

Proclamation – Citizen Preparedness Month

Mayor Bruchey read a proclamation naming September, 2018 as Citizen Emergency Preparedness Month in Hagerstown.

Approval of an Ordinance: Authorizing the Sale of Property Located at 17-25 E. Franklin Street

Action: On a motion duly made by S. McIntire and seconded by Councilmember E. Keller, the Mayor and City Council unanimously agreed by voice vote of all members present to approve an ordinance authorizing the sale of City-owned property located at 17-25 E. Franklin Street to WLR Holding Company, Inc. for the sum of \$ 250,000. The sale will provide the opportunity for approximately \$ 850,000 of private investment to create professional office space and residential units. The sale will be in accordance with all terms and conditions outlined in the purchase agreement.

Approval of an Ordinance: Amending Chapter 33, Code of Ethics, of the City Code

Action: On a motion duly made by Councilmember A. Heffernan and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote of all members present to approve an ordinance to amend Chapter 33, Code of Ethics, of the City Code by repealing and re-enacting portions of Chapter 33, to add or amend certain provisions required by State Law. The sections being repealed and re-enacted are: Section 33-3 Prohibited Acts; Section 33-3.1 Financial Disclosure – elected officials; and Section 33-4 Financial Disclosure employees and appointed officials.

Approval of a Resolution: Addendum to Financial Incentive Agreement for the Hamilton Hotel

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember E. Keller, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a resolution authorizing the addendum to the Financial Incentive Agreement for the Hamilton Hotel located at 86-98 West Washington Street. The addendum will extend the project completion deadline from August 31, 2018 to August 31, 2019.

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

Work Session – September 11, 2018

NPDES Stormwater Permit Notice of Intent

Jim Bender, Assistant City Engineer, and Rodney Tissue, City Engineer, were present to review the City’s National Pollutant Discharge Elimination (NPDES) permit. After many years of waiting, the City was notified that the Maryland Department of the Environment (MDE) has issued a new Phase II NPDES Municipal Separate Storm Sewer System (MS4) permit. This stormwater permit identifies six “Minimum Control Measures” or tasks that the City must address, along with a requirement to provide stormwater treatment for a portion of the existing impervious area in the City that is not currently managed. In order to obtain coverage under the terms of this new permit, the City will be required to submit a Notice of Intent to MDE by October 31, 2018.

The six Minimum Control Measures in the new NPDES permit are the same as those in the original permit that the City has operated under since 2002; however, the requirements under each measure have become more specific and detailed. More emphasis has been placed on employee training and record keeping. Each Measure includes process details that are outlined in the meeting packet information. The Measures, along with the City’s actions so far, are as follows:

1. MCM 1 – Public Education and Outreach: the goal of this MCM is to inform the public about the effect that pollutants in stormwater runoff have on the environment, and the need to minimize these pollutants.

Residents can already submit water quality complaints through the City’s website. Staff will prepare educational materials for direction to the public, and will develop employee training materials for use by the various City departments.

2. MCM 2 – Public Involvement and Participation: the goal of this MCM is to actively involve the public in activities to reduce stormwater pollution.

Staff will continue its support of the Antietam-Conococheague Watershed Alliance’s annual stream cleanup events, and will look for opportunities to sponsor tree planting and stream buffer enhancement events.

3. MCM 3 – Illicit Discharge Detection and Elimination: the goal of this MCM is to develop a program that the City can use to identify, locate, and eliminate illicit discharges of pollutants into the storm drainage system.

Staff has already mapped the entire City storm drainage system and the stormwater facilities (BMPs) that are required to monitor. Staff also inspects major outfalls from the drainage system into streams, looking for signs of pollutants. Staff will work to develop a standard operating procedure for submission to MDE.

4. MCM 4- Construction Site Stormwater Runoff Control: this measure aims to minimize sediment pollution and erosion on sites that are under construction.

The City, through its partnership with the Washington County Conservation District and MDE, is already in compliance with this measure; staff may develop some additional employee training materials to fully comply with these requirements.

5. MCM 5 – Post-Construction Stormwater Management: this measure requires municipalities to inspect and monitor all stormwater management facilities during and after construction to ensure that they are operating as designed.

The City already complies with the requirements of this measure, and will continue to inspect and record the condition of BMPs throughout the City.

6. MCM 6 – Pollution Prevention and Good Housekeeping: this measure requires each municipality to inspect and monitor all of their own facilities and operations, and to develop plans to minimize stormwater pollution generated by these sites.

Compliance with this measure may require the most work by Staff. While the City departments have protocols in place to control spills and safely store materials, the level of detail and recordkeeping for “good housekeeping” dictated by the new permit will require a significant amount of time and effort. Each City-owned facility will need to be inspected with regard to stormwater pollution potential, and operational plans for these facilities must be reviewed and adjusted to meet the new requirements. Staff will develop a training program to educate staff on pollution prevention techniques, and will develop plans for each facility.

