

63<sup>RD</sup> SPECIAL SESSION, WORK SESSION, AND EXECUTIVE SESSION –  
March 17, 2015

EXECUTIVE SESSION – March 17, 2015

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote of all members present to meet in closed session to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, #4, (Section 10-508(a)), and to consider the acquisition of real property for a public purpose and matters directly related thereto, #3, (Section 10-508(a)), at 3:12 p.m. on Tuesday, March 17, 2015 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 M. E. Brubaker, Councilmember L. C. Metzner, Councilmember P. M. Nigh, City Administrator Bruce Zimmerman, John Lestitian, Director of Community and Economic Development, Jonathan Kerns, Community Development Manager, Jill Frick, Economic Development Manager, Chief Kyd Dieterich, Chief Mark Holtzman, and Donna K. Spickler, City Clerk. Councilmember D. F. Munson was not present. The meeting was held to discuss amendments to a proposal for business retention and expansion, property acquisition for inclusion in the Homeownership Program, and a County business proposal. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the executive session was adjourned at 3:59 p.m.

63<sup>RD</sup> SPECIAL SESSION AND WORK SESSION – March 17, 2015

Mayor D. S. Gysberts called this 63<sup>rd</sup> Special Session, Work Session, and Executive Session to order at 4:13 p.m., Tuesday, March 17, 2015, in the Council Chamber at City Hall of the Mayor and City Council. Present with the Mayor were Councilmembers K. B. Aleshire, M. E. Brubaker, L. C. Metzner, and P. M. Nigh; City Administrator Bruce Zimmerman, Attorney Jason Morton, and City Clerk D. K. Spickler. Councilmember D. F. Munson was not present.

63<sup>rd</sup> Special Session – March 17, 2015

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to meet in Special Session at 4:13 p.m.

**Approval of Contract: High Grass and Trash Abatement- Earn Contractors, Inc. (Gaithersburg, MD) \$ 85,000 to \$ 90,000 Annually**

**Action:** On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote of all members present to award the annual high grass and trash abatement contract, to be effective April 1, 2015, to Earn Contractors, Inc. of Gaithersburg, Maryland.

**Introduction of an Ordinance: Authorizing the Purchase, Rehabilitation and Sale of Property Located at 261 South Prospect Street for the City's Homeownership Program – Community's City Center Plan Catalytic Project #8**

**Action:** On a motion duly by Councilmember L. C. Metzner and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote of all members present to introduce an ordinance authorizing the purchase of property located at 261 South Prospect Street is consistent with the Community's City Center Plan Catalytic Project #8, the City's Housing & Neighborhoods Vision, and the 2015 Goals and Priorities established by the Mayor and City Council. The proposed project would be funded with Community Development Block Grant funds.

**Introduction of an Ordinance: Approval of Development and Rental Guarantee Agreement for Student Housing Project for Catalyst Project #3**

**Action:** On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote of all members present to introduce an ordinance to enter into a Development and Rental Guarantee Agreement with Blackwell2, LLC for a Student Housing Project at 100 N. Potomac Street. This is the first model student housing project under Catalyst Project #3 – USMH Expansion Support.

Discussion: Jill Frick, Economic Development Manager, stated this project is on a tight time schedule and approval of the ordinance is scheduled for March 24, 2015. The parties are working on a few negotiation points, so the agreement may change slightly for the approval of the ordinance.

Councilmember Brubaker asked if the \$ 950 monthly rent, rather than \$ 850, makes the project more marketable. Ms. Frick indicated that is the case. Mark Halsey, USMH, stated people outside this area have indicated \$ 950 is a reasonable rent.

Mr. Zimmerman noted students renting these units will not be eligible for the City Center Residency Incentive. This project is utilizing the Partners in Economic Progress and other incentive programs.

**Approval of a Resolution: City of Hagerstown Public Facilities Bonds, Series 2015A (Tax-Exempt) and City of Hagerstown Public Facilities Bonds, Series 2015B (Taxable) for Various Public Purpose Projects**

**Action:** 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 of all members present to approve a resolution authorizing the City of Hagerstown to issue and sell by solicitation of competitive bids at public sale two separate series of general obligation bonds. One such series will be issued on a tax-exempt basis in the aggregate principal amount of \$ 8,020,000 in order to finance 19 specific projects identified in the resolution, and the other such series will be issued on a taxable basis in the aggregate principal amount of \$ 1,850,000 in order to finance 3 specific projects identified in the resolution.

