

WORK SESSION – August 4, 2009

Mayor R. E. Bruchey, II called this Work Session of the Mayor and City Council to order at 4:07 p.m., Tuesday, August 4, 2009, in the Council Chamber, 2nd Floor, at City Hall. Present with the Mayor were Councilmembers W. M. Breichner, M. E. Brubaker, F. Easton, A. C. Haywood and L. C. Metzner; City Administrator Bruce Zimmerman, and D. K. Spickler, City Clerk.

Safe Communities America Program

Chief Gary Hawbaker, Hagerstown Fire Department, Meghan O'Brien, Community Resources Coordinator, and Deanna Pelton, Firefighter, were present to discuss the Hagerstown Fire Department's application to the Safe Communities America Program. Mike Weller, Public Education Fire Officer, was also in attendance.

This international program defines a safe community as one that comes together to promote safe and healthy behaviors that protect people from hurt and harm in all aspects of their lives.

A Safe Community is a designated geographical area (a municipality, a campus, a workplace, a virtual community) in which all sectors of the community work together in a coordinated and collaborative way. It promotes safety and health and manages risk to increase the safety of its members. The leading role is played by the community itself in determining what areas of safety and health are in greatest need of prevention, intervention, and control.

Safe Communities promote health and safety in their community, reduce injuries, and develop community pride. Safe Communities want to improve the quality of life for themselves and their community. Safe Communities America programs save lives.

In order to attain this status there is an involved application and evaluation process and HFD because of its extraordinary safety programs, was approached by the Maryland Department of Health and Mental Hygiene (MDHMH) to see if Hagerstown was interested in pursuing the designation.

Some of the stake holders included HPD, Red Cross, Washington County Hospital, County Health Department, Social Services, Commission on Aging, CAC, Children's Village, National Safety Council and Community Rescue Service.

Ms. O'Brien stated the review panel will visit Hagerstown to view the programs that have been implemented. There is no cost to the City for seeking this designation. The application fee was paid by MDHMH.

Partners in Economic Progress (PEP) – Follow Up Discussion

Bruce Zimmerman, City Administrator, Kathleen Maher, Planning Director, Alfred Martin, Finance Director, Michael Spiker, Director of Utilities, Eric Deike, Public Works Manager, Deborah Everhart, Director of Economic Development, Larry Bayer, Community Development Manager, Doug DeHaven, Fire Marshall, Mike Heyser, Chief Code Official, John Lestitian, Director of Code Administration, and Alex Rohrbaugh, Planner, were present to further discuss the PEP Program with the Mayor and City Council. The initial presentation was made to the Mayor and Council on July 7, 2009. Staff continues to believe this is a valuable program for Hagerstown.

The Eligibility Criteria and PEP Incentive Descriptions were presented, with revisions made following the Mayor and Council discussion on July 7, 2009 and a review meeting with developers on July 22, 2009. The changes primarily focus on three areas: 1) Eligibility Criteria, 2) Incentive #1 Property Tax Reimbursement Program, and 3) Incentive #6 Upper Floor Commercial Space Rent Relief.

Ms. Maher stated a Staff Committee would be created to review projects to determine if they meet the eligibility requirements. The committee will include the Finance Director, Community Development Director, Planning Director and Code Administration Director. The PEP program is a five year program, which will be reviewed after the first year.

On rare occasions, projects may be approved outside the PEP zone, however such projects must involve quality renovation work and quality tenants which will have the sustained impact on the community that the City is seeking.

The minimum investment requirement will be capped at \$ 200,000 for a mixed-use project. There will be minimum square footage requirements for new residential units.

An office use may be located in a storefront space if the business owner is an owner-occupant of a residential unit on an upper floor of the same building. All other professional and non-profit office tenants shall not be located in storefront spaces.

The applicant cannot be delinquent on City or County taxes for the property nor shall the applicant be delinquent on any other financial obligations to the City for the property.

Councilmember Haywood asked if there is anything in the requirements that would prevent newly renovated residential units from being eligible for Section 8 housing. Ms. Maher indicated there is not, but minimum amenities have been included.

There are similar requirements for pre-existing residential units. Councilmember Haywood expressed concern that older buildings would be difficult to renovate with central HVAC.

These requirements were included in order to make sure the renovations have a positive impact on downtown. Councilmember Haywood does not think it is necessary to have a washer and dryer in every residential unit. She believes it would be sufficient to have them in the basement of the building. Mr. Zimmerman stated the language can be revised to reflect additional modifications.

