

38TH SPECIAL SESSION, WORK SESSION AND EXECUTIVE SESSIONS – April 22, 2014

EXECUTIVE SESSION – April 22, 2014

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 closed session for an administrative function, #15 (Section 10-508(a)) at 3:05 p.m. in Room 200A, at the Department of Community and Economic Development, 14 N. Potomac Street, Hagerstown, Maryland. 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, Councilmember P. M. Nigh, City Administrator Bruce Zimmerman, John Lestitian, Director of Department of Community and Economic Development, Michelle Hepburn, Director of Finance, City Attorney Mark Boyer, Justin Hartings, Dr. Clayton Wilcox, Boyd Michael, Wayne Ridenour, Donna Brightman, Jacqueline Fisher, Karen Harshman, Melissa Williams, Jeff Tedrick, Terry Trotta, Don Bowman, Richard Wright, Chris South, and Donna K. Spickler, City Clerk. The meeting was held to discuss future plans for the Washington County Board of Education. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the meeting was adjourned at 3:57 p.m.

EXECUTIVE SESSION – April 22, 2014

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote to meet in closed session to consult with counsel to obtain legal advice, #7 (Section 10-508(a)) and to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, #1 (Section 10-508(a)) at 4:14 p.m. in Room 200A, at the Department of Community and Economic Development, 14 N. Potomac Street, Hagerstown, Maryland. 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, Councilmember P. M. Nigh, City Administrator Bruce Zimmerman, John Lestitian, Director of Community and Economic Development, City Attorney Mark Boyer, and Donna K. Spickler, City Clerk. The meeting was held to discuss land use and appointments to the Board of Code Appeals, Planning Commission, Historic District Commission, Board of Zoning Appeals. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the meeting was adjourned at 4:50 p.m.

38th SPECIAL SESSION – April 22, 2014

Mayor D. S. Gysberts called this 38th Special Session, Work Session and Executive Session of the Mayor and City Council to order at 5:09 p.m., Tuesday, April 22, 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 M. E. Brubaker and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to meet in Special Session.

Public Hearing – Temporary Moratorium on Ambulatory Health Care Services in the CC-MU Zoning District

Kathleen Maher, Planning Director, stated this public hearing is being held to hear testimony on a proposal for a nine-month moratorium on any new or expansions of existing “ambulatory health care services” in the City Center Mixed-Use (CC-MU) zoning district.

Staff have been exploring possible legislative solutions to address issues which have been identified as not being compatible with the City’s efforts to build a quality of life downtown that is attractive to residents and patrons of the arts, cultural, education, entertainment, and business enterprises it is recruiting and nurturing in the downtown.

Staff believe if these incompatible issues remain unchecked, they will:

1. jeopardize public and private investment made to implement the vision of an economically viable regional A & E district; and
2. hamper the efforts to attract new investment and enterprises that are compatible with this vision.

The public perception of a negative quality of life in the downtown was reinforced during the public input process of the Urban Partners project in February and March of this year. Many observations were made about the negative impact of concentrations of low-income housing and social service agencies and the public perception that downtown is not safe.

One of the legislative tools available to address incompatible land uses is the Land Management Code, and zoning in particular. Zoning controls are a reasonable and expected use of police powers to protect quality of life and public and private investments made to implement the long range plan for the downtown and the City as a whole. Two of the main planning goals for the downtown are:

1. to nurture a center for the arts, entertainment and education enterprises
2. to increase the demand for office, residential and retail space downtown

Implementing the City’s Long Range Plan for Downtown

In the past 10 years, \$ 72 million has been invested by the private and public sector on projects intended to implement the vision for downtown:

1. Public Sector highlights: University System of Maryland, Barbara Ingram School for the Arts, the Library expansion, University Plaza, A&E District Parking Deck, sidewalk dining enhancements, acquisition rehabilitation projects at 36-40 N. Potomac Street, 60 W. Washington Street, 43-53 W. Washington Street, and 170 W. Washington Street.
2. Public/Private Partnership highlights: The Academy Theatre, acquisition/rehabilitation of 140 S. Potomac Street and 41 N. Potomac Street, and Partners in Economic Progress (PEP) projects at 32-38 S. Potomac Street, 138 W. Washington Street, and 22 N. Mulberry Street.
3. Private Sector highlights: Discovery Station, the Darby Condominiums, and various business openings and renovation projects.

