

91ST SPECIAL SESSION, WORK SESSION, AND EXECUTIVE SESSION – May 17, 2016

EXECUTIVE SESSION – May 17, 2016

On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, #4, (Section 3-305(b)) on Tuesday, May 17, 2016 at 3:06 p.m. in Room 407, 4th floor, City Hall, Hagerstown, Maryland.

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 Valerie Means, City Attorney Jason Morton, Jill Frick, Director of Community and Economic Development, Kathleen Maher, Planning Director, Michelle Hepburn, Director of Finance, and D. K. Spickler, City Clerk.

The meeting was held to discuss details of a business proposal. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the Executive Session was adjourned at 3:14 p.m.

91ST SPECIAL SESSION AND WORK SESSION – May 17, 2016

Mayor D. S. Gysberts called this 91st Special Session, Work Session and Executive Session of the Mayor and City Council to order at 4:04 p.m., Tuesday, May 17, 2016, 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 Valerie Means, City Attorney Jennifer Keefer, and City Clerk D. K. Spickler.

On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember K. B. Aleshire, the mayor and City Council unanimously agreed by voice vote to meet in Special Session at 4:05 p.m.

Citizen Comments

There were no Citizen Comments.

Approval of an Ordinance: Tax Rates Beginning July 1, 2016

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance as introduced on May 10, 2016 to establish the City's tax rates for fiscal year July 1,

2016 through June 30, 2017 on the basis of \$0.913 per \$100 of assessed value of all real property and \$ 2.283 per \$100 of assessed value of all business personal property within the City of Hagerstown. These rates reflect no change from the current year rates per \$100 of assessed value for real property and business personal property.

Approval of an Ordinance: Budget FY 2016-2017

Action: On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance as introduced on May 10, 2016 to adopt the City's budget for fiscal year July 1, 2016 through June 30, 2017 in the total amount of \$ 128,680,469.

Discussion: Councilmember Nigh asked if funding for the Cultural Trail is included in the bond funding. Ms. Means informed her it is. Councilmember Nigh pointed out that many items have been deferred recently, especially for public safety.

Approval of an Application/Permit for Bona Fide Entertainment Event – May 20, 2016 – Maryland Theatre Wind Down Series

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to approve an Application/Permit for a Bona Fide Entertainment Event in Hagerstown Arts & Entertainment District on Friday, May 20, 2016 from 6:00 p.m. to 9:00 p.m.

This action is in addition to the Mayor and Council approval on February 23, 2016, which authorized the original street closure of the first block of South Potomac Street for the Wind Down Friday musical event operated by The Maryland Theatre.

Discussion: Mayor Gysberts pointed out this is the first time the new Downtown Event Liquor License permit is being used.

Councilmember Brubaker thanked the Community Coalition and community partners for their support of this festival license and their assistance in getting it approved during the last General Assembly.

The Special Session was closed at 4:10 p.m.

Proclamation: National Kids to Park Day

Mayor Gysberts read a proclamation naming May 21, 2016 as National Kids to Park Day. National Kids to Park Day empowers kids and encourages families to get outdoors and visit America's parks.

The 2016 Railroad Heritage Days will be held on Saturday, May 21, 2016 and Sunday, May 22, 2016.

Mayor Gysberts noted the Memorial Park Induction ceremony will also be held this weekend. Trees have been planted in Memorial Park that are native to Wesel, Germany, and to Hagerstown, Indiana.

Preservation Awards

Stephen Bockmiller, Zoning Administrator, and Michael Gehr, Historic District Commission, presented the following awards in recognition of Preservation Month:

1. City of Hagerstown, City Hall, 1 E. Franklin Street - Clock Tower refurbishment
2. Ramon and Deborah Arends, 51 East Franklin Street – Storefront rehabilitation at 51 East Franklin Street
3. WLR Holding Company, 43-45 South Potomac Street – Front façade rehabilitation
4. First Hose Fire Company, 33 S. Potomac Street – New museum at station
5. Carmel Enterprises, LLC, 48-60 Jonathan Street and 65-71 W. Franklin Street – Façade and window rehabilitation
6. Blackwell2, LLC, 100 N. Potomac Street – Patterson Hotel Rehabilitation
7. Tirumuru L. Prasad Reddy and Hayashree T. Reddy, 115-117 S. Potomac Street – Removal of vinyl siding

Councilmember Aleshire noted the student housing project is one of the projects outlined in the Community's Center Plan. The City found partners who were willing to work with the City to complete the first housing units. He is encouraged to see people who are willing to work with the City for improvements to Hagerstown.

