

Mayor D. S. Gysberts called this 101st Special Session and Work Session of the Mayor and City Council to order at 4:02 p.m., Tuesday, October 11, 2016, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, L. C. Metzner, D. F. Munson, and P. M. Nigh; City Administrator Valerie Means, and City Clerk D. K. Spickler. Councilmember M. E. Brubaker was not present.

101ST SPECIAL SESSION – October 11, 2016

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 of all members present to meet in Special Session at 4:02 p.m.

Approval of a Memorandum of Understanding: Hagerstown Police Department and FBI Child Exploitation Task Force

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 of all members present to approve a Memorandum of Understanding with the Federal Bureau of Investigation Child Exploitation Task Force. There is no cost to the City of Hagerstown and overtime and other expenses will be reimbursed by the federal government of the United States.

Approval of an Amendment to the City's Water and Wastewater Policy

Action: Councilmember L. C. Metzner made a motion to approve the presented amended City of Hagerstown Water and Wastewater Policy. These amendments clarify that Exception #3 applies only to single-family and two-family dwellings on a lot of record in existence prior to certain dates and it adds a new Exception #8 for affordable housing projects located in close proximity to economic development target areas and adjacent to development served by City water and/or wastewater. Councilmember D. F. Munson seconded the motion.

Discussion: Councilmember Munson stated affordable housing is the responsibility of all governments. Exception #8 will provide the opportunity for affordable housing developments outside the City's core.

Mayor Gysberts stated there is not too much affordable housing in Washington County. The concern is where it is located and how concentrated it is.

Councilmember Aleshire stated he agrees with Exception #3 but not Exception #8. There is a finite amount of resources to extend to the customer base within a defined area. Most of the existing exceptions relate to health, safety and welfare and for economic development growth. The proposed new exception does not fall within either of those reasons. He doesn't see a benefit in extending services outside the defined service area.

Motion carried, 3-1 with Councilmember K. B. Aleshire voting No.

The Special Session was closed at 4:10 p.m.

WORK SESSION – October 11, 2016

Proclamation: Character Counts! Week

Mayor Gysberts read a proclamation recognizing October 16, 2016 through October 22, 2016 as Character Counts! Week. Carolyn Brooks and Dianne Rudisill accepted the proclamation.

Western Maryland Blues Fest 2017 Proposed Budget

Lauren Metz, Community Events Coordinator, presented the tentative 2017 Western Maryland Blues Fest budget. The Western Maryland Blues Fest is scheduled to be held June 1-4, 2017 and 2017 will mark the 22nd year for the event.

The tentative budget amount is \$ 225,300.00 and includes fees for artists, merchandise, lodging/hospitality, insurance and marketing. Revenue is from admissions, sponsorships, grants from the Washington County Arts Council and the Maryland State Arts Council, and vendors and merchandise sales. This is a working budget for the committee pending venue selections and contract negotiations. City services in the amount of \$ 52,000.00 are included in the Public Functions Account. This amount is not included in the tentative budget being reviewed.

An RFP has been issued for a new sound system for the event as well.

Councilmember Aleshire noted it would be helpful for budgeting purposes if a statement of the amount of anticipated sponsorships and grants was provided.

It was the general consensus to include approval of the proposed budget on the October 25, 2016 agenda.

Hopewell Manor Request for Water – Exception #8 in the City Water and Wastewater Policy

Michael Spiker, Director of Utilities, and Alex Rohrbaugh, Planner, were present to begin review of a request for water to expand the Hopewell Manor affordable housing development outside the Medium Range Growth Area (MRGA).

During the Special Session, clarifications were approved for Exception #3, and Exception #8 was added to the policy.

Hopewell Manor is an existing 64 unit affordable housing development served by City water located across I-70 from the Hopewell Valley Economic development target area. The plan is to upgrade the existing 64 units and add another 60 units on an adjacent tract. The developer has requested water service for the new units utilizing the new Exception #8 of the City's Water and Wastewater Policy for affordable housing. The developer has confirmed that the units will be restricted to households with no more than 80% of the area median income (AMI), in fact many of the households will be restricted to 60% AMI.

Provided the Hopewell Manor developer collected the required letters of recommendation per new Exception #8, staff recommends approval of the request to serve 60 new units of affordable housing at Hopewell Manor – an existing development served by the City. This approval should be upon the condition that a pre-annexation agreement is provided.

