

Mayor R. E. Bruchey, II called this 60th Special Session and Work Session of the Mayor and City Council to order at 4:01 p.m., Tuesday, December 11, 2018 in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, A. Heffernan, E. Keller, and L. C. Metzner, City Administrator Valerie Means, and City Clerk D. K. Spickler. Councilmember S. McIntire was not present.

60th Special Session – December 11, 2018

On a motion duly made by Councilmember E. Keller and seconded by Councilmember A. Heffernan, the Mayor and City Council unanimously agreed by voice vote of all members present to meet in Special Session at 4:01 p.m.

Introduction of an Ordinance: Quit Claim for Alley off Magnolia – Eklund Family, LLC

Action: On a motion duly made by Councilmember E. Keller and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote of all members present to introduce an ordinance to convey a portion of Alley #5-35 to Eklund Family, LLC as it is no longer needed for a public purpose. The City shall retain an easement across this land for the purpose of maintaining existing lines and facilities of the Hagerstown Light Department.

Introduction of an Ordinance: Quit Claim for Alley off Magnolia – Michael J. Hill

Action: On a motion duly made by Councilmember A. Heffernan and seconded by Councilmember E. Keller, the Mayor and City Council unanimously agreed by voice vote of all members present to introduce an ordinance to convey a portion of Alley #5-35 to Michael J. Hill, as it is no longer needed for a public purpose. The City shall retain an easement across this land for the purpose of maintaining existing lines and facilities of the Hagerstown Light Department.

Approval of an Ordinance: Land Management Code Amendment

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 of all members present to approve an ordinance to amend Chapter 140, Land Management Code, of the City Code, to add hair, nail and skin care stores as a permitted principal use in the IR (Industrial Restricted) zoning district. The ordinance details the code citations associated with this amendment. This proposed amendment is a result of a request made during the Mayor and City Council's public

hearing on the Planning Commission's recommended 2018 package of proposed amendments to the Land Management Code. In a future action, the Mayor and City Council will move on the package of proposed amendments forwarded by the Planning Commission, as forwarded or with revisions.

Approval of a Resolution: Extension of Verra Mobility Agreement for Automated Traffic Enforcement

Action: On a motion duly made by Councilmember A. Heffernan and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a resolution for the renewal/extension of the Verra Mobility Automated Traffic Enforcement Agreement for a one-year period beginning January 1, 2019, and ending December 31, 2019.

Approval of Public Exhibitions at Dangerous Elevations Exemption – Boys and Girls Club of Washington County's "Over the Edge" Event

Action: On a motion duly made by Councilmember E. Keller and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote of all members present to approve an exemption from the City of Hagerstown's Public Exhibitions at Dangerous Elevations Ordinance under section 173-5 of the Code of the City of Hagerstown for the Boys and Girls Club of Washington County's "Over the Edge" event on April 6, 2019.

The Special Session was closed at 4:05 p.m.

Work Session – December 11, 2018

Hagerstown Neighborhood Development Partnership (HNDP Inc.)/Hagerstown Home Store Presentation

Morgan Plummer, Director, and Al Martin, Treasurer, were present to provide an overview of the services provided by the Hagerstown Home Store. The Hagerstown Home Store is a homebuyer education and counseling program, operated by the Hagerstown Neighborhood Development Partnership, Inc. They support the City of Hagerstown's Homeownership Initiative, with funding provided by the U. S. Department of Housing and Urban Development (HUD), the State of Maryland, and the City of Hagerstown, as well as other local sources. The Home Store was designated as a HUD-Certified Housing Counseling agency in 2002.

They are a community based nonprofit organization that provides the following:

1. First time homebuyer workshops and counseling
2. Foreclosure counseling and loan modification assistance and resources

3. Credit and budget counseling
4. Fair housing information and consultations
5. Lead paint information for homebuyers, renters, and landlords
6. Landlord and tenant rights and responsibility information and consultations
7. Federally assisted housing resources and referrals
8. Down payment and closing cost assistance funding

All services are provided to clients at no charge. More than 70% of their clients are classified as low to moderate income families. The contribution from the City of Hagerstown is 21% of their total budget.

