

77TH SPECIAL SESSION, WORK SESSION AND EXECUTIVE SESSION –
September 1, 2015

EXECUTIVE SESSION – September 1, 2015

On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to meet in closed session to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, #1 (Section 10-508(a)), to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, #4 (Section 10-508(a)), and to consult with counsel to obtain legal advice, #7 (Section 10-508(a)), on Tuesday, September 1, 2015 at 3:01 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, Karen Paulson, Director of Human Resources, Scott Nicewarner, Interim Director of Department of Community and Economic Development, Michelle Hepburn, Director of Finance, Andrew Sargent, Downtown Manager, Jonathan Kerns, Community Development Manager, Jill Frick, Economic Development Manager, and D. K. Spickler, City Clerk. The meeting was held to discuss appointments to the Board of Traffic and Parking and the Board of Code Appeals, the police chief search process, and a business proposal. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the executive session was adjourned at 4:09 p.m.

77TH SPECIAL SESSION- September 1, 2015

Mayor D. S. Gysberts called this 77th Special Session, Work Session, and Executive Session of the Mayor and Council to order at 4:17 p.m., Tuesday, September 1, 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 D. K. Spickler, City Clerk.

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 meet in Special Session at 4:17 p.m.

Introduction of an Ordinance: Amending Chapter 79, Curfew for Juveniles, of the City Code

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance to amend

Chapter 79 of the City Code, Curfew for Juveniles. This amendment would remove the phrase “by the Department of Justice”, to read as follows:

- A. Any juvenile who shall violate any of the provisions of this chapter may be charged with having committed a misdemeanor, punishable by a fine not to exceed \$ 500, and be prosecuted in accordance with Maryland Law.

Approval of an Ordinance: Acquisition of Massey Property

Action: On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance authorizing the acquisition of 1.2079 acres of land at 28-50 East Baltimore Street from the Board of County Commissioners for Rehabilitation and Redevelopment. The Mayor and City Council further moved for the Mayor to execute the “Contract of Sale” on the effective date of the Ordinance.

Approval of a Contract for Potterfield Pool Whitecoating Replacement and Deck Caulking – DRF Pool Management, Inc. \$ 58,596.00

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 approve of a contract with DRF Pool Management, Inc., of Hunt Valley, MD in the amount of \$ 58,695.00 for the Potterfield Pool Whitecoating Replacement & Deck Caulking. The contract replaces the whitecoating on approximately one-third of the pool area. Funding for the project would be from General Fund balance reserve.

Approval of Purchase of (2) Chevrolet Impalas

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve the purchase of (1) 2007 Chevrolet Impala and (1) 2009 Chevrolet Impala for Hagerstown Police Department (HPD) use. These vehicles are pre-owned and will be purchased from Hoffman Automotive. They will remain unmarked. Funding of \$ 17,100 will be transferred from the general fund to the HPD vehicle CIP account.

The Special Session was closed at 4:25 p.m.

WORK SESSION – September 1, 2015

Proclamation: Forget Me Not Month

Mayor Gysberts read a proclamation naming September, 2015 as Forget Me Not Month. JR Arnold and Gordon Fairman, Chapter 14, Disabled American Veterans, accepted the proclamation.

Main Street Update

Andrew Sargent, Downtown Manager, and Jill Frick, Economic Development Manager, were present to update the Mayor and City Council on the Main Street Hagerstown program. Each workgroup has been meeting regularly once per month. The Main Street Workgroup Co-Chairs have formed a camaraderie around the effort and as the mission and events continue to gel; this bond is becoming more evident.

Currently, there are just over 50 active volunteers across the five workgroups. The Downtown Movement has taken a very active role in many of the work areas, lending their expertise to projects like Second Saturday events and promoting the Main Street Hagerstown effort.

Ms. Frick noted that Main Street Hagerstown will reach its one year anniversary in October. Main Street is important in the following ways:

1. Provides an opportunity for different groups to meet to talk about downtown improvements
2. Ties into the City Center Community Plan Catalyst #6, which is to expand downtown arts and events programming. The Plan specifically mentions a Main Street group
3. Promotes investor confidence in the downtown
4. Sends a message of organization and forward thinking

Mr. Sargent stated the five workgroups meet regularly and communication between meetings is mostly through Facebook.

