

JOINT MEETING WITH WASHINGTON COUNTY DELEGATION – December 9,
2014

A joint meeting with the Washington County Delegation was held on Tuesday, December 9, 2014 at 4:00 p.m. at the USMH Center, 32 W. Washington Street, Hagerstown, Maryland. The following people were in attendance: Mayor D. S. Gysberts, Councilmembers K. B. Aleshire, M. E. Brubaker, L. C. Metzner, P. M. Nigh, City Administrator Bruce Zimmerman, City Clerk D. K. Spickler, Delegate Andrew Serafini, Senator Christopher Shank, Delegate Neil Parrot, Senator George Edwards, and Delegate-elect Brett Wilson. Councilmember D. F. Munson was not in attendance.

Delegate Serafini opened the meeting by stating the core of Hagerstown is important to the Delegation. They want to hear from Hagerstown what legislation would be most helpful.

Mayor Gysberts thanked the Delegation for recognizing important Program Open Space and Community Parks and Playgrounds projects.

Mayor Gysberts stressed that the Highway User Revenue (HUR) is important to the City's pavement preservation plan. At least \$ 1,000,000 is needed annually to maintain the roads. The recent significant decreases in HUR severely limits the program. Any efforts to fully restore HUR will be appreciated.

Potential legislation that would be beneficial to the City of Hagerstown include:

1. State-wide gang legislation
2. City Liquor Board – A local board would enhance economic development efforts by allowing the City to have greater impact on license location and consideration. Mayor Gysberts pointed out that Baltimore and Annapolis have their own respective liquor boards.

Senator Shank asked if the decisions would be made through the administration or through an appointed board. Mayor Gysberts indicated it would be an appointed board. Senator Shank asked how existing businesses would be grandfathered in to the program. He asked that the Mayor and Council discuss their concerns with the liquor board before approaching the Delegation with legislation.

Delegate-elect Wilson suggested using Annapolis' legislation as an example for a local liquor board.

3. Requesting the opportunity to comment to the State of Maryland when new or expanded projects for social service agencies are planned. The input would include a review of how the service providers fit with the Vision for the City.

Delegate elect Wilson stated zoning regulations could be used to designate areas where service agencies would have less impact on the downtown. Councilmember

Aleshire pointed out the City has a higher per capita/service agency ratio than other communities. Mayor Gysberts stated part of the cause is the off balance home ownership/rental ratio.

Senator Shank asked if police call information could be provided to the Delegation regarding the number of calls for service at the specific service agencies.

Councilmember Metzner pointed out that a number of the agencies are for-profit agencies, rather than non-profit organizations.

Delegate Parrot stated it is obvious people are being referred to Hagerstown to utilize the services.

Delegate-elect Wilson stated he has experienced the situation where agencies (State and local) justify sending someone to Hagerstown because there is a program in place to treat their situation.

Councilmember Aleshire noted that groupings of service agencies tend to lower tax assessments in that area.

Mayor Gysberts stated in order to enhance community standards; a number of City Codes were amended. If the Delegation is made aware the ordinances are burdensome, he asked that they bring it to the City's attention. The City's efforts focus on health, safety and welfare of residents and the community.

Mayor Gysberts stated annexation is important to the City for Economic Development. Development has occurred on the fringe of the City, with the properties utilizing City services, without annexing. The properties annexed receive well thought out and planned services. He asked the Delegation to support the City's efforts to annex the Mt. Aetna property.

Staff have explored programs in Pennsylvania in which projects in designated areas within a community are eligible for state tax credits to fund the debt service for the project. The state then starts collecting taxes when the project is paid in full. Allentown has benefited with neighborhood improvements through this program. He believes a program like this would be beneficial in Maryland. He would like to discuss this in further detail with the Delegation at a future date.

Delegate Serafini and Delegate Elect Wilson stated similar programs are being reviewed.

Mayor Gysberts then discussed the Hotel/Motel Tax. It has been reported recently that the Hagerstown Suns have not been able to complete a deal with Fredericksburg, Virginia. He anticipates there will be discussion soon about a stadium in Hagerstown. He stated there needs to be a discussion about community partners and local support of the Hagerstown Suns before a new stadium is considered. There is a great opportunity to

talk about projects that could be funded through the Hotel/Motel Tax revenue. This could be an event center or a new stadium. He believes these projects would be economic drivers for the community. He asked that this be discussed further with the Delegation. The Hotel/Motel Tax is not generally paid by local taxpayers.

