

WORK SESSION – October 7, 2008

Mayor R. E. Bruchey, II called this Work Session of the Mayor and City Council to order at 4:00 p.m., Tuesday, October 7, 2008, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers M. E. Brubaker, K. S. Cromer, L. C. Metzner, P. M. Nigh and A Parson-McBean; City Administrator Bruce Zimmerman, and City Attorney John Urner.

Alms House Landmark Designation

Kathleen Maher, Planning Director, provided information regarding the process of a landmark designation for the Alms House which was begun and aborted in 2005. In 2005, the City's Historic District Commission (HDC) (formerly known as the Preservation Design District Commission) considered the architectural and historic significance of the Alms House and determined that the property met the criteria in the zoning ordinance for landmark designation. On September 25, 2008, the chair of the HDC signed a memo to the Planning Commission recommending that the zoning map be amended to place a landmark overlay zone on the property. The Planning Commission's public review meeting for the map amendment is scheduled for October 22, 2008. Once the Commission completes their review and makes a recommendation to the Mayor and City Council, another public hearing will be scheduled for the Mayor and City Council. Introduction and Adoption of the zoning map amendment to place a landmark overlay on the Alms House is a decision made by the Mayor and City Council.

A landmark is a single-property historic district that is regulated under the City's Zoning Ordinance. In both cases, the City's zoning map is amended to create an overlay zone. Once designated, any exterior changes to the property, including demolition, must be reviewed and approved by the City's HDC. If the Mayor and City Council determines that the landmark designation is no longer in the best interests of the City, the Mayor and City Council could direct staff to initiate the process to amend the zoning map to remove the landmark overlay zone from the property.

Councilmember Metzner wants to make sure there is strong support of the Mayor and City Council of approving the landmark designation and retaining ownership of the building and making the code repairs. He is concerned that requirements of the landmark designation will cost more for repairs.

Councilmember Brubaker stated he is supportive of the landmark designation and making the code repairs. In future requests for proposal, a component should be included for cost recovery.

Councilmember Parson-McBean thinks that interested parties in the community who want to preserve the building should be able to come together and work with the City, in a public/private partnership.

Councilmember Nigh has people contacting her who are willing to serve on a committee to develop a plan for saving the building. It would be devastating to have the building demolished at a future date. It has served as a poor house and as a burial place for civil war soldiers.

Councilmember Cromer asked if approving the landmark designation would make the property eligible for additional state funding. Ms. Maher indicated that the property is eligible for state funding now because it is on a historical register.

Councilmember Metzner pointed out a future Mayor and Council can reverse the landmark designation.

It was the general consensus to proceed with the landmark designation process.

Councilmember Parson-McBean suggested using the Venice property as the location for a civil war museum.

#### Community Legacy Application for FY 2009

Kathleen Maher, Planning Director, informed the Mayor and Council that the State of Maryland has made \$ 6.5 million available for Community Legacy awards for FY 2009. The deadline for this year's application is October 29, 2008.

Maryland's Community Legacy Program requires municipalities to develop a Community Legacy Plan to address identified challenges in the community and strategies to address those challenges. The City developed its Community Legacy Plan in 2001 as a part of the initial round of the State's program in FY 2009. Any requests for Community Legacy funding must be consistent with the Community Legacy Plan for that jurisdiction.

The main objectives of the City's Community Legacy Plan are to improve the public's image of the downtown and surrounding urban neighborhoods and to encourage investment in these areas. The Plan recommends three basic strategies for addressing these objectives:

1. Infrastructure Enhancements – to improve the quality of life in these neighborhoods and enhance the public perception of these areas
2. Incentive Programs – to attract investors and to off-set risks associated with investing in these areas
3. Development of Cultural Anchors – to revitalize the retail sector

The following are staff's recommended projects for the FY 2009 application, listed in order of priority:

1. Upper Floors Renovation Revolving Loan Fund (RLF) – add funds to City's incentive program to get vacant upper floors renovated downtown:  
Community Legacy  
\$ 125,000, City \$ 125,000

2. Façade Rehab Grant Program – add funds to City’s incentive program for major façade renovations downtown: Community Legacy \$ 40,000, City \$ 20,000
3. Sidewalk Café District – expand S. Potomac Street sidewalk widening and bricking project to N. Potomac Street: Community Legacy \$ 200,000, City \$ 200,000
4. BISFA Courtyard – acquire courtyard beside Carol & Company and make improvements for public access to the rear door of the School for the Arts: Community Legacy \$ 25,000, City \$ 25,000

Other projects for Mayor and City Council Consideration include the Doleman Museum and Redevelopment of Clarkson Avenue.

