

The Executive Session scheduled for November 21, 2017 was cancelled because a quorum of the Council was not going to be present.

WORK SESSION – November 21, 2017

Mayor R. E. Bruchey, II called this Work Session and Executive Session of the Mayor and City Council to order at 4:02 p.m., Tuesday, November 21, 2017 in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, E. Keller, and L. C. Metzner, City Administrator Valerie Means, and City Clerk D. K. Spickler. Councilmember P. D. Corderman was not present.

Proclamations – Small Business Saturday – November 25, 2017

Mayor R. E. Bruchey, II read a proclamation naming November 25, 2017 as Small Business Saturday in Hagerstown. Small Business Saturday is a nationwide campaign to cultivate business for merchants of small businesses on the Saturday after Thanksgiving.

Introduction of Stephen Beaudoin, Maryland Symphony Orchestra Executive Director

This item was postponed.

Washington County Community Coalition Request

Paul Frey, CEO/President of Washington County Chamber of Commerce, and Jim Kercheval, Greater Hagerstown Committee, were present to discuss the City of Hagerstown's participation in the Coalition.

During a discussion on November 7, 2017, the Council questioned the coalition agenda item of a mental health clinic and crisis response center. Earl Stoner, Rick Rock, and Vicky Sterling, Washington County Health Department, were present to address the question.

Councilmember Aleshire pointed out the wording in the document suggested the item is to specifically address mental health treatments. The Council was concerned what broad scale this would cover. He stated the description of the 24/7 walk-in clinical service was vague, especially for an anticipated location. He stated it appears most people think these types of facilities should be located in the core of downtown. He will not support this request for the agenda if the location is downtown.

Mr. Kercheval stated this program could help with the services available. Each county in Maryland should have a mental crisis team and a 24 hour clinic where people can get help. Meritus has that service, but admittance only occurs when the person is harmful. If the person doesn't address the problem, they are back at the crisis point. Washington County has a local addictions authority, which is part of the Health Department. Mr. Rock and Mr. Stoner have been discussing ways to help people in the community and this

coalition agenda item is the result of those discussions. Many leaders in the community share the same concerns as the Mayor and Council about the concentration of social services located in the core of Hagerstown. A location for this facility has not been determined.

Councilmember Metzner understands it may be difficult to say where the facility will be at this stage; however, it is not difficult to say where it should not be and that is in the downtown. He noted a logical location would be near the Meritus Medical center.

Councilmember Aleshire stated there is more subsidized housing in Hagerstown than other municipalities. There are 30 locations for social services available within an 8 block radius of the square. He stated Hagerstown residents are already well served in this location.

Mr. Kercheval stated the Coalition relies on feedback from the community for issues that are important to them. If one partner in the Coalition is not supportive of an initiative on the list, it can be modified.

Councilmember Aleshire stated that any new facility has to function as part of a cohesive group of services available.

Councilmember Keller supports the idea of a crisis clinic.

Mr. Rock indicated they have been working with the police departments to make it more of a preventive activity, rather than always being on the defensive/emergency side. A crisis clinic has to be accessible. The activity level may not support a 24/7 operation. Existing facilities may be able to offer walk-in assistance. If this project is funded, a request for proposals would be issued and the location would be determined during that process. Many of the issues that are being dealt with are the result of the deregulation of mental health treatment that occurred 40 years ago. There are approximately five inpatient mental health facilities in Maryland, outside of the State facilities. There is a limited window of time to respond to someone who asks for help. The community has to be more responsive than it has been up to this point.

Councilmember Aleshire is willing to discuss a better mechanism for treatment as long as a sincere conversation is held which includes the realization that many people are being sent to Hagerstown to receive a variety of social services. Hagerstown seems to be the base location for many of the less medically structured entities. The impact of the additional public safety services required for this occurrence needs to be discussed.

Mr. Rock agreed the conversation needs to be held. The need for mental health treatment is increasing, due to many factors include the failure of families, failure of parental discipline, and a less stable society. Someone has to step in and fill the void left by these failures.

Councilmember Aleshire stated the City should be there to assist in this crisis to the degree it can be, but not at the detriment of the quality of life for citizens.

Mr. Frey stated this is an important topic and many communities are talking about it. He asked if the Mayor and Council would support the list if this item was removed for now.

