

EXECUTIVE SESSION – January 7, 2020

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember E. Keller, the Mayor and City Council unanimously agreed by voice vote of all members 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, January 7, 2020 at 3:04 p.m. in the Council Chamber, 2nd floor, City Hall, Hagerstown, Maryland.

This Executive Session was a joint session with the Board of County Commissioners. The following people were in attendance: Mayor R. E. Bruchey, II, Councilmember K. B. Aleshire, Councilmember A. Heffernan, Councilmember E. Keller, Councilmember L. C. Metzner, Councilmember S. McIntire, City Administrator Scott Nicewarner, Commissioner J. Kline, Commissioner T. Baker, Commissioner W. Keefer, Commissioner C. Meinelschmidt, Commissioner R. Wagner, Interim County Commissioner Kirk Downey, Nancy Hausrath, Director of Utilities, Michelle Hepburn, Director of Finance, Kathleen Maher, Director of Planning and Code Administration, Jill Thompson, Director of Community and Economic Development, Rodney Tissue, City Engineer, Paul Fulk, Neighborhood Services Manager, Wes Decker, Communications Manager, Stephen Bockmiller, Zoning Administrator and Planner, Andrew Sargent, Maryland Department of Commerce Senior Business Development Representative, Brent Miles and Jeremy Michael, NorthPoint Representatives, and Donna K. Spickler, City Clerk.

The meeting was held to discuss a business proposal that requires cooperation between the Mayor and City Council and the Board of County Commissioners to be successful. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 3:41 p.m.

WORK SESSION – January 7, 2020

Mayor R. E. Bruchey, II called this Work Session of the Mayor and City Council to order at 4:02 p.m., Tuesday, January 7, 2020 in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, A. Heffernan, E. Keller, L. C. Metzner, and S. McIntire, City Administrator Scott A. Nicewarner, City Attorney Jennifer Keefer, and City Clerk D. K. Spickler.

Introduction of Meritus Executive Director

Greg Snook, Vice Chairman, Meritus Health, Inc., introduced Maulik Joshi to the group. Dr. Joshi is the President and Chief Executive Officer of Meritus.

Dr. Joshi stated he is honored to be working with the Board of Trustees and Mr. Snook in particular. He thanked the Mayor and City Council for their commitment to the

community. The mission and vision of Meritus are exciting to him. He wants Meritus to positively impact health and healthcare in the community. Their bold goal is to reduce opioid prescribing by 50% by 2030.

Community Solutions Hub

Keith Fanjoy, San Mar Family and Community Services Chief Executive Officer, Allen Twigg, Executive Director, Behavioral and Community Health at Meritus Health, and Courte Van Voorhees, Director of Community Impact, United Way of Washington County, Maryland, were present to highlight a service that is available to everyone in the community. The Community Solutions Hub is a coalition between San Mar Family and Community Services, the United Way of Washington County, and Meritus Health that centralizes data from diverse social institutions in a convenient location to measure quality of life for resident, monitor progress in their strengths and needs, and ultimately motivate precise action to achieve community well-being. The platform and its data are by design open to the general public to ensure equitable access and shared understanding.

The Community Solutions Hub can be accessed through the United Way of Washington County, Maryland website. Data from more than 100 health and socio-economic indicators for the region, each county, or a unique zip code is available. Viewers can learn about their community's health disparities, create reports using the data, find local resources in the community, and view promising practices, highlight efforts around the country addressing community health challenges. There is also information about funding opportunities for specific community health challenges.

Eventually, this community's best practices to address these issues will be added to the available information.

Kilpatrick Woods – Proposed workforce Housing Development

Kathleen Maher, Director of Planning and Code Administration, was present to discuss a notice the City received on December 10, 2019. The notice indicated that the developers of the proposed workforce housing development known as Kilpatrick Woods have applied to the State for Low Income Housing Tax Credits and other financing to facilitate development of their plan. The City has 45 days to provide comment to the Maryland Department of Housing and Community Development, if so desired.

Avram Fechter, Equity Plus, Partner of PB Hagerstown Owner LLC, the intended developers of Kilpatrick Woods, was present to provide information on the proposed workforce housing development on Marshall Street and to answer questions. Gordon Poffenberger, Fox and Associates, was also present.

Kilpatrick Woods is proposed to include 241 single-family detached modular homes on 5,000 square foot subdivided lots in a cluster development plan on a 69-acre tract off Marshall Street. In a cluster development, smaller lots are permitted provided the difference is set aside as open space – in this case 2,500 sq. ft. per lot. All of the units

would be rentals for households with a maximum income of 60% of AMI (area median income). This level is considered “workforce housing”. The illustrations provided by the developer during the Planning Commission’s concept plan review of this development were provided to the Mayor and City Council. This month, Planning received the preliminary plat for the development.

