

EXECUTIVE SESSION – December 3, 2019

On a motion duly made by Councilmember A. Heffernan and seconded by Councilmember E. Keller, the Mayor and City Council unanimously agreed by voice vote of all members at the time of the vote to discuss public security, if the public body determines that public discussions would constitute a risk to the public or public security, including the deployment of fire and police services and staff; #10(i) (Section 3-305(b)), on Tuesday, December 3, 2019 at 3:03 p.m. in Room 407, 4th floor, City Hall, Hagerstown, Maryland. Councilmember K. B. Aleshire was not present for the vote.

The following people were in attendance: Mayor R. E. Bruchey, II, Councilmember K. B. Aleshire, Councilmember A. Heffernan, Councilmember E. Keller, Councilmember S. McIntire, Councilmember L. C. Metzner, City Administrator Scott Nicewarner, Police Chief Paul J. Kifer, Police Lieutenant Wayne Zimmerer, and Donna K. Spickler, City Clerk.

The meeting was held to address public security of various areas of the City that are experiencing blight and increasing crime. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 3:45 p.m.

WORK SESSION – December 3, 2019

Mayor R. E. Bruchey, II called this Work Session of the Mayor and City Council to order at 4:00 p.m., Tuesday, December 3, 2019 in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, A. Heffernan, E. Keller, S. McIntire, and L. C. Metzner, City Administrator Scott A. Nicewarner, and City Clerk D. K. Spickler.

Street Tree Survey

Rodney Tissue, City Engineer, introduced Logan Hine, Local Eagle Scout in Troop 64 in Maugansville, Maryland. Mr. Hine completed a street tree survey recently for the City. Logan and the team he organized collected data on over 979 street trees (trees between the curb and sidewalk or in the sidewalk). This is the first time this data has ever been collected and the data will be used as follows:

1. Management of the City's street tree assets including canopy cover, maintenance, etc.
2. The State of Maryland recently required such databases be established before the City can receive additional "forest conservation" funds to plan trees so Logan's work will be instrumental in allowing additional trees to be planted in the City of Hagerstown.

3. Trees need to be planted to help fulfill the MS4 stormwater permit requests that the State and EPA mandate to communities.
4. Data will be used to obtain these recognitions:
 - a) Tree City USA and Growth Award recognition from the National Arbor Day Foundation
 - b) The highest level (green) of the People Loving and Nurturing Trees Program (PLANT).

The City must maintain standards for both of these programs each and every year.

Logan's ability to organize and encourage other volunteers to be part of this project impressed Mr. Tissue. Often times, volunteer hours are minimal; however, Logan had a significant number of volunteers helping him complete this project in the community over several weekends.

Staff will attempt to complete all the data collection for the rest of the City this winter and maintain the database as required by State law.

Logan then presented a power point describing the project. Trees are an invaluable natural resource. They are important to air and water quality and as habitats for birds and animals. Trees keep urban temperatures lower and provide energy savings to residents.

An urban tree survey helps City Engineers to monitor trees over time, schedule maintenance, recommend replacement and find locations for additional plantings. The City of Hagerstown survey will hopefully continue to keep up records. It's difficult to maintain a healthy urban forest of thousands of trees without records of these trees.

Trees remove air pollutants and reduce runoff.

To complete the project, the City provided Logan with a map of five priority sections for the tree survey. A total of 979 street trees were surveyed in about one square mile. Teams of 3-5 data collectors went out into the city on 14 occasions. Teams collected information on height, diameter, species, condition, GPS coordinates, wire conflict, sidewalk damage, and notes. Teams included representatives from Antietam Conococheague Watershed Alliance (ACWA), the Sierra Club and the Mason Dixon Boy Scouts of America. Over 20 people volunteered – many on more than one work day.

The 10-20-30 rule is a guideline to reduce the risk of catastrophic tree loss due to pests. The rule suggests an urban tree population should include no more than 10% of any one species, 20% of any one genus, or 30% of any family. Some experts say that a 5/10/15 rule is even better. Healthy urban forests are diverse and have a high percentage of native tree species.

