

WORK SESSION
2018

MAYOR AND CITY COUNCIL
WORK SESSION – March 13, 2018

FEBRUARY 13,

HAGERSTOWN, MARYLAND

Mayor R. E. Bruchey, II called this Work Session and Executive Session of the Mayor and City Council to order at 4:05 p.m., Tuesday, February 13, 2018 in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, A. Heffernan, E. Keller, S. McIntire, and L. C. Metzner, City Administrator Valerie Means, and City Clerk D. K. Spickler.

Proclamation: Neighborhoods 1st Month

Mayor Bruchey read a proclamation naming February, 2018 as Neighborhoods 1st Month in Hagerstown. Members of the 14 active Neighborhoods 1st were present for the proclamation.

2018 Western Maryland Blues Fest Artwork Reveal

Every year, the Western Maryland Blues Fest, in partnership with the Washington County Arts Council, commissions artwork to complement and support promotion of the festival. This year's Blues Fest Visual Artist is Susan Carney of St. Mary's County, Maryland. Her work was selected through a blind jury process of submissions sent to the Washington County Arts Council.

The artwork, titled "Guitar Girl" was unveiled. Ms. Carney's artwork will be used on the Festival's promotion material.

The 23rd annual Western Maryland Blues Fest will be held June 1-2, 2018 in Hagerstown. To kick off the season, the Cabin Fever Blues Bash, featuring the Nighthawks, will take place Thursday, March 1, 2018 at 7:00 p.m. at the Maryland Theatre.

Proclamation: Black History Month

Mayor Bruchey presented a proclamation to Samuel Key, NAACP President, naming February, 2018 as Black History Month in Hagerstown.

A video featuring the Doleman Black Heritage Museum was shown.

Doleman Black Heritage Museum (DBHM) Request for Support

Alesia Parson-McBean, DBHM Projects Director, and Herman "Skip" Davis, DBHM Interim President, were present to request the reestablishing of City assisted and support for grant opportunities through the Maryland Department of Housing and Community Development for the acquisition and updated planning for 465 Pennsylvania Avenue as the future permanent home of the Doleman Black Heritage Museum (DBHM).

Ms. Parson-McBean provided background for this request. The Mayor and City Council supported the concept of the DBHM in 2006 when the family asked for the

City's support. The museum was included in the Comprehensive Plan update at that time. The original plan to purchase 465 Pennsylvania fell through at that time because the building owner increased the price, making it beyond the State's budget. Now, 10 years later, the building is for sale at a reduced price.

In 2008, the City Administration approved City staff to commission an appraisal of 465 Pennsylvania Avenue. In 2009, DBHM was granted a construction rehab and build out cost analysis from now retired local architect Kurt Cushwa with preliminary drawings. Mr. William Kauffman of Hagerstown owns this property, and his asking price is \$ 145,000, and the location is appraised by the State for \$ 84,000 and with the County for \$ 83,400. DBHM is excited to have this opportunity come around again.

In February 2017, members of DBHM, Mayor Bruchey and Councilmember Keller met to discuss the future and permanent location for its museum and were seeking their advocacy in efforts to open a state of the art museum and permanent home for the organization in downtown or within the core of the City. At that time, DBHM was interested in the vacant Holiday Hotel. The consideration for that location, based on its aesthetics which has similarities to that of the Doleman family home, would be complementary to the beginning of the museum's journey from a private family living museum to fully functioning organization and publicly accommodating institution. However, since that meeting, the first choice of location – 465 Pennsylvania Avenue – has been placed back on the market. This site choice is for its ability to convert a building that has sat idle in the Jonathan Street neighborhood for over thirty years into something that could spark neighborhood revitalization in the central northwest district of Hagerstown.

The Maryland Department of Housing and Community Development (DHCD) remember this project and would like to see it move forward. To gain funding from DHCD to purchase and plan for either of these sites must be supported by this elected body and application to DHCD must come from the City of Hagerstown. DBHM is not eligible to apply for the grant because they are not open on a regular basis.

Copies of the 2008 building appraisal, site plans, construction analysis, and support letters for this project were also presented. Additional letters of support have been committed by United States Senators Ben Cardin and Chris Van Hollen to be sent directly to DHCD if the Mayor and Council respond in favor of proceeding with this request.

The schedule for the DHCD grant request is Spring, 2018.

