

WORK SESSION – December 3, 2013

A joint meeting with the Washington County Delegation was held on Tuesday, December 3, 2013 at Hagerstown Community College, 11400 Robinwood Drive, Hagerstown, Maryland at 2:00 p.m. The following people were in attendance: Mayor D. S. Gysberts, Councilmember K. B. Aleshire, Councilmember M. E. Brubaker, Councilmember L. C. Metzner, Councilmember D. F. Munson, City Administrator Bruce Zimmerman, Emily McFarland, Communications Assistant and Staff Assistant to City Clerk, Rodney Tissue, City Engineer, Senator Christopher Shank, Senator George C. Edwards, Delegate Andrew Serafini, Delegate Neil Parrot, Delegate Leroy Myers, Delegate Michael Hough, and Delegate John Donoghue. Councilmember P. M. Nigh was not present.

Mayor Gysberts outlined the City's 2014 Legislative Priorities as follows:

1. Restoring Highway User Revenues
2. Demolition and Redevelopment of MELP
3. Deterring costs of Stormwater Management
4. Downtown redevelopment – including a partnership with the State for a third parking deck
5. Improved walkability with a bridge and sidewalk systems for Route 40
6. Annexation
7. Flexibility regarding liquor license requirements – i.e. number of seats required
8. Possibilities of establishing special taxing districts

Councilmember Brubaker pointed out that there are many issues surrounding each priority and finding a balance between all issues is challenging. Most visitors to Hagerstown appreciate the appearance of the City. Practical preservation is necessary. Condemning and demolishing buildings is not the answer. Neither is building a parking deck based on speculation. The City has managed well during the fiscal crisis.

Councilmember Munson indicated grant funding for police departments is important. The Maryland Theatre needs significant funding for repairs and he would appreciate the support of the Delegation of a bond bill that will be presented. The Maryland Theatre is a key amenity for the City of Hagerstown. The Theatre could be a part of the Barbara Ingram School for the Arts. As a former Senator, a former Delegate and current Councilmember, he understands cities are worth saving. Municipalities have minimal opportunities to increase revenues and partnerships between governments are crucial. The State needs to play a major role in revitalization.

Mayor Gysberts thanked the State for Program Open Space funding, sidewalk grants and low interest loans through the Maryland Department of the Environment (MDE). The City is moving forward with the demolition of the MELP building, with a major step being passing a resolution condemning the building. Negotiations are continuing with

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the property owner. He is concerned about the future obligation for the City for Stormwater Management, which could be as high as \$ 200 million. Grant funding from the State could help with funding. Downtown revitalization efforts continue. The Mayor and Council are considering a contract with a consultant for catalyst projects. One key area is between the Circuit Court building and the District Court Building. He hopes a third parking deck brings people downtown. The City has implemented the First Third initiative to assist in building renovations. This program provides assistance for renovating costs to meet City building standards. He is looking forward to Sustainable Communities partnerships. Community input is important and will be a big part of a Sustainable Community. The Route 40 Bridge is not pedestrian friendly. Annexation is important for municipalities to assist in increasing their tax base. Changes in legislation for the number of seats required for a restaurant to obtain a liquor license would provide an opportunity for smaller establishments to add an amenity to their restaurants. The City is anticipating an 8% decrease in property tax revenue in the coming budget year. Special taxing districts for the City would provide a means for additional revenue. There are a number of good anchors in Hagerstown. The City is looking to turn liabilities into assets for downtown.

Councilmember Aleshire's top priority is MELP, followed by neighborhood stability, downtown revitalization, dealing with the anticipated budget deficit and synergy. The reality is that many of buildings downtown are not Section 8 housing but they do not take care of properties. The City needs to take to task the property owners who do not take care of their properties. Housing Authorities are the most responsible and attentive owners in the community, proving Section 8 housing is not always the main problem. He thinks revitalization should occur block by block. Half of the area in downtown is made up of religious institutions and parking. He doesn't think there should be a minimum number of seats required for a business to qualify for a liquor license.