Mr. Fechter stated the new single-family homes will be marketed to civil servants, first responders, teachers, healthcare professionals and other working families. Monthly rents will be affordable for households earning between \$ 32,000 and \$ 50,000 annually. The subdivision is bound by Marshall Street, I-81, Salem Avenue, and Rhode Island Avenue. It will complete the northwest connector linking Marshall Street to Salem Avenue and will extend Connecticut Avenue into the community. It is anticipated that all roads will be dedicated back to the City.

Properties will be subject to Hagerstown real property taxes. There will be ample community amenities such as nature trails, recreational amenities, athletic fields, and playgrounds.

Mr. Fechter stated they have been working with staff for several months. They are not asking for any special subsidies from the State or City, however as part of applying for housing bonds, comments are invited from the community. This development will be workforce housing with 2, 3, and 4 bedroom single family homes. Rents will vary by household size, with some slight variations in individual units. The income range will be \$ 30,000 to \$ 60,000. The homes will be marketed to school, City, and State employees. They anticipate the homes will be filled quickly and a waiting list will be created. He noted they are willing to discuss the project with the Mayor and City Council because they are working with the City. He noted they do not require any special permission for zoning or other regulations. Construction is anticipated to begin in May or June, 2020. These homes will remain affordable for at least 30 years. This project is being planned on the assumption that development will continue to move west from Frederick, Maryland.

Councilmember Aleshire asked why this community is ripe for affordable housing. All neighboring home construction is market driven. This project will be in a community that has an exponentially higher number of this type of housing. He asked why this is considered the best the community can do.

Mr. Fechter stated market rate housing in Frederick is not affordable for people whose annual income is between \$ 30,000 to \$ 60,000. This project is not adding housing for poor people. It is providing housing for people who already live and work in the community. The houses will be built off-site and delivered to the site.

Councilmember Aleshire pointed out there is significant housing development in other jurisdictions. He doesn’t agree with the suggestion that this type of housing is in demand in the Hagerstown area. There is already a higher percentage of lower income housing than in neighboring communities. Citizens want development that support the

community. He doesn't see a benefit for the City to lock itself into another development of this nature.

Mr. Nicewarner asked if mixed ownership had been considered. Mr. Fechter indicated they will be receiving federal tax credits with the for-sale properties. They anticipate received \$ 60,000 to \$ 70,000 in tax credits because they are creating workforce housing. The expected rental amount is \$ 1,000 per month, which should not be considered cheap. Another element of the tax credit program is prioritization of housing for City and County employees.

Ms. Maher indicated staff is working to determine the tax revenue from this development.

Mr. Fechter stated the rents in this development will be lower but they will still be paying property taxes as assessed by the State Assessor. They are not asking for any abatements or tax breaks for the project.

Councilmember Aleshire stated this project will have an impact on the percentage of the State Shared Income Tax the City receives annually. It will not increase as much as it would if the housing plan was different.

Mr. Fechter indicated people moving into this housing will have slightly higher income than the City's median income. He pointed out they are following the City's Zoning Ordinance. They have not filed a formal application for financing until recently, which prompted the correspondence from the Department of Housing and Community Development. The State of Maryland will issue the bonds, if the project is approved. They are still seeking a financial entity to finance the project.

Mr. Bockmiller pointed out this project is actually early in the development plan process. Ms. Maher indicated review by the Planning Department will include how this fits within the northwest connector.

Councilmember Keller asked what is needed from the Mayor and City Council. Ms. Maher stated this is being discussed today because of the notification from the DHCD and request for comments from the State.

Mr. Fechter stated they want to work with the City and plan to do more projects in Hagerstown.

Councilmember Keller stated she keeps hearing that affordable housing is needed in the community. Councilmember McIntire stated she does not think \$ 1,600 monthly rent is affordable.

Mr. Fechter stated he agrees \$ 1,600 is a high amount. Ideally, they would like to construct 3 bedroom homes, with rent of \$ 1,100, which seems to be an acceptable rate.

Mr. Bockmiller noted this development complies with a recent amendment requiring single family homes on its own lot. In theory, they would then be transferred to the individual home owner.

Councilmember Aleshire doesn't understand why Hagerstown is the only jurisdiction that can't seem to attract anything but lower income housing. This drastically affects the City's budget.