As required by the Water and Wastewater Policy, the developer has requested approval of the proposed development from the Washington County Commissioners. The County has verbally approved the request. Written documentation had not been provided as of the meeting time.

Councilmember Munson asked how much water will be required for the development. Mr. Spike indicated the average usage per day is estimated at 4,200 gallons. The fee will be \$ 50,000.00 for the allocation, plus the monthly fees.

It was the general consensus to schedule approval of the request for a Special Session on October 18, 2016.

Rezoning – Burhans Village, LLC, west of Burhans Blvd. N.

Alex Rohrbaugh, Planner, was present to follow up on the September 27, 2016 Public Hearing for the proposed rezoning and to get direction on how the Mayor and Council would like to proceed for the October 25, 2016 Regular Session.

During the Public Hearing, the applicant's engineer and attorney provided testimony on why they believe the property should be rezoned to RH based on a mistake in the

existing classification. They provided an exhibit showing a townhouse subdivision concept (with overlapping lot lines) in order to illustrate the applicant's argument that it would be difficult to develop under RMED zoning and still be economically feasible. They also had concerns about rezoning the property for a Planned Unit Development (PUD) overlay due to the requirement for commercial uses for PUDs. The applicant's representation also discussed that if RH zoning were approved the property could be developed for workforce housing.

The Mayor and Council also took testimony from a resident who had questions about traffic through the property, sidewalk requirements along Burhans Boulevard, the provision of open space in the development, and impact on the surrounding neighborhood. As of October 6, 2016, Staff had not received any additional public comment.

During the Hearing, members of the Mayor and Council raised concerns about development of this property under RH zoning, including further concentration of multi-family housing and a lack of homeownership opportunities should the property be developed for multi-family housing.

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 "1) 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".

At their September 14, 2016 meeting, the Planning Commission considered the rezoning proposal and the testimony provided at the Public Review Meeting. The 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 a 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.

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

1. The 2008 Comprehensive Plan anticipated residential development in this area, and commercial or industrial uses do not work given the site configuration and the setback requirement.
2. Residential is appropriate given the factors 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.

For these reasons, the Planning Commission recommended the property be rezoned to RH based on the mistake in the existing zoning classification for the reasons stated above.

Councilmember Aleshire indicated it is not accurate to say he's not in favor of the proposal. He objects to the applicant's statement of "mistake" as a reason for requesting the rezoning. He is also concerned about the increase in traffic that could be created from a different zoning classification.

Mayor Gysberts visited the neighborhood and agrees that "mistake" is not an appropriate reason. There are other areas in the City for economic development.

Councilmember Munson would not support rezoning this parcel. The change would not be positive for the community.

Councilmember Metzner stated he does not think the owner would want an unfavorable vote on record for the request.

Mr. Rohrbaugh noted if the ordinance is not introduced, the applicant would have 30 days to appeal the decision.

CITY ADMINISTRATOR'S COMMENTS

Valerie Means, City Administrator had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember K. B. Aleshire stated the residents at Potomac Towers have expressed a need for access to a grocery store. They are also curious as to what is happening with the former hospital property.

Councilmember D. F. Munson expressed sympathy to the family of Audrey Munson.

Councilmember P. M. Nigh noted Waynesboro, Pennsylvania is passing an ordinance to regulate trash. She will be watching to see if it is successful. The 15th Annual Harvest Hoedown was held, in spite of the rain. She mentioned the Forsythe building on Mill Street is going to be put up for auction. She wondered if the Springworks building would be put up for auction as well.

Mayor Gysberts stated if three Councilmembers agree, staff could check on the Forsythe property availability. It was the general consensus to have staff look into the starting amount.

Councilmember L. C. Metzner participated in the 200th Anniversary of the First Hose Company. It was an enjoyable day.

Mayor D. S. Gysberts attended the Neighborhoods 1st picnic, which was a good event. The number of active Neighborhoods 1st groups has doubled in the last four years. He noted the Washington County Historical Society opened a kinship (genealogy) service at the Miller House. Maryland's First Lady, Yumi Hogan, attended the Washington County Museum of Fine Arts' 85th Anniversary gala. He extended sympathy to the family of "Cotton" Howell, president of the American Little League. Cotton treated all the kids in the little league like they were his family members.

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 4:58 p.m.

Respectfully submitted,

Donna K. Spickler
City Clerk

Approved: November 22, 2016