The HNDP was founded by the City of Hagerstown and has created partnerships with other organizations. They have been able to assist when a 501(c)(3) organization is needed for pass through funding, tax credits, and grants. They have been working with the Main Street group as well.

Mayor Bruchey asked if the Home Store receives funding from Washington County. Ms. Plummer indicated they receive funding through the Gaming Commission but not directly from the County Commissioners. Mr. Martin suggested this activity could be a consideration of the tax differential calculation.

Councilmember Heffernan asked if the desire for owning a home has increased or decreased. Ms. Plummer noted they typically have 400 to 450 participants in the workshops.

Mr. Martin encouraged people to take advantage of the great programs and information provided by the Home Store. Homeownership is a great way to invest in your own future.

Maryland Theatre Presentation

Benito Vattelana, President, and Jessica Green, Executive Director, were present to provide an update on the Maryland Theatre.

The \$ 15 million expansion project is on schedule, with 35% of the construction work being completed. They have paid \$ 2 million toward the construction contract. A private capital campaign was launched in September, 2017 and a public campaign was launched in June, 2018. The City originally committed \$ 500,000 toward the construction and awarded \$ 200,000 toward the project last summer.

Mr. Vattelana stated the expansion project has been in process for seven years. He appreciates the relationship the City of Hagerstown has with the Theatre. There is good community support but there is still a \$ 3 million gap. The Washington County Commissioners have agreed to provide \$ 1 million toward the gap. When the expansion is complete, it is expected that attendance will double. They want to focus on developing business partnerships and bringing more travel to downtown.

In 2018, the Mayor and City Council considered \$ 500,000 for the construction and gave \$ 200,000. Mr. Vattelana stated the Maryland Theatre's request to the Mayor and City Council is to consider providing the remaining \$ 300,000 of the \$ 500,000 toward the construction costs.

Mayor Bruchey noted the City Center Plan references a conference center and the Maryland Theatre expansion includes a meeting space. He thinks there may some funding allocated toward a conference center that could be provided.

Ms. Green noted they have received five requests for ballroom space so far.

Washington County Historical Society Presentation

Stefanie Basalik, Executive Director, and Anna Cueto, Curator, were present to provide an update of the Washington County Historical Society.

Ms. Basalik thanked the Mayor and City Council for the increase in the contribution to the Washington County Historical Society. She provided a copy of the FY2018 Annual Report, a newsletter and program brochure to each member of the Mayor and City Council. The Historical Society's budget is funded in part from government support – \$ 20,000 from the County and \$ 5,000 from the City. Most of this support is used to pay for insurance for the collection (housed at the Miller House, Hager House, and Rural Heritage Museum). People from all over the United States visit the Historical Society sites to look up genealogy. Culture and Cocktails events are held, and self guided tours are now available.

Community Rescue Service Presentation

Dr. Randall Brumbelow, Chief Financial Officer, and Robert Buff, Assistant Chief, were present to provide an update of the Community Rescue Service (CRS).

CRS was established as a volunteer organization in 1955 and is a 501(c)(3) organization. CRS is a member of the Washington County Volunteer and Rescue Association. They serve Washington County from three locations – the Main station at 110 Eastern Boulevard, the Antietam Station at 113 Summit Avenue, and the Maugansville Station at 13730 Maugansville Road. Membership includes a combination of career and volunteer people but is staffed primarily with career employees. There are 40 active volunteers on staff. Operations career staff consists of ALS, BLS, and administrative staff. In FY 2018, each CRS station averaged over three times the dispatches of each of the other seven EMS companies, with 48% of the calls dispatched from the Main Station. CRS responded to 97% of the 11,512 emergency dispatches into Hagerstown City limits in FY 2018.

In FY 2018, approximately 17% of dispatched calls were not billable. Some reasons a call is not billable are refusal of care, lift assist, public service, fire, ground stand-by, patient requested to be transported although not medically necessary, and patient has no

fixed address. Net Service Revenue was less than 32% of Billable Service Revenue. CRS recognizes revenue on less than 27% of dispatched calls. The had to write-off \$ 2 million in outstanding bills.

