

101ST REGULAR SESSION AND EXECUTIVE SESSION – September 27, 2016

EXECUTIVE SESSION – September 27, 2016

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 of all members present at the time of the vote 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 3-305(b)), and 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, September 27, 2016 at 6:00 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, Fire Chief Steve Lohr, Jill Frick, Director of Community and Economic Development, Jonathan Kerns, Community Development Manager, and Randy Gray, Business Development Specialist.

The meeting was held to discuss various personnel matters and potential sale of property. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the Executive Session was adjourned at 7:00 p.m.

101ST REGULAR SESSION – September 27, 2016

Mayor D. S. Gysberts called this 101st Session of the Mayor and City Council to order at 7:20 p.m., Tuesday, September 27, 2016, 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, and City Attorney Jennifer Keefer.

The invocation was offered by Rabbi Ari Plost. 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, October 4, 2016, Tuesday, October 11, 2016, and Tuesday, October 18, 2016, and the Regular Session at 7:00 p.m. on Tuesday, October 25, 2016.

APPOINTMENTS

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 appoint Frank Linn to the Board of Traffic and Parking, with a term to expire October 1, 2020.

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 appoint the following people to the Bicycle Advisory Committee, all with a term to expire June 1, 2018:

Jamie Boward
Daniel Grooms
John Munns

GUESTS

Proclamation: Centennial Year of Hagerstown's Aviation Industry

Mayor Gysberts read a proclamation recognizing 2016 as the centennial year of Hagerstown's Aviation Industry. Kurtis Meyers, Hezz Foster, Todd Willman, Paul Houck, and Linda Houck, Hagerstown Aviation Museum, accepted the proclamation.

CITIZEN COMMENTS

James Devine, P. O. Box 2217, Hagerstown, Maryland, talked about a recent incident with the Hagerstown Police Department and a bicyclist. Because the bicyclist (a 15 year old girl) hit a car, she was expected to stay at the scene. People are saying the police beat up a little girl (based on a partial video on social media). He stated that was not the case. There is no problem when people do what the police ask them to do. When someone does not follow the directions, there are consequences. In order to gain respect, you have to show respect. There is a decline in morals and values in society. There is more to the story than what people are saying.

Barry Hutchins, 19227 Sharon Drive, Hagerstown, Maryland, also spoke about the police/bicyclist incident. He viewed the video from the body worn cameras and realizes the officers were trying to help the young lady. She was being disrespectful but she is young. He wondered if a little more patience or having a female officer on the scene would have helped the situation. The officers did what they were supposed to do. However, he suggested officers receive more training about how to assist children.

Sylvia Costello, Hagerstown, Maryland, noted that the signs posted for the Burhans Village, LLC rezoning were not accessible. One was posted on private property and another was posted by the street where no parking was available. She is concerned about additional traffic on Mitchell Avenue from the proposed development. She is also concerned about the trash in areas along the walkway to City Park. She mentioned

McPherson Street and the corner of Jonathan and Church Streets. This is not a positive introduction for the walk.

Rabbi Ari Plost, B'nai Abram Synagogue, Hagerstown, Maryland, mentioned a lot of clergy time is spent with the individuals in their congregations, helping them work through difficulties in their lives. There are different views from the parties involved and it is important to have someone listen to both sides. He noted the Hagerstown Area Religious Coalition (HARC) is available to help groups or individuals work through difficult situations. Their assistance is available to the community at large.

Rev. Dr. Joseph Chandler, Hagerstown, Maryland, read a passage from Zachariah. This passage discusses speaking the truth. The HARC came together last week when false statements were made against police officers and against other individuals. The officers adjudicated the scene accordingly. They did not fail in what they are trained to do. However, the community failed because "It takes a village to raise a child" and this child was disobedient. We have to correct this together. He wants to build bridges and establish a foundation from which to move forward. The Hagerstown Police Department is a remarkable department. He stated Chief Victor V. Brito invited him and several other community leaders to view the body worn camera video. There were difficult questions circulating and those were answered by viewing the video. Chief Brito embraces the ethnicity in the community. He thanked him for that.