Councilmember Metzner suggested asking this question of a full Council.

Mr. Kercheval stated this was a good conversation. The idea of the Coalition is to be a combined group with an agenda list that all members are supportive of.

Councilmember Metzner asked if the Town of Boonsboro has committed funding to the Coalition. Mr. Frey indicated they did and the item specific to Boonsboro was submitted through the Convention and Visitors Bureau.

It was indicated that the Washington County Commissioners have also provided funding.

Mayor Bruchey wondered if a portion of the Health Department could be set up for a crisis clinic. He noted it appears 2 of the 3 Councilmembers present support keeping the crisis center on the list.

Mr. Kercheval encouraged the Mayor and Council to attend the opening day reception hosted by the Coalition. The Coalition has had positive responses during the last ten years of their efforts.

Preliminary Agenda Review

Consent Agenda

A. Parks and Engineering:

1. Engineering – 2018 and 2019 Pavement Preservation Lists

B. Police:

1. Downtown Fiber Loops Material – FiberPlus (Jessup, MD) \$ 18,914.00
2. Signal Sidearm and Vehicle Systems – Axon Enterprise, Inc. (Scottsdale, AZ) \$ 28,834.92

C. Public Works:

1. Bulk Diesel Fuel – IPC (USA) Inc. (Columbia, MD) \$ 199,730.00 (\$ 1.6468/gallon)
2. Bulk Gasoline – Petroleum Traders Corporation (Fort Wayne, INC) \$ 259,162.00 (\$ 1.5628/gallon)

D. Utilities:

1. Water – 6” Neptune HP Protectus II Meters – Core & Main (Montrose, VA) \$ 20,400.00

2. Water – R. C. Willson Plant – Flocculator Rehabilitation – Jim Myers & Sons, Inc. (Charlotte, NC) \$ 43,560.00
3. Water and Wastewater – Bulk Chemical Purchase – Wastewater Division \$ 470,044.00 (multiple vendors) and Water Divisions \$ 741,734.00 (multiple vendors)
4. Wastewater – Vehicle Replacement Unit # 512 – Keystone Ford (Chambersburg, PA) \$ 117,416.00
5. Wastewater – Muffin Monster Repair – JWC Environmental (Santa Ana, CA) \$ 19,259.00

There were no questions about any item on the Consent Agenda or other Preliminary Agenda item. This completed the review. All items are scheduled for approval on November 28, 2017.

Land Management Code Text Amendment Regarding Cluster Subdivisions

Stephen Bockmiller, Development Review Planner/Zoning Administrator, was present to discuss proposed amendments to Article 4 (Zoning) of the Land Management Code, Section D (Residential Districts) Subsection 6 (Cluster Developments). The Planning Commission held a public hearing on this matter on October 29, 2017 and recommends these amendments be adopted by the Mayor and City Council.

The purpose of the proposed amendments are to 1) permit cluster subdivisions in all residential zoning districts and not just the RMOD District where currently permitted, 2) to revise the bulk requirements chart to be more flexible in creating cluster subdivision designs, and 3) to prohibit the use of bulk lots with multiple dwelling structures on them in cluster subdivisions (such as the currently pending McCleary Hill development which is not a cluster development proposal).

This last item is in response to the Mayor and Council's concern that dwellings are not being constructed on their own fee-simple lots in new developments. Staff and the commission are currently working on the annual text amendment package and this issue will be addressed more globally in that process. Since this issue is being forwarded to the elected body in advance of the annual package, text was inserted to address this issue as well.

Nothing in this proposal will result in increasing permitted entities in cluster subdivisions.

To date, the City has not received an application for a cluster subdivision in at least 15 years. Staff recently began processing a sketch plan application for a 48-unit townhouse cluster subdivision. After beginning to apply detailed review of the proposal, staff identified a problem that blocks the pending proposal, and the language could be interpreted to permit development concepts not intended by the ordinance. Therefore this proposal is presented in order to move the currently pending development along and adjust the bulk regulations chart to be more flexible and consistent with amendments adopted in 2012 which for the first time, created differing setback and lot area and width

requirements that now vary by zoning district. To that point, the bulk requirements were the same throughout all four residential zoning districts.