Councilmember Brubaker pointed out half of the Hotel/Motel Tax automatically goes to the Convention and Visitors Bureau. The other half is distributed to the municipalities.

Mayor Gysberts stated he would like to see the Stadium Authority have more of a leadership role in the stadium discussion.

Delegate Parrot is not interested in raising the Hotel/Motel Tax rate.

Councilmember Aleshire stated he is more interested in a youth recreational activity facility than a new baseball stadium.

Mayor Gysberts would like to discuss how the Suns can become a better community partner.

Pollutant reductions required by the MDE will cost approximately \$ 200 million. The City cannot afford this unfunded mandate.

Mayor Gysberts stated a worthy goal is to clean up the waterways. He suggested that a clean up could include infrastructure to create more open waterways that would be attractive and increase economic development.

Delegate Parrot suggested the City look at ways to grandfather regulations such as fire suppression, stormwater management and accessibility for properties where buildings are torn down as part of rehabilitating the property.

Senator Shank stated legislation regarding lighted buildings has been submitted for consideration during three sessions. He stated Chief Holtzman has provided information about legislation that will help resolve community safety issues, such as violence prevention and gang regulations. He will be discussing the release of offenders (by the District Court Commissioners) who may be considered dangerous to the community.

Delegate Parrot had discussed the need to move people from welfare to work. He hopes legislation is passed in the next few years to encourage this.

Delegate Serafini reported there is an anticipated \$ 300 million budget shortfall this year and \$ 600 million next year. The Governor's focus will be on a balanced budget. He reported there will be some state budget cuts. The capital budget is in stress, as well as the operating budget. He hopes property taxes don't have to be increased. Public/private partnerships are the key. The City should pursue these partnerships at every opportunity.

Delegate Serafini requested to meet in closed session soon with the Mayor and City Council and the Washington County Commissioners to discuss a couple specific projects. He stated some of the people who have projects and specific questions could be in attendance.

Councilmember Brubaker pointed out the City's budget is stressed as well.

Councilmember Aleshire stated this administration's top priority has been the demolition of the MELP property. This is now happening and there have been some delays with permits from the MDE. Delegate Serafini stated the Delegation can help if MDE is slowing the project down.

This portion of the meeting was adjourned at 5:05 p.m.

56TH SPECIAL SESSION AND WORK SESSION – December 9, 2014

Mayor D. S. Gysberts called this 56th Special Session and Work Session to order at 5:31 p.m., Tuesday, December 9, 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 William Nairn, and City Clerk D. K. Spickler.

56th Special Session – December 9, 2014

On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to meet in Special Session at 5:31 p.m.

Community Development Block Grant Public Hearing

Jonathan Kerns, Community Development Manager, stated the purpose of this public hearing is to gather information for the City's Five Year Consolidated Plan for FY 2016-2020, the Annual Action Plan for the FY 2016, and the City's Analysis of Impediments to Fair Housing Choice (A.I.), which the City must submit to the U. S. Department of Housing and Urban Development in order to receive Community Development Block Grant (CDBG) Entitlement Funds. Additionally, the hearing will be used to solicit the views and comments of individuals and organizations concerning any impediments to fair housing choice in the City and what steps should be undertaken to affirmatively further fair housing.

Jonathan Russell and Walter Hagland, from Urban Design Ventures, were also present. They will be working with the City to create a meaningful CDBG plan and work with the existing plans.

The following testimony was presented:

John Menard, 17124 Bivens Lane, Hagerstown, Maryland, was representing the Hagerstown HomeStore. He thanked the Mayor and City Council for the funding provided since the beginning of the HomeStore program in 2007. The number of clients has increased from 54 in 2007 to 579 in 2014.

Robin Roberson, 16733 Sterling Road, Williamsport, Maryland, was representing the Community Free Clinic. She thanked the Mayor and City Council for the City's support for many years. The Clinic sees 20 to 30 new clients each month. The CDBG funding helps provide supplies for lab testing. She hopes the City continues to support the clinic, which meets health care needs for those who have nowhere else to go.