FY 2019 Capital Expenditures include an International Ambulance to replace the 2007 Ford Ambulance (Cost is approximately \$ 260,000), a Duty Vehicle to replace a 2010 unit (Cost is approximately 50,000), and a cot and stair chair for the new ambulance (cost is estimated at \$ 25,000).

Longer term Capital Expenditures include construction of a new Maugansville Station, a replacement ambulance, and replacement cots and stair chairs for four existing in-service ambulance. Rate increases for hourly operations employees are critical to acquiring and maintaining qualified staff. Pay rate increases also increase payroll taxes, 401(k) contributions, Workers' Comp Insurance, etc. A Federal Government shutdown would have a negative impact on cash receipts and ability to pay vendors.

Councilmember Heffernan asked how many calls are drug related. Dr. Brumbelow stated approximately 1,500. CRS members can administer Narcan and they have started leaving a kit at certain residences.

Councilmember Aleshire noted State Regulations for CRS and other EMS companies is strict. During his time on the ESA committee, he discovered Boonsboro has two funded stations while other municipalities don't have any. The volunteers are aging out and equipment is deteriorating.

Assistant Chief Buff pointed out surrounding communities (in Maryland, Pennsylvania and West Virginia) have implemented a fire tax to help cover some of the costs for public safety and emergency services.

Councilmember Aleshire stated, by his calculations, it would cost the County \$ 176 million to replace all 27 companies. The public does not realize the County does not own the buildings or the equipment being used by the companies.

Councilmember Metzner is hopeful this group of County Commissioners will see the need to address the failing volunteer EMS system.

Preliminary Agenda Review

Consent Agenda

A. Information Technology and Support Services:

1. MUNIS Transparency Module Renewal – Tyler Technologies (Dallas, TX)
\$ 11,669.90

B. Parks and Engineering:

1. 2019 Pool Management Services – Community Pool Services (Rockville, MD)
\$ 94,262.00

C. Police:

1. Narcotics Task Force Reimbursement FY19 – Washington County Treasurer
(Hagerstown, MD) \$ 310,000.00

Councilmember Aleshire asked if the issues with the pool management company from last year have been addressed. Rodney Tissue, City Engineer, indicate there were behavior issues addressed early in the season.

New Business

Approval of a Resolution: Request for an Amendment to the Lease Agreement for 11850 Indian Lane

Staff are seeking Mayor and City Council's approval to make an amendment to the residential lease located at 11850 Indian Lane to allow two more people to reside at the home. This would bring the allowable number of people to reside at the home from five to seven.

The Crooks (current tenants) have a passion to help children and are hoping to become a foster family for Washington County. They would only be licensed to take on two extra children under the age of five.

If modifications or upgrades are required by the State licensing agency in order to approve the tenants to take in foster children, the tenants shall be solely responsible for any modifications or upgrades and shall obtain written permission of the landlord.

Councilmember Aleshire asked how many foster children could be housed at the Indian Lane residence, per State regulations. Jill Thompson, Director of Community and Economic Development, will contact the State to find out.

It was the general consensus of the Mayor and City Council to include approval of a resolution amending the lease on the December 18, 2018 Regular Session agenda.

This completed the review. All items are scheduled for approval during the December 18, 2018 Regular Session.

Program Open Space Annual Program Discussion

Rodney Tissue, City Engineer, and Mark Haddock, Parks and Recreation Manager, were present to discuss recommendations for the Program Open Space funds for FY 2020 and beyond.

The proposed projects for FY 2020 (by priority) are as follows:

1. City Park Lighting Improvements and Beautification – Total project cost \$ 70,000, POS Fund Request \$ 63,000
2. Replace Pool Whitecoat Phase II – Total project cost \$ 90,000, POS Fund Request \$ 81,000
3. City Park Improvements – Total project cost \$ 130,000, POS Fund Request \$ 117,000
4. New City Park Restrooms – Total project cost \$ 150,000, POS Fund Request \$ 150,000

Councilmember Aleshire asked if there is still some formula/calculation within POS for acquisition. The key for him to the completion of the Cultural Trail is the acquisition of the property on the triangle near Park Circle. Developing the triangle project is included in the anticipated FY 2021 request.