Councilmember Metzner clarified that DBHM is asking for support for the grant and not funding. Ms. Parson-McBean indicated that is correct.

Ms. Parson-McBean stated many people called City Hall today to offer their support. The museum will help spur the economy with public facilities for events.

Councilmember Aleshire stated he believes when a permanent location is established, many people will visit to view the collection.

It was the general consensus of the Mayor and City Council to support the request for the City to the grant pass-through agency for the acquisition and rehabilitation of 465 Pennsylvania Avenue.

Local Conversion District – Allegheny Electronics – 1301 Potomac Avenue

Stephen Bockmiller, Zoning Administrator, stated the contract purchaser, Eklund Family, LLC, of 1301 Potomac Avenue has applied for a “Local Conversion Overlay” Zoning District that would permit the building to be rehabilitated for the purpose of using the existing building for medical offices. The property currently contains a freestanding building, constructed for the purpose of motor vehicle sales and service around the 1930s. Since then, it has been used for a variety of uses. The current use of the building as a retail store for radio and electronic parts is generally viewed as a valid nonconforming use, although there is no administrative record of the City ever specifically confirming the nonconformity. Parking is located along the frontages of the two public streets, although it is in deteriorated condition and unmarked. The property is 0.256 acres of land, more or less.

The applicant intends to conduct a dental practice from the property. The City Attorney has advised in past Local Conversion cases that the applicant may propose a select use of commercial uses for the space among those found in the Local Conversion District (LCD) column of the Use Chart, found in Section Z of the Zoning Ordinance. The applicant proposes the permitted use as follows: “dental, medical and business and professional offices, facilities and clinics.”

Taken with the architecture of the building, the applicant desires to renovate and rehabilitate the existing building retaining its automobile sales and service theme. The parking lot will be brought up to current standards, although the unique conditions of the property will still require direct pull in – pull out parking into Magnolia Avenue. The exact configuration of the parking would be established when the site plan is processed for the development, should the rezoning be approved.

At its January 10, 2018 meeting, the Planning Commission recommended to the Mayor and City Council approval of the rezoning proposal, subject to the following six conditions:

1. The building shall be used for professional and/or medical offices.
2. As required by Section J.3.i of the Zoning Ordinance, no outdoor vending machines shall be permitted, no outdoor storage or display of any kind shall be permitted, no outdoor dining or seating areas shall be permitted, the building shall be rehabilitated as proposed by the applicant to accentuate the building’s past use as an automobile service and sales facility, and the enclosed area on the east (front) façade of the building, including the two “clipped” corners, shall be reopened and storefront windows installed.

3. The existing freestanding sign at the intersection shall be removed. All signage for the new use shall comply with current ordinance requirements of Article 4, Section I (Graphics) unless variances are granted by the Board of Zoning Appeals.
4. In the required site plan process, the Applicant shall explore opportunities with Staff to improve and increase the amount of landscaping in the parking areas on the east and south sides of the building.
5. Outdoor trash storage (dumpsters, etc.) proposed in the initial development or a later reuse of the property shall be screened in accordance with the requirements of applicable City Ordinances.
6. The approved required site plan shall be substantially consistent with the rezoning exhibit and building elevation exhibits proposed with this rezoning application.

The ordinance specifically requires that proposals for buildings that have had storefront windows filled in or boarded up include reopening those storefront windows as part of the redevelopment plan. A photo was submitted showing storefront windows occupying the entirety of the infill space on the front of the building, including the clipped corners that included pedestrian doors. The structure of the Ordinance in this case makes compliance with the requirement non-negotiable.

When the site plan is processed, elevations will be required to show this entire area opened with some configuration of windows. This property is not in a historic district, so there is no expectation that the windows be true replicas of what appears in the photograph. The applicants will have design flexibility and modern materials can be used. However, the ordinance requires this entire area to be replaced with glass. An additional photo, taken of the interior of the showroom facing northeast, was also included. This photo gives additional closer description of the storefront and definitively shows the bank of windows being used as a storefront for the car dealership.

Staff agrees with the Planning Commission's recommendation for approval of the rezoning with the six conditions listed in this report. Staff also notes for the record that when the Planning and Code Administration Department recommended creating this zoning overlay to the Planning Commission and ultimately to the Mayor and City Council, examples were sought to illustrate the potential and importance of such a zoning tool. This building was one of the foremost examples staff used in explaining and justifying the need for the LCD Overlay.

