

EXECUTIVE SESSION – February 20, 2018

On a motion duly made by Councilmember E. Keller and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote of all members present to meet in closed session to consult with counsel to obtain legal advice, #7, (Section 3-305(b)), and to discuss the appointment, employment, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; #1, (Section 3-305(b)), on Tuesday, February 20, 2018 at 3:06 p.m. in Room 407, 4th floor, City Hall, Hagerstown, Maryland.

The following people were in attendance: Mayor R. E. Bruchey, II, Councilmember A. Heffernan, Councilmember E. Keller, Councilmember L. C. Metzner, Councilmember S. McIntire, City Administrator Valerie Means, City Attorney Jason Morton, A. J. Serafini and Bruce Poole, Poole Attorneys, and Chris Rolle and Roxana Pierce, Robbins Geller Rudman & Dowd Attorneys, and Donna K. Spickler, City Clerk. Councilmember K. B. Aleshire was not present.

The meeting was held to hear two proposals for potential litigation and to discuss membership of the Planning Commission. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 4:35 p.m.

WORK SESSION – February 20, 2018

Mayor R. E. Bruchey, II called this Work Session and Executive Session of the Mayor and City Council to order at 4:45 p.m., Tuesday, February 20, 2018 in the Council Chamber at City Hall. Present with the Mayor were Councilmembers A. Heffernan, E. Keller, S. McIntire, and L. C. Metzner, City Administrator Valerie Means, City Administrator Jennifer Keefer, and City Clerk D. K. Spickler. Councilmember K. B. Aleshire was not present.

Update on the Vietnam War Veterans Monument along South Walnut Street

Jim Kline, Chairman of Vietnam War Veterans Monument Committee, was present to provide an update on the status of the Vietnam War Veterans Monument. The project was started in May, 2016 to honor the service members from Washington County who lost their lives in the Vietnam War.

The Veterans Council has a fundraising goal of \$ 150,000.00. They still need approximately \$ 85,000.00. The City of Hagerstown donated the land for the location of the monument. They expect to begin the foundation in April, 2018. The monument pieces have been ordered.

Councilmember Metzner asked how many Vietnam Veterans are Washington County citizens. Mr. Cline estimates more than 500.

Councilmember Heffernan stated it is important to have a memorial for interpretive purposes so people know what was happening at that time. He asked what fundraising has been the most successful.

Mr. Cline indicated most donations have come from individuals.

They thanked the Mayor and Council and Rodney Tissue, City Engineer, for their support and assistance with this monument.

Preliminary Agenda Review

Consent Agenda

A. Community and Economic Development:

1. Street Closures for 2018

B. Finance:

1. Audit for FY17 Basic Financial Statements and Single Audit in FY18 – SB & Company (Hunt Valley, MD) \$ 39,000.00

C. Parks and Engineering:

1. Concession Services at City Park and Potterfield Pool Lease Agreement – Nena’s Curbside Café and Catering

D. Police:

1. Computer Program with CAD and Offender Interfaces – LexisNexis (Philadelphia, PA) \$ 15,600.00

E. Utilities:

1. Wastewater – Redundant Polymer System – Sherwood Logan & Associates (Annapolis, MD) \$ 38,450.00
2. Wastewater – Muffin Monster Exchange for Pump Station No. 7 – JWC Environmental (Santa Ana, CA) \$ 19,259.00
3. Wastewater – Muffin Monster Primary Sludge Pumps – JWC Environmental (Santa Ana, CA) \$ 18,516.00

There were no questions about items on the Consent Agenda or other Preliminary Agenda items. This completed the review. All items are scheduled for approval on February 27, 2018, unless otherwise noted.

Indoor Sports Complex: Financial and Market Feasibility Study

This agenda item was delayed until Councilmember Aleshire is in attendance.

Water Distribution Zone 5

Michael Spiker, Director of Utilities, Nancy Hausrath, Water Operations Manager, and Fire Chief Steven Lohr, were present to discuss the Water Division's Distribution System.

