

EXECUTIVE SESSION – December 15, 2015

On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote to meet in closed session to consult with counsel to obtain legal advice, #7 (Section 3-305(b)), on Tuesday, December 15, 2015 at 6:14 p.m. in Room 407, 4th floor, City Hall, Hagerstown, Maryland. The following people were in attendance: Mayor D. S. Gysberts, Councilmember K. B. Aleshire, Councilmember M. E. Brubaker, Councilmember L. C. Metzner, Councilmember D. F. Munson, Councilmember P. M. Nigh, City Administrator Valerie Means, City Attorney Mark Boyer, Paul Rose, Miles and Stockbridge, Michael Spiker, Director of Utilities, Michelle Hepburn, Director of Finance, Kathleen Maher, Director of Planning and Code Administration, and D. K. Spickler, City Clerk. The meeting was held to discuss the status of the MELP property. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the Executive Session was adjourned at 7:11 p.m.

82ND REGULAR SESSION – December 15, 2015

Mayor D. S. Gysberts called this 82nd Session of the Mayor and City Council to order at 7:19 p.m., Tuesday, December 15, 2015, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, M. E. Brubaker, L. C. Metzner, D. F. Munson, and P. M. Nigh; City Administrator Valerie Means, City Attorney Jennifer Keefer, and Donna K. Spickler, City Clerk.

The invocation was offered by Mayor David S. Gysberts. The Pledge of Allegiance was then recited.

Mayor Gysberts announced the Rules of Procedure for this meeting will be followed as adopted September 24, 2013. It was announced that the use of cell phones during meetings is restricted and that all correspondence for distribution to elected officials should be provided to the City Clerk and should include a copy for the City Clerk for inclusion in the official record.

The next scheduled meetings are: Work Sessions at 4:00 p.m. on Tuesday, January 5, 2016, Tuesday, January 12, 2016, and Tuesday, January 19, 2016, and the Regular Session at 7:00 p.m. on Tuesday, January 26, 2016.

CITIZEN COMMENTS

Dot Kline, 1036 Benjamin Place, Hagerstown, Maryland, thanked Mayor Gysberts for making progress in the City. She attended the Work Session last week and could not hear the conversation. She asked that a system be installed in the Council Chamber to enhance the sound for attendees. She does not like the new traffic pattern at City Park. More benches and tables are needed in City Park. She stated a pavilion is not needed at the caboose at the park and paddle boats should not be used in the lake. There are many parks in Hagerstown. She noted there is a sign at the park on Woodland Way indicating

At its November 18, 2015 meeting, the Planning Commission recommended to the Mayor and City Council approval of the rezoning proposal, subject to two conditions:

1. Both storefronts shall be rehabilitated to reintroduce a storefront window display design; however, the storefront along West Washington Street will not be required to include a door.
2. No more than 50% of the area of the storefronts shall be used for window graphics.

Staff agrees with the Planning Commission's recommendation for approval of the rezoning with the two conditions noted. In addition, Staff has no objection to removing ambulatory health care services from the final approval of the local conversion rezoning.

While minimum parking requirements and lot size requirements shall not apply to this overlay district, any existing on-site parking shall not be reduced unless the remaining parking meets current ordinance requirements.

Mr. Rohrbaugh entered the following as Exhibits:

- Exhibit 1 – Certificate of Advertisement
- Exhibit 2 – Planning file by reference

Councilmember Aleshire reiterated his opposition to the possibility for ambulatory health care services in this location.

The following testimony was presented:

Alex Kreyn, owner, stated he is in agreement with all the requirements. He is glad this development is in line with the City plan for local conversion status. He would rather have a retail operation at this location. Ambulatory health care services could be removed from the list of submitted uses; but he would ask why it had to be removed.

Councilmember Aleshire stated his opinion is that the intensity of that type of business at that location would not have a positive influence on the neighborhood. He does not think a mistake in the original zoning or significant change in the surrounding area is a valid reason for rezoning in this case.

Councilmember Brubaker thanked Mr. Kreyn for investing in the City of Hagerstown.

No further testimony was presented.

The record will remain open for 10 days for further comment.

The hearing was closed at 7:58 p.m.

development funding of improvements to the City's recreational facilities (by priority) as follows:

1. Park Play Equipment – benches and trash cans - \$ 36,000
2. 202 Train Exhibit Pavilion Amenities - \$ 9,000
3. Potterfield Pool: Spray Amenities and Climbing Wall - \$ 22,500
4. Outdoor Exercise Equipment - \$ 13,500
5. Replace whitecoat, deep end of Potterfield Pool - \$ 45,000

The Mayor and City Council further moved to request \$ 100,000 in land acquisition funds for purchase of real property as part of the A & E Trail project.

Discussion: Councilmember Metzner noted there have been numerous meetings about the A & E Trail. People who are opposed to the trail have not attended those meetings.

Councilmember Brubaker agrees with the amount included for acquisition. MML is working to keep Program Open Space funding level.

H. Introduction of an Ordinance: Kreyn Local Conversion District Overlay (ZM-2015-01)

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance for a Local Conversion District Overlay, including the two conditions endorsed by the Planning Commission, on property located at 702 West Washington Street.

Councilmember K. B. Aleshire amended the motion to remove ambulatory health care services from the approved list of uses and from the finding of facts.

The amended motion was unanimously approved.

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 8:29 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler, City Clerk

Approved: January 26, 2016