Doug Wright, 911 Potomac Avenue, Hagerstown, Maryland, was representing Holly Place Senior Alternative Living. There are 15 clients at Holly Place. Past funding from the CDBG program has been critical to provide care for these residents. The City's continued support is needed and appreciated.

Jennifer Carbaugh, 805 Pennsylvania Avenue, Hagerstown, Maryland, was present to represent the Boys and Girls Club. She did not wish to testify.

The record will remain open for written comments until January 12, 2015.

Councilmember Aleshire asked if the City would be responsible for finding a new residence for a tenant that would be displaced as a result of a project with CDBG funding. Mr. Kerns stated the City would be responsive if the project is a direct City project.

Councilmember Aleshire asked what low/moderate income benchmark would be used if a property is renovated. Mr. Kerns believes the income levels are based on the last tenant's information.

Councilmember Brubaker pointed out the Five Year Plan is a guide; however, the Annual Action Plan allocates the funds and authorizes the expenditures. Mr. Kerns stated when the Five Year plan is developed, the Annual Action Plan each year is incorporated into the Plan.

Development of the Five Year plan will begin started in the Fall of 2015. The proposed plan will be on display in the Spring, with the final plan being submitted to HUD in June.

The hearing was closed at 5:49 p.m.

FY 14 Comprehensive Annual Financial Report (CAFR) Presentation

Michelle Hepburn, Director of Finance, Rana Rose, Accounting Manager, and Chris Lehman, SB & Company, were present to review the FY 14 Comprehensive Annual Financial Report (CAFR).

Ms. Hepburn reported the audit was performed by the independent auditing firm of SB & Company. There was a \$ 160,000 surplus in the General Fund. Highlights include being under budget for the Safe Speeds for Schools revenue, increased property tax revenue, and over budget for snow removal. The City also repaid CDBG for the Massey Property during FY 14. Overall, there was a \$ 194,000 surplus. The total budget for the City is \$ 38 million.

The General Fund balance includes \$ 8.1 million in unassigned funds. This represents approximately 2.6 months of expenditures.

The Electric Fund shows a \$ 580,000 surplus. Ms. Hepburn pointed out the prior year amount was nearly the same, except it was a deficit. The timing of billing creates this situation, which is typical. The Water Fund showed a \$ 3.5 million surplus and the Wastewater Fund showed a \$ 1 million deficit.

Councilmember Brubaker asked what GASB regulations changed during this audit. Mr. Lehman stated bond expenses are recorded as they occur, rather than over the life of the bond.

Ms. Hepburn reported the City ended FY 14 in a strong financial position. GASB 68 rules will require the unfunded pension liability to be included in the liability section, which will reduce the overall fund balance.

Councilmember Brubaker pointed out the City has been keeping up with payments well and the City is in a better position than many municipalities. He reminded everyone that if the pension liability is funded, while maintaining the current surplus and the current expenditure levels, the budget cannot be met without a large tax increase.

Funding levels for the pension plans are as follows:

A. Police and Fire Pension Plan

Net pension liability (unfunded) at 6/30/14 is \$ 26.4 million

Net position (funded) at 6/30/14 is \$ 18.8 million

Net position as percentage of total pension liability is 41.62%

B. MD State Retirement & Pension System

The City contributes 100% of the required contribution each year

FY 14 contribution is \$ 1.4 million

C. Other Post Employment Benefits (OPEB)

Accrued unfunded liability at 6/30/14 is \$ 29.7 million

6/30/14 Annual OPEB costs \$ 2.3 million

Net OPEB obligation at the end of the year is \$(621,251) as a cumulative result of over funding

Funded Ratio is 12.74%

Mr. Lehman reported SB & Company's Scope of Services included an audit of the June 30, 2014 financial statement, performance of the OMB Circular A-133 Single Audit, reviewed of the Uniform Financial Report, and review of the Data Collection form. Based on the review of the financial statements, they issued the following Summary of Results:

1. Issued an unmodified opinion on the financial statements
2. Discovered no instances of fraud
3. Discovered no material weakness in internal controls
4. Received full cooperation from management
5. No audit journal entries noted

SB & Company's evaluation of the key processes shows that, in their determination, the processes are designed and operating effectively.

Councilmember Munson noted the implication is that the Finance Department has done a great job again this year.

