

WORK SESSION AND EXECUTIVE SESSION – March 12, 2019

EXECUTIVE SESSION – March 12, 2019

In the absence of Mayor R. E. Bruchey, II, City Clerk D. K. Spickler called this Executive Session of the Mayor and City Council to order at 3:05 p.m. Councilmember Emily Keller was unanimously designated to act as the Chair of both the Executive Session and the Work Session meetings.

On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember A. Heffernan, the Mayor and City Council unanimously agreed by voice vote of all members present to meet in closed session to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, #1 (Section 3-305(b)), on Tuesday, March 12, 2019 at 3:05 p.m. in Room 407, 4th floor, City Hall, Hagerstown, Maryland.

The following people were in attendance: Councilmember K. B. Aleshire, Councilmember A. Heffernan, Councilmember E. Keller, Councilmember S. McIntire, Interim City Administrator Michael Spiker, and Donna K. Spickler, City Clerk. Mayor Bruchey and Councilmember Metzner were not present.

The meeting was held to discuss recruitment for a City Administrator. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 3:56 p.m.

WORK SESSION – March 12, 2019

Councilmember E. Keller called this Work Session of the Mayor and City Council to order at 4:07 p.m., Tuesday, March 12, 2019 in the Council Chamber at City Hall. Present with Councilmember Keller were Councilmembers K. B. Aleshire, A. Heffernan, and S. McIntire, Interim City Administrator Michael Spiker, and City Clerk D. K. Spickler. Mayor Bruchey and Councilmember Metzner were not present.

Murals under West Franklin Street Railroad Overpass

Rodney Tissue, City Engineer, was present to follow up on the discussion from last November regarding ways to beautify the railroad overpasses. Plans are to improve the Franklin Street overpass with murals created by students from Washington County Public Schools (WCPS). Matt Wilson, the Visual Art Curriculum Specialist at WCPS has been tremendously helpful in getting this project moving. Mr. Wilson was also present.

The sidewalks under the 75 foot long West Franklin Street railroad overpass are approximately 10 feet wide. A fence structure about four feet from the wall is envisioned. This will leave a six foot sidewalk to the face of curb. The project includes:

1. Installation of a four foot high square-tube steel fence frame by a contractor. A gate will be installed for maintenance access only. The murals would be painted by WCPS students in their classrooms and then installed by City staff on the fence frame. A panel that acknowledges the schools and the partnership would be installed.
2. Nine schools are expected to participate and complete 10 murals. Initial designs have been submitted and each school is definitely going their own direction but common themes include Hagerstown, Maryland, etc.
3. City Light is replacing all the current wall pack lights with an adequate number of standard LED's.
4. The budget estimate from last October is still valid as follows:
 - a. Paint: \$ 3,000
 - b. Hardy Panels: \$ 2,000
 - c. Fencing: \$ 7,000
 - d. Incidentals \$ 3,000

The \$ 15,000 required for the work is from General Fund contingency funds.

If the Mayor and City Council wish to complete the Washington Street murals as discussed in October, 2018, it is suggested doing a call for professional artists.

Councilmember Aleshire asked if the panels would be permanent. Mr. Tissue stated they will be clear coated and should last 15 to 20 years without fading.

Councilmember Aleshire thinks the murals would be more pleasing if they were closer to the wall. His is also concerned about the effect of winter road treatments on the panels. Mr. Tissue stated they could plan to have the murals 2 feet off the curb rather than 6 feet and slightly above ground level.

Councilmember Heffernan wondered if the panels should be rotated more frequently than 15 to 20 years. Even a new panel or two would be a good idea.

Councilmember Keller pointed out every high school class would have the opportunity to participate if the panels were replaced every three years.

Councilmember McIntire asked Mr. Wilson if a more frequent rotation would be possible. Mr. Wilson indicated this could be done. Mr. Tissue mentioned the cost for the murals would be \$ 5,000.

In summary, the Mayor and City Council agreed to move forward with the project and elevate the panels a foot off the ground. The panels will be set back as far as possible from the street and new panels will be installed every three years.