An apartment building was recently struck by lightning, a significant fire occurred and was fully involved when first responders arrived. The building's fire suppression system engaged and the first responders on the scene initially utilized the private hydrant (the private hydrant is on the customer's side of the water system and is served by a 4-inch meter). The combination of the two yielded less water than was desired. As the fire suppression activity expanded, first responders utilized several City owned hydrants.

This fire occurred in Zone 5 of the Hagerstown Water System (Pump Station 6 and the Chewsville PRV). Staff reviewed the SCADA trends showing the water demand associated with the Woodbridge fire. The system demand increased from about 0.8 MGD to over 2.1 MGD for an extended period. The demand resulting from extinguishing the fire created areas within this zone that had either reduced pressure or no water (during peak fire suppression). One pump runs continually at PS6 and the Chewsville PRV typically runs off the 4-inch side/valve. The SCADA showed very clearly that when the demand increased, the second pump kicked on at Pump Station 6 and the PRV ran off the 8-inch side/valve.

As background information, in 2010, a fire in Black Rock Estates (also in Zone 5) occurred and questions regarding the water infrastructure in Zone 5 were raised. Water Division Staff and HFD Fire Command met, reviewed, and jointly worked through the questions raised. The recent event at Woodbridge is also within the Zone 5 area and the information from 2010 is as relevant today as it was then. Most importantly, the Hagerstown Water System infrastructure is maintained within the standards of the AWWA Manual 31-Distribution System Requirements for Fire Protection and the NFPA 1142 Standard on Water Supplies for Suburban and Rural Firefighting. During the Woodbridge event, the water system operated as designed and supplied all available water to the City owned fire hydrants. City Staff was on site monitoring the system throughout the entire event and reviewed all of the operations data available and will continue to meet with fire personnel to discuss.

Staff continues to work with the HFD and recently provided a list of all accounts (to include service addresses) supplied with a dedicated fire line and a second list of all accounts served with a Fire/Domestic meter. This information was also provided to the City Fire Marshal and the Washington County EOC. It is important to note that all piping, meter size, and private hydrants must be reviewed and approved by the Fire Marshal as part of the site plan approval. The Water Division has no jurisdiction beyond the meter.

A fire in Black Rock Estates in 2010 resulted in many of the same questions as the most recent fire on Robinwood Drive. The Water Division thoroughly addressed the questions and supplied the associated resolutions at that time.

City staff have met internally and with the Water consultant Hazen and Sawyer in an attempt to assist customers within the Black Rock Estates area regarding their privately owned residential water pressures. The Hagerstown Water System is maintained within the standards of the AWWA Manual 31-Distribution System Requirements for Fire Protection and the NFPA 1142 Standard on Water Supplies for Suburban and Rural Firefighting. Pressure/flow tests have been conducted at Black Rock residences and at other City residences. Water Model alternatives were developed to assist on the private side of the meter water pressures. Alternative proposals were modeled emanating at Chewsville PRV (current setting 55/45 psi, 745 FFA gpm, 41 psi Static Pressure). The Water Division will increase PRV setting to 65/55 psi – increase FFA 963gpm, 51 psi Static Pressure. In summation, the Water Division will increase the PRV setting to 65/55 psi in 5 psi increments. These settings will provide additional fire flow availability (FFA) to the Zone 5 Area. There will also be an overall increase in static pressure within Zone 5. The potential negative system impacts to these increased pressure settings are additional system water loss, distribution water main stress, and an increase in home plumbing concerns due to the higher pressure.

Ms. Hausrath stated staff meet with Hazen and Sawyer on a regular basis to determine the best service for the customers. They are looking at the feasibility and liability of a swing gate to allow for greater flow when needed. Increasing the size of the line will create more volume but not to the levels in the code.