As required by enabling City Ordinance O-15-01, which was passed by the Council and approved by the Mayor on February 10, 2015, the resolution enumerates details regarding the bonds and their sale and authorizes the Director of Finance, or in her absence or disability, the City Administrator, on behalf of the City, to (i) make modifications to bond details and to provide for communication of such adjustments prior to the sale, and (ii) award the separate series of the bonds (or reject bids for one or both series) on the sale date. The resolution provides that the full faith and credit and unlimited taxing power of the city of Hagerstown shall be irrevocably pledged to the payment of the principal of and interest on the bonds. Appropriate City officials are hereby authorized to take the actions necessary to proceed with the bond sale and to close the issuance and delivery of the bonds.

Discussion: Councilmember Brubaker pointed out that many of the projects included in this bond issue are located in the City Center. He expects the City will be facing taxable bonds in the future, which will affect the bond capacity.

Michelle Hepburn, Director of Finance, noted the taxable bonds in this issue are for MELP and the Synagro Improvements Contract, which will be repaid by the Enterprise Funds.

Mr. Zimmerman stated the bond sale is scheduled for April 1, 2015. The City's bond counsel, financial advisor, and staff will be talking with S & P and Moody's regarding the City's bond rating.

The Special Session was closed at 4:30 p.m.

#### Preliminary Agenda Review

Mayor Gysberts read a proclamation recognizing March as Women's History Month. Mary Baykan, Executive Director of the Washington County Free Library, was given the proclamation in recognition of her contributions to the library and the community.

#### Proclamation: National Ethics Awareness Month

Mayor Gysberts read a proclamation recognizing March as National Ethics Awareness Month. Rev. Stan Steele, Chairman of the City Ethics Commission, accepted the proclamation. Other members of the Commission present were William Breichner and Kathleen O'Connell.

#### Proposed Amendments to Chapter 33, Ethics, of the City Code and Annual Report of the City Ethics Commission

Rev. Stan Steele, Chairman of the City Ethics Commission, and Jason Morton, Attorney, were present to discuss proposed amendments to the City's Ethics Code and to provide a report of the meetings held by the Commission.

Rev. Steele stated the Commission considered four advisory opinions during the last two years. Because of the content of the advisory opinions, the Commission is presenting proposed amendments to the Code for the Mayor and Council's consideration.

The proposed amendments are as follows:

1. Section 33-3, Prohibited Acts, §33-3.C(2)

Revises the Code to prohibit a former elected official from representing another entity before the Mayor and Council on a legislative matter for one year after leaving office. This is intended to revise the current language which imposes the restriction "until the conclusion of the next regular session" after the elected official leaves office. The current language has been determined to mean the next voting session, which occurs monthly. Thus the current language permits the behavior in as a little as one month.

The current language was imported from the state form without revision. However, the period of the prohibition for state officials under the state ethics law is one year, given the State legislative schedule. The proposed revision will make the period of disqualification consistent with that of state law, and identical to the previous City ethics law which was superseded in 2010.

2. Section 33-3, Prohibited Acts, §33-3.F(3) and (4)  
Revises the Code to prohibit the solicitation of a gift from any regulated lobbyist, and further revises the Code to accept a gift from a person or entity under the enumerated disqualifying circumstances.

The State law makes a distinction between individuals and entities with regard to gifts. That distinction caused a lack of certainty when the language was incorporated into the City Ordinance. The proposed revisions clarify that the regulations regarding gifts apply to both individuals and entities.

3. Section 33-3.1, Financial Disclosure – Elected Officials, §33-3.1.G(4)  
Revision requires elected officials to disclose qualifying gifts from persons or entities. The current language makes no reference to entities.
4. Section 33-4, Financial Disclosure – Employees and Appointed officials, §33-4.F(7)  
Revision requires employees and appointed officials to disclose qualifying gifts from persons and entities. The current language makes no reference to entities.

Mayor Gysberts asked if the disclosure requirements are the same for elected officials and appointed officials. Rev. Steele indicated the reporting requirements are more extensive for elected officials.

