

37<sup>TH</sup> SPECIAL SESSION, WORK SESSION AND EXECUTIVE SESSION – April 8, 2014

EXEUCTIVE SESSION – April 8, 2014

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 meet in closed session to conduct collective bargaining negotiations or consider matters that relate to the negotiations, #9 (Section 10-508(a)) at 3:05 p.m. in Room 407, 4<sup>th</sup> Floor, City Hall, Hagerstown, Maryland. The following people were in attendance: Mayor D. S. Gysberts, Councilmember K. B. Aleshire, Councilmember D. F. Munson, Councilmember P. M. Nigh, City Administrator Bruce Zimmerman, Karen Paulson, Director of Human Resources, Michelle Hepburn, Director of Finance, Scott Nicewarner, Director of IT and Support Services, and Donna K. Spickler, City Clerk. The meeting was held to discuss contract negotiations with IAFF Local 1605. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the meeting was adjourned at 3:55 p.m.

Proclamation – National Poetry & Jazz Appreciation Month

Mayor Gysberts read a proclamation recognizing April as National Poetry & Jazz Appreciation Month. Breanna Myers and Kamryn Grosh read original poetry. Both Ms. Myers and Ms. Grosh are students at the Barbara Ingram School for the Arts.

37<sup>th</sup> SPECIAL SESSION – April 8, 2014

Mayor D. S. Gysberts called this 37<sup>th</sup> Special Session, Work Session and Executive Session of the Mayor and City Council to order at 4:03 p.m., Tuesday, April 8, 2014, 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 Clerk D. K. Spickler.

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 of all members present to meet in Special Session. Councilmember Brubaker was not present for the vote and arrived later.

**Approval of a Resolution: Authorizing Police Operations Support Aides to Act as Enforcement Officers for Certain Municipal Infractions – Smoking Ban in City Parks**

**Action:** On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to approve a resolution authorizing part-time Police Operations Support Aides to enforce Section 173-30, entitled

“To Prohibit Smoking in City Parks” of the City Code. Violations of this code are considered municipal infractions. Funding of up to \$ 10,000 will be from a vacant, funded position in the Parks Department.

On a motion duly made, seconded and passed, the Special Session was closed at 4:04 p.m.

Councilmember Brubaker arrived at the meeting.

#### WORK SESSION – April 8, 2014

##### Special Recognition Certificate – Hagerstown Police Department Victim/Witness Unit

Mayor Gysberts recognized the members of the HPD Victim/Witness Unit for their work with family members of victims of crimes, witnesses and police officers. The group received the Maryland Victim Assistance Award from the Governor’s Office.

Members in attendance were: Ann Holtzman, Laura Menard, Jen Maust, Nancy Rouse, and Debra Brewer.

##### Urban Partners: Review of Draft Catalytic Projects and Programs

Kathleen Maher, Planning Director, Jill Frick, Economic Development Manager, and Jim Hartling, Urban Partners, were present to review the draft report from Urban Partners.

The status of the project is as follows:

1. Market and Physical Analysis Summary Report – 90% complete
2. Public Input Workshop – 100% complete
3. Community Input through Interviews and Focus Groups – 90% complete
4. Current – Prioritization and selection of Catalytic Projects and Programs

Next steps include:

1. Detailed Analysis of Catalytic Projects and Programs
2. Review/Refine Catalytic Projects
3. Review Draft Implementation Strategy
4. Final Presentation of Economic Analysis and Implementation Plan

Urban Partners presented their recommendations for eight catalytic projects and programs to be further studied for the Implementation Plan. Each project and program stems from prior efforts by the City to identify Downtown improvements as part of the Sustainable Community Plan. In addition, they are supported by the market analysis undertaken by Urban Partners of the community and the downtown in particular and by the various stakeholders interviewed and community feedback gathered through the public outreach effort.

Urban Partners is looking for consensus that the eight, or some modification of the eight, are the projects and programs to be further studied in the next phase of the project. Once Urban Partners receives the go ahead, over the next 6-8 weeks, they will develop cost-benefit analyses and pro formas for the projects and programs. The intention of this is to study the feasibility of the projects and determine what resources and/or partnerships would be necessary to bring these ideas to fruition. Additional meetings will occur with community stakeholders and City representatives as they work through that phase of the project. The final report will be presented at a Mayor and City Council meeting in June.