Councilmember Metzner pointed out many buildings are in such a state of disrepair that private investors cannot afford to rehabilitate them. There is no alternative except for government assistance. If a third parking deck is built, some of the spaces should be for employees.

Delegate Myers believes everyone thinks the same – that downtown revitalization is important. He recommends parking should be on the second floor, with commercial space on the first floor. In regard to changes in the liquor license requirements he would like to see permitting and review by the municipality, with oversight provided by the liquor board.

Delegate Shank mentioned the Home Act bill will have a negative impact on neighborhood stability. Under this bill, a landlord would not be able to deny a Section 8 housing voucher. The bill was killed in the last session but will most likely be back. Some are of the opinion that this may de-concentrate Section 8 housing. He asked the Mayor and Council to offer an opinion on this legislation.

Delegate Parrot stated there is no excuse for the State to return 100% of the Highway User Revenue. It does not make sense to restore old buildings with the strict building regulations in place. He wondered if requirements could be lessened in certain districts. He is reviewing the liquor license requirements.

Delegate Serafini stated the Delegation did act in favor of Special Taxing Authorities. They don't want urban sprawl. He mentioned Senator Ron Young (Frederick) has great ideas. He wants Hagerstown to move forward. The State is providing \$ 1.1 billion for transportation in Baltimore. The City should ask the State for assistance with transportation. Police aide is crucial.

The meeting was concluded at 3:00 p.m.

Respectfully submitted,

Original signed by E. McFarland

Emily McFarland
Communications Assistant and Staff
Assistant to City Clerk

30th SPECIAL SESSION – December 3, 2013

Mayor D. S. Gysberts called this 30th Special Session and Work Session of the Mayor and City Council to order at 4:00 p.m., Tuesday, December 3, 2013, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, M. E. Brubaker, L. C. Metzner, D. F. Munson and P. M. Nigh; City Administrator Bruce Zimmerman, City Attorney Mark Boyer and City Attorney William Nairn. City Clerk D. K. Spickler was not present.

On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to meet in Special Session.

Kathleen Maher, Planning Director, and Jill Estavillo, Economic Development Manager, were present to discuss the selection process and the planned project to develop a strategic implementation plan for Hagerstown's Sustainable Community Plan. This project will be 100% grant funded. Alex Rohrbaugh, Planner, and Andrew Sargent, Downtown Manager, were also present.

The City posed the RFP for this project on a number of web sites likely to draw the attention of planning and economic firms. The City received a good response, with 14 proposals.

A committee of City Planning and Economic Development staff reviewed and ranked the proposals based on experience of the team and their proposed approach for the

project. Staff recommends that the City award the contract to Urban Partners for their price proposal of \$ 79,910.00. The Urban Partners proposal was not only the low bid, but the consultant team was the Committee's preferred team based on their experience, the individuals involved in the interview process, and their approach for the project. The proposal is under budget and there is potential to expand the scope of work to gain additional work from the consultants, if so approved by the Mayor and City Council and the granting agency.

The scope of work for the project includes not only an economic analysis of Hagerstown's 2012 Sustainable Community Plan, but also a community engagement exercise. This exercise will further develop tactics and strategies to implement the plan's objectives and build community support for the downtown vision and projects intended to catalyze revitalization.

Councilmember Munson asked if the proposal includes interim reporting of the findings prior to presentation of the final report. Ms. Maher indicated interim reporting could be included in the proposal documents.

Councilmember Brubaker pointed out interim reports would provide the opportunity for the Mayor and Council to address the findings, if necessary.

Councilmember Aleshire stated in order for the plan to be viable, there must be a good understanding of the analysis of the existing conditions. He wants to make sure the consultant has ample time to complete an in-depth analysis before proceeding with plans and ideas.

Mayor Gysberts stated it appears this firm is well-prepared to make recommendations based on the feasibility of potential projects.

Councilmember Brubaker stated this analysis is a way to reach out for economic opportunities.

Mayor Gysberts pointed out an unsolicited proposal was presented to the Mayor and Council last spring for a similar analysis that was estimated to cost \$ 1 million.