A Public Hearing before the Mayor and City Council is scheduled for February 27, 2018. Staff recommends holding the record open for 10 days following the Public Hearing and introducing the ordinance for rezoning at the February 27, 2018 Regular Session.

Councilmember Metzner asked if the contract of sale is dependent on the change. Mr. Bockmiller stated he doesn't know but the owner would still have the overlay designation and he could use that to market the property.

Councilmember Aleshire inquired if an outpatient treatment/addictions center could be located there if the overlay is approved. Mr. Bockmiller stated the City ordinance allows

the dispensing of medications only at hospitals. Councilmember Aleshire asked if a provider such as Change Health would be permitted at this property. Mr. Bockmiller stated that they could be. Councilmember Aleshire stated he does not think that is an appropriate use for the neighborhood.

Councilmember Metzner thinks the relocation of the offices (currently on Cypress Street) will benefit the neighborhood. He will be abstaining from a vote on this request due to a conflict of interest.

City Comprehensive Plan Update (*visionHagerstown 2035*)

Kathleen Maher, Director of Planning and Code Administration, and Megan Flick, Planner, were present to provide an overview of the City's Comprehensive Plan update, *visionHagerstown 2035*.

Maryland requires counties and municipalities to have a comprehensive plan that should be reviewed every 10 years. The Planning Commission and City Planning staff prepared the draft of an in-house update to the 2008 Comprehensive Plan which is titled *visionHagerstown 2035*. 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 and Neighborhoods, Community Facilities, Water Resources, Economic Development, and Environmental Resources. The Comprehensive Plan identifies issues and opportunities for each of these topics and then identifies policies and recommendations 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. The Comprehensive Plan carries the same basic format as the 2008 plan and will also incorporate previous City plans already vetted through the community, including the 2012 Sustainable Community Plan and the Community's City Center Plan (2014). Also incorporated are 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.

Once the draft update was completed, the Plan was sent out for a 60-day clearinghouse review of the Plan (required by State Law) on June 8, 2017. The Planning Commission's Public Review Meeting was held on August 30, 2017. A joint meeting of the Planning Commission and Mayor and City Council was held on September 17, 2017 to enable both bodies to discuss public input received to date. The Planning Commission spent six meetings reviewing all input received and finalizing the draft, completing their review on December 13, 2017.

Planning staff gathered input from multiple groups, which was incorporated into the Draft Plan. These groups include City staff from Engineering, DCED, Utilities, Fire, Police, and Public Works, City Bicycle Advisory Committee, Historic District Commission, City Faith Community Committee, Neighborhoods 1st, County Planning

Commission, BOE staff, Land Use Council, Convention and Visitors Bureau, and several social service providers.

Planning staff and Communications staff worked together to develop an online survey to gather community input for the broad themes that *visionHagerstown 2035* addresses. The five themed surveys were released starting the week of March 21, 2017 and were distributed through the City's social media platforms (Facebook, Twitter), a City-maintained email distribution listserve that reached over 500+ citizens, through the Neighborhoods 1st and Main Street groups, a *visionHagerstown 2035* plan webpage on the City's website, as well as a media press release. Survey input was received through June 14, 2017. Over 1,300 citizens responded. Staff reviewed the input and presented common themes to the Planning Commission.

Staff received input on the draft Comprehensive Plan update, *visionHagerstown 2035*, from the 60 day State Clearinghouse Review from the Maryland Department of the Environment. Upon notification of the Planning Commission's public review meeting, staff also received additional input from the City Engineer. At the public hearing, a request was received for modification to the MRGA from a property owner.

Staff assessed the input and reviewed it with the Planning Commission over several meetings last fall. The Planning Commission concluded their review of proposed modification on December 6, 2017. The following is a brief explanation of changes made to the draft since the Commission's public review meeting on August 30, 2017:

1. The most significant change was to create additional modifications to the Medium Range Growth Boundary as a result of input in the public review process. The Commission considered the request to expand the boundary at Huyetts Crossroads (across from Sheetz on US40) and found in favor but with the addition of a balancing retraction of land in the southeast corner of the I-70/US40 interchange.
2. At the City Engineer's suggestion, that Commission removed reference to "Rails by Trails" in railroad rights-of-way since this idea is not favored by the railroad companies.
3. A large number of mostly non-substantive changes were made to the text in response to input from State agencies requiring clarification or further elaboration language on material in the draft and point out mathematical or statistical errors. One change that removed some bulk from the Introduction section of the plan was the shifting of synopses of the 1966-1997 Comp Plans to the Appendix.