It was the general consensus to include introduction of the ordinance to amend the City's Ethics Code as recommended by the Commission on the March 31, 2015 agenda.

### Street Closure Requests

Karen Giffin, Community Affairs Manager, was present to discuss additional street closure requests. The following two requests were recently received:

1. Hagerstown Rescue Mission 5k, Saturday, April 25, 2015 at 9:00 a.m.
2. Robert W. Johnson Community Center, Inc. – Footsteps to the Future 5k – Walk/Run/Bike, Saturday, May 23, 2015 at 11:00 a.m. – For this event City staff will coordinate with the City Market.

Since these events are not City operated, the operating organization would be required to give the City a certificate of insurance and add them as an additional insured. The agencies will be requested to notify the neighborhoods affected by the street closure. If there are costs for the street closures, the entity is paying the costs. City staff is working to keep these costs as minimal as possible for the agencies.

In all instances, all departments including the Fire, Police, Public Works, Engineering, Community and Economic Development, and Utilities have been involved in reviewing the closures to determine the most efficient and safe way to have the event operated.

It was the general consensus to include approval of the additional events to the March 31, 2015 Regular Session agenda.

#### Public/Community Access Channel

Karen Giffin, Community Affairs Manager, was present to discuss the public/community access channel. The recently adopted Franchise Agreement with Antietam Cable Television provides the City an opportunity to request, in writing, an additional Access Channel for Public/Community Access. This channel can be made available for Public Access under a set of terms and conditions described in Section 9.7 (B). Specifically, anyone wishing to operate the channel must provide a detailed Channel Development Plan to the City. This Plan must describe in detail how the channel will be funded by the entity making the request in order to support the staff, facilities, equipment and other operational elements needed to produce an escalating amount of programming within the first 2 years and then sustaining the channel for the long term thereafter. After review, the City may approve or deny the Plan.

Staff members have received requests for information in regards to establishing a Public Access Channel. Staff members recommend that a Request for Proposals (RFP) be developed establishing the technical specifications which center on the requirements of the Franchise Agreement, including a programming plan, insurance, and a description of how the respondent would comply with applicable laws and regulations, record keeping, and required reporting. The RFP would also describe how the City will review and approve or deny the Plan and the process of review and approval. This would be a standing RFP with no deadline.

City Staff would like to work with CBG Communications, who assisted in the negotiations of the Franchise Agreement to develop the RFP. The \$ 4,800.00 cost would be from PEG fees. Developing and issuing the RFP would establish a process for the City in line with the Franchise Agreement to screen and respond to proposals for the establishment of a Public Access Channel.

The Public Access Channel will be separate from the City's Government Channel. Also, PEG fees can pay for capital costs but not staffing or operational costs. Antietam Cable would provide the connection for the channel, and City Staff recommend that once a group or organization has been approved to operate the channel, the initial software and computer equipment be purchased for the Public Access Channel. The allocation for the purchase would be \$ 5,000.00.

Councilmember Aleshire thinks this is an outdated part of the agreement and should be removed. Public Access is at everyone's fingertips now. He views this as another reason for Antietam Cable to say this is why the rates continue to increase.

It was the general consensus to approve the expenditure of \$ 4,800.00 for the consultant services from CBG Communications.

#### Tribute to Veterans Banner Project

Erin Wolfe, Communications Manager, discussed a project proposed by Tim Thompson in November, 2014 to honor local veterans by hanging banners on public light poles. Staff has had the opportunity to discuss the details behind the project with Mr. Thompson and are seeking direction from the Mayor and Council on how to proceed.

According to Mr. Thompson, community members will be able to honor their loved ones who served in the military by purchasing one of the banners, which will feature the veteran's name, photo, name of their home community, and other service-related information. The banners will be sold at cost, and the payment will be made directly to the company printing the banners (GS Images). Ideally, Mr. Thompson would like the banners to be displayed between Memorial Day and Veterans' Day each year. He has also established a website, which is currently unpublished, and a Facebook site. Applications will be made available online, and he has taken applications to people and groups who have expressed interest in the project.

Mayor and Council should note Mr. Thompson intends to do the majority of the work in administering the project. He is requesting that municipalities hang the banners and remove them so they can be returned to the sponsoring family as a keepsake. He also suggests that municipalities serve as a location where interested sponsors could drop off their applications, photos, and payments for the banners.