Upcoming Zoning Text Amendments Proposal

Staff are working on zoning text amendments that are intended to protect these investments and interests by developing appropriate controls or measures that:

1. encourage activities that support the long range plan; and
2. deter activity that is counter to the quality of life we are trying to build and discourages people from coming downtown to dine, shop, take classes, go to the library, attend events, etc.

Staff are looking at a number of strategies to address these issues, including:

1. encouragement of storefront users with higher foot traffic
2. prevention of new uses that draw clientele or create an image that discourages people from coming downtown.

Immediate Action Needed to Address Particular Land Use Issue

Staff have recommended that the Mayor and City Council take immediate action to protect the long range planning and implementation efforts by imposing a temporary moratorium on a land use category that is particularly problematic for the City Center in the very near term.

This category is “ambulatory health care services” – which includes all medical and psychiatric out-patient enterprises. There are approximately 14 “ambulatory health care service” enterprises in the CC-MU zoning district. The City has received complaints from the business community on two enterprises having clientele that 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 observed disruptive behavior by groups of clientele gathering at these enterprises. Public safety and emergency personnel are called frequently to respond to disturbances at these enterprises.

The immediate issue necessitating the temporary moratorium is the indication by two ambulatory health care service enterprises with a history of complaints and calls for service of their intent to relocate and/or expand their enterprises downtown. Both have

indicated they are exploring real estate options near Public Square.

Staff are especially troubled at the prospect of locating groups of clientele exhibiting behavioral issues in close proximity to the Square because:

1. The square is traversed daily by youth attending the Barbara Ingram School or the Arts, the City Ballet School, and Evolution Rock School.
2. Patrons of the Maryland Theatre and restaurants travel through the Square to and from public parking facilities.
3. Travelers in the community are directed to the Square for the Visitors' Center.

Staff Recommendation

Staff recommends the Mayor and City Council 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. This temporary moratorium would only apply in the CC-MU zoning district. "Ambulatory health care services" are currently permitted in 12 zoning districts in the city – which comprise all of the commercial districts, industrial districts, and mixed-use districts, and two overlay zones. Following a public hearing on April 22, 2014, the Mayor and City Council could vote to introduce and adopt an emergency ordinance on April 29, 2014 which would become effective on May 2, 2014.

The proposed moratorium will provide the City time to develop amendments to the Land Management Code that appropriately address the issues and concerns cited above, as well as other issues that are adversely affecting the downtown. Staff expects to bring a package of amendments for Planning Commission review this spring.

Ms. Maher stated because the first notice of this hearing indicated the starting time was 7:00 p.m., not 5:00 p.m., the hearing will not be closed until the end of the Work Session. This will allow anyone who was not aware of the time change the opportunity to speak on record.

Ms. Maher entered the following into the record:

1. Exhibit 1 – Certification of Advertisement

The following testimony was presented:

LaVerne Chappell, 130 S. Potomac Street, Hagerstown, Maryland, is against the proposed moratorium. She is a mental health patient at Change Health Services (CHS) and is concerned she will not be able to keep her appointments. CHS is planning to move across the street from their current location. They will not be near students. She needs to have the ability to get to her programs, which must be near low-income housing. She wondered where people want mental health providers to be located and how patients would get to them. She stated people don't like being stereotyped. Not all mental health patients are drug addicts or as portrayed in the movie "One Flew Over the Cuckoo's

Nest". She stated many people don't realize there is a mental health facility in Hagerstown.

Christine Cassatt, 103 E. Washington Street, Hagerstown, Maryland, is against the proposed moratorium. Her daughter has been diagnosed with Autism and needs the services provided by CHS. She does not have money to pay for the services and without the services they would not survive.

Alison Fischer, 202 E. Washington Street, Apt. 2, Hagerstown, Maryland, had been homeless for a year and has just moved into an apartment. She is a CHS client and has had mental health issues since she was 16. With medication and counseling, she believes she functions well in society. Her daughter is also a client at CHS and is on the waiting list for the Barbara Ingram School for the Arts. She stated there are too many mentally ill people to run out of town. She urged the Mayor and City Council to keep mental health services downtown.