Chief Lohr thanked Mr. Spiker and Ms. Hausrath for their update. He stated the problem with Zone 5 is that there is not enough volume for all the buildings. The lightning strike mentioned earlier started a fire in the attic, which did not have a sprinkler system. The occupied spaces in the apartment building do have sprinkler systems. The rate of application is also being considered when discussing the volume issue. He suggested discussing linking Zone 1 and Zone 5 with the consultant. Chief Lohr indicated the type of buildings (multi-family) pose a different challenge than single family homes do. The Hagerstown Community College campus is a risk because some buildings are sprinklered and some are not.

Mr. Spiker noted that a water tank will be needed in the East end. He noted the model shows an elevated tank will be needed if the Mt. Aetna Farms development moves forward.

Staff will continually review the levels and make adjustments as necessary.

Licensing of Hotels

Kathleen Maher, Director of Planning and Code Administration (PCAD), Fire Chief Steven Lohr, and Jennifer Keefer, City Attorney, were present to discuss the idea of developing a hotel licensing program. This idea was initially introduced to the Mayor

and City Council in a Planning and Code Administration Department update on August 15, 2017 and arose again recently during discussions of the Garden Plaza Hotel inspections, due to concerns over the health, safety and general welfare of visitors and extended-stay occupants in Hagerstown's hotels.

One of the main areas of concern staff have is when maintenance of hotels falls below codified standards for fire safety and property maintenance. It seems this is a particular issue where a hotel is no longer part of a national brand or chain or is minimally supervised by chain headquarters and so is not subject to external standards or oversight regarding acceptable occupancy levels, maintenance and service in the facility. Over-crowding is a health concern for the over-crowded occupants and a general welfare concern for other occupants sharing the hotel. Lack of maintenance of fire systems, HVAC systems, plumbing systems, and electrical systems can lead to health and safety issues and emergency events. Insect and rodent infestation can arise without regular pest control services. Lack of training of staff on fire protection, emergency incidents, and evacuation standards could lead to disaster in the event of a fire or other life safety event. These issues negatively affect the hotel occupants and can make Hagerstown's tourism image suffer.

Another area of concern is the use of hotel units for extended stays which were not designed for such occupancy. It has come to staff's attention that many, if not all of Hagerstown's hotels, have some component of their operations that involves 'lease' of their rooms to extended-stay occupants for weekly and monthly terms. In some cases, this involves visiting employees with temporary but extended work contracts or training programs in this area, individuals relocating to our area as part of business relocation or relocating in our area due to family change who have not yet secured permanent housing, individuals and families in crisis receiving temporary housing assistance in hotels, and individuals utilizing hotels as a 'last resort' housing alternative. This phenomenon is not unique to Hagerstown or Maryland. Within the City there is one hotel that is designed for extended stay – Homewood Suites, and a site plan was recently approved for another extended-stay hotel adjacent to Homewood Suites – Home2Suites by Hilton. Hagerstown has eight other hotels which were designed for transient stay.

Extended-stay in a hotel designed for transient-stay leads to the following concerns for the City Fire and Planning and Code Administration Departments:

1. If the hotel units do not contain kitchenettes with appropriate appliances for cooking and storage of food, extended stay occupants either lack the necessary appliances or bring in appliances to serve this need in a room that is not designed for this electrical load nor which has proper venting for cooking – which is a safety concern.
2. If the hotel units do not contain kitchenettes with separate sinks for preparation of food and cleaning of cooking utensils, etc., extended stay occupants will conduct this activity in the bathroom – which is a health concern and a violation of Property Maintenance Code, 502.1.
3. If hotel units do not contain sufficient room and storage to accommodate the needs of families who have 'relocated' into the hotel, the extended stay occupants will be over-crowded, lacking in personal privacy and room for

children to study or play, and surrounded by bags of personal belongings – which is a safety and general welfare concern.

A final area of concern regards zoning. The current hotels in Hagerstown are located in commercial zoning districts (CG and CR) where the intent is for enterprises engaged in commerce and where residential dwellings are not a permissible use. If hotel units are turning into permanent residency of occupants in the commercial zoning districts, this is a concern.