Councilmember Aleshire stated the project committee from the previous proposal was not anticipated to include a large City representation. This committee includes a number of City staff.

Award of Consultant Services for Economic Analysis and Implementation Plan for Hagerstown's Sustainable Community Plan – Urban Partners (Philadelphia, PA) \$ 79,910.00

Action: On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember L. C. Metzner the Mayor and City Council unanimously agreed by voice vote to approve of the proposal to provide

consulting services from Urban Partners out of Philadelphia, Pennsylvania, to prepare an economic analysis and implementation plan for Hagerstown's Sustainable Community Plan. The firm's cost proposal is \$ 79,910.00. Funding for this project is a \$ 100,000.00 grant from the Maryland Department of Business and Economic Development (DBED). The project budget will allow for expansion of the scope of services with this consultant as a not to exceed amount of \$ 100,000, if so approved by the Mayor and Council and DBED.

On a motion duly made, seconded and passed, the Special Session was closed.

WORK SESSION – Continued

Proclamation

Mayor Gysberts presented a proclamation to Bruce Massey, Rachel Nichols and Deanna Sulas in recognition of the upcoming Houses of Worship Tour. The tour will be held on Thursday, December 26, 2013 from 3:00 p.m. to 7:00 p.m.

Community Coalition Lobbyist

John Latimer, Washington County Community Coalition, stated the Coalition would like to invite the City of Hagerstown to once again participate in the lobbying efforts in Annapolis. The Coalition partners increasingly see the need to supplement the work of the delegation and help promote Washington County in Annapolis. No matter the strength of the local delegation, Washington County will always need a concerted effort to be heard along side larger, more urban areas. The Coalition is focused on helping overcome this disadvantage in Annapolis. Other members of the Coalition include Washington County, CHIEF (the Industrial Foundation), the Greater Hagerstown Committee, Washington County Public Schools, the Washington County Free Library, and the Convention and Visitors Bureau.

As in the past, the Coalition will hire a lobbyist to push the state-level agenda during the 2014 General Assembly session. The program will also keep members posted on issues of concern throughout the year, serving as an "early warning system" for anything in Annapolis that may affect Hagerstown or Washington County.

The agenda includes three primary goals which are the Eastern Boulevard corridor widening and a bridge extension over the Antietam Creek, widening of Interstate 81, and interests of downtown, such as renovations at the Maryland Theatre, work at Barbara Ingram School for the Arts and the University System of Maryland Hagerstown and a third parking deck. Mr. Latimer indicated this is a preliminary list and input from the City is requested.

Mr. Latimer mentioned the Coalition's Day in Annapolis will be held on January 30, 2014. During the day, the Coalition presents their agenda to the legislature.

The lobbying process starts in the summer when the Coalition partners decide on the list of community priorities. Again this year, the partners will be asked to participate financially, and the Chamber will manage the program. The Coalition is asking the City to contribute \$ 5,000.

Councilmember Aleshire wondered why the potential agenda has changed from two months ago, since he is not aware of any subsequent meetings. Mr. Latimer indicated the list is not final and is a work in progress. The Coalition exists to help all of the partners. The Coalition is looking for input from the City. Councilmember Aleshire expressed his concern that the elected body has not been involved in the final agenda in the past. Mr. Latimer stated support from the local elected subdivision is essential.

Councilmember Brubaker indicated the tentative agendas sparks conversation with the parties. He is glad downtown issues are included on the agenda. The City will have the opportunity to craft the briefing sheets for presentation to the legislators. He pointed out the Eastern Boulevard and Interstate 81 projects will be beneficial to Washington County.

Councilmember Munson believes the major change to the list was the bridge over the Antietam Creek. This was changed because Delegate Donoghue was able to secure support for the bridge after the first list was created. He indicated there is so much information presented to State legislators that a professional lobbyist is needed to bring specific issues to their attention.

