the concept is good and there may be some areas that need to be clarified.

Ms. Maher stated staff investigated how specific to make the requirements, and it seemed more advantageous to allow general flexibility.

Councilmember Aleshire stated regulations need to be defined and applied consistently. The requirement for property insurance is a good concept but he is not sure a specific amount can be assigned. He does not think a vacant property should go longer than six months without an exterior inspection. The amendments do not clarify whether inspections are both interior and exterior inspections.

Ms. Maher indicated inspections are both interior and exterior. A significant amount of deterioration can occur that is not visible from the outside.

Councilmember Brubaker clarified that the amendments have been vetted against the Maryland Code. Mr. Lestitian stated discussions have been held with legal counsel regarding the amendments, in particular with the designated contact and insurance requirements.

Councilmember Brubaker knows of instances where people have had immaculately maintained properties that were vacant longer than four months. He is concerned about forcing someone into this program if the property is well maintained.

Councilmember Metzner stated an example is someone who is trying to sell their house. He thinks people who are legitimately trying to sell their property are not going to allow their property to deteriorate. These properties are significantly different than those that have been foreclosed and the owner has been evicted. He is concerned about requiring the owner to sign up and pay the license fees and potential fines for the program because they are not the current owner when it is held by the bank, even though they are listed as the owner of record.

Mr. Lestitian stated staff will review the concerns raised. If a foreclosure has been filed and the information is available, staff will send the notices to the financial institutions. Staff will have to look at the scenarios and determine the most appropriate actions to take.

Councilmember Metzner stated his concern is when the penalty phase is implemented. There is no way a foreclosed property owner is going to spend additional money to take care of the property. He won't support legislation to allow someone in that situation to be subjected to substantial fines. Mr. Lestitian inquired if the concern would be satisfied if language is included that if a property is shown to be in foreclosure, the penalties would be levied to the financial institution.

Councilmember Metzner is more concerned about taking care of the obvious deteriorated and blighted properties first. To address blighted properties quickly, he would prefer to see everything done on the exterior level first, then perhaps phase in the next level, which would be interior inspections. Interior inspections would require permission to enter.

Mayor Gysberts wondered if an exception for actively marketed properties would be accepted. He believes the proposed amendments achieve the goals mentioned by Councilmember Metzner and Councilmember Aleshire.

Councilmember Metzner stated there are two different thoughts here – one is the actual ordinance and the other is how to implement the ordinance. If the amendments are approved as presented, he would inform staff he wants the obviously blighted properties addressed first.

Mayor Gysberts stated the CPTED principles would improve vacant properties as well.

Councilmember Metzner stated he wants to make sure the right message is sent to property owners. The statute needs to address the immediate issues first.

Mayor Gysberts indicated the discussion for these amendments will be continued at a Work Session prior to the Regular Session next week.

Councilmember Brubaker pointed out that some interior problems eventually show on the exterior. He thinks the \$ 300,000 property insurance for residential properties is too high. The assessed value of many homes in Hagerstown is not that high.

There was some discussion about whether or not to require insurance for the replacement value of the home.

Councilmember Brubaker does not have a problem with the CPTED provisions. He asked if the regulations are written that inspections could be completed more often, if needed. Councilmember Brubaker mentioned a term that had been used many years ago – that is attractive nuisance. Mr. Lestitian stated the property maintenance code would allow more frequent inspections.

Councilmember Metzner stated he does not think the Fourth Amendment allows the City to enter someone's property without a warrant. Residents have the right to be free from undue intrusion. The definitions of vacant and completely vacant need to be clarified. He thanked staff for developing an overall policy for the Mayor and Council's review.

Councilmember Munson stated a lot of good points have been raised. A good place to start is with the blighted properties.

Mayor Gysberts stated the ultimate goal is to create an ordinance with an enforcement plan. A revenue stream is needed for large abatements. Staff identified potential revenue of \$ 300,000 from transfer taxes. Mr. Lestitian stated large abatements may include new roofs and structural repair.

Councilmember Brubaker stated a revolving fund would be an ideal source. He asked if liens can be placed on properties when it is owned by a financial institution. Mr. Lestitian indicated liens are placed on these properties currently.

Councilmember Metzner stated fines are not attachable as a lien. Mr. Lestitian stated fines are attachable if court secured.

Discussion of the proposed amendments will be scheduled for August 26, 2014.

Third Parking Deck Discussion

This agenda item was postponed until August 26, 2014.

Transportation Priorities

Rodney Tissue, City Engineer, stated the Maryland Secretary of Transportation and Department of Transportation (MDOT) staff tours the State each year to present planned transportation improvements and obtain priorities from the local jurisdictions. The tour will be conducted with Secretary James Smith, Jr. and State Highway Administrator Melinda Peters on October 16, 2014 at 10:00 a.m.

Staff will send to MDOT the priorities from the City elected officials. Staff offers the following items as suggested priorities:

1. Highway user Revenues: Continue funding or increase.
2. Eastern Boulevard Corridor Improvements – The City supports this Washington County led, multi-phase project that consists of a multi-modal transportation system connecting US Route 40, Maryland Route 64, and Maryland Route 60. Future phases include construction of new streets to disperse traffic and reducing traffic volumes on State routes. One such route is the construction of Professional Court extended.
3. I-81 Widening – the City understands the SHA is planning widening of the interstate from the Potomac River bridge (including the bridge) to approximately Route 11. The City requests updates on this project and advocates for widening to the Pennsylvania line.
4. Fund Retrofit Sidewalk Installation of Route 11, bicycle enhancements, Transportation Alternatives Program for the Marsh Run Trail, and Safe Routes to School Program which the City has used in the past.