The efforts for each of the five workgroups are listed below:

1. Organization Workgroup – established the mission and vision for Main Street Hagerstown, established budgets for each Workgroup's projects, developed forms to be used for requesting funding, and manages a list of volunteers for all Workgroups.
2. Promotions Workgroup – designed the Main Street Hagerstown logo, working to establish a new Main Street event – Second Saturday, handles the Main Street Hagerstown Facebook page, and, together with the Design Workgroup, the Promotions Workgroup has placed window scrims in the windows of vacant storefronts downtown

3. Design Workgroup – developing design guidelines for continuity in Main Street Hagerstown and organizing a Smartphone Photo Tour of the downtown to highlight existing architecture
4. Business Relations Workgroup – establishing an ambassadorial committee to welcome new businesses to the Main Street Area, working with Economic Development staff to refresh the database of businesses for the Main Street area, and creating a survey that is a follow up to the business survey that economic development staff created in March, 2013
5. Clean, Safe and Green – working on idea to have combined recycling/trash containers for the Main Street area and pursuing ways for residents to more easily store their recycling and trash containers out of sight

Councilmember Munson mentioned the window scrims are attractive and it is good they cover the windows that had brown paper on them.

Councilmember Aleshire stated he understands the focus of Main Street is on economic development of commercial entities; however, he feels there should be a discussion of what is currently prevalent downtown. The owners of 62 W. Washington Street don't seem inclined to correct the issues at the building or others they own. He is concerned that, by adding the scrims to the windows, the building is more aesthetically pleasing but there are no improvements being made. He has an issue with that, especially if there are expenses involved. He stated it is good that the groups are looking at ways to help businesses be successful, but there also needs to be discussion about the effects on the plan that parties who don't appear to be interested in the efforts create.

Councilmember Brubaker inquired if Main Street is funded through the State of Maryland. Mr. Sargent indicated it is. Being a Main Street community will provide additional consideration for Community Legacy grants for the City of Hagerstown.

Councilmember Brubaker is encouraged by the work of the volunteers. He thanked the volunteers for their efforts and for their interest in assisting the Mayor and City Council with the efforts for improving downtown.

Mayor Gysberts noted these efforts may increase investor confidence. For buildings that have multiple code violations that are uninhabitable, if there are consequences to letting the building sit as it is, it may spur the owners to address the violations. The City has to continue to attempt to attract investors to create a healthy balance.

Ms. Frick indicated Main Street Hagerstown sends a message to investors that the City of Hagerstown is organizing its efforts for longevity and sustainability.

Reuse of Winter Street School

Kathleen Maher, Planning Director, Stephen Bockmiller, Zoning Administrator, and Alex Rohrbaugh, Planner, were present to provide information regarding potential redevelopment of the Winter Street School site.

The Planning Commission requests that the Mayor and Council discuss the potential redevelopment of the Winter Street School site for an “urban square” public park and have an open discussion with the County Commissioners on this issue.

After more than 120 years of use as a public school site, the Winter Street School is entering its final year of operation. It will close at the end of the 2015-16 school year when Jonathan Hager Elementary School will open in Hager’s Crossing. This three-acre campus occupies an entire city block, bordered by Washington Avenue, West Franklin Street, Winder Street and Alexander Street. The closing of the school creates planning issues and provides opportunities that should begin to be addressed by government stakeholders.

Based on the following data and analysis, it would appear that the highest and best use of this site with the most potential positive impact for the community would be to re-purpose the campus as a passive “urban square” type public park owned and operated by the City and/or County government(s).

The City Engineer recently received data on parkland equity supplied by the Department of Natural Resources, which analyzed the City’s population in terms of density, income and age versus the availability of nearby parkland in given census tracts. The report concluded that the “inner west end” of the City is an area of high need of parkland resources to serve the needs of the community. Approximately 9,000 people live within a 2,500 foot radius of the Winter Street School campus – nearly a quarter of the City’s population. The nearest substantial park is Hellane Park, which is located along the western edge of the City and access is through a residential neighborhood. It is primarily used for active recreation (ball fields, basketball courts, etc.).