Mr. Zimmerman thanked Ms. Hepburn and Ms. Rose and the Finance Department staff for their efforts in timely completing the audit information.

Preliminary Agenda Review

Consent Agenda

- A. Department of Community and Economic Development:
 1. Request for Use of Fairgrounds Park – PAL Country Music Fest
- B. Department of Public Works:
 1. Vehicle Replacement – Unit 25 – McCafferty Ford (Mechanicsburg, PA) \$ 93,763.00
 2. Road Salt Purchase
- C. Department of Parks and Engineering:
 1. Approval of Pavement Preservation List
- D. Department of Utilities:
 1. Wastewater: Polymer System Replacement – Sherwood Logan & Associates (Annapolis, MD) \$ 46,100.00
 2. Wastewater: Pump Replacement for WWPS No. 8 – Shafer, Troxell & Howe, Inc. (Frederick, MD) \$ 41,134.00
- E. Police Department:
 1. K-9 – Hanoverian hound – Georgia K9 (Edisto Island, SC) \$ 11,500.00
 2. K-9 – Patrol/Narcotics Detection K9 (- Cobra Canine (Loudon, TN) \$ 11,000

Eric Deike, Director of Public Works, informed the Mayor and City Council that the State of Maryland did not include the City of Hagerstown as a separate entity in the bidding process for bulk road salt. The result being no bulk road salt vendor for the city. The successful bidder for Washington County Government was Morton Salt, Inc. at \$ 104.56/ton. Staff worked with Morton Salt to secure them as the salt supplier for the City. Morton Salt graciously allowed the City the same pricing provided through the Baltimore County contract of \$ 83.21/ton. Last year's price was \$ 67.52/ton which calculates to a 23% increase over last year's price.

Councilmember Brubaker asked how many years a K9 is likely to be in service. Chief Holtzman stated the average years of service is 7.

Approval of a Grant Agreement: Maryland Bikeways Grant: Design of Marsh Run Trail

Rodney Tissue, City Engineer, reported the City has received a \$ 75,000 grant from the Maryland Department of Transportation (MDOT) for continued bicycling-related improvements in the City. The grant has no financial match, only staff in-kind services.

The grant will primarily be used for the conceptual design of a trail from Park Circle (where it meets the proposed A & E Trail) to Potomac Street. This would be the missing portion of an overall trail from City Park to Municipal Stadium and is the final attempt to make this trail a reality. The major obstacle is the CSX rail spur. The "work plan" contemplates close coordination with the railroad to provide a tunnel under the rail line. If CSX denies this, staff will still use the balance of the grant to provide other bike lanes, bike racks, and bike-safe storm drain grates.

It was the general consensus to include acceptance of the grant and approval of the grant agreement on the December 16, 2014 Regular Session agenda.

This completed the preliminary agenda review.

Catalyst Project #3 – Request for Statement of Interest (RFSI) for Developer/Partner for USMH Student Housing Project

Jill Frick, Economic Development Manager, and Kathleen Maher, Planning Director, were present to provide information regarding the RFSI for the USMH Student Housing Project.

The goal of Catalyst Project # 3 – USMH Expansion Support is to support the growth of USMH from 500 to 750 students, and to support the addition of facilities for new educational programs including the possibility of culinary arts, tourism and hospitality programs. Over a 10 year period, it is envisioned that student housing opportunities will be captured downtown through three upper-floor renovation projects creating a total of 12 units to house 24 students. The City intends to facilitate the development of an initial, model student housing project in partnership with USMH and a developer/partner

creating 4 units for 8 students. This project represents implementation of the Community's City Center Plan – Catalyst Project #3. Staff conferred with Jim Hartling of Urban Partners on development of an RFSI and the process outlined below.

Overview:

1. Partnership between the City of Hagerstown, USMH, and a developer/partner.
2. First, model student housing project using one property initially.
3. USMH will market the units to student and provide names of students interested in renting to the developer/partner.
4. City will provide an incentive package for the project using: First Third Grant Program, Community Legacy Grant, Partners in Economic Progress Program and additional incentives through the PEP program.
5. City will provide a Rent Guarantee Agreement with USMH for four units for five years.
6. Maximum financial exposure to the City based on \$ 850 rent and 0% occupancy is \$ 20,400 per year.