Preliminary Agenda Review

Consent Agenda

- A. Information Technology and Communications:
 1. Construction of Television Production Studio – A. V. Rauth & Sons, Inc. (Hagerstown, MD) \$ 45,281.00

B. Department of Parks and Engineering:

1. Engineering: Installation of Pavement Markings – Alpha Space Control Company, Inc. (Chambersburg, PA) Not to Exceed \$ 75,000

C. Department of Utilities:

1. Water: Replacement of Vehicle #254 – McCafferty Ford (Mechanicsburg, PA) \$ 37,214.00
2. Wastewater: BNR Cooling Unit Replacement – MS Johnston Company (Hagerstown, MD) \$ 13,446.00
3. Wastewater: SCADA Replacement – Motorola Enhanced SCADA Solutions – Integrated Telecommunication Systems (ITS), Inc. (Rolling Meadows, IL) \$ 20,470.00

There were no questions regarding any of the Preliminary Agenda items. All items are scheduled for approval on May 17, 2016, unless otherwise noted.

Proposed Park at 806 West Washington Street

Rodney Tissue, City Engineer, was present to provide an update of a proposed park on W. Washington Street. As a follow-up to the November 3, 2015 discussion regarding the concept and public input for this park, staff is prepared to recommend moving forward with the construction.

In January of 2015, the City Council approved the acquisition of the property at 806 West Washington Street for “the creation of a public park or open space”. The purpose of this acquisition is to improve the livability of the immediate neighborhood, add open space, and to remove the blighting influence of the lot being vacant since the former market burned in 1998.

A final design was created based on the public input at two meetings in 2015. The final concept (prepared by the City’s landscape architect) is an interactive-based neighborhood park that incorporates children’s play elements, art, shade, and a small gathering area.

Currently, staff are using the working name of “West Washington Street Park”, but that is not a satisfactory name. Staff suggest naming the park for the historic national road that followed what is now Washington Street adjacent to this park. Staff suggest “National Park Road”. If chosen, a plaque about the road’s historical significance would be included at the park. The park would contain some national road-themed park amenities.

A large part of this project is a retaining wall along the east and north edges of the park. The plan is to leave the existing wall (part of the former market building) in place since it is so close to the property line and place a new segmental block retaining wall system in front of the exiting wall to beautify and retain the adjoining properties. There

will also be a wrought iron fence and brick pillars across the front of the park at Washington Street with a decorative arch similar to some of the other parks in the City.

Staff is suggesting the City purchase their first ever rope-based play system. This type of play equipment is very safe but challenging to the users. Unlike a traditional composite deck structure where the children quickly become bored and use the equipment in unintended ways (like playing tag and climbing over railings) children must focus to use it. The benefits of rope play include clear sight lines, interactive material, efficient use of space, inclusivity, 360°accessibility, minimal plastics, and ease of installation and maintenance.

Funding for this project is included in CIP 751 with \$ 250,000.00 in CDBG funds. The total estimated cost as discussed is \$ 247,456.00.

Assuming the Mayor and Council approve the project at the May 24, 2016 Regular Session, staff envision construing the park with in-house staff and begin construction this summer. The goal would be to complete the park by spring 2017.

There is no question that the City's parks maintenance staff is strained with the downsizing in the Parks Division of the department and in the last year, three additional parks were opened (Memorial, Terrapin, and Kiwanis) and two park areas are being added along the Cultural Trail. However, staff feels they can manage and maintain this park since the grass mowing is contracted out. Low maintenance landscaping materials will be preferred and the trash and litter collection can be added into the seasonal employee's circuit around the various parks.