Mayor Bruchey stated people talk to him about the need for affordable, workforce housing. This community deserves market rate housing.

Ms. Maher informed the Mayor and City Council there is a market rate housing proposal being reviewed at this time for Hager's Crossing.

Recreation Update 2020

Amy Riley, Recreation Coordinator, was present to provide an update on the Recreation Department. As part of the Mayor and Council's adopted Goals and Priorities 2018-2020, Recreation staff encourages everyone to start the new year by taking part in the expanding program offerings that support active and healthy living for Hagerstown citizens. Mark Haddock, Parks and Recreation Manager, Emily Conrad, Recreation Assistant, Cassie Hershberger, Recreation Assistant, and Richard D'Ambrisi, Railroad Museum Guide, were also present.

The Recreation Division's initiatives are as follows:

1. 2020 Hub City 100 Miler – Registration is open for the 7th Annual Hub City 100 Miler Challenge! This 100-day program begins January 10 and encourages participants to get active by setting a goal of one mile a day for 100 days. Daily mile(s) can be achieved by walking, running, or moving each day for 20 minutes. The Hub City 100 Miler was created in 2014 to improve the health of the community when Hagerstown was ranked by the Center for Disease Control as the “5th most obese metro area in the country”. In 2014, 650 participations registered for the Challenge and in 2109, 1,300 took the challenge. This year, they hope to increase participation and asked the Mayor and City Council to endorse this program.
2. 2020 Rec Programs – the ever-growing list of recreation offerings include new programs like: 21-day sugar detox, Barilla Healthy Pasta Cooking Demo, Weight Management Hypnosis, Adulting 101, Mr. Robot's Secrets of Robotics Class, Photography, Skate Boarding, Bang Fitness, and Yoga for the Older Student.
3. City Park Train Hub – significant progress is being made at the City Park Train Hub to enhance the visitor experience, and includes public surplus sale of overstock items like jacks, wood patterns, tools, and typewriters, model train donation to the Roundhouse (seeking Mayor and City Council approval),

renovations to the Museum (inside) and planning for new outdoor exhibits for self-guided touring, new brochure and video to promote the site to families and train enthusiasts. The video will provide education on the Hub City, Western Maryland Railroad and Steam Engine 2020. Re-Grand Opening of the site is on Friday, May 29, 2020. Railroad Heritage Days will follow on May 30, 2020.

4. New Event – Touch-A-Truck is a family-friendly event that provides an opportunity for kids of all ages to come to explore the vehicles they've seen on City streets, in movies, books, and driving around town. From fire trucks and ambulances to backhoes and bulldozers, Touch-A-Truck has them all. The event will also feature food trucks and kid's activities. The ultimate goal of the event is to bring awareness to the City and feature its departments. A June date is being planned.

Ms. Riley reiterated staff is requesting permission to donate surplus model trains to the Roundhouse Museum. It was the general consensus of the Mayor and City Council to approve the donations requested.

Proposed Policy for Handicap-Accessible Parking

Rodney Tissue, City Engineer, and Tim Young, Engineer Designer, were present to discuss a policy for handicap-accessible parking.

The State of Maryland has laws regarding handicap parking. One of these laws gives the Motor Vehicle Administration (MVA) the authority to approve reserved on-street handicap parking permits for an individual in front of their dwelling unit. The City has been installing reserved handicap parking permit signs for residents for decades when staff receives authorization from the MVA. These are installed at no cost to the resident.

This law applies to persons in wheelchairs or with impaired mobility. The law is clear on matters such as permittees are not exempt from paying any parking fees, reserved handicap parking shall not be placed in front of a neighboring property, etc. However, the law is vague on issues such as whether the handicapped person is the driver, whether this applies to apartments, how this relates to parking needs of a downtown business district, and how it impacts on-street spaces with meters.

Since the law lacks important details that impact the neighborhoods of the City, and since the number of permit approvals is increasing, staff have developed a Handicap Accessible Parking Designation policy, which was provided with the meeting packet information. The policy is to be used as a guideline for placing reserved handicap parking permit signs for residents. The policy also memorializes practices related to other handicap-accessible parking issues in the City.

Highlights of the Residential Permits Portion of the Policy are as follows:

1. A maximum of one space will be reserved in front of any residential building, including apartments
2. Reserved handicap parking permit signs for residents will not be placed in front of another property.
3. Existing on-street parking meters will not be removed for reserved handicap parking permit signs.
4. When applicable, staff will encourage residents to accept a reserved handicap parking permit space in a public parking lot.