The Callery Pear is the most popular tree in Hagerstown, followed by Japanese Tree Lilac and Red Maple. The City has a decent diversity of Genus and 34% are of the Rose

family. A majority of the trees are in good condition. About half the trees are native species. Franklin and Potomac Streets have the most trees in the survey area.

The ending stage of Logan's project was to partner with ACWA in the planting of 27 trees in locations identified in the survey. They combined this with a trash cleanup in the neighborhoods receiving new trees. In total, over 40 bags of trash was collected.

Mr. Tissue reported that the next tree contract will include removal of the dead or dying trees that were identified in the report.

Mayor Bruchey congratulated Logan on his accomplishment. This information is helpful for the City and will benefit the people in Hagerstown.

Councilmember Heffernan also note the tremendous leadership skills Logan showed to bring all these people together.

Councilmember McIntire is impressed with Logan's report and project. She thinks he will be successful with anything he attempts.

Councilmember Metzner is impressed with the valuable product Logan presented to the Mayor and Council today. He thanked him for his work.

Stormwater Utility Phase II Final Report

Rodney Tissue, City Engineer, Jim Bender, Assistant City Engineer, and David Bulova, Wood Environment and Infrastructure Solutions (Wood), were present to discuss the final report for the Stormwater Utility Phase II study.

Since the spring of 2018, City staff have worked with consultants from Wood and the appointed Stormwater Advisory Committee to examine the City's current stormwater program, and to explore ways to fund the expansion of this program to meet regulatory requirements. Phase I of this effort was completed in November, 2018, and a report summarizing the work to date was presented to the Council. The Council authorized the continuation of this work in Phase II, with the goals of finalizing the scope and cost of the new program, refining the City's impervious area mapping data, and finalizing proposed Utility Fee rate structures and credit policies. The purpose of this discussion is to describe the work completed in Phase II and to present numerous recommendations (including the rate amount), from the Stormwater Advisory Committee on next steps should the Council wish to proceed to Phase III.

As the Phase I report presented to the Council explained, the City faces increasing challenges in managing its existing stormwater program, and expanding it to meet more stringent regulatory requirements. These challenges were highlighted in a video that staff prepared. The video is posted on the City's webpage, and can also be found on YouTube.

The Phase II report includes the following:

1. Program Scope and Cost – the primary focus areas are cost of the capital program to meet the 20% retrofit requirement, the amount of time the City has to implement stormwater quality structures to meet the retrofit requirement, the cost and scope of the incentive program, and the cost and timing of rehabilitating the drainage system. The estimated 300 acres to be treated was reduced from the original amount by taking credit for existing treatment practices.
2. Compliance Schedule – Because Hagerstown exceeds permit discharge limits, it is likely 20% of these can be sold as credits. It was noted this is not a long-term replacement for stormwater infrastructure.
3. Water Quality Incentives – Both large- and small-scale incentives are necessary. Large scale, private investment is critical for the City to meet its treatment requirement. A proposal is being made to match up to 50% based on the benefit. Small-scale incentives include incrementally improving water quality and helping education residents. A pilot project with the WCSCD is being proposed.
4. Drainage System Rehabilitation – It is necessary to ensure that sufficient funds are available to respond to rehabilitation needs after system CCTV. The annual amount earmarked for system rehabilitation needs to be reevaluated after the CCTV results.
5. Refining the Impervious Area map – the impervious area drives the number of billing units, which is used to distribute cost. Refinement will continue through utility implementation.
6. Rate Structure – Options considered by City staff for the billing mechanism include the real property tax bill, water/sewer utility bill, or a stand-alone bill. The City Administrator recommended the water/sewer utility bill. The budget includes funding for staffing support, plus additional budget for one-time system set up
7. Bonding Policy – City staff and Wood evaluated the use of bonding to finance stormwater infrastructure. Key considerations included leveling the cash demand from year to year and providing sufficient cash flow to begin projects that would otherwise require several years if funded as pay-go. The recommended level of bonding is \$ 1 million in the first seven years of the utility, reduced to \$ 500,000 by year 10 and 40% of the capital program funded by bonds.
8. Minimum Billing Threshold – Most utilities establish minimum amounts of impervious areas where a property is considered unimproved. City staff has

recommended the use of natural rounding for billing units. Unless the City adopts a different policy, anything less than 500 sf of impervious area will not be charged.