In addition to the six Minimum Control Measures, the new permit also requires the City to develop a plan to provide stormwater management for 20 percent of the existing impervious area that does not already have water quality control. Any land development projects that were completed since 2002 have sufficient stormwater management controls in place to be exempted from this requirement, but the runoff from properties in the older, central core of the City is unmanaged. Based upon preliminary analysis by Staff, this will require the City to remove or treat approximately 400 acres of impervious surfaces. Compliance with this requirement will be very challenging; staff estimates that this effort may cost as much as \$ 30 million, and it will be difficult to find space to construct retrofit stormwater facilities in densely-developed parts of town.

The permit requires the City to develop and submit a plan to meet the 20% treatment goal, including financing strategies and a list of projects to be implemented. The permit requires the proposed projects must be implemented by 2025.

Knowing that this requirement was coming with the issuance of the new NPDES permit, the City has already begun work to identify opportunities to meet this goal. Using grant funding, the City hired a consultant to identify sites around the City that are candidates for retrofit projects to treat runoff from unmanaged impervious surfaces. Two of these retrofit projects have been completed to date, and staff anticipates preparing final designs for additional sites in the coming years. Staff has also prepared preliminary designs for two stream restoration projects along Hamilton Run, and will seek grant funding to complete them.

The City's Stormwater Advisory Committee continues to meet monthly, quantifying the scope of the City's current and future stormwater program, and exploring methods to fund the program going forward. It is anticipated that the Committee will complete its work at the end of the calendar year, and will present a report of their findings to the Council in January.

Staff will also look at ways to gain credits for the City. Some projects may be able to be traded for credits.

Mayor Bruchey noted tax revenue would be affected by a vacant lot.

Councilmember Aleshire stated turning septic systems to a sewer system has a lot of impact. Retrofitting stormwater management facilities also impacts the rating.

Mr. Tissue stated these are not owned by the City. Perhaps the owners would be willing to transfer ownership to the City.

It was the general consensus to authorize the City to submit the Notice of Intent to seek coverage under the new NPDES permit.

Request for Qualifications: Indoor Sports Center

Rodney Tissue, City Engineer, was present to review the final draft of a Request for Qualifications (RFQ) to solicit a private partner to design, construct, operate, and maintain an indoor sports center before it is released.

Following the July 24, 2018 Work Session, City staff and Victus representatives created the draft document which asked private developers to partner with the City for operation of an indoor sports facility. Submitters must state their qualifications, detail of what they are proposing, a loose master plan, and their funding model. The request clarifies that the City is not providing any assistance outside of the land.

The RFQ identifies the following three potential City-owned sites:

1. Fairgrounds Park – The Victus Advisors study identified potential locations within Fairgrounds Park for development of a new indoors sports facility, however the existing baseball fields, softball fields, soccer fields, and ice arena should remain

2. Municipal Stadium
3. The Greens at Hamilton Run

Councilmember McIntire asked if there are companies that do this kind of proposal. Mr. Tissue stated Brian Connolly, Victus Advisors, believes there will be a lot of interest in this project.

Mayor Bruchey asked why the existing soccer fields are not included in the potential area. Mr. Tissue stated the fields could be included, if the Mayor and City Council want to include them. The grandstand and the west area of the fairgrounds are included in the potential locations. This area has always been viewed as a community area.

Councilmember Aleshire thinks the ice arena should be included as a potential location. There is more synergy in that area than at the grandstands. He noted the Fairgrounds were purchased with Program Open Space funding. A non-park use may require a payback to the State of Maryland. Mr. Tissues indicated there will be a payback required (approximately \$ 100,000) if the Gatekeeper's House is removed. However, the area would still be open, public space.

Councilmember Heffernan asked why the existing baseball, softball and soccer fields are not included in the Fairgrounds site. Mr. Tissue stated these facilities are viewed as year-round operations. Councilmember Heffernan stated there is more incentive to include the fields and have a more extensive use in the proposal.

It was the general consensus of the Mayor and City Council to include all areas at the Fairgrounds as potential sites.

Councilmember Keller asked how far along the intended second sheet of ice project is at the ice rink. Mr. Tissue stated he isn't sure but he could ask them to include that information in their annual report to the Mayor and City Council in October. Ms. Means noted the report should not include a proposal for an indoor sports facility that was mentioned recently in the media. If the HIAAA is interested, they should submit a proposal under the planned RFQ.

Councilmember Aleshire does not think the Greens at Hamilton Run should be included in the potential sites. He would also accept proposals for something outside what is stated in the request.

The time frame is to release the request as soon as possible and have proposals submitted in December, 2018. Staff will then discuss a recommendation for a proposal that makes the most sense. A variety of proposals are anticipated.

PEP Eligible Business Categories for Rent Relief

Jill Thompson, Director of Community and Economic Development, and Danelle Hayer, Business Development Specialist, were present to review the eligible business category list for the Partners in Economic Progress (PEP) Rent Relief Program.

