

2nd REGULAR SESSION – December 20, 2016

Mayor R. E. Bruchey, II called this 2nd Session of the Mayor and City Council to order at 7:01 p.m. Tuesday, December 20, 2016, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, P. D. Corderman, E. Keller, L. C. Metzner, and D. F. Munson, City Administrator Valerie Means, City Attorney Jason Morton, and City Clerk D. K. Spickler.

The invocation was offered by Mayor R. E. Bruchey, II. The Pledge of Allegiance was then recited.

NEW BUSINESS

Adoption of Rules of Procedure

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 adopt the established Rules of Procedure dated December 20, 2016. These Rules of Procedures shall apply to all meetings of the Mayor and City Council to be held by this administration and shall be in effect upon adoption of the Mayor and City Council.

Mayor Bruchey announced the Rules of Procedure for this meeting will be followed as adopted December 20, 2016. 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 beginning at 4:00 p.m. on Tuesday, January 10, 2017, Tuesday, January 17, 2017, and Tuesday, January 24, 2017, and the Regular Session on Tuesday, January 31, 2017 at 7:00 p.m.

GUESTS

Certificate of Appreciation to Michael Barnhart

Mayor Bruchey presented a Certificate of Appreciation to Michael Barnhart, t Team Manager, for his work with the Hagerstown Kodiaks. The Hagerstown Kodiaks are a sled hockey team comprised of individuals between the ages of 5 and 52. Sled hockey is a team sport which allows individuals with disabilities and injuries to play a competitive sport on ice. The Hagerstown Kodiaks play at the Hagerstown Ice and Sports Complex.

Councilmember Munson thanked Mr. Barnhart for what he has done to improve the quality of life for citizens.

CITIZEN COMMENTS

Marc Gamerman, 89 West Lee Street, Hagerstown, Maryland, relocated his chiropractic practice to Lee Street recently because of the Hagerstown Cultural Trail. He and his colleagues have watched the trail being built. He is planning to sponsor some of the artwork.

Councilmember Metzner pointed out Dr. Gamerman's practice will be an asset to downtown.

PUBLIC HEARING

ZM-2016-03: Conversion District Amendment – Jeffrey Crampton, 901 Pope Avenue

Alex Rohrbaugh, Planner, reported the owner and application, Jeffrey Crampton, has filed an application to amend the Conversion District and add to the list of approved uses for the property in order to make the property at 901 Pope Avenue more flexible for re-use. An amendment to a Conversion District is processed as a rezoning. Uses below are listed as written in the Land Management Code; however, the text in CAPITAL LETTERS in #2 was specifically added for this application. The proposed uses are as follows:

1. Tanning and Depilatory Salons
2. Retail and wholesale trade, excluding auto and other motor vehicle dealers unless all vehicle storage is indoors and excluding adult businesses – up to 5,000 square feet in net floor area per business. This provision shall also include retail bakeries and retail confectioneries. Regulation of specific trade uses that are found elsewhere THE ZONING ORDINANCE shall prevail. **NO MORE THAN ONE SUCH USE SHALL BE PERMITTED IN THIS CONVERSION DISTRICT.**
Note: This is recommended due to the limited amount of parking on-site.
3. Hair, nail and skin care stores, ear piercing services, hair replacement services, permanent makeup salons, and dog grooming establishments
4. Visual and Performing Arts Studios
5. Catering kitchens, for preparation of food for off-site delivery and associated office and storage use
6. Professional, scientific and technical services, except veterinary services
7. Fitness and Recreational Sports Centers
8. Artist Live-work Space in large former commercial, industrial, or institutional buildings
9. Personal and household goods repair and maintenance

At its November 9, 2016 meeting, the Planning Commission recommended to the Mayor and City Council approval of the Conversion District overlay amendment, subject to the following site plan condition: Any trash dumpsters, existing or proposed, that are located along the Pope Avenue side of the building be provided with dumpster enclosures in accordance with the equipments of the Ordinance.