If staff is authorized to proceed with the posting of the RFSI, it is anticipated that the deadline for submittals of Statements of Interest will be January 9, 2015. After extensive review of submittals, the Mayor and City Council could approve a partnership agreement in March, 2015.

Councilmember Brubaker noted that the City is providing a significant subsidy to this project. Therefore, he wants to make sure there is adequate maintenance provided for the apartments. He also wants to ensure that rental rates are not increased significantly.

Councilmember Munson thinks if a tenant damages the unit, they and their parents should be held responsible. The outline and scope is good.

John Lestitian, Director of Community and Economic Development, recognized that Mark Halsey, Executive Director of USMH, has been working closely with the City in developing this plan.

Ms. Maher indicated the developer agreement could include a cause requiring that adequate maintenance is provided for the units. This condition would be included in the RFSI as well. There will be a third agreement with the student, USMH and the City that would also include the condition.

City Center Broadband Project

Scott Nicewarner, Director of Technology & Support Services, was present to discuss first steps for a City Center High-Speed Broadband Project.

The opportunity to provide high-speed broadband to the City Center area has, since the discussions related to the One Maryland Broadband Initiative (OMBN), been of

interest to the City. One of the results of this work was the production of a Washington County broadband needs assessment and executive recommendation report that was presented to the Mayor and Council in September of 2013 by Andrew Cohill of Design Nine, Inc.

Unfortunately, the OMBN has not produced the results initially communicated to the City by the State Department of Information Technology or their implementation contractor Maryland Broadband Cooperative. Staff, anticipating that this lack of progress may happen, has continued with researching the opportunities that may be available to the City to provide the needed high-speed connectivity to the Internet that high-tech companies would need to consider staying and/or locating in the City Center area. The foundation for this project would be the Urban Partners City Center Catalyst Projects, of which all would be a beneficiary of high-speed connectivity if made available.

The recommended first steps to be taken in reaching out to interested partners across the country to work with the City to provide high-speed, Fiber-to-the Premise (FTTP), connectivity to the City Center area include the following goals:

- Goal # 1 Create an open access gigabit fiber network in a targeted commercial corridor known as “City Center Hagerstown” to foster innovation, drive job creation, and stimulate economic growth.
- Goal #2 Establish free wireless networks in parks and public spaces across the City, with primary focus on the following areas: City park, Pangborn Park, Wheaton Park, Hellane Park and Fairgrounds Park.
- Goal #3 Evaluate the opportunity to expand wired/wireless services to areas beyond the City Center urban core to include underserved residential areas, business parks, and/or target commercial areas.
- Goal #4 Establish a presence within the community in the form of co-location facility and branch office space in which to conduct business.
- Goal #5 Provide connectivity opportunities for existing City camera surveillance system, including expansion into other developing areas of the City.

The estimated cost of providing broadband in the City Center area is \$ 100,000 to \$ 180,000. Mr. Nicewarner would like to advertise a Request for Information (RFI) within the next two weeks, if possible.

Councilmember Brubaker hopes one of the plans is to keep the rates low so people want to move to Hagerstown.

Councilmember Munson stated this is an opportunity for new jobs, specifically technology jobs.

It was the general consensus to authorize the RFI to be submitted as requested.

200th Anniversary Parade First Hagerstown Hose Company - 2015

Karen Giffin, Community Affairs Manager, Chief Kyd Dietrich, Warren Royce, Jr. (Captain) and Ray Lushbaugh, First Hagerstown Hose Company, were present to discuss a parade in October, 2015.

First Hagerstown Hose Company would like to hold a parade on October 3, 2015 at 1:00 p.m. for their 200th Anniversary. The parade will kick off Fire Prevention Week. They also would like to hold their Muster (fireman's games) at Fairgrounds Park at 3:00 p.m. that day. The parade would begin at Potomac Avenue and Oak Hill Avenue and proceed down Potomac Street and end at East Antietam Street.

It was the general consensus to approve the parade and have City staff work with members of different departments to ensure the safety of the participants and attendees of the parade.

City Attorney William Nairn arrived at the meeting.

Police Athletic League Country Music Festival – 2015

Karen Giffin, Community Affairs Manager, Rodney Tissue, City Engineer, and Detective Nick Varner, were present to discuss the possibility of a country music festival at Fairgrounds Park.