Urban Partners is finalizing the draft recommendations for the catalytic projects and programs. The following is a brief summary of the proposed catalytic projects and programs.

Proposed New Development Initiatives for Further Study:

1. Strategy for New Office Development and Recruitment – undertake a detailed development analysis of a plan for a site specific partnership with a developer offering a City Center build-to-suit option for Class A office space. The intention is to create a model and a process whereby the City Center is continuously competitive for large office users through active marketing and quick responsiveness to opportunities as they emerge.

While the Central Lot offers one potential, controlled resource for attracting and retaining larger office users, this strategy goes beyond the specific site to create a process whereby the City is continuously competitive for large office users through active marketing and nimble responsiveness to opportunities as they emerge. This will require pre-planning for contingent parking resources so that the City's developer-partner can aggressively and confidently compete within the larger regional marketplace.

2. Maryland Theatre Expansion Project – In addition to its current improvements involving new seating, HVAC system, and plaster repair, the Maryland Theatre is looking to expand its footprint to create additional spaces to host a variety of events and become a hub for the Arts & Entertainment District. The Theatre hopes to redevelop the adjacent building currently housing its box office and concession stand into a new four-story building that includes a new lobby, box office, concession stand, dance studio, ballroom, movie theater, top floor restaurant with roof access, and offices. In addition to physical expansion, the Maryland Theatre is also looking to strengthen its organizational infrastructure so that its level of events activity can grow by as much as 50% over the next ten years from the current level of 150 show days annually.

In addition to the BISFA expansion, which is currently under consideration, Washington County Public Schools is also considering an expansion of its footprint Downtown with diversified high school programming that complements BISFA. Discovery Station is running out of space, and the

museum is looking to expand by moving to another Downtown location. Ideally, the museum could relocate to the unit or 100 blocks of S. Potomac Street where most of the arts activity currently exists.

3. USMH Expansion Support Strategy – undertake a detailed development plan of a strategy that supports USMH’s planned growth in enrollment and increased percentage of students relocating to Hagerstown for their programs. The intention is to facilitate private sector capture of student housing potential, which could include conversions of upper floors to student-oriented housing in buildings nearby USHM.

Facilities expansion and new student housing in the City Center should be physically close to the USMH facility. The University is already pursuing locations for facilities expansion; this proposed strategy would build on those efforts by supporting the private market’s capture of student housing potential. The many vacant upper floors of Downtown commercial buildings could provide abundant opportunities for conversion to student-oriented housing. Ideally, this student housing would be targeted to blocks adjacent to the education complex, especially the unit blocks of W. Washington Avenue and N. Potomac Street.

4. Hotel/Conference Center/Heritage Center Commemorative Park – undertake a detailed development plan for a hotel/conference center/heritage center complex. Urban Partners has indicated that the potential for adding a successful hotel downtown is tied closely to parallel development of nearby hotel room-night generators, such as the recommended conference center, heritage center and regional heritage park. It would also be critical that the new Downtown hotel be at least competitive in quality with the best in the market or, ideally, establish a new higher market standard in the “upper Upscale” class. The Meritus Health/former Washington County Hospital site presents an opportunity for a new hotel, conference center, regional Civil War Heritage center, and commemorative park marketed to attract heritage tourists into Downtown.

The complex located on the former hospital site at the eastern edge of City Center would create a new attractive gateway into Downtown on Dual Highway that’s both convenient to Downtown as well as highways and other attractions to the east and south. S. Cannon Avenue would provide access to the site from Franklin Street. Specifically, the development program could involve: an upscale hotel situated at the corner of E. Washington Street and S. Cannon Avenue adjacent to the exiting former hospital parking garage, a conference center with all-weather connection to the hotel, a Civil War Heritage Center/Museum, and a park commemorating the Civil War events in Hagerstown.

5. Linking City Park and A&E District with Trail and New Housing – undertake a detailed development analysis of a targeted and phased plan for housing development along a new pedestrian/bike trail that will link the relatively healthy housing market in the Southwest City Center area with the A&E District. Opportunities would be available for both rehabs for upper floor condos and new construction of market rate townhomes. The trail would create neighborhood connections between Prospect Avenue/Summit Avenue and the A&E District.