Jamie Rowland, Change Health Services, 44 N. Potomac Street, Hagerstown, Maryland, has worked at CHS for over two years. She is not afraid when she leaves work at night. People have questions about who have mental health issues. She tried to meet with Mayor Gysberts to have a casual conversation about mental health but scheduling did not work out. There are things that need to be done to improve downtown and it can be done without eliminating services to people who desperately need those services. Their office is not a nuisance and they have a zero tolerance policy against violence. If there is a police call to 44 N. Potomac Street, it is usually for another tenant in the building. They have more patients than they have space for in the waiting room. Some patients go outside to smoke and then come back in to wait. She is frustrated no one from City Hall asked CHS to ask clients to smoke in the back rather than in front of the building. She stated it pains her as a citizen that the elected officials are so closed minded and aren't considering the long term effects of limiting mental health treatment facilities.

Danielle Raymond, Change Health Services, 44 N. Potomac Street, Hagerstown, Maryland, has worked at CHS for 5 ½ years. CHS needs to be accessible to its patients. Many patients walk to their appointments. There is a waiting list for services. CHS would like to expand their groups and provide a larger waiting room. They need to service the citizens when they need it. Earlier today they had a patient who had an immediate need and the staff was able to work her in. CHS wants to be a partner with the City and they are dedicated to meeting the needs of the City and its residents.

Andy Levy, 120 E. Baltimore Street, Baltimore, Maryland, deferred speaking at this time.

Bill Wantz, 129 W. Washington Street, Hagerstown, Maryland, deferred speaking at this time.

Marshall Rock, 339 E. Antietam Street, Hagerstown, Maryland, is the Executive Director of the Washington County Mental Health Authority. He provided a history of mental health statistics and government support. One in five Americans have some association with mental illness, either themselves or family members. Removing access to outpatient services will create barriers for people living in poverty that they won't be able to overcome. Their lives could deteriorate and this will strain them and the environment. He stated creating fear of the disenfranchised in the community is not a way to revitalize the community. He wants to cultivate working partnerships for the creation of a better community.

Raj Patel, 13726 Oliver Drive, Hagerstown, Maryland, declined to speak.

Connie Pauley, 11944 Comanche Drive, Smithsburg, Maryland, is President of the National Alliance of Mental Health. She stated many famous people have had mental illnesses. She stated people you see everyday may suffer from mental health issues. She pointed out that some mental health conditions begin as early as age 14. She stated the community should be applauded for stepping up and helping people with mental health issues. A vote for the moratorium is a vote against the well being and quality of life for all citizens in the downtown area.

San Rogers, 12 S. Walnut Street, Hagerstown, Maryland, is a retired minister. She is very concerned about the moratorium. She asked for specific incidents where the clientele of CHS has caused problems. If there are none, the City should work with the people who are assisting the clients. It is a ministry to those in the community that are considered undesirable, many of whom live near the square. There is clearly a need for increased services; otherwise CHS would not need to expand their business. She sees the need to serve the needs of others who may not be served otherwise. She urged the Council not to shut out those individuals who are in need of these services. They can become good members of the community. She would rather have the City enact a moratorium on discrimination.

Janet Bartels, 139 S. Mulberry Street, Hagerstown, Maryland, lives downtown and is active in her Neighborhoods 1st group. She attends events downtown and visits the library. The proposed moratorium is just an attempt to again blame the victims. This is what happened to the economy and to the City. The poorest of the people in Washington County live in central city in Hagerstown. The people are not the problem; they are victims of their circumstances. The assessment on her property is significantly lower than when she purchased it. She wondered why the community is not building up the social infrastructure. She also wondered why the community is not receiving the extra money that is available for extra services. She wondered why the City isn't forcing the County to fix the buildings owned by the County near the library. Home owners are simply walking away from their houses. Her neighborhood was under-represented with Urban Partners. She urged the City not to throw out the people who need help.