Washington County Public Works staff indicates their priorities may include the MD 65 I/70 interchange and access management plan, the Professional Boulevard Bridge and Roadway, interconnect of ramp and other signals on Mougans Avenue, and Eastern Boulevard corridor improvements.

Councilmember Aleshire stated a bypass is needed around the northern end of the County. He stated extension of the dualization of Eastern Boulevard should not be delayed.

Mayor Gysberts wondered how the City could partner with the County to have sidewalks installed on both sides of the Dual Highway, especially since more pedestrians are crossing the highway. He is concerned there is no safe way to cross the bridge over the Antietam Creek. Pedestrian access on the Dual Highway should be a priority for the City, County and State.

Mr. Tissue indicated there is a study being completed reviewing pedestrian safety on the Dual Highway.

Councilmember Brubaker wants it to be clear that the Eastern Boulevard improvement project has been lobbied to the State.

It was the general consensus to submit these priorities to the State Highway Administration.

Community Lobbying Coalition and MML Legislative Action Request

The Washington County Community Coalition has developed a list of potential lobbying items for the 2015 General Assembly. Potential items include: I-81 Widening, Professional Boulevard Bridge/Road Expansion, Southern Boulevard and bridge on E. Edgewood Drive, Liquor Law Change for Designated Downtown Festival Area, Urban Partners Hotel and Conference Center/Heritage Park, Maryland Theatre Bond Bill, Urban Partners Catalyst Projects – Trail to City Park and Parking Deck, Special Redevelopment District/Zoning Authorization, Downtown Academic Hub, Special County Tax Incentive authority, Highway User Revenue Restoration and full funding for the Heritage Area.

Councilmember Aleshire suggested including the regulations discussed by Delegate Maggie McIntosh on the list. He stated tax policies that have been passed in Maryland should be explored instead of those passed in other states.

The Coalition's Day in Annapolis will be held on February 4, 2015. The next Coalition meeting is scheduled for August 27, 2014.

Councilmember Brubaker stated the MML Legislative Committee will be meeting on August 20, 2014. At the meeting, the Committee will vote on its recommendations for legislative priorities during the 2015 session of the General Assembly. Up to four issues can be selected for priority status, to then be considered by the MML membership at the September 11-13, 2014 Fall Conference.

Priority designation does not mean many other issues will not be subject to MML analysis and statutes determination. During the session, MML staff and the committee review hundreds of proposed bills and vote to take action, which is then transmitted to relevant actors in the General Assembly. When necessary, MML recommendations are followed up with private conferences and verbal testimony.

The ten Legislative Action Requests (LAR's) received from various municipalities for priority status are as follows (no ranking implied by order). Up to four can be selected:

1. Municipal Real Property Taxes – Bills have been introduced in recent years to eliminate or restrict the existing right of municipalities to apply varied property tax rates to different tax classifications.
2. Consumer Gasoline Purchases – Would prohibit charging higher gasoline prices for using debit cards.
3. Ethics – Would reduce and/or simplify financial disclosure obligations for local elected officials in order to not discourage and complicate capable candidates for attempting to run for public office where little financial or public service reward

may be available.

4. Land Use Planning – New attorney general interpretation of legal/legislative history of land use planning statutes, promulgated by MDP only in a June 2014 letter to Rockville that taken at face value would reduce and in some cases eliminate powers of elected officials to modify Comprehensive Plans and therefore, due to other rulings, actual zoning on the ground.
5. Highway User Funding – Continue to fight for restoration of full Highway User Revenue to previous levels, and if possible part of guaranteed formula with some type of inflation or percentage participation included.
6. Program Open Space Funding – Would prevent diversion of POS designated revenues to other budget items.
7. Utility Pole Removal – Codify existing MOU between certain utilities and municipalities that attempts to eliminate source of visual blight.
8. Double Taxation Relief – Legislation to correct longstanding inequities that require municipal residents to pay for county services they do not receive.
9. State Innovation Grant Program – A type of Block Grant program that would help alleviate municipal revenue issues by providing State funds that could be used in a broad variety of applications.
10. Stormwater Management Fees and Flexibility – In order to make smart growth areas attractive for development/redevelopment, stormwater management applications and funding need to be addressed.

Councilmember Brubaker remains in favor of the City's list of priority items, in order – Highway User, Double Tax, Stormwater, and possibly adding Land Use Planning depending on further discussion.

Updates will be provided as discussions within the groups continue.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember L. C. Metzner had no additional comments.

Councilmember P. M. Nigh is tired of vacant buildings, weeds and trash. She hopes things change by the end of the year. She suggested adding a 50's and 60's music event to the Augustoberfest weekend.

Mr. Zimmerman reminded the group that this had been done as part of the Augustoberfest weekend when the Convention and Visitor's Bureau director had contacts with the groups. It has been several years since this was part of the weekend.

Councilmember Nigh stated the City should look into participating in the work release prisoner program.

Councilmember D. F. Munson had no additional comments.

Councilmember K. B. Aleshire had no additional comments.

Councilmember M. E. Brubaker reported the State Planning Secretary was in Hagerstown last week. Kathleen Maher, Planning Director, did an excellent job representing Hagerstown.

Mayor D. S. Gysberts thanked Councilmember Brubaker and Councilmember Metzner for hosting the Governor's visit to Hagerstown while he was in Amsterdam. He welcomed new students to the University of Maryland – Hagerstown today. He believes there is interest from the students for housing downtown. He anticipates a great weekend in Hagerstown with the Pop-Up Shop event and Augustoberfest.

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 7:20 p.m.

Respectfully submitted,

Donna K. Spickler
City Clerk

Approved: September 30, 2014