Jim Kline, Joint Veterans Council of Washington County, announced the dedication of the Vietnam Memorial will be held on Friday, March 29, 2019 at noon. The final pieces of the memorial will be delivered a few days before the event and will be installed in time for the dedication. The project was started in May, 2016, with a request to the City of Hagerstown for a piece of land for the memorial. Since that time, many people and organizations have donated more than \$ 50,000 toward the memorial. Any leftover funds will be put into a trust fund for upkeep and maintenance of the memorial. Mr. Kline thanked the Mayor and City Council and Rodney Tissue, City Engineer, for their assistance.

Professional Court – Accept Offer of Land Dedication

Rodney Tissue, City Engineer, reviewed a resolution to accept an offer of 0.6245 acres (as offered in the original subdivision plats for the MKS Development) of land at the end of the Professional Court cul-de-sac that will enable Washington County to construct the bridge over Antietam Creek. This will extend the street from the existing cul-de-sac area, which will ultimately be vacated and transferred to the adjoining lot owners.

In #5 of the resolution, staff are asking for Mayor and Council explicit approval to issue the permit to Washington County to connect to Professional Court.

Mr. Tissue stated the road for Professional Court continues to the Antietam Creek. It was originally offered to the City but was not accepted because there was no road there. The County has asked the City to accept the land so the planning can continue for Professional Boulevard, which will allow the County to connect to the cul-de-sac.

It was the general consensus to move forward with accepting the land.

“Keep America Beautiful” Affiliation

Amanda Whitmore, Downtown Coordinator, was present to discuss Mayor and City Council support for the City’s application to the Keep America Beautiful (KAB) organization to designate the City as an affiliate of this organization. A new State of Maryland requirement of maintaining the Main Street designation is that the municipality becomes an affiliate of Keep America Beautiful.

Maryland Main Street communities currently have Clean, Safe and Green work groups to assist with downtown beautification projects. KAB affiliation will enhance these work groups by providing the expertise, programs, and resources to help people end littering, improve recycling, and beautify communities. The Main Street designation is a nationally recognized symbol, indicating that the community cares about their downtown which in turn provides investor confidence.

Benefits of becoming a KAB affiliate include network opportunities, National credibility, grants, training opportunities, access to tools and programs, and reliable data and impacts.

The certification process includes submitting an Affiliate Migration Application, a \$ 1,000 one-time migration fee, and resolution establishing KAB affiliation committee. A committee is established and reports and action plans are reviewed with the committee and a KAB trainer followed by a certification ceremony.

To maintain the affiliation, an action plan is implemented, evaluated, and feedback is provided. An annual community litter index review is conducted and one project/resource is expected within each Impact Goal. There is an annual affiliate fee of \$ 220.

City staff are pursuing a State of Maryland Operating Assistance Grant to offset the cost of the \$ 1,000 migration fee. The annual affiliation fee will be paid from the DCED operations budget. Some elements of the program will be work and activities that the City already does. For any new ideas and activities, budget line items and funding sources will be identified and/or grant funding will be pursued.

It was the general consensus to support the application. A resolution stating this will be presented for approval at the March 26, 2019 Regular Session.

2019 Non-Taxable Bond Issuance via Private Placement

Michelle Hepburn, Director of Finance, and Jennifer Peterson, Accounting and Budget Manager, were present to discuss a 2019 bond issuance. A bond issue was planned and approved in the FY2018/19 budget. The bond amounts were reflected on the Debt Service schedule in the Financial Projections section of the FY2018/19 budget. At this time, the 2019 bond issuance will only include six projects and purchases. Many of the projects that were included in the approved FY2018/19 budget to be bond financed are not ready to go. However, there are several projects and vehicle purchases that are needed. City staff would like authority to move forward with the assistance of bond counsel and financial advisors on the next steps.

Prior to the sale of the bonds, staff will return to introduce and obtain approval of enabling ordinances. So that the City can sell and close on the bonds, staff will also return to obtain approval of a resolution outlining the details of the bond sale. The Capital Improvement Program (CIP) project needs were anticipated and approved in the FY2018/19 CIP budgets.