Andy Levy, Attorney with Brown, Goldstein and Levy, 120 E. Baltimore Street, Baltimore, Maryland, stated his work is with enforcing civil rights statutes, ADA issues

and fair housing issues. Change Health Systems asked him to address the Council. ADA regulations and the Fair Housing Act protects various individuals against discrimination. Mental health is considered a protected disability under ADA regulations. He hopes the Council takes what he says seriously. From reviewing Mayor and Council work sessions and memos, it is obvious to him that Staff's memo is talking about Change Health Systems. He stated one Councilmember indicated they would like this clientele to be driven out of the entire City limits. If the Councilmembers act on this moratorium, they will have violated Civil Rights regulations. He mentioned a case in Leonardtown, Maryland where significant fines were levied against the municipality for violations. He stated the City could be facing the same thing. Change Health Systems did not bring the people here, the needs of the people brought Change Health Systems here.

Bill Wantz, Attorney, 123 W. Washington Street, Hagerstown, Maryland, served on the Mental Health Advisory Committee. He has experience with zoning laws. He met several months ago with the owners of Change Health Systems to discuss the demand they experienced for their services. He thinks they meet the profile of the businesses the Mayor and Council want downtown. They are experts in their field. He urged the Mayor and Council to not enforce the moratorium and to listen to Mr. Levy's advice. The moratorium would send the wrong message to the community about the values of the City. Mental illness can strike anyone and providers need to be where they can provide the best service to the community. He believes there are similarities to this proposed action and the case in Leonardtown.

Neil Solberman, 115 S. Mulberry Street, Hagerstown, Maryland, likes that he can walk to the post office, catch a bus to the Valley Mall and walk to Change Health Systems. One reason he purchased the home on Mulberry Street is because of how close the hospital was. Since the hospital moved, he is ready to sell his home. He is concerned about the amount of heroine and cocaine that is being sold on the streets.

Mayor Gysberts stated because the two notices for this hearing had different times, the public record will remain open and people will be able to speak if they come to the meeting after 7:00 p.m.

WORK SESSION – April 22, 2014

Mayor Gysberts stated the agenda for this meeting is being amended. The budget review will occur on April 29, 2014 rather than during this work session.

Proclamation – Autism Awareness Month

Mayor Gysberts read a proclamation recognizing April as Autism Awareness Month. Michael Frye accepted the proclamation.

Preliminary Agenda Review

Consent Agenda

A. Department of Community and Economic Development:

1. Community Affairs: Approval of Application Permit and Open Container Exemption for USMH Graduation – May 20, 2014
2. Application Permit for Blues Prelude – May 29, 2014, Maryland Theatre at University Plaza
3. Application Permit for Blues Fest – May 30, 2014 and May 31, 2014 – Maryland Theatre at Central Parking Lot
4. Application Permit for Blues Club – May 30, 2014 and May 31, 2014 – M & T Bank at Central Parking Lot
5. Open Container Law Exemption and Application Permit for Maryland Theatre Wind Down – at Maryland Theatre – May 9, 2014, July 11, 2014, August 22, 2014 and September 26, 2014

Carl Disque, Blues Fest Chairman, stated this year's Blues Fest will be the 19th annual. He thanked the City for their continued support of the event. This year's event includes a diverse set of performers and highlights things for the youth. Ronnie Earl, British Artist, will be performing at the Blues Fest.

The Mayor and Council agreed to purchase rain insurance for the Blues Fest as noted later on the agenda.

Jessica Green, Maryland Theatre Executive Director, discussed the changes planned for this year's Wind Down events. Attendees will not be confined to the Theatre court yard area. They will be able to move freely throughout the designated area. Family-friendly activities are being added as well. Each event will have a specialized theme.

B. Department of Utilities:

1. Wastewater: Manhole Risers – EJ (Finksburg, MD) \$ 11,937.81
2. Wastewater: SCADA Upgrades – Integrated Telecommunication System, Inc. (Rolling Meadows, IL) \$ 18,619.50

Introduction of an Ordinance: Repeal of Chapter 70, Cable Television and Open Video Systems

Chapter 70, Cable Television and Open Video Systems of the City Code creates a Cable Television and Open Video System Ordinance. The only entity regulated under that Ordinance is Antietam Cable Television, Inc. During a recent Executive Session discussion of the Franchise Agreement with Antietam Cable Television, it was recommended that Chapter 70 of the Code be repealed, due to inconsistencies between the Ordinance and the existing, as well as, the proposed Franchise Agreement with Antietam Cable Television, Inc. Repealing this Ordinance will not prevent a Franchise Agreement with a cable television company within the City limits of Hagerstown.