It was the general consensus to move the triangle property development to the FY 2020 request and the City Park restrooms to the FY 2021 request. Formal approval will be scheduled for the December 18, 2018 Regular Session.

Pavement Preservation Program

Rodney Tissue, City Engineer, was present to discuss the draft 2019 street list for pavement preservation and a list of streets for pavement preservation in 2020. This would allow utilities to budget for and install main replacements as necessary. In addition, property owners who receive curb and sidewalk notices will have approximately 12 months to complete the required work prior to the 2020 pavement preservation work.

In October, a pavement condition survey was completed. This survey is used to determine future pavement preservation work. In both 2019 and 2020, the plan is to mill/overlay, slurry seal, crackfill, and complete random patching based on the results of the pavement conditions survey. The essence of pavement preservation is the application of the right treatment, to the right pavement, at the right time. The Pavement Condition Index (PCI) is a numerical index between 0 and 100 which is used to indicate the general condition of a pavement. A rating of 70 and above is satisfactory and good. The City's system-wide PCI average is 76.

A big factor in selecting streets is the condition of underground utilities and if the respective utility will upgrade prior to paving. Staff coordinates with the City utilities and Columbia Gas to assure that their systems are in good condition in the proposed streets.

Staff endeavors to budget \$ 1,500,000 annually for pavement preservation including all paving, milling, slurry seal, patching, crack filling, and pavement markings. They will postpone pavement work on streets to always stay within budget.

Staff sends about 75 to 100 Curb and Sidewalk notices each year. They endeavor to work with property owners and offer a loan program for owner-occupied properties. Staff will follow the previously established City Code and Council-approved policies to issues notices for the 2020 streets.

Mayor Bruchey stated the intersection of Longmeadow Road and Northern Avenue needs to be looked at. Mr. Tissue has been discussing this with the State Highway Administration. The roadway should be repaired in the Spring.

The lists provided with the meeting packet material will be scheduled for approval on December 18, 2018.

Land Management Code (LMC) Discussion

Kathleen Maher, Director of Planning and Code Administration, and Stephen Bockmiller, Zoning Administrator/Development Review Planner, were present for follow-up on the public hearing process and to gain input from the Mayor and City Council on the Planning Commissions' recommended 2018 package of amendments to the LMC.

As a result of the Mayor and City Council's public hearing on the proposed 2018 package of amendments to the LMC on November 27, 2018 and the 10 day period when the record was left open, staff received some public input as well as comments from the City Council. In response to a request submitted for the public hearing, the Mayor requested that an ordinance be introduced on December 4, 2018 to amend the LMC to add Hair, Nail and Skin Care Stores to the IR district as a permitted principal use. That ordinance was approved during the Special Session earlier in this meeting.

The Mayor and City Council have received numerous concerns about the proposed regulations for temporary/political signs. Mayor Bruchey suggested taking the sign issue out of the discussion today. This was agreeable to all present.

Ms. Maher distributed a packet of comments that have been received since the hearing. Concern was expressed about Proposal 4.9 which would require dwelling units to be on their own lot and about Proposal 2.3 which requires a special exception for larger rooming houses in the CG district and 24 hour on-site supervisor requirement. Support was noted for Proposal 2.3 that would allow rooming houses as a permitted use in the LMC, specifically a potential use for property in the CG.

A request was made for an amendment to include multi-family housing in the CR district when it applies to a mixed-use building or mixed-use development. This was not raised during the Planning Commission review. Staff suggests allowing the Planning Commission to review this request and provide their opinion to the Mayor and City Council for consideration.

During the hearing process, Councilmember Heffernan pointed out a needed wordsmithing adjustment for Proposal 4.1 regarding the proposed amendment related to donation or taking of right-of-ways for public improvements. Councilmember Heffernan supports staff's intent to completely update the LMC's wireless communications provision in a future amendment process. Staff was advised to be familiar with issues surrounding the new 5G technology as those amendments are crafted.

Councilmember Keller supports adding rooming houses to the LMC but would not support the requirements for 24 hour, on-site supervision or for off-street parking.