The following categories of businesses are eligible for PEP Rent Relief:

1. Business, professional, cultural, and medical offices
2. Professional schools
3. Educational services
4. Medical and diagnostic laboratories
5. Motion picture and sound recording industries
6. Photo finishing
7. Radio and television broadcasting
8. Telecommunications
9. Visual and performing arts studios and galleries
10. Light manufacturing
11. Artist live-work units
12. Fitness centers

A category list was provided for businesses within the CC-MU Zoning Classification, showing eligible businesses for the Rent Relief Program. Classification 81211, which includes hair salons, is ineligible for the program.

The Review Committee has reviewed the list of categories of businesses that are ineligible for PEP Rent Relief and is not recommending any changes be made to the list. The Review Committee is not recommending that 81211 be added to the list. A recent application by a barber shop was not approved based on the applicant being an ineligible business.

The Review Committee is asking for the Mayor and City Council's review of the list and determination if any ineligible categories should be changed to eligible.

Mayor Bruchey clarified that a barber could add 2 chairs on a second floor and be eligible to apply for assistance through the Invest Hagerstown program. Ms. Thompson stated that is correct as the original criteria were amended to include a non-retail first floor use.

Councilmember Keller feels the strongest consideration should be on how many people the business will bring to downtown and how many employees there are, rather than the type of business.

Ms. Thompson stated the original program was for tenants going into non-retail locations. The rent relief is for one tenant per space. Future tenants will not be eligible.

Councilmen Heffernan inquired if the owner of a 501c3 established business would pay the real property taxes. Ms. Means indicated it depends on the use of the property.

Councilmember McIntire asked if restaurants could be added. Ms. Thompson stated there is a different program for restaurants. She noted the most successful program the City has is the rent relief program and it is an incentive to fill the upper floors.

Councilmember Aleshire pointed out using foot traffic as one of the criteria eliminates small start up companies. Instead these companies will locate somewhere else and have success. It would be better to not eliminate a business simply based on classification. He thinks the committee is capable and can make the determination.

Councilmember Keller stated she doesn't think the City should turn down any type of business.

Councilmember McIntire stated the program was designed to create opportunity.

Ms. Thompson will take the feedback to the Review Committee for further consideration. A wider recommendation will be presented to the Mayor and City Council at a future Work Session.

Application for 2018 Justice Assistance Grant

Police Chief Paul J. Kifer informed the Mayor and City Council that the Hagerstown Police Department received a Federal Justice Assistance Grant (JAG) application in the total amount of \$ 20,381.00.

A requirement of that application was to notify the governing body. Staff fulfilled one requirement by posting the solicitation on the City website on August 23, 2018. Mayor and Council notification was not completed and is being completed with this agenda item.

With that being identified, this grant is a yearly non-match grant that HPD has received for numerous years and provides overtime funding to support strategies within designated "Safe Streets" areas and public housing. Currently the grant has been frozen until the requirement to notify the Council is complete.

Strategies may include but are not limited to law enforcement activities including drug operations, traffic operations, prostitution operations, and any other activity that is law enforcement related and evidence-based in this area. Since the City's budget is based on projections from previous incidents and does not reflect specialized activities which are based on future, specific problems, these funds are potentially vital to the department.

The Mayor and City Council agreed to include approval of the grant on the September 25, 2018 Regular Session agenda.

Potomac Edison Priority Tree Easement Request

Michael Spiker, Director of Utilities, was present to discuss a request from Potomac Edison.

Potomac Edison owns transmission facilities and associated rights of way on Watershed Property north of Smithburg, Maryland. Utilities Staff met with their representatives and are in agreement with their request to expand portions of the right of way in order to protect their facilities from tree related outages. Legal Counsel has reviewed and approved the agreement.

Councilmember Aleshire would like to have language requiring the contractor to restore/repair damages included in the agreement. Mr. Spiker indicated the City has a very good relationship with Potomac Edison and he doesn't see repair being an issue.

Approval of the agreement will be included on the September 25, 2018 Regular Session agenda.

CITY ADMINISTRATOR'S COMMENTS

Valerie Means, City Administrator, announced a Goal Setting Work Session will be held on Thursday, September 13, 2018 at the Washington County Library.

MAYOR AND COUNCIL COMMENTS

Councilmember E. Keller had no additional comments.

Councilmember K. B. Aleshire asked if enough notice has been provided when the Burhans Boulevard area floods with just a cone being placed in the area. Ms. Means will have staff check on this.

Councilmember A. Heffernan had no additional comments.

Councilmember S. McIntire had no additional comments.

Mayor R. E. Bruchey, II had no additional comments.

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 5:08 p.m.

Respectfully submitted,

Original signed by D. K. Spickler
Donna K. Spickler
City Clerk

Approved: October 23, 2018