It was the general consensus of the Mayor and City Council to include introduction of the ordinance on the April 29, 2014 agenda.

Approval of a Resolution: Residential Lease Agreement for 38 N. Potomac Street, Apt. #2

Approval of a Resolution: Residential Lease Agreement for 38 N. Potomac Street, Apt. #3

Approval of a Resolution: Residential Lease Agreement for 38 N. Potomac Street, Apt. #4

Andrew Sargent, Downtown Manager, presented proposed lease agreements for three Studios on NoPo, 38 N. Potomac Street. The leases are all for a one year term and are the same as the lease that was approved last month for Apartment #1. The approval of these leases completes the initial lease-up for this project. Staff are working to complete the gallery space and will have an update on that aspect of the project in the coming weeks.

Councilmember Aleshire asked if all tenants are artists. Mr. Sargent indicated they are and have conveyed this information during interviews. Mr. Sargent stated they all have a passion for the arts, even though some have other professions.

Councilmember Aleshire asked if there is a process in place for tenant turnover to create an incubator type business. Mr. Sargent stated the leases will be reviewed annually.

It was the general consensus to include approval of the three leases on the April 29, 2014 agenda.

Approval of a Resolution: User Agreement with Washington County Seniors' Softball League, Inc.

Rodney Tissue, City Engineer, reported the User Agreement with the Washington County Senior Softball League for the use of the fields in City Park has expired and staff is recommending that a new agreement be approved. He presented a new agreement for the Mayor and Council to review. The agreement provides for their use for the 2014 season as well as providing two additional one-year terms for the 2015/2016 seasons. The Senior League maintains the fields while the City mows the grass. The Softball League has priority scheduling status, but the City may schedule all dates and times outside of the softball league's activities. The fields are often used for non-athletic events such as festivals and carnivals.

Councilmember Brubaker asked how many players are City residents. Mr. Tissue will obtain this information.

Approval of a License Agreement – With Amanda Miller for “The Fishing Lesson” Sculpture at City Park

Mr. Tissue presented a license agreement between the City and Amanda Miller for the Mayor and Council’s review. Ms. Miller is writing a children’s book to compliment the public sculpture project entitled “The Fishing Lesson” in City Park. Given that this book will be the intellectual property of Ms. Miller; all parties feel that a simple agreement should be executed between the City and Ms. Miller to memorialize the terms of the project.

It was the general consensus to approve the license agreement.

Acceptance of Grant – Chesapeake & Atlantic Coastal Bays Trust Fund

Jim Bender, Assistant City Engineer, stated in response to the Council’s encouragement to seek funding opportunities to assist with the City’s compliance with State and Federal stormwater management regulations, staff applied for grant funding from the Chesapeake & Atlantic Coastal Bays Trust Fund’s Capital Improvement Program to construct two stormwater management retrofit facilities. These facilities would reduce the load of nutrients that are carried into Antietam Creek, the Potomac River, and the Chesapeake Bay. In March, the City was notified that the application had been successful, and that the City would be awarded a \$ 500,000 grant to help design and construct the facilities.

The grant agreement was provided for the Mayor and Council’s review.

Under the award, the City will receive \$ 500,000 in grant funds, and will provide \$ 100,000 in matching funds from the City’s General Fund. Under the terms of the grant, the City must have these projects designed and out for bid by July 2015.

It was the general consensus to include acceptance of the grant on the April 29, 2014 agenda.

This completed the preliminary agenda review.

Central Chemical Groundwater Monitoring – Right-of-Entry Agreement for Environmental Protection Agency

Jim Bender, Assistant City Engineer, and Robert Wallace, EPA, were present to discuss a right-of-entry agreement to install dye tracers/detectors at several City-owned properties. The request for the agreement was discussed by the Mayor and City Council at the April 1, 2014 Work Session.