Mr. Thompson says he has reached out to other Washington County municipalities, including Hancock, Boonsboro, Clear Spring, Smithsburg, and Funkstown. He says they also support the project and are willing to display the banners. Several other communities across the country have done similar tributes, often branding them as "Hometown Heroes."

It was noted that downtown is a designated Main Street area and placement of the banners may be restricted. Banners could be placed in other areas. If there are 40 banners, it is estimated that it would take two employees two days to hang them and take them down.

Councilmember Brubaker suggested placing the banners near Memorial Park, if the City decides to proceed with the project. He would like to see a public/private partnership created for the project. Before making a decision, Councilmember Brubaker would like more details on the costs, number of participants, etc.

Councilmember Metzner is supportive of the project and suggested seeing how many people apply for banners and then discuss this again. The project needs to be done right. There is a large triangle at the Korean War Memorial that would be a good place to honor Korean War veterans. He thanked Mr. Thompson for developing this project.

Memorandum of Understanding with Washington County Free Library and School Resource Officer Information

Chief Mark Holtzman was present to discuss a full-time sworn police officer being assigned to the Library. He provided a copy of a Memorandum of Understanding (MOU) with the Library for the Mayor and City Council's review.

This officer would promote a safe environment and improve relationships between law enforcement officers and the users of the library. The officer would also serve to support other downtown public safety needs in the area of the library to further improve the police presence in the Arts and Entertainment District. The Library agrees to reimburse the City \$ 40,000 annually for the police officer services. The remaining salary costs for the position would be added to the police budget. This position will increase the staffing levels of the police department from 107 to 108 sworn police officers.

Chief Holtzman distributed a list of calls for service completed in 2014. He noted that approximately 300 of these calls are from the library. A number of potential calls are handled and resolved by library personnel. The police department is called only when library personnel feel it is necessary.

Chief Holtzman pointed out the officer would not spend all their time inside the library. They will be a downtown officer who patrols the library area. This officer could also patrol the new A & E Trail.

Mayor Gysberts stated the interaction between the library staff, police officers, and patrons will be beneficial and create a more positive rapport.

Councilmember Metzner noted the MOU references Attachment 1. Chief Holtzman stated there is no attachment and reference to the attachment will be removed from the MOU.

Councilmember Nigh asked if this will create a shortage on a shift. Chief Holtzman indicated the position would be backfilled. The department currently has 4 vacancies and 2 potential officers attending the Police Academy now.

Chief Holtzman hopes that the officer will be able to spend less time inside the library after the first six months.

Mayor Gysberts noted issues at a library are common in many communities.

It was the general consensus of the Mayor and City Council to schedule approval of the MOU for a police officer at the library.

### Trash and Related Concerns

John Lestitian, Director of Department of Community and Economic Development, and Rodney Tissue, City Engineer, were present to provide an update on the City's response to address various trash complaints and to make further recommendations.

Conditions related to trash in the neighborhoods may be divided into three broad categories:

1. Trash and Recycling set out for pick-up on the incorrect day
2. Trash and Recycling Containers improperly stored prior to being set out for pick-up
3. Trash and debris on or about property

The City undertakes education efforts to ensure that residents are made aware of when trash and recycling are to be set out for proper collection, how and where trash containers are to be stored and how the exterior of properties are to be maintained generally as it relates to trash and debris. The education efforts include materials delivered to the property owners and tenants as utility bill inserts, posted on site and displayed through various social media, the City website and television channel.

Each of these common trash related conditions are more likely to occur in areas of low home ownership and transient tenancies. Population density is another predictor of where such conditions will exist. While violations of the community standards related to trash may occur in any part of the city, the older neighborhoods with high density apartments are more frequently the locations of such conditions. The impact on the quality of life, the value of properties and the image of the City is very real.

Trash and Recycling Containers set out on the incorrect day: The City has for a period of time, at the urging of landlords, attempted to hold tenants accountable for placing the trash out on the incorrect day. Inspection staff have gone through trash bags attempting to locate information that may identify a particular tenant who may have set the trash out. These efforts have not produced the desired results.