The preliminary 2019 Bond Issuance projects include Fire Department Vehicles (\$ 1,376,198), Public Works Vehicles (\$ 209,068), Police Radios (\$ 420,000), Hagerstown Cultural Trail (\$ 50,000), Parks Vehicles (\$ 49,735), and Pangborn Lake Restoration (\$ 1,000,000). The project listing reflects amounts identified in the FY2018/19 budget documents as well as several other priority projects which need bond

proceeds as a source of funding. Currently, the anticipated total amount to be issued for 2019 is \$ 3,105,000 and all projects are within the General Fund.

Staff also recommend that this issuance be a General Obligation of the City via private placement. This alternate approach is recommended due to the small amount needed. In addition, this approach provides certain advantages for the City in terms of costs and timing. The City has made prudent use of its debt and has adequate capacity to issue new debt. The City last utilized private placement for its 2018 Bond issuance. Currently, the City is rated Aa3 with Moody's and AA with Standard & Poor's in April, 2017. Both are strong ratings.

Councilmember Heffernan asked when fire department radios will be in service. Ms. Hepburn indicated the radios will be purchased later as the Fire Chief deemed the vehicles more important.

It was the general consensus to begin the process for a bond issuance as discussed. An ordinance will be scheduled for introduction on March 26, 2019.

Appalachian Regional Commission Funding Requests for FY 2020

Kathleen Maher, Director of Planning and Code Administration, and Megan Flick, Planner, were present to review staff recommendations for FY 2020 project funding request for the City of Hagerstown to the Appalachian Regional Commission (ARC) and seek authorization to submit the request for review by the County Commissioners.

The deadline for submission of Preliminary Project Descriptions to Washington County is April 4, 2019. The County Commissioners will prioritize all requests submitted within the county and will forward the requests with their recommendations to the Tri-County Council for review and action. This year the matching requirement for area development projects is 50%. Local access roads are funded 100%. Federal funds cannot be used to match the ARC request. Projects must meet one or more ARC program goals and State objectives.

The following projects are recommended by staff:

1. Professional Court widening – Project Cost \$ 2,500,000, ARC Request \$ 750,000
2. Life Safety Code Upgrades Fund – Project Cost \$ 500,000, ARC Request \$ 250,000
3. Wastewater Collection System Rehabilitation – Project Cost \$ 400,000, ARC Request \$ 200,000
4. Third Parking Deck – Project Cost \$ 9,000,000, ARC \$ 1,000,000

Councilmember Aleshire asked if the Professional Court Widening is in addition to what the County is constructing. Rodney Tissue, City Engineer, noted the City's commitment for the widening and construction project is \$ 2.5 million. Last year's ARC

request included \$ 500,000 for the project. This year's request is in addition to the previous year's request.

Councilmember Heffernan asked if the City is committed to accepting the funding if it is awarded. Mr. Tissue stated the final action would be awarding the contract.

Councilmember McIntire stated \$ 8 million for a parking deck is a large amount to consider. Councilmember Keller pointed out a new parking deck is one of the Mayor and City Council's approved goals. Mr. Tissue stated \$ 1 million for the deck would be a good start on the engineering design portion of the project.

The Mayor and City Council agreed to submit a request for ARC funding and to move the Third Parking Deck to the third position on the list. Formal approval for the application will be included on the March 26, 2019 Regular Session agenda.

Follow-up on 2018 Land Management Code Amendments

Kathleen Maher, Director of Planning and Code Administration, and Stephen Bockmiller, Zoning Administrator/Development Review Planner, were present to follow-up on the 2018 Land Management Code (LMC) Amendments. Doug Wright, Planning Commission Chairman, was also present. The Planning Commission has completed its review of the remanded items on the LMC Amendments package and have forwarded the following recommendations for the Mayor and City Council's consideration.

1. Rooming Houses – Public input provided opposition to 24-hour, on-site supervision, special exception requirement for larger facilities in CG, and parking requirements.

Recommendation: only require 24-hour, on-site supervisor for the larger facilities, special exception proposals (over 16 units) for the CG district, retain the special exception requirements for facilities over 16 units in the CG district, and retain the off-street parking requirement since many neighborhoods have on-street parking challenges.