A Property Tax Reimbursement Program for Construction Projects is replacing the Property Tax Credit program included in the initial presentation. For developers investing prescribed minimums for approved new construction or renovation projects, this incentive will grant back 100% of the property tax payments on the property for a period of five years. A minimum investment of \$ 250,000 for commercial projects and \$ 100,000 for residential projects is required.

Incentive # 6: Upper Floor Commercial Space Rent Relief is a new grant with the purpose of attracting businesses to the PEP zone that will have a positive economic impact on the downtown. Examples of such impact are job creation in the downtown, creation of economic traffic in the downtown (e.g. customers, visitors, etc.), having the potential to attract additional businesses to the downtown, and/or contributing to the improvement of the vitality of existing businesses downtown. The grant program is proposed to provide 50% matching grants to reduce annual rent payments on upper floors office space downtown for new or existing professional service and technology businesses moving into the PEP zone that are not currently located in the zone. Existing businesses within the PEP zone looking for larger space within the zone may qualify for the program depending upon the economic impact of their expansion. The initial budget for this project is \$ 125,000 for FY 2010.

If the initial tenant vacates before the two year benefit period ends, the next tenant may qualify for the balance of the benefit period, if they occupy the space within 12 months of the start of the prior vacancy. Grant payments shall be made to the landlord.

Tenant space must be fully renovated and upgraded as part of a building improvement project complying with the PEP eligibility criteria. Projects which have already been renovated are only eligible for this incentive if the renovation activities were completed since January 1, 2007 and if the tenant spaces for which PEP incentives are sought have been upgraded but not yet issued final Use and Occupancy permits.

Some of the eligible business types are: corporate and regional managing offices, data processing and other computer services, educational services, medical and diagnostic laboratories, photo finishing, radio and television broadcasting.

Mr. Zimmerman stated changes can be made as necessary as this incentive program progresses. The program will be scheduled for approval on August 25, 2009.

Proposed Text Amendments for Commercial Uses

Kathleen Maher, Planning Director, and Stuart Bass, Comprehensive Planner, were present to discuss amendments to the Land Management Code. In the ongoing effort to implement the recommendations of the Comprehensive Plan, the City has been implementing a phased revision of the Zoning Maps and the Zoning Ordinance. Phase 1 adopted map changes in the downtown area and created three new mixed use zoning districts. Phase 2 includes map amendments in the eastern part of the City, and proposed revisions to the provisions of the C-1, C-2, C-4 and POM Zoning Districts.

The changes are summarized as follows:

Article 4 (Zoning), Section F., Land Management Code:

1. Consolidate like uses in the use chart
2. Expand the types of uses permitted in the C-1, C-2 and C-4 districts in order to expand business opportunity within those districts.
3. Removes uses that are incompatible with quality development or redevelopment in these districts.
4. Expand permitted and special exception uses in the C-1 district to increase its viability and limit size of individual retail uses to no more than 5,000 square feet and restaurants to no more than 3,000 square feet.
5. Exempt pre-existing subdivisions in the POM districts from the requirement that architecture be coordinated throughout the development.
6. Revise POM district setback requirements to bring them more in line with existing C-2 District setbacks.
7. Simplify wording of sign regulations in the POM District

Article 3 (Definitions) – create definition of the term “dormitory.”

Article 5 (Subdivision and Land Development), Land Management Code:

1. Create Section 5, which incorporates all site plan specific design standards currently found in Article 4, Section F.
2. Design standards in Section 5 have been expanded to include all development in the C2 and C4 districts.
3. Consolidate many of the design standards in an easy to use chart format.
4. Require screening for all temporary vehicle storage uses associated with unregistered or damaged vehicles.
5. Remove language made redundant by adopting chart format.

Councilmember Metzner suggested considering restricting resident care facilities in certain zoning districts. Ms. Maher recommended considering this as part of the land management code revisions that are expected to be started in October.

A Public Hearing will be held on August 25, 2009 to receive testimony on the proposed amendments to the Commercial Sections of the Zoning Ordinance.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember M. E. Brubaker had no additional comments.

Councilmember W. M. Breichner had no additional comments.

Councilmember L. C. Metzner had no additional comments.

Councilmember A. C. Haywood thanked staff for the information provided during this meeting.

Councilmember F. Easton reminded everyone the Music by the Lake series continues on Saturday evenings. He encouraged the Mayor and Council members to make developing a strategic plan a priority.

Mayor R. E. Bruchey, II hopes to see many people at the National Night Out event, which starts at 6:00 p.m. at Fairgrounds Park.

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,

Donna K. Spickler, City Clerk

Approved: August 25, 2009