Councilmember Aleshire stated the widening of Eastern Boulevard needs to be completed in conjunction with the Antietam Creek Bridge and not be delayed because of the bridge. He stated the priorities for the City of Hagerstown should be clearly identified within the briefing sheets.

It was the general consensus to approve the funding for the Coalition.

Enterprise Fund Dividend Policy

Michael Spiker, Director of Utilities, and Michelle Hepburn, Acting Finance Director, were present to discuss the Enterprise Fund Dividend Transfer Policy. The Mayor and City Council discussed utility dividend transfers at the October 8, 2013 meeting. Staff developed a draft policy that incorporates the evaluation process required to ensure the financial health of the funds and the language contained within the Community Betterment Fund Policy into one definitive document.

Ms. Hepburn pointed out the draft policy includes the requirement that the dividend be used for non-recurring capital expenditures.

Mr. Zimmerman stated the Mayor and City Council must approve any dividend transfers.

It was the general consensus to approve the policy.

City of Hagerstown Wholesale Power Supply Contract

Michael Spiker, Director of Utilities, and Nathan Fridinger, Electric Operations Manager, stated the Wholesale Power Supply Contracts that are currently in place with Allegheny Energy Supply/First Energy Solutions will expire on May 31, 2015. In order to satisfy the provisions of the Planning Period within PJM, any new contract or contract extension must be consummated by the fall of 2014. The process required for the RFP is time consuming and expensive, requiring the HLD to spend \$ 150,486.47 in legal fees and consulting fees during the 2005 contract negotiations. The number changes within the industry and complexity of the process combined with increases in consulting and legal fees within the past eight years may well raise future RFP expenditures in excess of \$ 200,000.

An option is to enter into another contract extension with Allegheny Energy Supply/First Energy Solutions, where the existing contract terms remain the same and the City's negotiates a new price per megawatt hour for the load. The City has been receiving pricing from First Energy Solutions and comparing it with the market pricing. Their last three extensions with the City entail one or two year contract terms. The first term brought the price down to \$ 64.85/MWh. The 2011 approved one year extension, expiring on May 31, 2014, was accepted at \$ 54.36/MWh. The 2013 approved one year extension expires on May 31, 2015 and was accepted at \$ 53.90.

It was the general consensus of the Mayor and City Council to allow Mr. Spiker to lock in at a rate that appears to be at the bottom of market pricing and then bring the contact extension documentation to the Mayor and Council for approval.

Noise Ordinance Update

Kathleen Maher, Planning Director, and Chief Mark Holtzman, were present to provide revisions to the Noise Ordinance. Following the concerns raised during the September 24, 2013 Mayor and Council meeting, staff drafted revisions to certain provisions of the proposed update to the Noise Ordinance, Chapter 155 of the City Code. The ordinance that had been introduced on September 24, 2013 was not presented for approval and therefore expired.

The City Attorney has participated in the discussions on these revisions and preparation of the variance provisions, and has determined that he is comfortable that the proposed ordinance passes legal muster. The Police Chief and police staff have also participated in these discussions and they have determined that the proposed ordinance is a reasonable approach to address protection from excessive noise. The proposed update would provide a good tool to complement the other disturbing the peace codes available

The revisions include:

1. The test for determining a violation of the Noise Ordinance will be measured in decibels, at specific distances based on location.
2. The technical data related to the decibel definition and the equipment and techniques employed in the measurement of noise levels matches language in the Frederick and Bowie ordinances.
3. The Special Permits section has been changed to a Variance section that allows granting approval for sounds exceeding the noise ordinance standards under certain circumstances. The variances would be granted or denied by the City Clerk. Appeals of the City Clerk's decision would be heard by the Appeals Board established in section 95-2 of the City Code.

Mayor Gysberts wondered if there is an end time specified for construction work. Ms. Maher stated there is an ending time.

Councilmember Munson asked what cost is associated with the change in the measuring of noise levels. Chief Holtzman stated there will some cost, with the equipment and training for police officers but he does not think it will be substantial.

Councilmember Brubaker asked if the other communities using the decibel measurement have experienced any concerns. Chief Holtzman stated there were no concerns reported.