Councilmember Aleshire asked for a definition of supervision in this instance. Ms. Maher stated it would be someone on site, similar to a concierge at a hotel. Councilmember Aleshire asked if that means the person must be a superintendent or someone with qualifications for the operation of the facility and be at the facility 24 hours. He is concerned this will allow addiction facilities. Mr. Wright indicated it could be someone who lives at the facility.

Mr. Wright stated the Planning Commission is looking for something that will provide a rooming house facility for folks who need temporary housing, such as construction workers on a project. The on-site person would be representing the owner of the property.

Councilmember Keller is concerned that off-street parking requirements will limit the areas where a rooming house could be located.

2. Group Homes – suggestion from provider on tweak to licensing language in definition and debate by Council on the issue

Recommendation: Modify definition for group home, halfway house, and alternative living unit to require the unit be licensed, certified, or approved by a Federal, State or local government agency or the unit be administered by a provider which is licensed, certified, or approved by a government agency.

3. Every dwelling structure on its own lot – concern from Hagerstown Housing Authority on impact on their development style for affordable housing; opposition from developer on requirement for multi-family structures to be on their own lot.

Recommendation – remove proposal for multi-family dwellings, but leave for all other types of housing.

Councilmember Keller asked how this affects the new Noland Village plan. Ms. Maher and Mr. Bockmiller indicated the project would have to comply with these regulations. Councilmember Keller is concerned this will delay the construction even more.

Councilmember Aleshire stated McCleary-Hill was approved for townhouses with a multi-family component. When Noland Village rebuilds, they will have to ensure each townhome is on a separate lot.

4. Sign Proposal – controls on temporary signs – opposition from Washington County Republican Central Committee and members on limitation on political campaign signs; debate by Council on merits of sign control and inquiry as to how others are addressing the Gilbert issue.

Recommendation – remove the proposed revisions on signs from the 2018 LMC amendment package to allow further study on how to accommodate the concerns regarding political signs, and to allow the balance of the package to move forward.

5. Request by developer – to allow housing in mixed-use buildings or mixed-use Development in the CR district as a by-right use

Recommendation – leave the CR district as is; pull the recommended PUD amendments from the package to allow staff to reevaluate the City's PUD standards.

6. Request by citizen – to ensure maximum flexibility in a zoning code for housing opportunities throughout the city for elderly populations and people facing

Recommendation – believe with existing zoning provisions and proposed new provisions for rooming houses and group homes that the City’s zoning code will provide adequate flexibility for housing opportunities.

It was the general consensus of the Mayor and City Council to include introduction of an ordinance amending the Land Management Code at the Regular Session in April, 2019.

CHIEF Request for Exception to City Water and Wastewater Policy

Jill Thompson, Community and Economic Development Director, and Nancy Hausrath, Director of Utilities, were present to review the request by CHIEF for an exception to the City’s Water and Wastewater Policy as a vital economic development project (Exception #6).

The property is a portion of the Airport Business Park located in the area of Citi Corp Drive and Breeze Hill Drive. The property is approximately 3 acres. CHIEF has sold this property to Ganesh III, LLC for the construction of a 100 room hotel. The 42,000 sf hotel will create an estimated \$6.5 to \$9 million in new investment and an estimated 10 new jobs. Ganesh III, LLC is owned by Bharat Patel and Raj Patel. Construction is expected to begin in Spring 2019. Ms. Thompson mentioned a planned convention center at the same location is not part of this request.

Water Services are available to the parcels and Ms. Hausrath and Ms. Thompson support the consideration of the Mayor and City Council for the exception being requested for this economic development project. Wastewater services at the property will be provided by Washington County.

This request is consistent with the City of Hagerstown’s Water and Wastewater Policy regarding Utility Services provided external to the Medium Range Growth Area as a vital economic development project (exception #6) located in a targeted area for industrial and/or non-retail commercial development.

Approval using this exception is contingent upon the recommendation of the Board of County Commissioners and the County Economic Development Director, as well as the City Economic Development Director and the City Utilities Director; and upon the approval of the Mayor and City Council. The approval will require a pre-annexation agreement with the City of Hagerstown.

The memo presented and the discussion provides the recommendation of the City Economic Development Directors and the City Utilities Director. Staff recommend Mayor and City Council approval contingent upon 1) receiving a copy of a recorded plat which both vacates the FS&A 1991 preliminary/Final Plat for Lot 2 property lines and

subdivides the new Lot 2, and 2) receiving a copy of a recorded Pre-Annexation Agreement.