9. Credit Policy – A credit system is required per the Code of Maryland, but the specifics are up to the City. At the minimum, credit should be available for structures built in accordance with the City’s Stormwater Ordinance and currently in compliance with a maintenance agreement. The utility credit amount is linked to the benefit to the City. Credit increases for higher water quality treatment and additional credit for redevelopment and voluntary projects that result in cost avoidance.
10. Cost of Credits – A fee credit is an expense against the utility. Any credit for one property shifts the cost burden to all other properties. Wood’s rate estimation assumes that County/SHA properties will be charged in the same way as City properties. A policy question of whether the County/SHA properties in the City that are not part of the 20% treatment requirement should receive a fee credit needs to be determined. The SAC recommendation is that properties should receive a financial credit only if they have structural controls meeting the same criteria as others.
11. Public Outreach – Good questions were raised during the public outreach sessions. It was noted once construction is complete for the current permit mandate, the fee should go down.
12. Updated Rate Estimation – factors affecting the rate from the November, 2019 preliminary estimation include capital cost for 20% treatment decreased by about \$ 10 million, the timeframe for capital implementation increased from FY25 to FY30, initially assumed 100% bonding – lower bonding requires higher rates to generate sufficient cash flow, and dedicated funding of \$ 250,000 per year for system rehabilitation

After eighteen months of analyzing, discussing and debating the merits of a Stormwater Utility Fee, Wood, staff and the Advisory Committee reached the consensus that the City should move ahead with the expansion for its stormwater program. The group’s Phase II work resulted in some major program refinements including:

1. Overall program cost reduction from \$ 27,000,000 to \$ 17,880,000
2. Confirmed with Maryland Department of the Environment that could be used for credits from the wastewater treatment plant to extend the deadline to 2030 and thereby reduce the fee
3. Develop incentive programs and credit programs
4. Recommend starting the program July 1, 2020

Upon reviewing the report, staff suggests five key reasons for implementing the fee and expanding the program as follows:

1. Management of nearly 110 miles of underground storm drainage piping system, and creating a source of funds to be able to both inspect (for the first time ever) and construct storm drain as needed to address issues
2. Improving storm water quality both locally and downstream
3. MS4 Permit compliance
4. Removing curb and sidewalk maintenance responsibilities from individual homeowners
5. General Fund saving and diversified revenue source

If the Council elects to move forward with Phase III of the stormwater program development, the next steps will include:

1. Introduce an Ordinance in early 2020 to create the Stormwater Utility Enterprise fund and enable the City to impose a Stormwater Utility Fee and address numerous details of the program
2. Continue public education efforts
3. Authorize Wood to complete final implementation (a budgeted expense estimated at \$ 35,000) which includes additional public education, master account file development and integration, staff training and customer service training
4. Continued refinement of the City's impervious area database, which will be the basis for calculation of the fee for each developed parcel in the City

Councilmember Aleshire stated the public needs to understand the elected body has two choices – either do nothing through 2025 and wait for the fines, or implement a program that is specific for Hagerstown.

It was the general consensus to move forward with introducing an ordinance to create the Stormwater Utility Enterprise fund and to implement a Stormwater Utility Fee.