PUBLIC HEARINGS

Rezoning – Burhans Village LLC

A Public Hearing was held for ZM-2016-02: Rezoning – Burhans Village, LLC. Burhans Village LLC has filed an application for rezoning on behalf of the property owner, Cavalier Hagerstown LLC. The area proposed for rezoning includes four vacant parcels and platted right-of-way west of Burhans Boulevard N., east of Mitchell Avenue, and north of Carrollton Avenue. The total of the proposed rezoning is approximately 6.21 acres. The applicant proposes to rezone the property from RMED (Residential Medium Density) to RH (Residential High Density). If rezoned to RH, the plan is to develop the property for multi-family housing.

Alex Rohrbaugh, Planner, stated historically this property was split-zoned R2 (RMED's predecessor) and C2 (CG's predecessor). During the height of the housing boon in 2006, the owner at the time required and received a Planned Unit Development (PUD) zone overlay for a townhouse development, with approximately 80 units, known as Deerfield Knolls. A site plan for the Deerfield Knolls development was approved in 2007, and a revised grading plan for the development was approved in 2008. Although some clearing occurred on the site at the time, the development never came to fruition. When no further action on the development happened, the PUD overlay expired two years later in 2010. The area was also reviewed during the 2008-2010 Comprehensive Rezonings and rezoned entirely to R2 during Phase III rezonings in 2010.

The area proposed for rezoning is designated for “Medium Density Residential” and “Commercial General” future land uses in the 2008 Comprehensive Plan. This future land use designation followed existing zoning classification lines at the time.

The property is currently zoned RMED. Due to its relatively small size (6.2 acres) and its unusual shape and topography, the zoning and land development requirements for RMED (5 units/acre or less) make this property challenging to develop. RH zoning provides for areas of high-density residential development (10-16 units/acre), and may make the property more suitable for development.

The property currently consists of vacant land. For the reasons stated above, a rezoning to RH may make the property more suitable for development. The property is surrounded by primarily single- and two-family residential dwellings on small lots on the western and southern sides (Mitchell Avenue and Freemont Street). The residential density of these properties is estimated at about 18 units/acre (2.19 aggregate acres of adjacent residential divided by 40 units). If the property in question were developed under the proposed RH zoning, the overall residential density would be generally compatible to that of the surrounding residential area.

All public facilities and services rendered by the City of Hagerstown are available to the site and are currently serving the existing businesses.

It is estimated that development on the property will increase the city’s population by 242 persons. This figure is based on the following assumptions: 1) the property is rezoned to RH, 2) the property is developed to a maximum density of 99 units (16 dwelling units/acre x 6.21 acres), and 3) each unit is occupied at the city’s average household size of 2.44 persons/dwelling unit.

It is anticipated that development on this site will have access to both Burhans Boulevard North to the east and Mitchell Avenue to the west. Burhans Boulevard North experiences daily traffic counts of about 12,165 vehicles per day, and Mitchell Avenue experiences less than 2,500 vehicles per day. It is estimated that a multi-family development on this site could generate a maximum of 643 vehicles per day. This figure is based on the following assumptions: 1) the property is rezoned to RH, 2) the property is developed to a maximum density of 99 units (16 dwelling units/acre x 6.21 acres), and 3) a rate of 6.47 vehicle trips per day per unit.

Under Maryland Law, a piecemeal rezoning of an individual property can be considered only if there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification. The applicant is requesting the rezoning on the argument that there was a mistake in the existing zoning classification that did not take into account “i) the negative impact of surrounding land uses on future homeownership, ii) the need for transition zoning between industrial and less dense residential zoning and land uses, iii) the unique and difficult to develop site in conjunction with the requirements of the Land Management Code, and iv) it (the City) failed to accommodate needs that had been

expressly recognized as existing in the 2008 Comprehensive Plan and that existed at the time of the comprehensive rezoning”. The applicant’s complete justification was provided to the Mayor and Council as well.

Whether or not a zoning reclassification has merit in the State of Maryland depends first upon the applicant establishing to the satisfaction of the Planning Commission and the Mayor and Council, strong evidence of mistake in the original zoning or evidence of substantial change in the character of the neighborhood since the last comprehensive rezoning of the City in 2010. Once this is established, the question turns to the appropriate zoning classification.