The Police Athletic League (PAL) is requesting permission to hold a country music festival at Fairgrounds Park on September 26, 2015, from noon until 8:00 p.m. The festival would showcase national and regional country music artists and some children's activities. The PAL is also requesting permission to sell alcoholic beverages (beer and wine). If approved, this would be the first alcohol-use approval for Fairgrounds Park. This is an exception to the standard park rules.

Some conditions that would be required for use if approved are:

1. No heavy equipment or trucks on field turf
2. Fee to rent the park is \$1,000 per 6 hours and must be coordinated with the seven user groups
3. Parks Division would need to be reimbursed for their work.
4. Tents must be weighted down – no stakes.
5. Need dumpsters for trash, portapots contracted by PAL
6. PAL would need all the correct permits and required insurance.
7. Electric needs would have to be calculated and PAL may need to purchase this system.
8. Parking on site will be inadequate and other transportation/shuttle would need to be reviewed.
9. If set up the night before – security would be provided by PAL.
10. Rain or shine? Rain would have large detrimental impact on the sports fields.

11. Park cleaned up for the next morning by PAL
12. Colorsplash is already 9/12/15 and City Park days is 9/19/15, which takes significant staff time and City Staff would not be operating the event.
13. The fields would need to be bonded or insured for a recommended amount to be determined. This would help with major repair work and reseeded if needed.

PAL is also asking the City to assist with some City Services such as electric, trash removal, police services and shuttle transportation. City Staff would need to quantify these costs and come back at a future Work Session. City Staff is initially asking if the Police Athletic League's request to have the event and the selling of alcoholic beverages on the Fairgrounds Park site is approved.

Brian Burke, Treasurer of Hagerstown Area Police Athletic League, presented a business case for the event to the Mayor and City Council for their review. Ticket prices would be \$ 30.00 in advance and \$ 35.00 at the gate. They will sell no more than 8,000 tickets. The estimated net proceeds range from \$ 76,900.00 (5,000 tickets) to \$ 195,400.00 (8,000 tickets sold). The PAL will use the proceeds from the festival in a variety of ways. The main purpose is to fund current PAL programs and expand their after school program. They will use net proceeds to improve their facilities to accommodate more youth and improve existing areas.

With a \$ 70,000 talent budget, PAL can afford a stellar line up choosing from a headliner menu of Travis Tritt, Craig Morgan, and Easton Corbin. Secondary talent could include national acts such as Frankie Ballard, Maddie and Tae, Davisson Brothers, Brothers Osborne, Sunny Sweeney, Old Dominion, and Raelyn Nelson.

The budget will allow at least one headliner and three national support acts. If talent can be bid on by January 1, 2015, a talent lineup can be fit into Eastern U.S. touring schedules for national acts.

There will be a vendor village, including food and non-food vendors. There will also be a seated, tented area for ticket holders to eat, relax , and socialize during the festival day. Alcohol sales will stop prior to the last act.

Detective Varner stated the event will benefit PAL and the City of Hagerstown through tourism and economic development. PAL currently serves 100 children each month.

Detective Varner indicated the start up money will come from private donations, fundraising, PAL and sponsorships.

Councilmember Munson stated there had been a country music festival at Rocky Gap in Allegheny County that was successful. He feels this has the potential to grow in Hagerstown. He asked if the group had discussed the idea with the Liquor Board.

An estimate for the requested City services will be developed in January and discussed with the Mayor and City Council.

Councilmember Brubaker noted there is a significant margin with the estimated revenue. Given the City's budget situation, PAL may be asked to reimburse some of the costs. Detective Varner stated reimbursement could be an option.

It was the general consensus of the Mayor and City Council to allow PAL to use Fairgrounds Park for a Country Music Fest and to allow the sale of alcohol during the event.

Draft Resolution – State Funding Comment Request

Mayor Gysberts stated there is a concentration of health services in the core of Hagerstown that is not consistent with the Community's City Center Plan. Because the State of Maryland preempts the City of Hagerstown from regulating various organizations, service providers and like entities, which operate in or seek to operate in the City's corporate boundaries, it is crucial that the Mayor and City Council have the opportunity to comment on State funded, contracted, and licensed agencies operating within the City. A draft resolution establishing an ongoing request to the State of Maryland was read into the record making this request.