The average daily water use for this project is estimated at 4,500 gallons per day.

A recommendation letter from the Board of County Commissioners was also presented.

Councilmember Aleshire noted the list of exceptions has increased significantly since the Water and Wastewater Policy was implemented. He recalled a significant discussion on the impact of how an economic development opportunities exemption would impact the City's resources. The word vital is in the description for Exemption #6 to reiterate the importance of conserving resources. As this request is for a hotel on the Maryland/Pennsylvania border, it does not appear to be vital. He would have the same thought if the request was for a retail use. The Planning Commission just discussed regulations for rooming houses based on a request from the same owner. He wondered why the owner has the funds to spend on a new hotel but not on an existing hotel. If the water services is continually extended, it will eventually affect the City's ability to provide resources for projects within the Medium Range Growth Area (MRGA).

Mr. Spiker pointed out staff is required to bring these requests before the Mayor and City Council per the policy. He realizes that all economic development projects could be considered vital.

Councilmember Aleshire wondered why the convention center is not being built first. Ms. Thompson stated she thinks the convention center is an idea at this time rather than a project that is ready to begin.

Councilmember Aleshire stated it will be difficult to deny additional requests once the service is extended. There have been two requests within two months to expand the City's services. If this request is granted, the boundary line should be adjusted in another location to define the City's service area.

Ms. Maher noted the MRGA was established based on predicted development. Ms. Hausrath pointed out about half of the City's water customers are outside the City limits.

Councilmember Aleshire stated extending City services makes sense if it is to a location where the City of Hagerstown wants growth to occur.

Councilmember Keller expressed her concern that the planned hotel may not be the type of hotel to attract tourists.

Councilmember Heffernan stated a significant question is whether or not this area is where the City should be providing service. It is well beyond the MRGA boundary.

Councilmember Aleshire stated the word vital is included in the exemption because the Mayor and City Council realized they would need to serve economic engines such as Hopewell Business Park and Friendship Business Park.

If the consensus is to deny the request, Ms. Maher indicated it would be helpful for the vote to include justification for the denial. This would provide guidance in the future.

Councilmember Aleshire stated originally, the Mayor and City Council said they wanted to approve everything they could that met the expectations. For him to consider approving a request, an explanation of why the project is vital, such as a severe lack of hotel space in the community, would be necessary.

Mr. Spiker noted there is no appeal process for a denial from staff within the policy. The requester's recourse would be to approach the Mayor and City Council. There should be language within the policy that addresses a staff denial.

Councilmember Heffernan requested a statement from the County Commissioners indicating why this project is vital.

Mr. Spiker asked if the Mayor and City Council wished to invite the owner to a meeting to discuss the reasons this project is vital to the County. Councilmember Aleshire suggested the re-established 2 + 2 Committee review the exemptions as there has been development in different areas since 2006.

Action on the requested exemption will be included on the March 26, 2019 Regular Session agenda.

CITY ADMINISTRATOR'S COMMENTS

Michael Spiker, Interim City Administrator, reminded everyone the St. Patrick's Day run will be held on March 16, 2019 in downtown Hagerstown. He encouraged people to visit the shops and restaurants downtown while the Urban Improvement Project (UIP) is being completed. When finished, the UIP will be beneficial for everyone.

MAYOR AND COUNCIL COMMENTS

Councilmember S. McIntire mentioned during a sociology class presentation at Hagerstown Community College students said they don't visit downtown because of crime. She encouraged people to visit downtown as things have changed. Many of the students weren't aware of the new restaurants or fun events that occur downtown. She has received five applications for the new Hagerstown Youth Advisory Council. She is looking forward to good ideas from the group to boost interest in Hagerstown and downtown.

Councilmember A. Heffernan had no additional comments.

WORK SESSION AND EXECUTIVE SESSION
2019

MARCH 12,

MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

Councilmember K. B. Aleshire had no additional comments.

Councilmember E. Keller hopes that the Mayor and City Council and staff can now focus on a marketing plan for promoting the City.

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 5:55 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: April 23, 2019