The Planning Commission determined in its deliberations that there was a mistake in the existing RMED zoning classification based on the following:

1. The rezoning to R2 during the 2010 Comprehensive Rezoning was the result of the existing PUD and not as a result of analysis of the appropriateness of the zoning.
2. Barriers to homeownership at this location (i.e. proximity to rail line and industrial lands) were not considered during the 2010 Comprehensive Rezoning.
3. During the 2010 Comprehensive Rezoning, it was not contemplated that, should the PUD overlay expire, development of single- and two-family dwellings under RMED zoning would not have been economically viable after the removal of developable land for infrastructure and setback requirements.
4. It was not foreseen at the time of the 2010 Comprehensive Rezoning that the City would subsequently amend PUD requirements so that another PUD plan would not be feasible on this property.

Additionally, the Planning Commission found the RH zoning would be appropriate for this site because:

1. The 2008 Comprehensive Plan anticipated residential in this area, and commercial or industrial does not work given the site configuration and the setback requirements.
2. Residential is appropriate given the facts stated above and high density is the best option given the limitations of the site stated above and the fact that the surrounding RMED land is developed at a higher density than current design standards would allow a new multi-family development to achieve.

Based upon the findings of fact and reasons set forth above, the Planning Commission finds that a mistake was made in the existing RMED zoning classification and finds that RH would be appropriate for the site. Therefore, the Planning Commission recommends that this property be rezoned from RMED (Residential-Medium Density) to RH (Residential-High Density).

Mayor Gysberts asked if the City of Hagerstown can require the property to be included in the City’s grid system to extend the existing neighborhood. Mr. Rohrbaugh indicated that requirement would not be a condition of the potential rezoning. He will research the inquiry and provide additional information.

Bruce Dean, Attorney with Widows and Blocker, Frederick, Maryland, and Michael Shifler, Fox and Associates, are representatives for the owners of the property.

Mr. Dean stated the rezoning is being requested based on the reason of mistake in the existing zoning. The RMED zoning followed the prior zoning and PUD approval but did not take into consideration factors that may have led to a different zoning. The requested zoning would allow the property to be developed at the same density as the surrounding neighborhood.

Mr. Shifler believes the requested zoning is appropriate for this parcel. He provided a drawing of the site with proposed units marked. To meet the requirements of the Land Management Code and to construct public streets as required under the RMED zoning classification, the number of allowed units would be reduced, making it difficult to develop the property. The associated costs for 30 to 40 single family townhomes would not be feasible. He noted there is typically a higher density residential use as a buffer between industrial/heavy commercial uses and less dense neighborhoods. He reiterated there are industrial uses adjacent to this property.

Mr. Dean stated there are several factors that indicated RH would be appropriate for the property including size and shape of parcel, application of LMC requirements, subsequent change in PUD requirements, and the adjacent and incompatible land uses that would have an effect on homeownership. He understands the desire for increased homeownership in Hagerstown. This site does not lend itself easily to that use. He stated the proposed use meets the statements of the Comprehensive Plan by utilizing incentives to develop undeveloped land. The site has not been developed because it is a difficult site. Re-use and revitalization in Hagerstown should be encouraged. The owner believes affordable workforce housing (multi-family dwellings) would add to the economic strength of the community. The applicant's intent is to use tax credit financed development incentives to develop the property. The request for rezoning is based on a mistake in the existing zoning classification.

Mayor Gysberts asked if a request for a variance from the medium density zoning would be an option for the applicant. Mr. Dean indicated a request of that nature for undeveloped land would constitute a self-created hardship. Mr. Rohrbaugh indicated the creation of higher density housing is not a criteria that could be considered by the Board of Zoning Appeals.

Councilmember Brubaker noted there would be parking lots (as opposed to on-street parking) constructed to meet the parking requirements of the Land Management Code.

Mayor Gysberts asked if a mix of homeownership and rental units could be considered, without constructing "big box" apartment buildings.

Mr. Dean stated the minimum lot size requirement is the same under the RH and RMED zoning. If townhomes are required, the rezoning would not be beneficial. The applicant does not think townhomes are a viable alternative for this property.

Councilmember Aleshire asked if there are other high density residential uses in area of this property. Ms. Rohrbaugh indicated there is no other RH zoning in this area.