Councilmember Nigh suggested adding something in the park linking to activity on the National Pike. She suggested something with a covered wagon theme would be appropriate.

Councilmember Aleshire would rather have the park named after the market that was located there. That is what he remembers most.

It was the general consensus of the Mayor and City Council to move forward with the park concept.

FY17 Add-on: Second Pierce Aerial Truck – Atlantic Emergency Solutions

Fire Chief Steve Lohr and Michelle Hepburn, Director of Finance, were present to discuss the possibility of accelerating the purchase of a second aerial truck from FY18 to the FY17 CIP.

Chief Lohr received a proposal from Atlantic Emergency Solutions showing the cost for a second truck at \$ 1,351,083.00, which includes a pre-pay discount of \$ 40,050.00. This pricing will only be effective for a short window of time. Since the City's purchase

of the first ladder truck, Pierce has announced three price increases. The next scheduled increase will occur in October, 2016 and is expected to be in the 3% to 4% range.

The proposed pricing is for a duplicate truck identically equipped and assumes that all component purchase parts are still available. The discount is essentially 13.5 months of interest on that money while the truck is in production.

The Western Enterprise Volunteers have indicated their willingness to contribute at least \$ 150,000.00 toward the purchase of the ladder truck.

Chief Lohr indicated the Hagerstown Fire Department is in the process of evaluating the current aerial trucks to determine the best possible solution for maintaining a reliable reserve aerial. They are being assisted by staff of the Central Maintenance Garage, Atlantic Emergency Solutions and Brindle Mountain Fire Apparatus.

There will also be cost savings for the City by eliminating the need to complete another RFP. To date, this has been a two year process with many staff hours. Identical front line aerials also offer a significant advantage to the safe day-to-day operations, maintenance and parts availability.

If approved, Ms. Hepburn indicated funding would be through a future bond issue. She stated this is a unique opportunity for the City of Hagerstown to avoid future price increases.

Councilmember Brubaker noted it is unusual in Maryland for a municipality to pay for fire equipment. Typically, the County government pays for the equipment.

It was the general consensus to move forward with the purchase of the second aerial truck.

Red Light Camera Information

Acting Police Chief Paul Kifer, Captain Thomas Langston, and City Attorney Jennifer Keefer, were present to provide an update about red light cameras.

Mayor Gysberts thanked the Hagerstown Police Department officers for their service, especially during National Police Week.

Acting Chief Kifer stated this is an update of information provided last year by former Police Chief Mark Holtzman.

Captain Langston stated review of traffic accident data identified six intersections that would benefit from red light enforcement: Dual Highway/Eastern Boulevard, Dual Highway/Edgewood Drive, Dual Highway/Cleveland Avenue, East Washington Street/N. Locust Street, East Franklin Street/N. Mulberry Street, and E. Franklin Street/N. Potomac

Street. These intersections have to be approved by the State Highway Administration. The SHA requested the number be reduced to four intersections. The intersections and the associated accident information (from 2011 to 2013) are as follows:

1. Dual Highway/Eastern Boulevard – 72 accidents
2. Dual Highway/Edgewood Drive – 39 accidents
3. Washington Street/Locust Street – 26 accidents
4. Franklin Street/Mulberry Avenue – 15 accidents

Staff is also concerned about the downtown intersections, where more severe accidents typically occur. Another concern is the number of fatalities on the Dual Highway recently. The intersections were monitored for three days by Engineering staff. The number of observed potential violations was significant.

Since the installation of red light cameras in Frederick in 2005, the number of accidents has been reduced by 59%.

Staff will work with Engineering for design plans. Review will continue of the consortium administered by Howard County. Ordinances will be required for implementation if the Mayor and City Council decide to move forward with the program.

Councilmember Aleshire asked if other intersections have been observed. Captain Langston stated they started with the intersections involving a State route because there are stringent regulations to attain approval. Other intersections will be reviewed as well. Councilmember Aleshire stated it makes sense to use this technology to improve safety conditions.

Mayor Gysberts pointed out the idea of a red light camera program is to improve safety at intersections. The object of the program is not to be a revenue generator.