Proposed Expansion of Programs Currently Underway for Further Study

6. Expanded Downtown Arts/Events Programming Strategy – explore community’s capacity for expanded events programming that would result in more regularly scheduled events downtown.
7. Expanded Operations of the City Farmers’ Market – explore expansion of hours of operation and number of vendors at the Farmers’ Market. This endeavor would support input received from community stakeholders for increased grocery opportunities for downtown residents, greater supply of locally-produced items for local residents and area restaurants, and promotion of healthier eating.
8. Expanded and Targeted Home Ownership Support Strategies – explore expansion of home-ownership and property maintenance initiatives, particularly in targeted areas, using a block specific approach in the relatively healthy housing markets on the edges of the downtown.

Mr. Hartling stated Urban Partners will work on a detailed analysis of each of the projects endorsed by the Mayor and City Council. They will be discussing the projects with staff and the private community to develop a strategy for implementation.

Councilmember Munson believes the new office development and recruitment project is the one that could spark the most interest in Hagerstown.

Councilmember Nigh is still reviewing the report. Many of these projects and ideas have been previously considered.

Councilmember Metzner thinks linking City housing with City Park may be the most fundamentally important project. He would add the hotel conference center to a long range list. He supports the projects and would like more detail.

Councilmember Brubaker stated these are projects that aren’t just City government projects. To be successful, many parties have to be involved. He likes the practability of larger scale activity in the core, which would attract other activity. He is impressed the Farmers’ Market was reviewed. He supports the listed projects.

Councilmember Aleshire stated the report was presented during this meeting and he isn't sure what he is being asked to endorse. The plan includes a parking deck in the center lot location; however, his preference on location is still near the court complex. Expanding the Maryland Theatre to the curb has been discussed for many years. If an entity has the funding for this \$ 12 million project, he would not oppose the project, but the City is not able to fund it. The City would make a reasonable effort to assist the Maryland Theatre. He believes education is the key for downtown. If the University System of Maryland at Hagerstown (which is a State university) plans to expand its student base, the City can certainly collaborate on that. He would not endorse a tax exempt park use for a Heritage Park on the former hospital site. He does not think this would be the highest and best use of the property. A convention and hotel center is not best suited to downtown. It would be better in a location on the outer edge of town. He would support additional events downtown.

Councilmember Brubaker clarified that a parking garage on the surface lot would not be built to attract businesses. It would be built in response to businesses locating in this area.

Councilmember Aleshire stated the religious institutions downtown should be part of the analysis, since they own a significant amount of property downtown.

Mayor Gysberts stated an endorsement by the Council of the catalyst projects would allow Urban Partners to move forward and gather more information in order to provide a project plan in June. The goal is to have projects that are not pursued by the City alone. This is a community plan.

Councilmember Metzner stated if State funding is an integral part of the plan, the City must have support from the Washington County Delegation.

Councilmember Munson stated during his terms in the legislature, he witnessed presentations that created enthusiasm and interest for projects and needs in other jurisdictions. Backing from the local delegations is key for State support. This report is good. With the right conditions and attitudes, the blueprint is doable and could turn downtown Hagerstown in the right direction. The projects presented provide some good goals for Hagerstown. The Maryland Theatre improvements and expansion of the Barbara Ingram School for the Arts are vital to the community.

Councilmember Metzner stated some of the projects may appear to be unlikely; however additional analysis may indicate which projects are not feasible. It is important to include the Delegation as stakeholders in this process. If the Delegation does not support local bond bills, they are in effect sending money to other jurisdictions.

Mayor Gysberts stated there are other opportunities to collaborate with the State, such as revitalization zones, that are worth exploring. Delegate Serafini is offering to have Delegate Maggie McIntosh discuss her success with legislation to assist Baltimore. He believes there is interest in assisting the City of Hagerstown within the legislature. He

thinks all the projects are worth exploring further.

Mr. Zimmerman emphasized staff is staying on course with the study as discussed in December, 2013. There has been a lot of input from the community and other interested parties. The study coordinates with the Sustainable Communities Plan. Positive ideas will create a positive road map for the City. It may be determined through the analysis that some of the projects are not feasible. This plan will be more than ideas, it will include strategies for moving forward. Completion of the projects will take time.