In order to improve the neighborhoods, property owners need to be held accountable for the conditions at their properties. Staff have worked with the City Attorney in developing a new approach to utilizing an existing code to address this issue in part. The new process involves issuing a notice of violation to the property owner for the first related code violation in a 12 month period. The notice now includes a statement that second and subsequent violations will result in the issuance of a municipal infraction fine without any additional notices. The goal is to have property owners be proactive in

ensuring compliance with this most basic community standard. The fine for second and subsequent violations is set at \$ 200.

It is important to note that such notices of violation and the potential fine will not be issued for trash set out early on the correct day. Additionally, the notice of violation process allows for the rare occasion that someone may be traveling and cannot make arrangements to have their trash placed out on the proper day.

Staff believe that this new process will have an impact which supports improving the neighborhoods. However, staff recommend that amendments to existing ordinances be explored to establish a fee whereby trash set-out on the incorrect day may be immediately removed and a fee imposed to recover the cost of the removal and disposal. This type of process will provide immediate relief to the neighborhood.

Trash and Recycling Containers improperly stored prior to being set-out for pick-up: Similar education efforts are made to ensure that property owners and residents know the requirements of this community standard.

This category of trash conditions has two parts. The first issue is that trash is placed in a proper container. The second issue is the placement of such containers when the trash or recycling is being stored prior to set out. The current code requires that all trash be placed in a leak-proof sealed container. The code further defines an approved container to include trash bags that are capable of securing their contents. If the Mayor and City Council so desire, staff can investigate the cost of issuing standard trash totes in a designated area within the City Center. The thinking is that uniform totes may make a better appearance than random trash bags, cans or other containers.

The code also requires that trash and recycling containers be removed from public view while being stored unless the code official determines otherwise. The exception to the removal from public view was created to allow for what staff believed was a reasonableness measure for landlocked properties or properties at which the topography is such that removing the containers from public view may be a considerable challenge. Staff have spoken with residents and Neighborhoods 1<sup>st</sup> organizations about the definition of a container and the requirement with exception for the removal of containers from public view. There are differing opinions on what should be required as a container and whether there should be any exception to the requirement to remove the containers from public view.

In following the guidance of the Mayor and City Council to further community engagement generally, staff have in this case reached out to the leadership of the Neighborhood 1<sup>st</sup> groups to schedule a meeting to receive their input on the container requirements and whether there should be an exception to removing the containers from public view.

Related to this is the storage of recycling totes in the right-of-way. Staff remove recycling totes left in the right-of-way if the totes are not being used appropriately. Generally, totes left in the right-of-way are being used for recycling.

Trash and debris on or about property: This third category of conditions related to trash involves conditions generally on the exterior of private property. Often times these conditions are related to improper use of trash containers which result in trash being deposited on or about the property. On this issue, staff believe that the current code and enforcement mechanisms are sufficient to address these conditions. The addition of the Neighborhood Services Inspections staff authorized by the Mayor and City Council will provide the efficiencies needed to ensure more effective enforcement of the community standards related to these conditions.

Mr. Zimmerman confirmed the Mayor and Council agreed with the process of a first notice of violation, with no fine, and the second notice of violation, including a fine. The notices would be sent to the property owner. Mr. Lestitian pointed out there is currently no fee.

Councilmember Nigh asked who would be picking up the trash when it is improperly set out. Mr. Lestitian stated inspectors would pick up trash that is set out for the weekly pickup. Public Works would be contacted for removal of items from an eviction situation.

Councilmember Nigh is tired of seeing blue bins sitting out all the time.

Councilmember Aleshire pointed out bags piled around a tote make it look worse. The issue of bags sitting out all the time needs to be resolved. He does not think it is logical to have people take their trash a long distance to the alley. He thinks the size of the establishment should determine the process used for trash removal. At some point, the larger establishments may have to be issued a bin that is picked up once per week, similar to the recycling program. If a specific number of bins for a multi-unit building is not adequate, the owner should be required to provide a holding area. He would support providing additional bins for higher density buildings.

Mr. Lestitian asked if trash bags would still be allowed if the City issues totes. The issues with trash are not limited to the City boundary, it is county wide.

Councilmember Nigh stated she doesn't think people realized smaller bins were available.

Mr. Tissue indicated if a multi-unit building owner wishes to privately provide a dumpster for the residents, they could be excluded from the weekly pickup. He will obtain cost information for trash containers rather than bins.