The 2008 Plan was created during a time of growth and thus directs growth and annexation in the City. The Comprehensive Plan Update, *visionHagerstown 2035* addresses the challenges faced in Hagerstown since 2008, which includes a rise in unemployment and the poverty rate. The update focuses on revitalization of the urban core to strengthen the economy.

Major themes of the Plan are as follows:

1. Future Land Use – assess rationality of existing zoning, provide recommendations for comprehensive rezoning, emphasis on business employment.
2. Growth and annexation – strengthen the City, maximize efficiency of services, provide rational City boundary.
3. Revitalization of Downtown – reinforce downtown’s role as region’s center for government, economic activity, education, and culture, and enlarge tourism activity.
4. Neighborhood Revitalization – increase home-ownership; protect from blight; de-concentrate subsidized housing.
5. Revitalization of vacant and under-utilized land in the City – attract new residents and businesses, enhance fiscal foundation, broaden economic base.
6. Transportation – alleviate traffic concerns; accommodate future growth; continue alternative or enhanced systems for biking, walking, and transit.
7. Parks and Recreation – assess areas under-served by parks to plan for future parks; protect natural buffers; improve public access to Antietam Creek and Marsh Run.
8. Community Facilities – maintain and expand public safety services; support civic institutions that add to quality of life; support expansion of school services; support expansion of high-speed broadband network.
9. Water and Wastewater – plan for efficient growth of water and wastewater systems; prioritize areas for growth; reduce impervious coverage and improve stormwater impact on waterways.
10. Environmental Resources and Sustainability – explore practices to protect water and air quality; encourage green infrastructure; implement practices consistent with Sustainable Maryland designation.

Ms. Means commended the Planning Staff for taking on this update in-house. Typically, a consultant is used for an update such as this.

A Public Hearing with the Mayor and Council is scheduled for February 27, 2018. In accordance with State Law, once the Planning Commission’s recommendation is presented to the Mayor and Council, the Mayor and Council have 90 days (with one optional 60 day extension) to hold a Public Hearing and take one of three actions: approve; deny; or remand to the Planning Commission for changes. If changes are made, the Planning Commission must review and hold its own Public Hearing before returning the Plan to the Mayor and Council for approval or denial. If the Mayor and Council fails to take any action within 90 days, the Comprehensive Plan is deemed approved under State Law.

CITY ADMINISTRATOR’S COMMENTS

Valerie Means, City Administrator, recommended that the Mayor and Council use the Comprehensive Plan as a beginning point to set their own goals for the next 3 years.

MAYOR AND COUNCIL COMMENTS

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Councilmember E. Keller stated Brooke's House is requesting a waiver of the water connection fees for a planned treatment facility located on the Downsville Pike. She stated this facility will benefit City residents and she thinks it would be appropriate to waive the connection fee.

Ms. Means stated waiving connection fees is prohibited by the City Code.

Councilmember Keller thinks it should be considered. She also wants to include Brooke's House in the list of agencies the City supports.

It was noted the connection fee would be approximately \$ 30,000.00.

Councilmember McIntire recused herself from the discussion because she is on the Board of Directors of Brooke's House.

Councilmember Aleshire stated the Mayor and Council should not pick and choose organizations to waive fees for. He expects it will be discussed during the budget review.

Councilmember Heffernan is willing to review the request during budget discussions.

Councilmember K. B. Aleshire had no additional comments.

Councilmember A. Heffernan stated many citizens are very concerned about the plan to place a cell tower at North Hagerstown High School. He intends to attend the informational meeting at the Morris Frock Legion. Councilmember Aleshire stated the school board has decided to rent space on the tower.

Councilmember L. C. Metzner had no additional comments.

Councilmember S. McIntire had no additional comments.

Mayor R. E. Bruchey, II visited Pangborn Elementary School today to talk about the If I Were Mayor contest. The fourth grade students asked questions about things that affect the community and what the biggest problem is. He told them finding a solution to the opioid problem is one of the biggest challenges for the City.

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 5:23 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: March 27, 2018