The following Exhibits were entered into the record:

Exhibit 1 – Certificate of Advertisement

Exhibit 2 – Planning Commission file by reference

Councilmember Aleshire asked for clarification if the amendment would include the requirement for all vehicle storage for motor vehicle dealers to be indoors. Information from staff and information from the applicant do not match on this item. Mr. Rohrbaugh noted the staff memo should indicate the requirement is removed. Staff will also clarify if vehicle repairs are permitted.

Councilmember Aleshire pointed out retail bakeries and confectioneries would be a permitted use at this location. Mr. Rohrbaugh confirmed that is correct.

Councilmember Aleshire asked if professional, scientific, and technical services could be interpreted to mean medical related services. Mr. Rohrbaugh stated any medical services would be addressed under Ambulatory Services.

Councilmember Aleshire asked if there would be adequate water and wastewater service to this large building based on the additional uses. Mr. Rohrbaugh indicated there is adequate service and most of the uses would not significantly increase the demand.

The following testimony was presented:

Jeffrey Crampton, 901 Pope Avenue, Hagerstown, Maryland, is the owner of the property. He stated he has owned the building for many years and there is adequate utility service to the building. He has no plans to “over rent” the building.

There was no further testimony presented, either in favor of or against the proposed Conversion District Amendment.

Staff recommends holding the record open for 10 days and introducing the ordinance for the rezoning amendment during this Regular Session. This would expedite the rezoning process by one month while still allowing for public review and comment.

CITY ADMINISTRATOR COMMENTS

Valerie Means, City Administrator, wished the Mayor and City Council, employees, and citizens a happy holiday season. There will be no change in the holiday trash collection schedule. City offices will be closed on December 23, 2016 and December 26, 2016 in observance of Christmas.

MAYOR AND COUNCIL COMMENTS

Councilmember K. B. Aleshire thanked staff for their efforts to increase participation at the City Farmers’ Market.

Councilmember P. D. Corderman thanked Mr. Barnhart, Dr. Gamerman, and Mr. Crampton for their interest and investments in Hagerstown.

Councilmember E. Keller thanked Mr. Barnhart for bringing another great program to Hagerstown. She noted she spent a lot of time at the ice rink. She congratulated Mike Fitzgerald for receiving the Heritage Structure Rehabilitation Competitive Commercial tax credit for 2017, which featured the Professional Arts Building, and “I Can Build It” will be featured on the FYI network for Tiny Homes Nation.

Councilmember L. C. Metzner stated one of the nicest experiences as an elected official is working with the professional staff of the City. He wished everyone happy holidays.

Councilmember D. F. Munson also wished everyone a happy holiday season.

Mayor R. E. Bruchey, II wished everyone happy holidays.

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 November 1, 2016, November 15, 2016, and November 22, 2016.

CONSENT AGENDA

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

- A. Fire:
 - 1. Emergency Repairs to Ladder Truck 11 – Red Storm (Gainesville, VA)
\$ 21,999.03

- B. Parks and Recreation:
 - 1. Program Open Space Application

- C. Public Works:
 - 1. Change Order to Install Additional Roofing at Elizabeth Hager Center – USA Construction Services, Inc. (Beltsville, MD) \$ 131,533.00
 - 2. Purchase of Ford F550 Dump Truck with Salt Spreader and Snow Plow – Keystone Ford (Chambersburg, PA) \$ 88,403.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: 2015A and 2015B Bond Reprogramming

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 an ordinance amending and supplementing Ordinance No. O-15-01, originally passed on 02/10/2015, approved on 02/10/2015 and effective on 03/13/2015, which, together with a companion resolution, served as authority for the issuance and sale of the \$ 8,020,000 City of Hagerstown Public Facilities Bonds, Series 2015A (Tax-Exempt) and the \$ 1,850,000 City of Hagerstown Public Facilities Bonds, Series 2015B (Taxable) (the “2015 Bonds”).