Mayor Gysberts summarized the discussion as follows:

1. Support the recommendation to institute a fee for violation of the set out regulations.
2. Support immediate relief to neighborhoods by picking up the trash and imposing a fee if the trash is set out on the wrong day.
3. Obtain estimates on the cost of trash totes.
4. Continue outreach to neighborhoods.

Mr. Lestitian stated staff would use the same approach for loose trash around the property.

Mr. Zimmerman noted that some residents bag leaves over a weekend and set them at the curb for pickup later in the week. He asked for clarification if the early set out rules apply in this situation.

Councilmember Aleshire stated he is concerned about the amount of leaves that gather in the public right-of-way. Mr. Zimmerman stated he believes there would be more leaves in the right-of-way if residents are not allowed to place leaves at the curb prior to the regular pick up day.

#### City Park Holiday Lighting Concept

Rodney Tissue, City Engineer, was present to discuss the holiday light display in City Park. This display is primarily on the west bank of the lower lake near the Fine Arts Museum with additional displays on the lake and behind the Hager House. The Public Works staff that installs the displays indicated that the electric service along the west bank is at capacity and no additional lights can be added. He stated this seems to be an opportunity to rethink the holiday display for the entire park, and consider the possibility of a year-round display.

Two ideas were suggested by the Historic City Park Neighborhoods First group that are described below:

Proposal #1: Park Drive-thru Concept: This concept provides for people to drive or walk through City Park and enjoy the various displays in various locations. Similar displays are popular in other Maryland communities such as Gaithersburg's Winter Lights, Ocean City's Winterfest, and Prince George's County Festival of Lights. Many require tickets be purchased for driving or walking through. Some provide train rides.

A concept drawing showing the possibility of having a holiday display throughout City Park and not limiting the lights to the lower lake was presented. Staff identified 10 locations throughout the park where holiday lighting could be installed over time. At least six (6) of the locations already have electrical capacity, while four locations will need to have a service panel installed and electrical service provided by City light. Staff has estimated the overall cost of providing the electrical services at \$ 2,500.00 per location.

In the proposed CIP, there is \$ 20,000 shown in FY16. This is \$ 10,000 for electric services and \$ 10,000 for conduits to silhouettes and a few additional silhouettes.

The City currently owns about 25 silhouettes. A fundraising campaign is suggested for additional silhouettes beyond the few mentioned in the estimate above. Themes for silhouettes at each location could be developed.

Proposal #2: Tree and Lake Lights Concept: Another proposal from the Historic City Park Neighborhoods First group is “up lights” into the trees along the west bank of the lower lake. Images of the concept were provided by the neighborhood group.

This could be a year-round display. The lights would be LED and the colors could be changed remotely or on-site. Installing conduit and lights 400’ in each direction from the new pavilion and up lighting of those trees would be about \$ 20,000 to \$ 30,000. The next phase of adding lights in the water, or a larger fountain, would be about \$ 10,000 but would have to follow a lake-dredging project due to current shallow water.

Councilmember Aleshire does not support closing the road and charging people to drive through a display. He noted the Town of Williamsport has a display that people drive through.

Councilmember Metzner likes the concept of lights on the trees on the west bank of the lake and more lighting on the walking trails and interior areas of the park.

Councilmember Brubaker likes the idea of having the displays in one area and being able to view them from across the lake.

It was the general consensus to increase the number of silhouettes and add lighting to the interior of the park.

A recess was taken at 6:03 p.m.

The meeting reopened at 6:10 p.m.

#### City Proposal and Plan for the Massey Property

The Mayor and City Council then discussed a proposal for the Massey Property. Greg Murray, County Administrator, was invited to participate in the discussion.

Members of the Mayor and Council have expressed strong interest in the City moving quickly to assume ownership of the former Massey property on East Baltimore Street, which is presently owned by Washington County. In these discussions the immediate interest of the Mayor and Council appears to be the demolition of two structures to remove the blighting condition currently impacting the neighborhood.

To facilitate the Mayor and Council's interest in this property, staff has contacted the City Attorney to request that he begin preparing the necessary ordinance and documents for the City to take ownership of the property. Staff can have this ordinance ready for introduction on March 31, 2015 if the Mayor and Council wish.