It is an extremely rare occurrence when an entire square city block becomes available for redevelopment. Currently, this site and the former hospital site are such situations. It is unlikely any additional opportunities will present themselves for decades to come. Very few square blocks in the City are single parcels under one ownership. Winter Street School is located on the major thoroughfare between I-81 and downtown. It is highly visible as visitors enter the downtown from the west. The housing stock in the blocks immediately surrounding the school is generally solid.

Given these factors, Planning Staff believes, and the Planning Commission concurs, that development of this parcel as passive parkland in the form of an “urban square”, highlighted by a central focal-feature and augmented with play equipment would be the

highest and best use of this site for the benefit of the community. Implementing this redevelopment plan would serve the following three purposes:

1. Address equity issues in parkland west of Burhans Boulevard, providing 3 acres of open space for nearly a quarter of the City's population living within a 10 minute walk of this site;
2. Provide a significant aesthetic improvement to a major gateway to the City. While Hagerstown has a good park system, very few of its units are of both substantial size and located on highly-visible corridors
3. By its improvement as a "square", focusing on traditional urban park design, encourage reinvestment and increased home ownership in the surrounding neighborhood.

It is presumed that the existing school building is functionally obsolete and renovation would require major investment for any reuse that could be considered an improvement to the site and area. Potential opportunities for reuse of the site are limited since the property is zoned residential. It is unlikely that the re-use of the building or redevelopment of the site in accordance with permitted zoning will have impacts beyond its own boundaries compared to the suggested park use. If this site cannot be used to address the need for parkland in this part of the City, it will be nearly impossible to find and obtain a comparable amount of land to accomplish this purpose elsewhere.

Councilmember Brubaker inquired about the process for potential sale of the building. Mr. Bockmiller stated he understands when the school is closed ownership reverts to the Board of County Commissioners.

Councilmember Aleshire asked if this idea has been discussed with the Commissioners. Mr. Bockmiller indicated it has not, staff wanted to discuss it first with the Mayor and City Council. Councilmember Aleshire stated the Commissioners may wish to deed the property to the City, free of charge.

Mayor Gysberts pointed out this area was identified in the City's Comprehensive Plan as in need of open space. He asked why a park is preferable to reuse of the building. Mr. Bockmiller indicated zoning would be restrictive for many uses and there would be an impact on the community.

Councilmember Aleshire is concerned if a private entity purchases the building and requests an exception, which is denied, this public discussion could be used against the City.

Mayor Gysberts stated staff is simply stating a park is the highest and best use for the property.

Councilmember Nigh stated she feels there are enough parks in the west end.

Mayor Gysberts wondered if Council members had ideas for the best use for the property.

Councilmember Aleshire also expressed his concerns about not discussing this proposal with the County Commissioners yet.

Councilmember Nigh stated people have talked to her about a community building. Mayor Gysberts pointed out there are several churches with community rooms nearby, as well as Elgin Station. He indicated some non-profit groups are looking at the possibility of obtaining the building.

Councilmember Brubaker stated groups have approached the Planning Commission regarding that property. He doesn't think the City could afford to build a community building at the site; however a park is a possibility. If the Council supports moving forward with the proposal, the next step should be to discuss it with the County Commissioners.

Councilmember Metzner thinks this is an appropriate place for a County park. He does not think the County Commissioners will agree to pay for demolition of the building before transferring the property to a new owner.

Mayor Gysberts stated grant money may be available to create the park. The project could be a partnership between the City and the County.

Councilmember Metzner stated he doesn't think a partnership with the County would be successful.

Councilmember Nigh stated more employees will be needed to maintain any additional parks.

It was the general consensus of the Mayor and City Council to authorize Mayor Gysberts and City Administrator Means, when the timing is appropriate, to discuss and explore options with the County Commissioners for this property.

Councilmember Aleshire left the meeting at this time.

City Comprehensive Plan Update

Alex Rohrbaugh, Planner, and Kathleen Maher, Planning Director, were present to provide an overview of the City's Comprehensive Plan update, summarize a recent discussion with the County Planning Commission, and discuss the City's Medium-Range Growth Area (MRGA). No action is being requested of the Mayor and City Council at this time.