Mr. Wallace is EPA’s Remedial Project Manager for the Central Chemical site. He has worked on this site for some time. The EPA is sampling surface water because this area is a Karst region, which means groundwater flows through the rock base to deep underground conduits, often through sinkholes. The tracer test shows where water travels

after it leaves the surface. There are many sinkholes around the Central Chemical site. Dye is introduced on the surface and then detected through sensors. These sensors are able to detect minute amounts of dye in the water.

Councilmember Aleshire asked how it is determined which feeder area is causing the presence of the dye. Mr. Wallace stated it would be determined by the lead investigator and would depend on the point of entry.

Councilmember Aleshire asked how the information will be used. Mr. Wallace stated it will be used to protect human health and the environment.

Councilmember Brubaker and Councilmember Aleshire both asked if mediation would occur based on the trace. Mr. Wallace stated the EPA would review the extent of the presence of the dye to determine how to eliminate the presence.

Mr. Wallace stated the water path is tested using a green fluorescent dye. This dye is non-toxic. It is unlikely that the dye would be visible in the water as it moves away from the introduction site. He indicated the pesticide plume that may be present in the water is highly toxic.

Councilmember Metzner asked why it has taken 20 years for the EPA to try to determine where the toxic plume may be. Mr. Wallace stated it is a complex site, with multiple agreements and plans.

Approval of the Right-of-Entry agreement will be included on the April 29, 2014 agenda.

Mayor and Council FY15 Budget Review

This agenda item was removed from the agenda.

Enhancements to Rental Subsidy Component of City Center Residency Initiative

Jonathan Kerns, Community Development Manager, was present to discuss recommended enhancements to the rental subsidy component of the City Center Residency Initiative.

In 2004, the City Center Residency Initiative was created in order to attract a more diversified population to live in the City Center. Eligible applicants for the program include recent college graduates, active members of the military, USMH employees or students, government employees, degree-holding professionals, and households with income exceeding 80% of the area median.

The program has two distinct components which offer financial incentives for eligible applicants that choose to reside in the current City Center Residency Initiative area. The Down Payment Assistance Component provides a \$ 10,000 loan to grant for an eligible

homebuyer to utilize for down payment, select home repairs in conjunction with acquisition, or a combination of both. The homebuyer is required to maintain the home as their primary residence for five years. After the residency commitment is fulfilled, the \$ 10,000 loan is forgiven. These terms reflect the recent revisions adopted by the Mayor and Council that became effective in October of 2013. The Rental Subsidy Component provides a \$ 150.00 per month rental subsidy for an eligible applicant renting a home or apartment for one year. The subsidy is in the form of a loan for \$ 1,800.00 that is forgiven after a two year residency commitment is fulfilled.

The rental subsidy component of the City Center Residency Initiative has had limited success in bringing eligible renters to live in the City Center. Adjustments to the incentives are recommended in order to make the program more enticing. A housing work group consisting of multiple housing professionals from the community has assisted staff in the review of the current guidelines for the program. Feedback on the program was also received through housing related discussions during the course of the Urban Partners study.

Overall feedback on the program concept was positive. The two year residency requirement was identified as a potential barrier to some of the targeted applicants. It was also recommended that a smaller, more concentrated area be targeted in order for the program to have the desired impact on diversifying the population.

Based upon the input received, the following program adjustments are recommended:

1. Elimination of the two-year residency requirement and requiring only one year of residency for all eligible applicants.
2. Creation of a smaller priority area with an increased subsidy of \$ 300.00 per month.
3. Subsidy of \$ 150.00 per month would remain for areas outside of priority area.
4. Boundary edits as indicated on a submitted map.

The approved FY14 budget includes \$ 50,000 that is available for the rental subsidy component for the City Center Residency Initiative. This would allow for approximately 18 eligible renters to take advantage of the program.

Staff have developed a comprehensive marketing plan for all of the City's housing related programs. If approved, the updates to the rental subsidy component of the City Center Residency Initiative will be included in the ongoing marketing efforts for the housing programs.

It was the general consensus to approve the recommendations.

Community Gardens

Mayor Gysberts supports the creation of community gardens. He has been working with staff to develop a plan for a City established community garden.