Comprehensive Plan Amendments

Kathleen Maher, Director of Planning and Code Administration, and Megan Flick, Planner, reported the City of Hagerstown Planning Commission has recommended proposed amendments to the Comprehensive Plan vision Hagerstown 2035. The

proposed amendments include changes in Future Land Use designations and incorporation of the newly created Institutional zoning district into the Growth Management and Land Use text.

The amendments to the Future Land Use Plan are as follows:

1. YMCA Property: from Business Employment to Commercial General
2. Linwood Property (southern half): from Medium Density Residential to Industrial
3. Doub Farm Property (eastern parcel): from Business Employment to Commercial General
4. South End Shopping Center (southern portion): from Commercial General to Industrial
5. Hebb Road Property (South side): from Medium Density Residential to High Density Residential
6. Copy Quik & Old Potomac Liquor: from Mixed Use to Commercial General
7. Hagerstown Water Department: from Industrial to Institutional

As a result of these changes in Future Land Use designation, the acreage of each land use designation and proportion of land use in the Medium Range Growth Area (MRGA) have also been updated.

The amendments to the Growth Management and Land Use text are as follows:

1. Identify Institutional (INS) zoning district as a compatible zoning district for Institutional Future Land Use designation (page 2-21)
2. Identify Institutional (INS) zoning district as a compatible zoning district for Parks, Recreation, Open Space Future Land Use designation (Page 2-21)

An attachment including the public input received at the Planning Commission's October 30, 2019 public review meeting on the Comprehensive Plan amendments was provided. Public input includes: Landis Road residents against the change to Commercial General future land use of the Doub Farm property, support for the YMCA change in future land use to Commercial General, and opposition to the implementation of the Institutional zoning district in the Comprehensive Rezoning.

The Maryland Department of Planning's comments on the Comprehensive Plan amendments were also provided. Staff recommendations include holding off on changes to the residential development capacity described in Figure 2-4 until the MRGA boundary is amended. This way, staff can create a more accurate picture of development

potential within the amended MRGA boundary. Furthermore, staff would like to point out that the lack of acreage changes in Mixed Use and Institutional future land use categories are due to the changing properties being less than 1 acre in size. The future land use chart does not show these changes in acreage because they are decimals of acres. The last staff recommendation is once again to wait until the MRGA boundary amendment to recalculate the water and wastewater demand and capacity. The transportation comments are guidelines that the City already follows when presented with development plans.

Councilmember Aleshire noted that the change to the Linwood Property will be a big change, since the road is rather narrow. Ms. Maher stated it is anticipated that part of the property would connect to the existing business park. Councilmember Aleshire stated he is not opposed to the amendment but it will be a significant change for traffic flow.

The public hearing on the proposed amendments to the Comprehensive Plan is scheduled for Tuesday, December 17, 2019.

CITY ADMINISTRATOR'S COMMENTS

Scott A. Nicewarner, City Administrator, thanked everyone who took part in the Christkindl Markt last weekend. It was nice to see so many people downtown. The City Park Tree Lighting will be held on Friday, December 6, 2019 from 6:00 p.m. to 9:00 p.m. This is the first year for the new light show and trees in the lake.

MAYOR AND COUNCIL COMMENTS

Councilmember S. McIntire recently spoke about the possibility of the Mayor and City Council meetings being held in different locations. This would meet citizens where they are. She suggested holding the Regular Sessions in different neighborhoods.

Councilmember L. C. Metzner had no additional comments.

Councilmember A. Heffernan agreed that the Christkindl Markt was successful.

Councilmember K. B. Aleshire noted the Tree Lighting in the Square was not as well attended as in the past. It may have been overshadowed by so many activities taking place. He suggested re-evaluating the timing of that tree lighting when it occurs during the same week of Thanksgiving.

Councilmember E. Keller hopes to see everyone at the Bridge of Life for the Downtown Community meeting this evening at 6:00 p.m.

Mayor R. E. Bruchey, II had no additional comments.

WORK SESSION AND EXECUTIVE SESSION
2019

DECEMBER 3,

MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

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 5:22 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: January 28, 2020