Councilmember Aleshire pointed out the neighborhood is medium density residential, with industrial and commercial uses nearby. He stated it appears the applicant is saying living next to industrial uses is not good for home owners but is good for renters. Mr. Dean indicated it is easier to ask someone to live adjacent to industrial neighborhoods for a year or two instead of long term.

Mayor Gysberts stated a good way to market the property is that it would be a nice place to live because it is generally a secluded area. He noted it could be argued that a high density residential use may be detrimental to the surrounding neighborhood. Mr. Dean does not agree this development would have a negative impact on the existing neighborhood.

Councilmember Aleshire doesn't understand the argument that a higher density use is needed to act as a transition area to the less dense uses. Mr. Dean indicated it may be better to describe the housing type, rather than density. The existing green space would have buildings on it that would act as a buffer and transition area.

Mr. Shifler reiterated that the current zoning is a detriment to development, since it would require streets with rights-of-way and reduces the area available for buildings.

Councilmember Aleshire noted the owner is not prohibited from requesting a PUD for the property. Mr. Dean stated that is correct, but he doesn't think a PUD is an appropriate use. The owners believe strictly residential is an appropriate use.

Councilmember Aleshire stated it does not appear the current owner is the same owner from 2010. Councilmember Aleshire wondered if there was any input from the owner during the deliberations about the Comprehensive Plan.

Mr. Shifler stated the property was foreclosed and there was no local developer interest until the last month or so.

Councilmember Aleshire reiterated there was an argument of mistake in zoning by the owner at the time of the Comprehensive Plan update. The applicant is now looking at workforce housing with tax credit financing. The demographics in Hagerstown would not be improved by the addition of high density apartment buildings. There is a need for homeownership to elevate the demographics.

Mr. Dean stated the applicants applaud what the City is trying to do to increase homeownership. Workforce housing through tax credit financing is a good thing for communities. Folks all over Maryland are priced out of housing. This type of project (which is not low income housing or government subsidized housing) provides a nice option for people for affordable housing.

Tax credit financing is provided by the federal government. A percentage of the units must be rent restricted and occupied by people making 50% of the area median gross income. The tax credits are applied against the construction costs. This is not subsidized housing. The subsidy is from the federal government to the developer to construct the housing.

Councilmember Brubaker will be asking for additional clarification from Planning staff. One question will be regarding the expired PUD and the location of a commercial use at the front of the property.

Councilmember Munson represents the entire community. Green space is a good use, expect when it is not maintained. This property is not being maintained. Mr. Dean stated the current owner only purchased the property within the last 30 days. Even with multi-family buildings, there will be green space.

Councilmember Munson wondered why a commercial use isn't being considered. Mr. Dean stated the applicant has looked at possible uses and has determined a multi-family use is the most feasible.

Councilmember Munson assumes a number of units will be Section 8 housing. Mr. Dean stated he is not sure that is an accurate assumption. The housing being discussed lowers the rent.

Councilmember Munson noted that Section 8 housing units have been the cause of many issues for the City. The City is not allowed to know which properties are Section 8 properties.

Mayor Gysberts stated he understands Councilmember Munson is concerned about further concentration of poverty in a high density development.

Councilmember Nigh prefers new development to be single family homes, with the intent of being owner occupied.

Sylvia Costello, Hagerstown, Maryland, asked if any streets would include sidewalk requirements. She wondered how this would affect current property values.

Mayor Gysberts stated there are certain amenities that are required for high density uses.

The record will remain open for additional comments until introduction of the ordinance to consider the rezoning.

Review of the requested rezoning and associated comments will be reviewed during a Work Session in October.

CITY ADMINISTRATOR COMMENTS

Valerie Means, City Administrator, had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember K. B. Aleshire had no additional comments.

Councilmember M. E. Brubaker stated the MML Legislative Priorities include Highway User Revenues, mandating that government agencies pay stormwater management fees, and ensuring coordination of projects by public utilities in public rights-of-way. Strategic initiatives include developing protocol for police body worn cameras and dealing with foreclosed properties that lead to blight around the State. Double taxation has dropped off the list.