The red light camera will only tag vehicles that travel through the intersection on a red light. It will not tag vehicles that enter the intersection on a yellow light. Signs will be required to alert motorists to the presence of a red light camera.

Councilmember Munson clarified that the image will clearly show the driver going through a red light. Acting Chief stated that is correct and all videos will be reviewed by an officer as well. The fines are set by the State of Maryland and the local government receives the money.

The Mayor and City Council will have to approve the locations before cameras are installed.

Councilmember Nigh has received requests from people in the Winter Street School area to keep the speed camera at that location when the school is no longer in use.

It was the general consensus to move forward with the project. Staff will return to future Work Sessions with information for administration of the program and potential vendors.

Local Conversion Overlay – 400 Jonathan Street

Alex Rohrbaugh, Planner, stated a Public Hearing has been scheduled for the May 24, 2016 Regular Session of the Mayor and City Council for the proposed local conversion overlay rezoning of 400 Jonathan Street. Following the hearing, staff requests the Mayor and City Council keep the record open for 10 days and introduce the ordinance for rezoning.

Adopted in 2010, the purpose of this Local Conversion Overlay District is to stimulate the adaptive reuse of existing, nonresidential and mixed-use structures embedded within densely developed residential districts and communities, to maintain and increase the City's assessable tax base, and to expand business and employment opportunities. The uses permitted in Local Conversion are similar to that of Commercial Local (CL) district, including, but not limited to, offices, restaurants under 3,000 square feet, retail stores, dry cleaners, artist live/work space, etc. 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 is also designed to be "quid pro quo" – in exchange for approval of non-residential activity in a residential zone; the property owner will enhance the property to be a good neighbor to the surrounding residential properties.

Zoned Medium-Density Residential (RMED), the property at 400 Jonathan Street (corner of Jonathan and W. North Avenue) currently contains a vacant commercial building with a small parking area. Historically this property contained a confectionary and a convenience retail store. Staff speculates that the property became vacant sometime in 2002; thus, the property lost its nonconforming use status in 2003. The property owners, Khadene Wilson and Dexton Brunson, have filed for a rezoning for local Conversion Overlay to reuse the building for a restaurant.

The Planning Commission held a Public Review meeting on April 27, 2016 on the proposal. At the meeting, the Commission suggested to the applicant that she relocate the proposed dumpster enclosure next to the handicap entrance to allow it to be more accessible for employees and the trash hauler. The applicant also inquired as to how much wall-mounted signage would be allowed on the building. Currently the ordinance allows up to one square foot of signage per one linear foot of street frontage. The Commission also took testimony from two adjacent residents that have concerns about potential noise and loitering that could be generated by the restaurant during late night hours. The applicant stated that while she intends to have business open until 9:00 p.m. on weeknights and until 1:00 a.m. on Friday and Saturday nights, she understands the neighborhood's concerns and is not opposed to closing earlier on weekends.

The Commission did not receive any additional public input in the 10-day comment period.

At the May 11, 2016, the Planning Commission recommended to the Mayor and City Council approval of the zoning overlay, subject to three conditions:

1. The old metal sign pole along Jonathan Street shall be removed.
2. Parking spaces shall be striped in the parking lot.
3. The dumpster and enclosure shall be placed adjacent to the proposed handicap-accessible entrance.

Staff agrees with the Planning Commission's recommendation for approval of the rezoning with the three conditions noted.

Introduction of an ordinance to approve the rezoning is also scheduled for May 24, 2016.

Proposed Vietnam Memorial

Rodney Tissue, City Engineer, and Jim Kline, Joint Veterans Council, were present to discuss a Vietnam Memorial in the City of Hagerstown.

Over the last several months, a group of Vietnam War veterans have expressed an interest in a memorial in the City similar to the Korean War memorial recently installed on Potomac Avenue. This group reviewed multiple sites, and through their process of elimination, the group is focused on the area west of Walnut Street in City Park approximately across from West Baltimore Street.