City Planning Staff is working on an update to the City's Comprehensive Plan, which was last adopted in 2008. The Comprehensive Plan is a roadmap for how the city should plan for growth over the next 20 years and establishes a vision of what the community is to be in the future. As its name implies, the Plan covers many topics, including Land Use, Transportation, Housing, Community Facilities, Water Resources, Community Facilities, Economic Development, and Environmental Resources. The Comprehensive Plan identifies issues and opportunities for each of these topics and then identifies policies and recommendations as to how to address them. Issues and opportunities are gathered through Staff analyses as well as input from City boards and commissions, County Planning Commission and staff, business and community groups, and citizens. Much of the Comprehensive Plan will also incorporate previous City plans already vetted through the community, including the 2012 Sustainable Community Plan and the Community's City Center Plan. Staff also plan to incorporate, as appropriate, recommendations and conclusions from plans such as the Hagerstown-Eastern Panhandle Metropolitan Planning Organization (HEPMPO)'s 2040 Long-Range Transportation Plan, the City's 2008-2010 Comprehensive Rezonings, and the 2012 County Urban Growth Area Rezonings.

Staff believes the time is ripe for an update of the City's Plan for several reasons:

1. The 2008 Plan was written during the midst of the mid-2000s real estate boom that, at that time, showed no signs of slowing. This led to over-emphasis on planning for growth from annexation and new residential development. This led to exaggerated growth and population projections that were not likely to materialize within the Plan's 20-year lifespan. It is anticipated that the updated Plan will have more focus on revitalization of existing housing and neighborhoods and redevelopment of vacant and underutilized commercial and industrial lands, rather than just solely planning for new development. The Plan will also make future land use recommendations that are more consistent with the City and County comprehensive rezonings, and it will propose a realignment of the City's medium-range growth area to better capture where growth is happening within proximity to Hagerstown's boundaries.
2. The updated Comprehensive Plan will incorporate recommendations from and be consistent with City plans and initiatives undertaken since 2008, like the Sustainable Community Plan, Community's City Center Plan, Comprehensive Rezonings, and others. The new Plan will not "reinvent the wheel", but will help to reinforce those plans and create a unified vision for the City for years to come.
3. Since Washington County is also updating their Comprehensive Plan, this gives both entities an unprecedented opportunity to discuss topics and issues of common interest. The first of such discussions took place on August 26, 2015 by a joint City-County Planning Commission meeting in which both

parties discussed common issues such as water and wastewater infrastructure, widening of I-81 and I-70, and City growth and annexation.

4. The Plan update will allow the City to address current issues in the City, such as quality of life of housing and neighborhoods, poverty, economic development, (re)development of underutilized and vacant properties, downtown revitalization. In addition, the Plan will address emerging issues such as environmental sustainability, future parks and open space needs, telecommunications, and alternative transportation (bicycling).

The Comprehensive Plan will carry the same basic format as the 2008 Plan. It will be divided into 9 elements: Land Use, Economic Development, Water Resources, Transportation, Downtown, Housing/Neighborhoods, Urban Design/Historic Preservation, Community Facilities, and Environmental Resources.

As the draft Plan is being prepared, Staff are seeking input on these topics from various groups including staff from other City departments, Planning Commission, Bicycle Advisory Committee, Faith Community Committee, County planning staff, and the County Planning Commission. Staff will be seeking input from others like the Main Street work groups and Neighborhoods 1st, and will also be seeking input from citizens through online and social media platforms. Staff anticipate reviewing complete, draft elements of the Plan with the Planning Commission this fall.

Future park needs is an issue that the Plan update will address. Staff developed a park needs map (based on a park equity analysis developed by MD Department of Natural Resources) to be incorporated into the Plan. The map was provided as an attachment to the meeting packet information. The DNR Park Equity Analysis studied by Census tract, the need for parks based on the number of children, population density, access to park space, and poverty. The map's initial findings show high need for park space in the west end neighborhood surrounding Winter Street School. Since this school is planning to be closed by the Board of Education in 2016, there is an opportunity to explore the redevelopment of this site into a passive park.