Councilmember Metzner stated there should be a definition of construction activities. Ms. Maher indicated the intent of construction activities was for permitted activities, i.e. building construction. Staff will include a definition, which will exclude industrial activities.

Introduction of the ordinance will be included on the December 17, 2013 Regular Session agenda.

Hagerstown Ice and Sports Complex Operating Agreement

Rodney Tissue, City Engineer, and Kim Rodenburg, Hagerstown Youth Hockey Association (HYHA), were present to discuss an operating agreement for the ice rink. Members of other users of the ice rink were also present.

The HYHA has operated the rink for over six years. Through numerous recent discussions between all the User Groups, and a mediation counselor, the consensus of the groups is that a new operating body be formed to operate the group. The group with a working name of "HISC Consortium" (HISCC) would be comprised of all the Users and would enter into an operating agreement with the City to operate the rink.

Staff recommends that an extension through June, 2014 be approved for the HYHA to operate the rink until the new HISCC group takes over. When the new group meets the requirements below, the City Council can vote to approve a five-year operating agreement with the HISCC and terminate the one with HYHA.

The requirements are as follows:

1. The HISCC group will file Articles of Incorporation with the State and begin the year-long process to gain non-profit status for the new organization.
2. The City can contract with the HISCC once the new group is incorporated and once their new board adopts 1) their by-laws and 2) adopts by resolution their intention to enter into an agreement with the City. The non-profit status does not need to be completed to contract with the City as long as it is in process.
3. Mark Boyer, as the City Attorney, will write the necessary legal documents for the City Council to both extend the current HYHA agreement and the agreement with the HISCC. The HISCC will have to hire an attorney to do the incorporation and by-laws and an accountant to file for non-profit status.

Ms. Rodenburg stated this new, combined group will ensure all users have a voice in the operation of the rink.

Paul Sweeney, member of a user group, anticipates forming a new operating group will provide all users with ample ice time.

Another representative of a user group stated the group is meeting with an attorney next week. They also want to make sure the money that is in the account is attributed to the youth hockey league. He asked that the City perform an audit of the accounts over the last two years.

Mayor Gysberts thanked the Youth Hockey League for their work in the last several years. He thanked all the users for participating in the mediation process.

Councilmember Munson asked how improvements are made at the ice rink. Mr. Tissue stated the new agreement will provide a clear statement of the City's responsibilities for maintenance of the facility. Significant improvements and projects would need to be included in the City's budget.

Mr. Sweeney stated different board members will be overseeing different aspects of the rink and they will be assigned specific tasks.

Mr. Boyer stated the City has the option of terminating the agreement if there is a breach.

Councilmember Aleshire asked if the funding the HYHA has will be transferred to the new operating entity. Ms. Rodenburg stated that is the goal; however, it cannot be completed until the new entity is established as a non-profit organization.

It was the general consensus of the Mayor and City Council to include adoption of a resolution to extend the contract with HYHA through June 30, 2014.

Police Officer Residency Program

The City's Residency Program for Hagerstown police officers and possible enhancements to the program were discussed.

The existing initiatives are as follows:

1. Police Officer Housing Allowance – Provides \$ 100 per month housing allowance from the City for sworn officers whom reside within the City limits.
2. Take Home Vehicles – In addition to the housing allowance, police officers residing within the City are able to utilize a take home vehicle.
3. Downtown Residency Initiative – Assist with the revitalization of downtown by attracting a higher income population. This program was modified in 2008 to provide \$ 150 per month in rental assistance for a period of one year.
4. Updated Guidelines to the City Center Residency Initiative Program – Down Payment Component – Provides \$ 10,000 for the City Center Residency Initiative Program per eligible application.
5. City-Wide Down Payment/Rehabilitation Assistance Program – Provide a loan to grant of up to \$ 7,500 for homebuyers purchasing a home in the City that has been vacant for at least 12 months and built prior to 1960.