Councilmember Aleshire suggested the hotel/conference center be located on the Venice Inn property on Dual Highway. Mr. Hartling stated they could include review of that site in their additional study of the project. Councilmember Aleshire stated again he thinks a parking deck should be located near the court buildings.

Councilmember Brubaker pointed out the first project, New Office Development and Recruitment, should be used as a guide for how to enter the recruitment market. This study is not meant to address every issue in Hagerstown. It might help address some of the problems.

Mayor Gysberts stated based on Council comments, there are no significant objections with exploring what has been proposed and there is consensus to move forward. He is looking toward the next step in the process.

Due to timing of this meeting, the Budget Review, Discussion of Drug Use and Treatment in the Community and Non-Profit Housing will be postponed.

City Attorney Mark Boyer arrived at the meeting.

#### Temporary Moratorium on a Land Use Category in the City Center

Kathleen Maher, Planning Director, and John Lestitian, Director of Community and Economic Development, were present to discuss a plan of action to address a land use issue which threatens the economic vitality of arts, cultural, education, entertainment, and business enterprises in the downtown, casts a pall over efforts to attract new businesses and investment to the downtown, and jeopardizes public and private investment already made to implement the Comprehensive Plan's recommended strategies to bring greater vitality to the downtown.

City staff have received complaints from downtown businesses about ambulatory health care enterprises in the downtown. The complaint is that the clientele of certain enterprises gather in the vicinity of the entrances to their facilities and intimidate or discourage patrons from coming downtown to conduct business, dine, shop, etc. City staff have also observed disruptive behavior by groups of clientele of certain enterprises. Public safety and emergency personnel are called frequently to respond to issues at certain enterprises. Staff have learned that certain enterprises desire to relocate and expand their operations in closer proximity to Public Square.

Hagerstown's Comprehensive Plan recommends strategies whose purposes are to help promote downtown business success and reinvestment and increase demand for office, residential, and retail space. A specific recommendation for promotion of tourism and arts and entertainment is to focus revitalization of the Square and its immediate surrounding area and to create and nurture an environment attractive to artists, arts, and entertainment enterprises, shoppers, cultural patrons, and visitors.

Since 2003, \$ 72 million has been invested by the private and public sector on projects intended to reinforce the downtown's role as a center for arts, entertainment and education and to increase demand for office, residential and retail space. Public sector highlights include the University System of Maryland Center at Hagerstown, the Barbara Ingram School for the Arts, the new Washington County Free Library, University Plaza, the A&E District Parking Deck, streetscape enhancements along Potomac Street, and acquisition/rehab projects at 36-40 N. Potomac Street, 60 W. Washington Street, 43-53 W. Washington Street, and 170 W. Washington Street. Highlights of partnerships between the City and the private sector include the Academy Theater, acquisition/rehab of 140 S. Potomac Street and 41 N. Potomac Street, and Partners in Economic Progress projects at 32-38 S. Potomac Street, 138 W. Washington Street, and 22 N. Mulberry Street. Private sector highlights include discovery Station, the Darby Condominiums, and various business openings and renovation projects.

Enterprises that draw a clientele that present real or perceived safety hazards to residents, students (BISFA, Ballet School, USMH), and visitors discourage patrons from coming downtown to attend events, dine, shop, go to school, conduct business, etc. Without sufficient patronage, the downtown arts, cultural, educational and entertainment enterprises will not flourish and will not be sustainable and prior and potential investments become jeopardized.

The proposed relocation of ambulatory health care enterprises to locations in close proximity to Public Square is particularly troubling because the Square is traversed daily by youths attending the Barbara Ingram School for the Arts, the City Ballet School, and Evolution Rock School. The impact on patronage to the Visitors' Center could also be severe.

A proposed solution is to pass an emergency ordinance for a nine month moratorium on new, and expansions of existing, "ambulatory health care services" in the City Center Mixed-Use (CC-MU) zoning district. "Ambulatory health care services" is a land use term that covers all medical and psychiatric out-patient offices and clinics. "Ambulatory health care services" are currently permitted in all zoning districts except the strictly residential districts.