A few Councilmembers had questions about the temporary signs amendments and how they would affect businesses and political signs.

The proposed amendments to sign regulations are to address a Supreme Court ruling stating that signs can't be regulated by content – only size and location. The Mayor and City Council can make the regulations more restrictive or not have any regulations. Having no sign regulations would also mean commercial signs would not be regulated.

Mayor Bruchey thinks the current regulations should be enforced. He noted that campaign and other temporary signs are not permitted in the City right-of-ways.

Councilmember Metzner asked how the City's sign regulations relate to the County's regulations. Mr. Bockmiller stated staff has worked with County staff to make the regulations as similar as possible, particularly in areas where the City and County line is mixed.

Ms. Maher stated Scott Rose, of Way Station, Inc., suggested either deleting the "licensed by the State" requirement or saying "licensed, approved, or certified by an authorized local, state, or federal agency" is acceptable for group homes. This would give the assurance that there is third party oversight.

Councilmember Aleshire is not as concerned about the funding sources for group homes, but rather if there is oversight/monitoring accountability. He wants to know if someone is inspecting the residences. During the MML convention, other municipalities and jurisdictions reported experiencing the same issues with an entity setting up operations and having no state or organizational oversight.

Councilmember Keller does not disagree with oversight but doesn't think this LMC amendment is the way to address the lack of oversight.

Councilmember Aleshire has the expectation that if the State places people in locations to receive services, it should also provide oversight. He believes the way to address this issue is through the land codes.

Ms. Maher noted group homes are to be treated as single family homes for zoning purposes.

Doug Wright, Planning Commission Chairman, stated the oversight wording in the LMC is there to provide some validity for group homes. It is defining the group home, not addressing the need for protection of the residents.

Councilmember Keller supports removing the oversight and off-street requirements in Proposal 2.3.

Councilmember Heffernan asked that elderly care be changed to assisted living in Proposal 6. Ms. Maher indicated this would broaden the category from a fair housing perspective.

Councilmember Aleshire thinks once the service organization orientation is accepted they cannot be limited.

Mr. Wright pointed out that there are people who are 25 years old that need assisted living.

Councilmember Heffernan supports what Raj Patel is trying to do at the Garden Plaza property by providing senior housing. Ms. Maher indicated she understands he does not want to have assisted living facilities, which includes a medical component.

Councilmember Aleshire believes the City of Hagerstown is exponentially higher than the surrounding areas with location of public services. This is having a negative impact on the City's budget stability.

Councilmember Heffernan noted some of the facilities would be privately owned and would be back on the tax rolls.

Councilmember Keller pointed out there are people in Hagerstown that need to have the assistance. They are living in shelters and other areas.

Councilmember Aleshire agreed that services and housing assistance are needed; however the impact on the tax roll needs to be remembered.

Councilmember Heffernan doesn't see the disadvantage to a facility providing public services back on the tax rolls, especially if it helps people get into permanent housing and back on their feet.

Ms. Maher noted the Federal Fair Housing Act prohibits discrimination against protected classes. The State Health Article states if a jurisdiction allows single family homes in a zoning district it also has to allow the same size group homes within the zoning classification. This is also the case for multi-family homes and similar size group homes.

Councilmember Aleshire noted the input received are for the benefit of the individual owner.

Mr. Bockmiller pointed out that if a change is made to accommodate a particular property within the LMC, future owners may request something different that would then be allowed per the Code language.

Councilmember Aleshire hopes the Planning Commission would review the requests that benefit a specific property and the potential impact of any amendments proposed. Ms. Maher stated the Planning Commission does review how an amendment would affect the entire City, not just one property.

Councilmember Keller wants citizens to understand that the City must comply with the regulations of the Fair Housing Act, which includes preserving Section 8 housing.

Mr. Bockmiller reiterated the sign regulation amendments are a result of a Supreme Court Ruling, not from complaints or staff evaluation. One thing that is exempt from the ruling is commercial content. The City can regulate signs based on content.

Councilmember Metzner stated there are always unexpected results that were not intended. The Mayor and City Council hear about the untended consequences after regulations are enacted. He will always advocate for passing regulations and then dealing with the unexpected. He wants more information about Councilmember Aleshire's concerns for expanding group homes before making a decision.