Staff's research of hotel licensing have found that a number of jurisdictions in Maryland have hotel licensing programs and a number of jurisdictions around the country have codes regulating extended-stay hotels.

Potential features in a Hotel Licensing Ordinance include updated definitions, reporting and inspection requirements, establishing minimum amenities, operational parameters, and a licensing fee system.

Staff believe that a hotel licensing ordinance would be advisable to ensure regular inspections of hotels for health and safety conditions and to outline the required occupancy standards and minimum provisions which a hotel unit must contain in order to be occupied for extended stay.

Staff recommend that such a hotel licensing provision, if desired by the Mayor and City Council, be a stand-alone ordinance in the City Code with administration and inspections undertaken as a partnership of the Fire Department and PCAD. In development of such a hotel licensing program, staff would propose conferring with other jurisdictions with hotel licensing programs and with staff of the local Convention and Visitors Bureau.

If a hotel licensing program were to 'regulate out' the use of hotels as permanent housing for individuals and families in need, staff would recommend that the Mayor and City Council consider amending the Land Management Code (LMC) to allow rooming houses in the city under certain conditions. In a bygone era in Hagerstown and in many urban communities, this type of housing was common and provided a low cost alternative for entry into the local housing market or a safety net for individuals in need. At present, the zoning ordinance in the LMC does not allow for new rooming house situations because of past concerns over how prior facilities were managed and the impact they had on surrounding residents and businesses. The two non-conforming rooming houses currently operating in the City – Dagmar/College Hall and 645 Oak Hill Avenue – are regulated by the Rental Licensing program and the Property Maintenance Code.

Hotels are permitted in six zoning districts but the definition does not include extended stay uses.

Councilmember Keller stated it is important to determine why these hotels have become a last resort for renters and why so many people are unable to afford their own apartment. There is a school bus stop at the Garden Plaza. There should not be a bus

stop at a hotel. This situation has to be corrected. Everyone deserves a decent quality of life. She wondered if there are assistance programs that people may not be aware of.

Chief Lohr stated together the Fire Department and the Planning and Code Administration can address these issues. Staff is suggesting that a hotel ordinance include annual inspections of the rooms.

Councilmember McIntire noted that all citizens, no matter where they are living, deserve to live safely.

Councilmember Heffernan wondered if inspections of rooming house vacancies would be unwieldy. He believes correcting the issues will be a multi-phase process, which will include determining the root cause of the problem and what social services are available to provide assistance to the citizens in this situation.

Chief Lohr noted Community Action Council was helpful in finding places for people to live in advance of the closing of Garden Plaza.

It was the general consensus of the Mayor and City Council to move forward with developing a proposed ordinance for hotel licensing.

Mayor Bruchey wondered if another inspection program can be completed at the current staff level. It was noted the inspections would be completed jointly with the Fire Department and PCAD.

Funding Transfer to Economic Redevelopment Fund

Jonathan Kerns, Community Development Manager, was present to seek Mayor and Council approval to transfer \$ 50,838.00 to the Economic Redevelopment Fund from the Upper Floors Redevelopment Fund. Within the Economic Redevelopment Fund, this funding will be utilized for existing Economic Development incentive programs. This may include using the funds as the matching requirement to secure State of Maryland grant funds for the Hagerstown Revolving Loan Fund.

In 2008, the Upper Floors Redevelopment Fund was created to provide financial incentives to developers for their redevelopment of vacant upper floors in Downtown buildings. Upper Floors funding was provided in the form of a loan of up to \$ 100,000.00 over a ten year term at 0% interest. Upper Floors Loan funding was limited to the installation of elevators, HVAC systems, fire suppression systems, and/or accessibility related renovations. From FY2008 through FY2012, two developers utilized Upper Floors Redevelopment loans.