If the Mayor and City Council approve the plan of action for FY 2009 Community Legacy application, two resolutions of support will be presented for approval at a special meeting to be held on October 21, 2008. The second resolution would be for support of the Hagerstown Neighborhood Development Partnership’s application for Community Legacy funding. This resolution would not require the City to provide any funding for their project.

Councilmember Cromer stated the State is making significant cuts in programs. Ms. Maher stated she has not been notified that cuts are anticipated in the Community Legacy Program.

Councilmember Metzner doesn’t know how the City would be able to fund the Upper Floors Renovation RLF and Sidewalk Café District sidewalk expansion.

If the City is awarded funding for any of these projects, there would be no obligation to spend the money.

Councilmember Parson-McBean would not support the sidewalk widening project on N. Potomac Street. She does not think these projects address the quality of life issues in the secondary core of the City.

It was the general consensus to submit an application for Community Legacy Funding for the Upper Floors Renovation RLF, Façade Rehab Grant Program, Sidewalk Café District and the BISFA Courtyard.

#### Proclamation for Customer Service Week

Mayor Bruchey presented a proclamation to the employees of the City of Hagerstown for providing excellent customer service to citizens. Beth Everhart, Customer Services Supervisor, accepted the proclamation for the Customer Service and Treasurer’s Department. He presented awards to Leslie Palencia, Deborah Washington, Sherry Burkett, Linda Boden, Tina Hose, Andrea Shaffer and Connie Baker for their efforts.

Doub Annexation

Kathleen Maher, Planning Director, was present to discuss the Doub Annexation. As a means of removing this annexation from limbo, staff recommends that the Mayor and City Council review development conditions to determine their acceptability to the City as a condition of annexation and development. Bruce Zimmerman, City Administrator, stated staff is recommending moving forward with this project for the following reasons:

1. It is consistent with the comp plan for the property.
2. It will provide for private sector funded road improvements on US 40.
3. It will provide the opportunity to become contiguous to other properties within the MRGA.
4. It will provide private sector funded utility improvements in this area.
5. The developer is not requesting financial concessions from the City for this project.

It is possible that City action to incorporate the offered conditions of development into the annexation resolution, plus confirmation that express approval is requested for the zoning outlined in the April 22 annexation petition, may provide the County Commissioners with what they need to grant express approval for the zoning for this annexation. The lack of express approval, however, would not prohibit annexation but merely delay development for five years. If the City adopted the proposed conditions with the annexation, it would bind any development of the land in the future.

On June 4, 2008, the City sent a letter to the County Commissioners requesting express approval of the zoning for the Doub annexation. On June 10, 2008, the County Commissioners considered the zoning and did not act on express approval of the zoning. One reason given for the inaction was an uncertainty over the impact of development on the surrounding community and infrastructure. Over the course of the summer, the County Planning Commission reviewed the concept plan for a proposed shopping center on the property and the County staff hosted a public meeting to gather community input on development of the site. In response to this activity, the applicants of the Doub Annexation offered a number of development conditions for attachment to the annexation resolution and forwarded the conditions to the County Commissioners on two occasions for their consideration. To date, these actions have not resulted in express approval of the zoning by the County.

On August 26, 2008, the applicant sent a letter to the City outlining a course of action which they feel will result in County approval of the requested zoning for the Doub Annexation. On September 2, 2008, staff met County Administrator Murray to learn the status of the County Commissioners' deliberations on the express approval of the zoning. Mr. Murray indicated that the following actions by the City would assist the County Commissioners in these deliberations:

1. An indication from the Mayor and City Council that express approval is requested for C4 and POM zoning, as outlined in the April 22, 2008 annexation petition, since it is not substantially similar to the current County zoning; and

2. Confirmation by the City that we will impose, at a minimum, the conditions of development offered by the applicant in their August 12, 2008 letter to the County Commissioners.