The proposed moratorium will provide the City time to develop amendments to the Land Management Code that appropriately address the land use issues and concerns cited above, as well as other issues that are adversely affecting the downtown. Staff have already been exploring text amendment proposals to address this issue and other issues as

a part of a package of amendments for Planning Commission review this spring.

Schedule:     April 22 - Public Hearing  
                  April 29 - Adopt emergency ordinance  
                  May 2 – Effective date

There are 14 such uses located within the CC-MU zoning district. Councilmember Aleshire pointed out including institutions that provide emergency shelters would most likely double the number. He does not wish to have any more of these social services type of uses in the downtown. It is important to discuss the impact these uses have on the City.

Councilmember Munson stated this action will allow the Mayor and Council to take a stance for the health of the City.

Councilmember Nigh has been concerned about these uses and hopes something is finally going to happen to limit them.

It was the general consensus to move forward with the schedule presented.

The following items were postponed: Mayor and Council FY15 Budget Review and Addressing Drug Use and Treatment in the Community

#### Police Housing Incentives Update

Chief Mark Holtzman was present to discuss improvements to the police housing incentive program.

The City currently offers a \$100 housing incentive to any police officer living in the city limits. This program does not include officer trainees in the police academy. HPD currently has 15 officers living in the City, half of which moved into the City since the program began. Three additional police officer trainees (academy recruits) live in the City but are not currently receiving the housing incentive.

Based on the Mayor and Council's intent to 1) increase the number of officers living in the City, 2) strengthen recruiting efforts, and 3) improving police presence in the City Center, the following suggestions are offered for discussion/approval:

1.     Increase the monthly housing incentive incrementally based on the corresponding Department of Community and Economic Development (DCED) map - \$ 100 in the green area, \$ 200 in the blue area and \$ 300 in the yellow area, which is the City Center.
2.     Expand the program to include police officer trainees (i.e. academy recruits)
3.     This monthly incentive would be in addition to any current programs offered by the City. Specifically, the \$ 150 per month for one year offered by DCED (City Center only).

This program is currently funded through vacancy savings in the police department budget.

Councilmember Metzner stated this is a great program. He knows one landlord is making additional offers to police personnel. Mr. Zimmerman stated that offer is between the landlord and the tenant and does not involve the City.

Chief Holtzman stated this program will be attractive to new police officers.

It was the general consensus of the Mayor and City Council to include approval of the expanded police housing incentives on the April 29, 2014 agenda.

### Non-Profit Housing

This item was removed from the agenda and will be discussed at a later date

Mayor Gysberts reminded everyone of the schedule for meetings:

April 15, 2014 – No meeting

April 21, 2014 – Budget Work Session from 4:30 p.m. to 6:30 p.m.

April 22, 2014 – Work Session – beginning at 4:00 p.m.

April 29, 2014 – Budget Work Session from 4:00 p.m. to 6:00 p.m. and Regular Session beginning at 7:00 p.m.

May 13, 2014 – Budget Hearing at 7:00 p.m. Budget Hearing

May 27, 2014 – Regular Session at 7:00 p.m. including the Budget Adoption.

### CITY ADMINISTRATOR'S COMMENTS

*Bruce Zimmerman, City Administrator*, thanked the Mayor and Council for agreeing to move forward with the Urban Partners analysis.

### MAYOR AND COUNCIL COMMENTS

*Councilmember L. C. Metzner* thanked all departments that were present at the fire on Franklin Street. He noted employees do their jobs, whether union negotiations are taking place or not.

*Councilmember P. M. Nigh* agreed.

*Councilmember D. F. Munson* attended the Barbara Ingram School for the Arts performance of Wizard of Oz. It was a good show.

*Councilmember K. B. Aleshire* pointed out the editorials from the newspaper staff sometimes praise the City and just two days later criticize the City. He stated the anticipated 11 cent tax rate increase is not because there is not a new stadium.

*Councilmember M. E. Brubaker* attended a presentation about the latest concepts in urban designs. The presentation included general ideas and concepts.

*Mayor D. S. Gysberts* agreed with Councilmember Metzner about employees at the recent fire. It was heartening to see so many firefighters working so hard to protect life and property. He thanked staff and all who have been working with Urban Partners. He is excited about the possibilities from the report.

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 5:50 p.m.

Respectfully submitted,

Donna K. Spickler  
City Clerk

Approved: May 27, 2014