When varying bulk requirements were adopted, it seemed like with the new, smaller lot area requirements in the R-MED, RO and RH Zoning districts, it would be very unlikely that the City would ever receive an application for a cluster subdivision in those zoning districts. Language was inserted limiting cluster developments to the RMOD District to simplify the provision and eliminate references the staff and Commission believed never would be used. The cluster lot area chart did not seem like it needed adjustment to account for this change, and that remained the same.

In retrospect, this change was ill-advised – at least without additional scrutiny of the lot area chart. As a matter of policy, clustering in order to create more open space in developments should be encouraged in all districts – not just the RMOD District. The Planning Commission looked at the bulk requirements comprehensively, and also now proposes adjustments that will improve flexibility in applying designs to cluster subdivisions.

When the Ordinance was revised, counsel stated that the City needed to retain reference to triplexes and quadraplexes in the cluster provision. Staff had recommended removing them as a development option in the City. There were existing triplex and quadraplex developments on file within the City and some reference and counsel recommended that reference should continue to be made to them in the updated Ordinance. They are framed in the proposed amendments to be the lesser desirable form of development in a cluster subdivision.

A public hearing is scheduled for the Mayor and City Council's regular meeting of November 28, 2017.

Tiered Property Tax Discussion

Scott Nicewarner, Director of Communications, Technology and Support Services, was present to discuss options/strategies for possible implementation of a two-tiered tax structure for real property taxes in FY19.

Currently, the City charges a single rate for all real property (FY18 = \$0.941 per \$100 of assessed value). There are a handful of municipalities in Maryland that charge a two-tiered tax rate for real property, with the tiers being either owner-occupied vs. non-owner occupied parcels, or residential vs. commercial parcels.

In an effort to provide alternatives to the present taxing structure, staff has gathered information on Maryland municipal tax rates and the documented enhancements identified to the Maryland Municipal League in FY17 to their tax structures.

There are four municipalities in Maryland that use a tiered tax rate. Three use a commercial vs. residential rate. The remaining one, Pocomoke City, uses an owner occupied vs. non-owner occupied rate.

Based on the assumption that non-owner occupied residences (of 3 or more units) represent 18% to 25% of the tax base, each 5% rate increase would increase revenue by more than \$ 300,000.00. This is strictly an estimate.

Tax rates for owner-occupied residences would remain level.

Councilmember Aleshire pointed out homeowners may be paying a higher tax rate proportionately for services than a multi-unit residential building. This type of tax rate structure would help even out the disparity.

Councilmember Metzner stated increasing commercial rates may deter businesses from locating in the City.

Mayor Bruchey asked if information had been gathered for properties on the east side of Hagerstown. Mr. Nicewarner stated it was and there is not a significant difference in the ratios in particular areas. This is because there are fewer large apartment buildings away from the downtown core. There is no way to divide the classifications provided by the State of Maryland.

Councilmember Aleshire would be interested in knowing what the total amount is of residential rental property tax rates.

Mr. Nicewarner stated there are 60% of the people living in 40% of the assessed value. This can be done systematically if so directed.

Ms. Means stated staff is seeking direction if this is an option to pursue for building the FY19 budget. It was the general consensus to use a tiered tax rate for owner-occupied vs. non-owner-occupied properties.

Councilmember Keller noted it would be good if assessments for owner occupied properties could be lowered in the future.

CITY ADMINISTRATOR'S COMMENTS

Valerie Means, City Administrator, wished everyone a safe and Happy Thanksgiving.

MAYOR AND COUNCIL COMMENTS

Councilmember L. C. Metzner wished everyone a Happy Thanksgiving and reminded residents with Thursday refuse collection that the schedule is one day later this week.

Councilmember K. B. Aleshire had no additional comments.

Councilmember E. Keller wrote a Letter to the Editor about Hagerstown that was published recently. She encouraged everyone to read the letter and talk about the positive things in Hagerstown.

WORK SESSION AND EXECUTIVE SESSION
2017

NOVEMBER 21,

MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

Mayor R. E. Bruchey, II wished everyone a Happy Thanksgiving. He reminded everyone the annual City Park tree lighting will take place on Friday, December 1, 2017. The first annual Christkindle Mrkt and Hollyfest are being held on Saturday, December 2, 2017.

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 5:15 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: December 19, 2017