With respect to certain of the original projects intended to be funded from 2015 Bonds proceeds the City has achieved cost savings, cannot spend 2015 Bonds proceeds quickly enough to satisfy certain federal tax code requirements, or has determined not to fund such original projects either in the amount originally allocated to such projects or from 2015 Bonds proceeds at all. The purpose of this ordinance is to amend and supplement Ordinance No. O-15-01 to reallocate a portion of the 2015 Bonds proceeds to finance or reimburse costs of additional public purpose projects of the originally allocated to certain original projects.

Staff is hereby directed to work with bond counsel to take all necessary actions to proceed with and develop any resolutions and other documents necessary for the reprogramming of the 2015 Bonds proceeds.

NEW BUSINESS

A. Introduction of an Ordinance: Conversion District Amendment – Jeffrey Crampton, 901 Pope Avenue

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 for an amendment to the Conversion District Overlay, including the condition endorsed by the Planning Commission, on property located at 901 Pope Avenue.

B. Introduction of an Ordinance: Quit Claim a Portion of Alley 4-48

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 making a determination that certain property (a portion of Alley 4-48) is no longer needed by the City of Hagerstown for a public purpose, and authorizing the execution of a quit claim deed for the same.

C. Approval of a Resolution: Accepting the Offer of Dedication of a Portion of Meridian Drive

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 accept the offer of dedication of a portion of the newly constructed Meridian Drive, recorded among the plat records of Washington County, Maryland as Plats No. 7429 and 8067. The City shall commence maintenance of this street effective immediately since the developer has submitted the proper one-year maintenance bond.

D. Approval of a Resolution: Rental Contract with National Institute of Standards and Technology (NIST) for use of Space in the Elizabeth Hager Center

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 a resolution authorizing a rental contract between the National Institute of Standards and Technology (NIST) and the City of Hagerstown. The rental contract will allow NIST to utilize designated space in the Elizabeth Hager Center for emergency drills and when an actual emergency prevents NIST from operating at their headquarters in Gaithersburg, Maryland. The agreement expires on December 29, 2017 and includes renewal options to extend the contract through 2021.

E. Approval of a Contract: Dredging City Park Lower Lake

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 a contract with Edwin A. and John O. Crandell, Inc. of West River, MD in the amount of \$ 1,053,871 for the dredging of the lower lake in City Park and set aside a 10% fund contingency. It is further moved for the approval of a Change Order with BayLand Consultants for construction project management in the amount of \$ 37,500. The project intent is to improve the ecology and appearance of the lake and create potential for additional future activities.

Discussion: Councilmember Aleshire has researched dredging projects since the last meeting. Consistent with the information provided last week, experts note it is always better to dredge on man-made structures. Most problems with dredging occur with natural lakes. He asked that project updates be posted on the City's website.

Rodney Tissue, City Engineer, reported a community meeting has been scheduled for Wednesday, January 11, 2017 at 6:00 p.m. at the

Washington County Museum of Fine Arts to discuss the project. He encouraged anyone interested in information about the dredging project to attend.

F. Approval of Acceptance of a Donation of a Vehicle from the Narcotics Task Force to Hagerstown Police Department

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote to accept a donation of a vehicle from the Narcotics Task Force. This vehicle will be used as a “bait” item and be deployed in different locations in the City experiencing high rates of thefts of various items from motor vehicle.

This is a donation and therefore; there is no cost to the City of Hagerstown.

G. Approval of Relocation of Hagerstown Fire Department Truck 1

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 permanently relocating and deploying the Hagerstown Fire Department unit known as Truck-1 from the unit block of West Franklin Street to the City owned fire station at 100 Eastern Boulevard. This move provides enhanced aerial ladder coverage, safer and more efficient fire-rescue operations, and provides overall cost savings for service delivery.

Discussion: Councilmember Munson thanked the volunteers at Pioneer Hook and Ladder for their dedication to the citizens of Hagerstown.

Councilmember Metzner commended everyone involved in making this difficult decision.

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 7:45 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: January 31, 2017