It was the general consensus of the Mayor and City Council to include approval of the resolution on the December 16, 2014 agenda and to make the same request to Federal and County governments.

Sidewalk and Storefront Amendments

Kathleen Maher, Planning Director, and Rodney Tissue, City Engineer, were present to discuss proposed amendments to Chapter 216, Streets and Sidewalks, and to the Land Management Code to provide standards and restrictions for private use of public sidewalks and to protect storefronts in the City Center for use by high-intensity commercial uses.

Per Resolution 2013-36, the Mayor and City Council recognized that housing and neighborhoods are the foundation upon which healthy communities are built and the body committed to supply the necessary legislation and resources to establish and nurture housing and neighborhoods throughout the City.

In keeping with this resolution and the general police powers of the City to protect public health, safety and welfare, staff propose to the Mayor and City Council that it is in the best interests of residents and the mixed-use and commercial districts to protect the livability, quality of life, and image of the community by placing controls on private use of public sidewalks for certain commercial activity. As such, the following City Code amendments are proposed to address some issues related to private use of public sidewalks.

Staff have received many complaints about unsightly and ongoing displays of merchandise on the sidewalks in the City Center by certain businesses. The businesses that are the subject of the complaint have had constant and disorderly displays of merchandise on the sidewalks that take up walkway room and resemble a “set out” by the landlord. These displays have a negative impact on the quality of life and image of the neighborhoods and community as a whole. These displays also negatively affect the image of the City Center business district and can have an adverse impact on surrounding businesses. The City Code does not presently address this issue adequately; therefore staff propose the following addition to Chapter 216.

Staff are drafting a policy document on the Standards and Conditions for issuance of such licenses, which will be reviewed with the Mayor and City Council at a future date. Staff anticipate that the license for private displays by abutting businesses will be limited to four events in a calendar year and each event to be longer than three consecutive business days. Staff also recommend that displays be permitted only while the business is open and never between 10:00 p.m. and 7:00 a.m. Staff anticipate that a blanket license would be created for City-sponsored or City-supported events to cover all businesses participating that would have displays in the public right-of-way.

There is a Mayor and City Council approved policy for licensing sidewalk cafés on the public sidewalks of the City. In November, 207, the Mayor and City Council approved a “Sidewalk Café Standards” for issuing these licenses. This policy is not codified; therefore staff propose to add Section 216-63, Sidewalk Café License, to Chapter 216 of the City Code.

The issue of yard sales on public sidewalks is an issue that arises from time to time in areas of the City where houses have no setbacks from the street. Since yard sales on private property are not licensed and this activity on sidewalks is not by commercial enterprises and occurs adjacent to dwellings occupied by the individual holding the yard sale, staff are proposing this less formal approach for yard sales – but consistent with the Land Management Code requirement for yard sales on private residential property. The LMC standard at present is up to four times per year and for no more than three consecutive days for each sale. Staff propose adding Section 216-64 Sidewalk Yard Sales to Chapter 216, which requires a five foot clearance for pedestrian traffic, prohibiting any displays in front of or two feet on either side of a building entrance, fire hydrant, or property line, and at least 15 feet from any adjoining street corner, alley or driveway to provide adequate distance.

Another issue that should be codified is the City’s process for approving encroachments by structures (porches, handicap ramps) and objects (signs) into the public right-of-way. In December 2005, the Mayor and City Council approved an ordinance authorizing staff to issue certain licenses. Others must be approved on a case by case basis. Adding Section 216-65 License for Right-of-Way Encroachments to Chapter 216 will place the regulations in the City Code.

City staff and the Mayor and City Council have expressed concerns in recent months over the loss of retail storefronts in the City Center for offices and other low-intensity uses. To address this concern, Planning staff have been working with the Planning Commission on proposed amendments to the Land Management Code (LMC) to create a Storefront Protection Zone provision in the CC-MU zoning district.