Councilmember Aleshire stated the Planning Commission should review the requests made during the Public Hearing Process, as they are the appropriate group to begin the review. The issues to go back to the Planning Commission are group homes, rooming houses, signs, and individual lot requirements.

Mr. Bockmiller asked how the Mayor and City Council want to proceed in regard to the single lot lines. The consideration of future raw land development is important. Currently, someone could come in and develop a residential community like McCleary Hill. If the proposal goes into effect, single family homes, duplexes, or townhouses must be a single lot. There are several existing developments or projects in process that would not be permitted. Zoning is based on housing type, not the income of the resident.

Ms. Maher pointed out, under the proposed amendments requiring single lot homes, condominiums would not be permitted.

Councilmember Keller is against not allowing condominiums.

Councilmember Aleshire thinks a condominium should be a choice oriented project.

Councilmember Metzner would like information about how other jurisdictions regulate lot sizes.

Councilmember Aleshire feels that a townhouse should be on an individually plotted parcel. When McCleary Hill was designed and proposed, they were townhouses. They called them one thing and used them as another.

Mr. Bockmiller noted zoning ordinance identifies uses in a manner than may conflict with definitions and regulations in the building code.

Staff will return with the requested information.

Proposed Parking Rate Amendments

Mayor Bruchey presented a draft resolution for parking rates for USMH students at the University District (UD) Parking Deck. Under this proposal, the UD student rate would be \$ 15.00 per month and the bulk rate discounts would remain in effect and not be discontinued effective July 1, 2019 as mandated in the June 26, 2018 resolution.

Councilmember Aleshire noted the Mayor and City Council discussed this issue previously without a clear direction. Now there is a resolution to consider but no financial information to review. He does not have any information about the impact on the fiscal stability of the Parking Fund. The Council would not approve other rates, such as water and sewer rates, without having the fiscal information. He asked if this applied to just USMH students or to all students.

Ms. Means stated it would apply to all students.

Councilmember Aleshire wondered how this proposal was developed. The rates have been discussed with Mark Halsey, Director of USMH, and other individuals. Then the Mayor and City Council received a correspondence from members of the Washington County Delegation. A meeting was scheduled with members of the Delegation on November 27, 2018 but it was cancelled. He doesn't understand how or why this proposal was developed. He was not party to getting to this point.

Mayor Bruchey stated he talked to Councilmember Aleshire about a new student rate at the University Plaza mural dedication. Councilmember Aleshire stated that conversation was not about specific rates. There isn't any information about the budget impact this proposal would have or which parties are going to share in additional parking amenities, such as a third parking deck. The original student discount was not intended to be indefinite.

Ms. Means stated this is not a staff proposal. Staff stands by the proposal presented and discussed on November 13, 2018.

Councilmember Heffernan and Councilmember Metzner support the proposed resolution.

Councilmember Keller thought there was to be an incremental increase and change in the bulk discount rate.

Mayor Bruchey stated bulk discount rates were going to be discussed after the student rates were settled. He originally presented a proposal to provide a bulk discount rate for student parking, if there were a certain number of passes issued for a deck.

Councilmember Aleshire then left the meeting.

Councilmember Metzner does not think there was any discussion about this rate for any students other than for USMH students. He does not see these rates being the same next year. The original increase of 500% is not appropriate. The rates can always be changed.

Councilmember Keller wondered why all the meetings were held over the last several months if this is the compromise.

Councilmember Metzner stated there is time to discuss the bulk rate for businesses. He anticipates a significant change in parking rates after the Urban Improvement Project is completed.

CITY ADMINISTRATOR'S COMMENTS

Valerie Means, City Administrator had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember L. C. Metzner thanked everyone for their thoughts and prayers during his recent illness.

Councilmember A. Heffernan had no additional comments.

Councilmember E. Keller had no additional comments.

Mayor R. E. Bruchey, II has received complaints that the street sweeper has not been on Woodland Way for some time. Mr. Deike will look into this.

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 6:45 p.m.

Respectfully submitted,

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

Approved: January 29, 2019