Mr. Kline stated seventeen soldiers from Washington County were killed during the Vietnam War; seven of those were from Hagerstown. The details of the memorial are being worked out. The group is requesting use of the area mentioned for the memorial. Fundraising will be needed for the anticipated \$ 70,000.00 cost for the memorial. A monument, benches, and other amenities are being considered. The Joint Veterans Council is requesting the same assistance from the City of Hagerstown that was provided for the Korean Memorial.

Councilmember Metzner supports the request. He thanked Mr. Kline and the members of the Joint Veterans Council for their hard work.

Councilmember Munson stated the memorial is long overdue.

Councilmember Brubaker thinks the location will provide good visibility and ample parking.

It was the general consensus to support the request. The City Attorney will develop a simple agreement between the parties regarding the construction of the monument, the

adjacent landscaping, and long-term maintenance of the monument. Approval of the agreement is tentatively scheduled for June 21, 2016.

Kiwanis Park: Memorandum of Understanding (MOU) Regarding the Saylor House

Rodney Tissue, City Engineer, presented a draft Memorandum of Understanding (MOU) regarding the Saylor House (stone house) in Kiwanis Park. The MOU is with the Washington County Historical Society (WCHS) and the Antietam-Conococheague Watershed Alliance (ACWA). The purpose of this MOU is to allow the WCHS to renovate the structure and re-use it for their office and educational program as discussed with the Mayor and City Council on April 12, 2016.

The draft memo includes the following highlights:

1. The WCHS will bring the structure into compliance with proper codes.
2. An 18 month timetable is provided.
3. The City's contribution is \$ 10,000 toward drawings (taken from the Parks and Engineering operating budget) and installation of utilities and the walking path using Program Open Space funds.
4. WCHS must provide insurance to the city during renovation. The City has the structure in the general property insurance coverage.
5. WCHS and the ACWA will program the facility with a minimum of eight events per year.

Pat Schooley, WCHS, pointed out the facility will be used for a variety of activities. She noted the building is more than 200 years old. Mayor Gysberts mentioned he has family ties to the property.

Councilmember Brubaker supports the proposal.

Councilmember Aleshire wants to ensure the project is in compliance with POS funding requirements since this may not be perceived as a public use project.

Staff will seek clarity prior to the scheduled approval on May 24, 2016.

Ms. Keefer left the meeting.

CITY ADMINISTRATOR'S COMMENTS

Valerie Means, City Administrator thanked the Mayor and City Council for their continued review of the budget during the last several weeks and for approving the budget today.

MAYOR AND COUNCIL COMMENTS

Councilmember M. E. Brubaker attended the Maryland Municipal League's "If I Were Mayor" contest reception in Annapolis earlier this week.

Councilmember K. B. Aleshire stated he does not intend to negotiate any of the union contracts in closed session. Discussions in open meetings should be part of the process, especially when the Mayor and City Council are accused of doing things behind closed doors. He stated what is provided to him will be public fodder. He fully intends to make it the public's business, and, they have the right to see the information.

Councilmember D. F. Munson thanked staff for their efforts to have the high weeds cut on the lot across from North Hagerstown High School.

There is a non-functioning Homeowner's Association at this property. The City is looking into what legal means are available to address the situation. Councilmember Brubaker noted the next package of Zoning Ordinance text amendments will address this type of situation. Ms. Means indicated the in-house abatement person works in conjunction with Code Enforcement.

Councilmember P. M. Nigh received a complaint from a resident about the street sweeper getting too close to areas with historic sidewalks. She informed the group a new Korean restaurant is ready to open on East Franklin Street. She stated Marsh Run needs to be cleaned out.

Councilmember L. C. Metzner had no additional comments.

Mayor D. S. Gysberts congratulated everyone on a successful Taste of the Arts. He congratulated Jay Zuspan, chef and owner of 28 South, who was recently awarded the Best Burger in Hagerstown award. He attended the 38th Annual John Frey Historical Preservation Awards luncheon today. He attended the Board of Education meeting to hear the discussion about the educational hub project. Railroad Heritage Days and the Memorial Park induction ceremony will be held this weekend. The State of Maryland Comptroller will be in Hagerstown tomorrow to recognize the Mediation Center.

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 6:25 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: June 21, 2016