The Board of Traffic and Parking recommends the policy for approval by the Mayor and City Council. The Washington County Traffic Advisory Committee endorses the use of this policy since the law does not address important components. MVA review personnel would not offer specific comments on the policy but indicate other communities have similar policies in place. The City Attorney reviewed the policy and feels given the lack of detail in the law this is a reasonable step to aid staff in dealing with these issues.

Staff requests that the Mayor and Council review the policy and authorize staff to implement it and send the approved policy to the MVA to disseminate to future applicants for permits.

Mr. Nicewarner asked what happens to the dedicated parking space when someone moves away. Mr. Young stated a neighbor usually notifies City staff, who then verify the information with the MVA.

Councilmember Keller understands the need for a policy but she is concerned about people who could be eligible for permits that won't be able to get them because of the space limitations.

It was the general consensus to include approval of the policy on the January 28, 2020 Regular Session agenda.

Discussion of Rules of Procedure

The Mayor and City Council then discussed the Rules of Procedure that were revised in October, 2019. Councilmember Metzner stated he supported the changes because he has been concerned with the content of the comments, not the topic, especially when citizens talk about murder and give the name and address of places they feel are unfavorable. The Rules of Procedure approved in October limited comments to issues the City has control over. In reality, every issue affects the City of Hagerstown and its citizens. He continues to believe the Mayor and City Council need to be much more concerned about the content of the comments, rather than the topic. He stated Citizen Comments are intended to be made to the Mayor and City Council. He feels many of the comments lately have been made for the cameras. He agrees that anyone wishing to comment should state their residence address, not their post office box or business

address. Attempting to limit topics puts the Mayor in an untenable position, but there has to be some sense of civility.

Councilmember Heffernan suggested limiting all comments to five minutes.

Councilmember Aleshire agrees with a five minute limit and the topics should be limited to City topics. He asked if there is a law requiring the City to provide time for public comments. Jen Keefer, City Attorney, indicated there is not. He noted there are many venues for communicating with elected officials outside of appearing at meetings.

Councilmember Keller stated the reality is most people come here to talk about City business.

Councilmember McIntire stated the Mayor and City Council members are public servants and she feels they are obligated to listen to citizens who want to speak. She agreed to a five minute limit.

Councilmember Aleshire stated he does not understand the purpose of hearing comments on issues the Mayor and City Council have no control over.

Councilmember Metzner pointed out there are organizations that take a position on a national issue who may ask the elected officials to take a position on a topic. He sees three options: no Citizen Comments, limit comments to items on the agenda only, or limit general comments to three minutes.

Mayor Bruchey noted the consensus of the Council is to have comments for agenda items prior to the voting portion of the meeting and general comments after the voting portion, with no restrictions.

Councilmember Metzner suggested a time limit of five minutes for City business items and three minutes for general comments. All members agreed with these time limits.

Councilmember McIntire asked what the Mayor and City Council thought about having a moment of silence instead of an invocation. It was the general consensus to keep the invocation on the agenda at this time.

Revised Rules of Procedure will be included on the agenda for a Special Session on January 21, 2020.

CITY ADMINISTRATOR'S COMMENTS

Scott A. Nicewarner, City Administrator, stated it was a great holiday season – from the new light show at City Park to the Christkindl Market. Traffic at City Park was estimated at 800 cars per night.

Councilmember E. Keller suggested including recognition of Edmund McIlhenny, a Hagerstown native who invited Tabasco Sauce, during Imagine Hagerstown.

Councilmember K. B. Aleshire understands developments occur with tax credits. He is concerned that the ownership will be transferred to someone who won't be able to sell it and property values will decline. He pointed out McCleary-Hill is significantly different than the proposed Kilpatrick Woods development. McCleary-Hill has a local, established, comprehensive management company – the Hagerstown Housing Authority (HHA). The HHA provides oversight on a regular basis.

Councilmember A. Heffernan hopes the City will continue to move forward in this new year. He is disappointed that the Valley Co-Op will be closing soon. Everyone who wants to see great things happen downtown needs to shop and eat downtown.

Councilmember L. C. Metzner stated the public doesn't always see some of the best things the Mayor and City Council do. There was an Executive Session earlier today with the Washington County Commissioners and a developer. The group was able to work together to develop a plan to help move a project forward. The meeting was very positive.

Councilmember S. McIntire announced the next Washington County Recovers event will be held on January 15, 2020 at the library. This event places organizations in one place so individuals curious about treatment for addictions can visit and get help. During the first event, 12 people were able to start treatment. She encouraged everyone to share this event on Facebook.

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

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 6:00 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: February 25, 2020