The newly offered conditions of development by the applicant have resulted from City and County review of the proposed concept plan for a shopping center which was submitted to the County Planning Commission for review on July 7, 2008 (the concept plan did not include detail on the office section of the development). A number of the offered conditions would have been required as a matter of course during the City's site plan review process; however their inclusion in the annexation resolution may provide some level of comfort for nearby property owners. Conditions 3(a), 4(b), and 4(c) of the August 12, 2008 offer are already included in the applicant's April 22, 2008 annexation petition. The conditions offered via letter dated August 12, 2008, if approved, would replace conditions 7, 10 and 12 and would supplement conditions 1-6, 8, 9, 11, 13 and 14 of the April 22, 2008 annexation petition.

The City Attorney and staff have reviewed the conditions and do not have a problem with anything that is offered, with one possible exception. Condition 3(d) of the August 12, 2008 offer modifies condition 10 of the annexation petition to request an exemption for retail spaces over 75,000 square feet (big boxes) from the City zoning ordinance's requirement for two-story construction. While the Planning Commission has indicated that such exemption makes sense for home improvement stores with their large and bulky retail items, they would expect other retail operations over 75,000 square feet, such as department stores and grocery stores, be held to the two-story standard to reduce the area of disturbance in commercial developments. Staff recognize that the Mayor and City Council may feel that the requested exemption is an acceptable concession given all else being offered by the developer and with what will be gained by the City as a result of this development. All of the other offered conditions of development would not violate the City's rules, regulations or ordinances and in fact are either more restrictive or more expansive than what exists in the City's Zoning Organization.

Staff recommendation is as follows:

1. Confirmation that the City is requesting express approval for the C4 and POM zoning, since that is what has been requested and that is what is under consideration with the annexation.
2. Approval of the conditions of development, as revised if desired, for incorporation into an annexation agreement which would be attached to the Doub annexation resolution. Staff would recommend that the following additional condition: the developer shall submit a street graphics plan (commercial signage), subject to review and approval by the Planning Commission, as part of the development review process.

Councilmember Brubaker stated it is anticipated that the County Commissioners will not grant express approval for this project. He has found that, improvements to the Dual Highway, were not required by the State Highway Administration. He feels that both projects should have to contribute to the improvements. He does not feel this is the

proper place to form a road club because developers will be asked to contribute to improvements for Eastern Boulevard and the Southern Bypass. He does not think an automatic default to the Faison project (which would be caused by a denial of express approval) would be in the best interest of the City. He will fight to get as much advantage for the City from the Faison project as would be provided by the Doub project. The same conditions should be applied to any project in this same interchange.

Councilmember Metzner is concerned that another meeting is being held with the County Commissioners (scheduled for October 14, 2008) in which neither of these developments will be discussed. He proposed that a discussion of the Doub project and Faison project be scheduled for the joint meeting. He does not want to send a letter requesting express approval for the Doub project until the two bodies discuss the projects. He will vote no on anything for either project until the discussion occurs.

Councilmember Brubaker stated the discussion should be about the benefits of both projects for both the City and the County.

Councilmember Metzner stated neither project can move forward without the City's cooperation. These projects have been political footballs.

Mayor Bruchey stated this was not included on the agenda for the joint meeting because the agenda was set three weeks ago. He agrees that the projects need to be discussed. The projects will be added to the agenda.

#### Utility Relief Benefit Concert Update

Karen Giffin, Director of Community Affairs, and Alfred E. Martin, Director of Finance, were present to discuss the Utility Relief Benefit Concert. In December, 2007, the Inaugural Utility Benefit Concert was held. This event was very successful, and it was begun and completed in a six-week time frame. The event raised \$ 27,900 and expenses were \$ 7,400; therefore, the event netted \$ 20,500. Community Action Council was the nonprofit that administered the event, paid expenses and kept the accounting.

After the event, the criteria was set for the disbursement of funds. The proceeds to date have been able to assist 14 families and the marketing of these funds also helped Community Action Council to fund more clients for their traditional energy assistance programs.