Since the original purpose of the Upper Floors Redevelopment Loan fund can also be carried out through other existing incentive programs, the Upper Floors Redevelopment Loan Program was no longer offered after FY2012. The Business Revolving Loan Fund and the Partners in Economic Progress Program (PEP) continue to provide ongoing incentives for redevelopment of properties located in downtown Hagerstown. In recent

fiscal years, Upper Floors funds have also been utilized to match State Grant funds for replenishment of the Business Revolving Loan Fund.

It was the general consensus to transfer the remaining \$ 50,838.00 from the Upper Floors Redevelopment Fund to the Economic Redevelopment Fund. This transfer will exhaust funding in the Upper Floors Redevelopment Fund.

Proposed Sale of 21-23 West Franklin Street – Pioneer Hook & Ladder Property

Jonathan Kerns, Community Development Manager, Danelle Hayer, Business Development Specialist, and Scott Bowen, were present to discuss the potential sale of City-owned property at 21-23 West Franklin Street. Mr. Bowen has submitted a proposal to purchase the property through the City's Competitive Negotiated Sale (CNS) process. The proposal calls for comprehensive building renovations leading to new office space for Mr. Bowen's business, MSB Architects.

The 21-23 West Franklin Street property, commonly referred to as the Pioneer Hook and Ladder building, was most recently used for Hagerstown Fire Department operations and Pioneer Hook and Ladder Volunteer Company operations. HFD and the Pioneer Hook and Ladder Volunteer Company mutually agreed to vacate the building in order to move to a location better suited for their respective fire-rescue operations. In January of 2017, the building was added to the CNS program by the Mayor and City Council.

Highlights of Mr. Bowen's proposal to purchase the property include the following:

1. Request to purchase the approximately 6,000 square foot building for use as MSB Architects Office space.
2. Proposed purchase price is \$1.00 in order to maximize the ability to fully update the entire structure.
3. Projected fit-out/rehab cost, as estimated by Mr. Bowen, is between \$ 400,000 and \$ 500,000.
4. Rehabilitation plans include but are not limited to: The exterior work includes installing a new roof and soffit, repairing the chimney, replacing all the exterior windows and adding back in windows removed along the alley, installing an all glass storefront in the existing garage doors, and repainting the masonry. The interior will be completely demolished and redesigned for MSB Architects' office.
5. Mr. Bowen requested a 90-day feasibility period for due diligence to obtain budget pricing from sub-contractors, create design concepts and field measure the building.
6. Rehabilitation to begin immediately after acquisition and target opening of new MSB office space in the last quarter of 2018.

The cross department staff review committee has reviewed the proposal and recommends entering into a contract of sale agreement with Mr. Bowen for the sale of 21-23 West Franklin Street.

It was the general consensus to move forward with the process to sell the building to Mr. Bowen. An ordinance will be scheduled for introduction on the February 27, 2018 agenda.

CITY ADMINISTRATOR'S COMMENTS

Valerie Means, City Administrator, had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember L. C Metzner attended the Board of Directors meeting at USMH. He believes one solution to problems in the Untied States is education. It was the right decision to bring educational facilities to downtown.

Councilmember S. McIntire had no additional comments.

Councilmember A. Heffernan is hearing many concerns about the proposed cell tower at North Hagerstown High School. There is a Planning Commission hearing scheduled for February 21, 2018

Councilmember E. Keller noted South Hagerstown High School and North Hagerstown High School will be facing each other in basketball playoffs. This has not happened in many decades. She suggest police and fire escorts for the teams.

Mayor R. E. Bruchey, II visited Paramount Elementary school earlier today to inform students about the If I Were Mayor contest. He looks forward to seeing the essays submitted. He will contact the Police Chief and the Fire Chief about Councilmember Keller's suggestions. He has discussed the safety at Washington County schools with the Board of Education. Schools here are very safe. He stated thoughts and prayers are with the victims and their families of the school shooting in Parkland, Florida on February 14, 2018.

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 6:03 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: March 27, 2018