Michael Stanford, CES Properties, LLC, had presented a proposal to Councilmember Aleshire regarding police officer residency at 63 East Antietam Street. Mr. Stanford feels that police presence will help uplift the first block of East Antietam Street. He has two second floor apartments available at 63 East Antietam Street. With the City's current Police Officer Residency program, an officer could rent either of these apartments for \$ 295.00 or \$ 335.00 per month.

Mayor Gysberts mentioned that he and Councilmembers Aleshire and Metzner had toured these apartments. They have been renovated and are very attractive residences.

Councilmember Aleshire suggested that existing programs could be enhanced to provide assistance to both landlords and City employed tenants. He asked if City personnel would be interested in participating in such a program.

Mayor Gysberts asked how many employees participate in the program currently offered by the City. Mr. Zimmerman indicated the downtown residency initiative program is for one year. The police officer residency initiative is an on-going program.

Councilmember Metzner suggested considering that the City match what incentive a landlord is willing to provide. A police officer living in a neighborhood will help with issues in neighborhoods. He believes this small investment will go a long way in helping improve neighborhoods.

Councilmember Aleshire stated he doesn't know exactly what this incentive looks like but the City needs to develop packages of incentives that benefit the neighborhoods and responsible landlords.

John Lestitian, Director of Community and Economic Development, stated there is a housing work group that has been meeting. This group will be discussing this program for input. There will have to be guidelines that are not property specific.

Councilmember Metzner thinks promotion of this program is an important aspect. Owners who want to participate are encouraged to contact the City.

Mr. Lestitian suggested forming some focus groups to discuss the amenities that would be required for participating residences.

Chief Mark Holtzman indicated new police officers are more inclined to participate in the residency program.

Councilmember Munson suggested expanding the eligible area to include North Avenue.

Staff will develop a proposal and return for further discussion.

Crime Free Housing

Chief Mark Holtzman and John Lestitian, Director of Community and Economic Development, were present to discuss revisions to the Crime Free Housing proposal.

Mr. Zimmerman stated the ordinances are complete and ready for introduction, if the Mayor and City Council wish to include the action on the December 17, 2013 agenda. Chief Holtzman stated the Crime Free Housing license will be for two years, to match the term for the rental licensing term.

Chief Holtzman and Mr. Lestitian stated training associated with this program could begin within a few months of approval of the ordinances.

Councilmember Munson stated one concern seems to be the ability of the owners to meet with the Crime Free Coordinator within the required time frame, since there are approximately 1,500 rental property owners. Chief Holtzman stated there will be multiple opportunities for completing the educational process. Councilmember Munson asked if there is any intention for a fee for either the classes or the license. Chief Holtzman indicated there is no intention of a fee in the future. Councilmember Munson asked how the success of this effort will be measured. Chief Holtzman stated the quality of life type service calls at rental properties will be monitored.

Councilmember Metzner asked if a situation arises where the property owner lives out of the area, for example an elderly owner living in Florida, would a video of the education be available. There was some discussion whether or not someone can be designated as the property manager. Councilmember Nigh stated she thinks the owner should also be required to attend the sessions.

Councilmember Brubaker stated the definition of a designated agent is someone appointed to manage the property.

Councilmember Aleshire clarified that the definition of rental unit includes the non-profit shelter language that was previously discussed. It does not include a treatment facility.

Introduction of the ordinances will be included on the December 17, 2013 agenda.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, had no additional comments.

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Councilmember D. F. Munson had no additional comments.

Councilmember K. B. Aleshire had no additional comments.

Councilmember M. E. Brubaker had no additional comments.

Councilmember L. C. Metzner had no additional comments.

Councilmember P. M. Nigh reminded everyone that Holly Fest will be held on Thursday, December 5, 2013.

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2013

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Mayor D. S. Gysberts reminded everyone that several holiday events are being held this week including Holiday Faire Off the Square on December 5, 2013, Tree Lighting in Public Square on December 5, 2013, and Holly Fest on December 5, 2013.

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 6:10 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler (from the video)
City Clerk

Approved: January 28, 2014