With the beginning of the heating season, the committee has recently changed the guidelines of the program to broaden it and to allow it to help more people. The Criteria Subcommittee brought the new guidelines to the Main Committee and the guidelines were approved. Several suggestions were made, including from Councilmember Kelly Cromer, which helped in revising the guidelines. The committee has discussed broadening the agencies involved in doing outreach and providing benefits. There are a number of agencies interested, including the Commission on Aging.

Since Community Action Council is not receiving any funds for administration, it has been suggested that the Utility Relief Concert become a City event and operate similarly to the Western Maryland BluesFest.

If this event is to become City operated, a budget would need to be approved by the Mayor and City Council. The budget approved by the committee includes \$ 25,000 in revenues and \$ 10,900 in expenses.

CSX has already given \$ 2,000 toward the underwriting of entertainment and the International Association of Firefighters has pledged \$ 5,000 for the event. Manny's Oriental Rugs has donated numerous large and valuable items for the silent auction.

Councilmember Cromer asked who will administer the fund, if this becomes a City event. Ms. Giffin stated it would be run similar to the events and City staff would collect the money and distribute it to the agencies for dispersal to recipients. Community Action Council would continue to review applications.

It was the general consensus to make this event a City event.

#### Alsatia Mummers Parade

The Alsatia Club will hold its 84<sup>th</sup> Mummers Parade on Saturday, November 1, 2008 at 6:00 p.m. Jim McCleaf, Chairman of the Alsatia Mummers Parade, was present.

Karen Giffin, Director of Community Affairs, reported the Alsatia Club needs help in raising funds for the cash prizes for the different award categories. The total needed is \$ 8,500. The Alsatia Club would like staff to help raise the funds.

Also, the Alsatia Club needs help with manpower the night of the parade. They are asking help from the community and would like the City's Community Affairs Office to help promote the need for volunteers.

A \$ 2,000 donation was given to the Alsatia Club by the City of Hagerstown the past three years for the Mummers Parade. Of this donation, \$ 1,000 was given from the Public Functions Budget and \$ 1,000 in lieu of vendors' fees. A donation of \$ 1,000 was again budgeted in the Public Functions Budget, and if the Mayor and Council would agree, another \$ 1,000 could be given from the Public Functions Budget, or if needed, from general fund contingency.

It was the general consensus of the Mayor and City Council to make an additional donation, as presented, to the Alsatia Club.

#### CITY ADMINISTRATOR'S COMMENTS

*Bruce Zimmerman, City Administrator*, acknowledged that John Renner, a City light line worker, who went to Texas to help people in the Houston and Galveston, Texas area

following the recent hurricane. He thanked John Bryan, Historic Sites Facilitator, and Lewie Thomas, Recreation Facilities Manager, for organizing the very successful Autumn Arts Festival at City Park.

### **MAYOR AND CITY COUNCIL COMMENTS**

*Councilmember A. Parson-McBean* stated there is a summary of a trip to Charlotte, North Carolina, that she, Karen Giffin, Director of Community Affairs, and Deborah Everhart, Economic Development Director, recently took. Memorial Recreation is holding an open house this weekend.

*Councilmember M. E. Brubaker* attended a joint transportation meeting recently. The State is still including funds for the Dual Highway/Edgewood Drive in the budget. He emphasized that capacity projects need to be included in future State budgets. He attended the dedication of the new Pangborn Elementary School today.

*Councilmember K. S. Cromer* noted October is Breast Cancer Awareness month. For more information people can contact Breast Cancer Awareness – Cumberland Valley.

*Councilmember L. C. Metzner* reminded people that the presidential election will be held on November 4, 2008. He urged everyone to vote in that election.

*Councilmember P. M. Nigh* stated the Community Action Council food bank is low. She urged people to make contributions to CAC. She thanked the firefighters for their support of the Utility Relief Benefit concert. They have suggested focusing on local youth talent in the future.

*Mayor R. E. Bruchey, II* urged people to be a part of the political process. He spoke to a third grade class at Eastern Elementary School today. He also thanked John Renner for his efforts to help others.

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.

Respectfully submitted,

Donna K. Spickler, City Clerk  
(by video)

Approved: January 27, 2009