The intention of the proposed amendments is to promote occupation of storefronts in a newly designated Storefront Protection Zone in the City Center by certain higher-intensity business/commercial uses (e.g., restaurants, retail, etc.) that have the potential to attract additional pedestrian traffic and private investment to the City Center and will support the City Center's cluster of arts, cultural and education related activities. All lower-intensity uses (offices, warehousing, churches, etc.) in the Storefront Protection Zone would need to be located in non-storefront space (behind storefronts or on upper floors) or in buildings that do not contain storefronts or are single-user institutional (e.g., City Hall, USMH, BISFA, Library) or single-user auditorium (e.g., Maryland Theatre, Bridge of Life) buildings.

The Planning Commission wrapped up initial discussions on this proposed provision on November 12, 2014. This proposal was also forwarded to the Downtown Alliance for their information and input.

If the Mayor and City Council desire to move forward with the proposed amendments to Chapter 216, an ordinance can be ready for introduction on December 16, 2014.

Staff anticipate the Commission's public review meeting on the storefront Protection Zone provision and other proposed LMC amendments will occur in either January or February. Once the draft amendments are finalized following the public review meeting, the Commission will forward a recommended package of amendments to the Mayor and City Council for a public hearing and adoption.

Councilmember Brubaker is concerned that issuing a license may take a long time and that limiting sidewalk displays to four times per year for a great business may be too restrictive. He does not want the revisions to make it difficult for a good business.

Mr. Tissue stated a Sidewalk Business License process could be patterned after the Café License and could be completed efficiently.

Mayor Gysberts asked why fences are required around a sidewalk café. Mr. Nairn indicated a fence is required by the Liquor Board for the sale of alcohol within the sidewalk café. Mayor Gysberts finds that requirement antiquated.

Councilmember Munson asked if these regulations would prohibit a child who wants to operate a lemonade stand at their house. This type of business is covered with the Peddlers, Vendors, and Transient Merchant licenses and is excluded from the license requirement.

It was the general consensus of the Mayor and City Council to include introduction of an ordinance to amend Chapter 216, Sidewalks and Streets, as discussed.

Pedestrian Bridge Construction – Bowman Property to A & E Deck

Rodney Tissue, City Engineer, and Eric Deike, Director of Public Works, were present to discuss a pedestrian bridge from the Bowman property to the A & E Deck.

Bowman 2000, LLC has applied for a building permit to construct an elevated walkway from the second floor of their building to the top floor of the Arts & Entertainment (A & E) Parking Deck. This pedestrian bridge has been contemplated for several years. Bowman wishes to move forward with this construction at their cost.

At this time, a consensus of the Mayor and Council is needed to approve the staff issuing a building permit to connect to the City-owned A & E Parking Deck. Staff will need to execute an owner's affidavit to grant permission to modify the structure as part of the building permit.

The construction of the pedestrian bridge by Bowman will provide convenient and handicapped accessible access to their second floor suites. The bridge will physically connect to the A & E Deck. The proposed connection location will not impact parking in the deck.

The 2008 "Easement Agreement" between Bowman 2000 LLC and the City provides for numerous easements. One easement is for access which allows for walkways to be constructed. Staff and the City Attorney feel that while it does not specifically grant permission to build the bridge, it does give permission to use/access the area. Maintenance of the bridge will be Bowman's responsibility since the structure is basically on (above) their property.

It was the general consensus to move forward with approval of the building permit.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, asked Eric Deike, Director of Public Works, to update the Mayor and Council on the status of the clocks. Mr. Deike stated the clocks have antiquated operating systems and staff make repairs as best they can. Staff is in the process of locating someone who will be able to repair the mechanisms on the clocks at City Hall and in the square.

MAYOR AND COUNCIL COMMENTS

Councilmember L. C. Metzner had no additional comments.

Councilmember P. M. Nigh thanked staff for planting street trees.

Councilmember D. F. Munson had no additional comments.

Councilmember M. E. Brubaker had no additional comments.

Mayor D. S. Gysberts thanked staff and the community partners who helped with the City Park tree lighting, in spite of the rain. Registration is now open for the 2015 Hub City 100-miler. There will be a community meeting held on Thursday, December 11, 2014 to present the Mayor and City Council's goals and priorities to the community. He congratulated Rabbi Ari Plost, who was recently installed at the B'nai Abraham synagogue. Mayor Gysberts thinks Rabbi Plost would be an excellent addition to the City's Ethics Commission, filling the vacancy created by Brett Wilson's impending resignation.

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 7:59 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: January 27, 2015