The MRGA was established in the 2008 City Comprehensive Plan to be the 20-year growth boundary for which city annexations as well as city utilities will be limited to. As required by State law for municipal comprehensive plans, this boundary was established based on projected growth potential on vacant land and the capacity of City water and wastewater resources.

The Plan update proposes the realignment of the MRGA for the following reasons: 1) to capture areas and development that the City utilities are obliged to serve through past agreements; 2) to capture areas that are more likely to develop within the Comprehensive Plan's lifespan of 20 years; 3) to capture areas that contain properties with pre-annexation agreements; and 4) to remove areas not likely to develop within the next 20 years. The realignment of the MRGA is not an expansion – several of the areas proposed for

inclusion, such as the Friendship Technology Park and along MD Route 65, are already served by City water, and, conversely, the area proposed for removal is sparsely served by City water. The City Planning Commission has previously reviewed this proposal and have endorsed the realignments. The proposal was reviewed by County planning staff who then shared the proposal with the Economic Development Commission.

City Planning Staff will attend a County Planning Commission meeting in September or October to discuss the MRGA proposal which was distributed to them in advance of the August joint meeting. Multiple meetings with the County Planning Commission and staff are anticipated as both organizations work on their respective Comp Plan updates. The State of Maryland has agreed to provide assistance in updating data in the Water Resources Element. The City Planning Commission review of the Plan updates will resume this fall.

Mayor Gysberts asked if the MRGA is based on total acreage in the designated area. Ms. Maher indicated the area is based on the impact of the Comprehensive Plan (the number of potential Equivalent Dwelling Units (EDU's)). He noted much of the MRGA is developed and the City would not be able to annex the land. Mr. Rohrbaugh indicated it is unlikely the developed parcels would seek annexation. However, the undeveloped areas could be annexed.

Councilmember Munson asked why the developing areas near the airport are not being considered for inclusion in the MRGA. Mr. Rohrbaugh indicated some of the properties are within the Washington County Service Area and would not be included in the MRGA.

Mayor Gysberts pointed out property owners outside the MRGA could request service, based on a stated exception within the Water and Sewer Policy. Ms. Maher stated if service is extended, serious service reductions would have to be made somewhere else within the system.

Mayor Gysberts stated the bottom line is there is only so much water available. If it is all allocated outside the city limits, service would not be available for development within the City.

Mr. Rohrbaugh indicated the capacity limits are established by the Maryland Department of the Environment (MDE) based on water supply available. Michael Spiker, Director of Utilities, reported the City allocation is currently 15 mgd. When 80% capacity is reached, an application will be required to MDE to increase the capacity. The water plant is rated at 20 mgd.

Councilmember Brubaker indicated the Planning Commission will be reviewing the update. At the joint meeting, he emphasized the need to try to find ways to provide service that benefit both governments.

CITY ADMINISTRATOR'S COMMENTS

Valerie Means, City Administrator reminded everyone City offices will be closed on September 7, 2015 in recognition of Labor Day. There will be no Mayor and City Council meeting on Tuesday, September 8, 2015.

MAYOR AND COUNCIL COMMENTS

Councilmember M. E. Brubaker thanked everyone involved with another successful Augustoberfest.

Councilmember D. F. Munson agreed that Augustoberfest was a great event once again.

Councilmember L. C. Metzner stated it appeared the giant slide was a successful event as well.

Councilmember P. M. Nigh inquired if the recent change in chemical additives to the water supply is harmful to birds. A resident contacted her regarding fish that were killed. She asked when customers were notified of the change. She mentioned the construction debris from sidewalk work at Locust and Antietam Streets needs to be cleaned up. This is an ongoing situation. She asked how long it takes to have a code complaint resolved. There is an old sofa that has been sitting on Locust Street that needs to be picked up. There are more homeless people coming to Hagerstown and she wonders why. She asked when the time clock (Intellitime) program will be fully operational.

Mayor D. S. Gysberts stated the Summer Slide Festival was a fun event. He is grateful for the enthusiastic, young, entrepreneurial people in the community that aren't biased about the past and the negative things people say about the community. They are willing to try new things and bring new events to Hagerstown. He thanked everyone involved

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 5:58 p.m.

Respectfully submitted,

Donna K. Spickler
City Clerk

Approved: October 20, 2015