Rodney Tissue, City Engineer, described a community garden as a piece of land gardened by a group of people, usually a collection of individual garden beds or plots, where the plot holder typically pays a modest fee each year, abides by a set of rules, and grows vegetables and produce. Many gardens encourage activities such as work days and social gatherings, with an emphasis on developing and furthering the “community” aspect of the facility.

Research indicates that there are over 5,000 community gardens in the United States. Recent public health evaluations show community gardens as a promising approach to promote healthy behaviors. This is particularly important in establishing healthy behaviors among children given the rise of childhood obesity, and the very high obesity rate of the community in general.

For Hagerstown to consider developing a community garden, staff suggests following the “Sustainable Maryland” guidelines that include the stated goal...”to encourage individuals and groups to produce some of their own food organically and sustainably”.

In addition, in November the Mayor and Council authorized staff to submit a request to Program Open Space (POS) for a \$ 27,000 grant for establishing a community garden. Staff has not learned if this funding will be awarded yet.

Staff is seeking Mayor and Council’s interest in studying the possibility of creating a community garden. If there is interest, staff recommends holding a public meeting on the matter. After that, staff recommends the Mayor and Council create a planning Task Force to study all the questions related to this issue and report their findings back to the Mayor and Council for a final decision if to proceed with creating a community garden for the 2015 growing season.

Following the Sustainable Maryland recommendations, staff assessed the community’s desire for a community garden through a survey and included 13 questions. Surveys were sent out in utility bills starting in mid-February and were accepted through the end of March. The survey was completed by 274 people and 211 responders indicated they had an interest in a community garden. Staff noted from the survey that 15 city residents or business owners indicated they would be willing to serve on a planning Task Force.

Some of the issues the task force could study are: goals/benefit to the community, location(s) of the garden, operations and management, assess best practices in other communities, cost to rent plot, license agreement with plot holders, financial implications for the City, resources and time required from City staff, donations of produce back to the community, ways to develop gardening education programs, prevention of theft/vandalism and insurance issues.

Mayor Gysberts stated there are grant funds available for community gardens. He and staff discussed a small fee to participate which would create a sense of ownership for the participants. He stated the fence around the garden is important. He suggested an artistic

fence, like the one at Spring Garden in Philadelphia, Pennsylvania, would be more attractive than a chain link fence.

Councilmember Brubaker stated water at the sight is a necessity.

One possible location is across the street from Bester Elementary school.

Councilmember Aleshire stated he is not in favor of a community garden and people don't realize how much time it takes to care for a garden.

Councilmember Nigh reminded the group that Janet Bartels and her husband had started a community garden at Bester Elementary several years ago. She is concerned that taxpayer funds will be used to fund the garden.

Mayor Gysberts stated the goal is to keep the cost as low as possible. He asked if the Council supports a community meeting to gain public input, possibly on May 12, 2014.

It was the general consensus to move forward with the public input meeting. Mayor Gysberts hopes the garden is successful and there is a waiting list for participating.

Synagro Wastewater Treatment Plant Sludge Storage Tank and Sludge Thickening Project

Michael Spiker, Director of Utilities, and Joseph Moss, Wastewater Operations Manager, were present to discuss a sludge storage tank and sludge thickening project with Synagro.

The Mayor and Council approved a ten-year contract extension with Synagro on September 24, 2013. The agreement further extends a relationship in excess of twenty years whereas Synagro converts the solid waste component of the wastewater treatment process into pellets which are then land applied as a soil amendment or disposed of by other means, depending upon market conditions. The Wastewater Division owns the building, equipment and the associated hardware with Synagro supplying the technology, labor, and disposal services for an operation that produces approximately 15 dry tons per day during the 4.5 day week. The Division currently pays a monthly average operational fee of \$ 93,423.40. Any equipment upgrades required to maintain facility operational compliance are billed to the Division at a rate of 15% above actual cost.

As background information; In November of 1998, the City of Hagerstown entered into an agreement with Enviro-Gro Technologies (currently Synagro) to build a pelletizing facility designed to process and dispose of the sludge that is produced at the Hagerstown WWTP. The process involves pumping the sludge through a belt press to thicken the sludge, heat drying the sludge and disposal of the dried product. The initial term of the contract was ten years, with an option to allow Synagro to extend the operating term for an additional five years, which was executed, during April of 2001. In August, 2006, the contract was extended another 5 years with a provision containing one

year renewals.