Councilmember L. C. Metzner represented the City at the anniversary celebrations of the Fraternal Order of Police (80 years) and the IAFF (50 years). He thanked the clergy and community leaders that came to this meeting to support the police department. There are lessons learned from the incident last week. He thanked the protestors for exercising their constitutional rights in a peaceful manner. There has been a national problem that has not been a problem in Hagerstown. Hagerstown is fortunate to have citizens, police officers, and elected officials who are willing to work together and communicate with each other.

Councilmember D. F. Munson thanked Rabbi Plost for his invocation. It was very meaningful.

Councilmember P. M. Nigh thanked the clergy for attending this meeting. She is thankful people are supportive of the police department. The statements that we all need to work together to make things better are very accurate. She mentioned her husband suffered a stroke last week and is now at Western Maryland Hospital in the rehab division. She is appreciative of the work at Western Maryland Hospital. She thanked everyone for their support.

Mayor D. S. Gysberts thanked the Republican party and the Tea Party for hosting a recent candidate forum. He thanked the Chamber of Commerce for their continued support of businesses in Hagerstown. He attended the 30th anniversary of Leadership Washington County at the new Herald Mail Press Room. He attended the IAFF 50th anniversary celebration along with Councilmember Metzner. He thanked employees, both current and past, for their service to Hagerstown. The Fireball Run came through Hagerstown earlier today. The participants said this was one of the best stops they've made. He reiterated how proud he is of the community for their reaction to the events that took place involving a juvenile and the police department last week. He believes the police department remains a trusted and integral part of the community. He also thanked the protestors for making a peaceful statement.

MINUTES

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 approve the minutes, as presented, for the Mayor and Council meetings held on August 2, 2016, August 16, 2016, August 23, 2016, and August 30, 2016.

CONSENT AGENDA

On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember L. C. Metzner, the Consent Agenda was approved as follows:

- A. Community and Economic Development:
 - 1. Approval of Street Closure: Engine 1 Anniversary Parade – Sunday, October 9, 2016
 - 2. Approval of Special Event User Agreement – The Life Center International – October 1, 2016
 - 3. Approval of Barbara Ingram School for the Arts Lamp Post Holiday Decoration Project

- B. Public Works:
 - 1. Traffic Control Equipment – Econolite (Glen Burnie, MD) \$ 19,120.00

- C. Utilities:
 - 1. Wastewater: Manhole Conversion Risers and Lids – East Jordan Iron Works (Finksburg, MD) \$ 18,072.70

UNFINISHED BUSINESS

A. Approval of an Ordinance: Quit Claim for Alley 1-006 Adjacent 400 Key Circle

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 approve an ordinance to quit claim the unimproved portion of Alley 1-006 as outlined in the August 23, 2016 memo.

NEW BUSINESS

A. Introduction of an Ordinance: Land Management Code Amendments – 2016 Annual Review and Update

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 to amend

Chapter 140, Land Management Code of the City Code. These amendments repeal the existing Land Management Code which is included by reference in Chapter 140, and replaces it in total with a revised Land Management Code (identified as Version 3.0) A copy of the entire Land Management Code, Version 3.0 is appended to the ordinance.

B. Introduction of an Ordinance: Amendments to Chapter 232, Vacant Non-Residential Structures

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 introduce an ordinance to amend the Code of the City of Hagerstown, Chapter 232, Vacant Non-Residential Structures. Specifically the amendments will:

1. Add a definition for “Active Work”.
2. Amend the definition of “Vacant Non-Residential Structure” to provide two additional exemptions to the program.
3. Amend the Application/License Fee to provide further incentive for owners to get their properties out of the licensing program.
4. Amend the Inspections section to provide a re-inspection fee if inspectors are called out for an inspection and the violation is not yet corrected.

These amendments are consistent with the City’s Vision and Commitment for Housing and Neighborhoods and the Community’s City Center Plan.

C. Introduction of an Ordinance: Amendments to Chapter 233, Vacant Residential Structures

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance to amend the Code of the City of Hagerstown, Chapter 233, Vacant Residential Structures. Specifically the amendments will:

1. Add a definition for “Active Work”.
2. Amend the definition of “Vacant Residential Structure” to provide two additional exemptions to the program.
3. Amend the Application/License Fee to provide further incentive for owners to get their properties out of the licensing program.
4. Amend the Inspections section to provide a re-inspection fee if inspectors are called out for an inspection and the violation is not yet corrected.

These amendments are consistent with the City’s Vision and Commitment for Housing and Neighborhoods and the Community’s City Center Plan.

D. Approval of a Resolution: Memorandum of Understanding for the Restoration of the Saylor House in Kiwanis Park

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 a resolution to enter into a Memorandum of Understanding (MOU) with the Washington County Historical Trust for the use and restoration of the stone “Saylor House” in Kiwanis Park. The City’s financial contribution toward the restoration is \$ 10,000 for architectural plans (from operating funds) and the balance of Program Open Space funds for site utilities and walking path.

E. Approval of a Resolution: Authorizing Modification to Traffic Pattern in DoNut Alley to make the Alley One-way Southbound

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 a resolution to modify the traffic pattern of DoNut Alley (Public Alley 2-128). This modification will designate this alley from West First Street to West Wilson Boulevard as one-way southbound and authorize staff to install appropriate traffic control signals.

F. Approval of DOT Foods Request for Water Under the City’s Water and Wastewater Policy

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to approve the request from DOT Foods for water/wastewater for the property on Greencastle Pike (Rte 63) south of Elliott Parkway, identified as Map 0048, Parcel 0922, and record plat 10574, for their proposed new truck maintenance facility. Approval is granted for this property outside the City’s Medium Range Growth Area under Exception #6 of the City’s Water and Wastewater Policy. The DOT Foods project is planned to create more than 95 new jobs; 140,000 square feet of building expansion; more than \$ 12.6 million in new investment; and the project would not move forward without this approval. The approval requires a pre-annexation agreement with the City of Hagerstown.

Discussion: Councilmember Munson pointed out the DOT Foods request and the Pinnacle Foods incentive will be bringing 200 well-paying jobs to Washington County.

G. Approval of License Agreement: Country Club Road Right-of-Way for Driveway

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to approve a License Agreement with Harry Brubaker to construct a driveway in the unimproved right-of-way on Country Club Road. The purpose of this license is to allow Mr. Brubaker to construct a driveway to access the rear of a new home on the undeveloped lot adjacent to Woodland Way.

Discussion: Councilmember Brubaker stated Harry Brubaker is no relation to him.

H. Approval of a Memorandum of Understanding: Second Amendment to MOU for School Resource Officers

Action: On a motion duly made by Councilmember P. M. Nigh and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve the Second Amendment to the current Memorandum of Understanding (MOU) between the Board of Education and the City of Hagerstown for the School Resource Officer program. The amendments pertain to the guidelines referenced as Attachment 1 in section 9 of the MOU.

I. Approval of Bulk Road Salt Contract: Global Ventures of N. A., LLC (Durham, NC) \$ 60.00/ton – Budget Estimate \$ 123,000.00

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 approve of the bulk road salt purchase for City operations from Global Ventures of North America, LLC. The bid price is \$ 60.00 per ton. The budget estimate for this expense is \$ 123,000.00. The contract was competitively bid by the Washington County Government to obtain a better bulk rate for Washington County Government and the City of Hagerstown.

J. Approval of Contract to Replace the Roofs at the Public Works Operations Center and the Elizabeth Hager Center – USA Construction Services, Inc. (Beltsville, MD) \$ 153,000.00

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 contract to replace the Public Works Operations Center roof and the Elizabeth Hager Center roof in the amount of \$ 153,000.00. Staff is authorized to spend up to

\$ 168,300.00 to cover contingency items for this project. The contract will be awarded to USA Construction Services, Inc. of Beltsville, MD.

K. Approval of Narcotics Task Force Reimbursement for 4th Quarter of FY16 - \$ 37,637.44

Action: 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 approve reimbursement to the Washington County Narcotics Task Force a total of \$ 37,637.44 for the 4th quarter of FY16. This is paid for out of HPD's operating budget.

L. Approval of Narcotics Task Force Reimbursement for FY17

Action: On a motion duly made by Councilmember P. M. Nigh and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve reimbursement to the Washington County Narcotics Task Force a total of \$ 303,489.00 for FY17. This is paid for out of HPD's operating budget.

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 9:11 p.m.

Respectfully submitted,

Donna K. Spickler
City Clerk
(From the video recording)

Approved: October 25, 2016