During the final quarter of 2013, Synagro, utilizing City of Hagerstown procurement methods and input from the Wastewater Division, requested proposals for the Hagerstown WWTP from qualified companies for the design, permitting, procurement, installation, and commissioning work to complete modifications to the existing facilities with the minimum goal of creating a second thickened sludge holding tank. To accomplish this, the project involves converting the existing Secondary Digester Number Two to a sludge holding tank similar to the one currently in service. In addition, the companies are being requested to submit a proposal(s) for improving (increasing) the solids concentration of the liquid sludge prior to being pumped to the belt filter press dewatering system.

The team of GHD Engineering/Johnson Construction Company submitted the accepted bid at a cost of \$ 821,552.00. Per contract provisions, the City will supply Synagro with 15% of the bid cost as the owner of the contract supplying management services and engineering design for the project. The 15% overhead amounts to \$ 123,228 bringing the total projected cost to \$ 944,750. This is \$ 105,250 below the projected budgeted amount of \$ 1,050,000.

The CIP has been updated in the proposed FY15 budget detailing expenditures of \$ 5.1 million over the next five fiscal years.

It was the general consensus to approve the expenditure of budgeted funds for this project. Formal approval of the expenditure on April 29, 2014 will serve as the Notice to Proceed for the project and for the utilization of Wastewater finances to fund the project.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, had no additional comments.

MAYOR AND COUNCIL COMMENTS

Councilmember L. C. Metzner had no additional comments.

Councilmember P. M. Nigh is concerned about the number of pedestrians that have been hit on the Dual Highway recently. She cautioned pedestrians to be aware of the traffic around them. Mayor Gysberts stated City staff has been aggressive in pursuing grants for sidewalks that may help this situation. Councilmember Aleshire mentioned some pedestrians are crossing Dual Highway at locations that are not identified as crosswalks. Mayor Gysberts stated the poor planning with residences across the street from grocery stores and retail establishments is a problem as well. Mr. Zimmerman stated staff is meeting with County officials also to discuss ways to make Dual Highway safer because portions of the Dual Highway are not within the City limits.

Councilmember Nigh clarified that a new fire truck is included in the FY 2015 proposed budget. Mr. Zimmerman stated a fire truck purchase is scheduled in FY 2015 and FY 2016.

Councilmember Nigh stated she has received two contacts asking for help from the City with rent control. She asked if the City can provide assistance. Mayor Gysberts stated he does not think rent control is necessary in Hagerstown.

Councilmember Nigh reported there has been vandalism on Antietam Street, caused by children. She asked that this be looked into. Mr. Zimmerman stated there are two new downtown officers and they will be focusing on incidents like this.

Councilmember Nigh is concerned about the number of vehicles that have out of state tags parked around Hagerstown.

Councilmember K. B. Aleshire received an email from a resident who is concerned about cottonwood trees being removed near the Bester Elementary school. He is not opposed to the removal of trees, but the public should be notified before the trees are taken down. He stated he understands the Council is not making remarks about the public hearing held earlier; however, this is a good reminder of why there need to be public discussions to find out what people are thinking. After hearing from the speakers, he thinks the City is doing the right thing but may not be going about it the right way. He finds it interesting that a number of large apartment complexes have filed tax assessment appeals.

Councilmember M. E. Brubaker had no additional comments.

Mayor D. S. Gysberts will be attending the Synagogue on Friday, in recognition of the Holocaust Remembrance Day. He thanked and congratulated everyone who participated in the first Hub City 100 Miler. Earth Day was recognized during a celebration at the University Plaza on April 21, 2014. The Taste of the Arts will be held on Thursday, April 24, 2014. Arbor Day will be recognized on April 25, 2014.

Mayor Gysberts announced that there being no further to come before the Mayor and City Council, on a motion duly made, seconded and passed, the Special Session was closed and the Work Session was adjourned at 8:00 p.m. The record will remain open for 10 days for additional comments in regard to the Public Hearing.

Respectfully submitted,

Donna K. Spickler
City Clerk

Approved: May 27, 2014