In addition staff will begin to develop bid documents for demolition of the Bester House and former Meadowhawk Farm buildings. The initial ballpark estimate of the cost for demolishing both structures is \$ 45,000 plus any environmental remediation costs which may be discovered in the course of this project.

All of this property is zoned Downtown Mixed Use. Staff has general knowledge of this property, but to date does not have a current assessment of environmental conditions or detailed analysis of the structural status and building conditions of the showroom or other two buildings. Staff confirmed this week that the County has not subdivided the property which exists as one parcel at the present time.

As the city moves forward on this project the use of Federal and State funds is doubtful given the City's intent to demolish at least two of the structures. This project will require some level of General Fund financial support in both the short and long term unless the City identifies another funding source. The Mayor and Council could consider the use of Excise Tax proceeds to fund some of the City's costs associated with the project.

Public Works will assume responsibility for the maintenance of the former showroom property upon City ownership. Parks will assume responsibility for the other portion. Engineering staff will oversee any demolition projects approved by the Mayor and Council. The Department of Community and Economic Development will assist in the development of any Request for Proposal should the City advertise any of this property for reuse or transfer.

Now that the assumption is that the City will perform the demolition of the buildings, the City Attorney has advised staff he will research any deed restrictions or easements pertaining to demolition of the Bester House. Clarification is also needed whether there was any prior use of State or Federal funds by Washington County related to the Massey property.

In the short term, the City will need to at least do the following:

1. Finalize the agreement with the County for the transfer of this property to Hagerstown.
2. Determine a schedule for the Mayor and Council's adoption of the ordinance, preparation of the subdivision of plat and deed of transfer, and the closing to complete the property transfer to the City.
3. Confirm there are no restrictions on demolition.
4. Identify a funding source for the demolition.
5. Proceed with bidding and complete the demolition of structures.

Over the longer term, the City will need to develop a plan for transfer of the property or the future use and/or redevelopment of the property, along with any City funding associated with this plan. Another option is a partnership with a community organization or other stakeholder interested in using or redeveloping the property. Should the City decide to retain ownership and redevelop some or all of the property, this will need to be incorporated into the city's Capital Improvement Program and future budgets.

Mayor Gysberts stated the Mayor and Council's priority is to deal with the blighting of the two buildings.

Councilmember Metzner welcomed Monda Sagalkin to the meeting as well. He stated the consensus of the Council is to immediately remedy the blighted parcels. No one anticipates the Massey Building will be demolished. He believes both the City and the County wish to see some type of economic development use at that building. He recommended requesting that the County move forward with the subdivision process for the two blighted properties so the City can have them removed as expediently as possible. The B'nai Abraham Synagogue members are interested in the location of a parking lot there. The members also have suggested creating a park of inclusion and diversity at the location, named in memory of Thomas Kennedy.

Mayor Gysberts wondered how the County obtained the property. He remembers discussing a housing plan when he served on the Planning Commission.

Mr. Murray stated transition of the property has always been an issue. A government entity may transfer property to another government entity but it can't be given away. The current County Commissioners board decided they did not want to keep the property but that it should be used for economic development. They decided to offer to transfer the property to the City, provided part of the property is used for a public purpose. They want the remaining portion to be used for economic development, either by the City or the next owner.

Councilmember Aleshire mentioned the residential parcels go through to Locust Street. A public park in this location would provide the opportunity for additional access to the residential parcels. He stated it appears the City has some ability that the County may not have to dispose of the property in a different manner. He anticipates the two dilapidated buildings will be demolished. He also anticipates that the other building, and the associated land, would be offered for sale through the City's Competitive Negotiated Sale (CNS) of City Owned Property program. He asked if the County anticipates placing any stipulations on the property that would require the City to return it if they weren't met.

Mr. Murray stated the Commissioners discussed a stipulation that the property would be used for an economic purpose within 12 months. The Commissioners are not interested in obtaining or retaining the properties. The original intent of the purchase of the property was for parking for the new library.

Mayor Gysberts mentioned the City has a process for listing properties that are for sale and this property could be included in that listing. He hopes it would not be on the market for 12 months.

Councilmember Aleshire indicated he would be supportive of someone taking the property from the City for free. If the property isn't acquired for economic development, he is in support of demolition. However, he would prefer a proposal from a public entity for a partnership with the City and the County to utilize the property for a large community use.

Councilmember Metzner clarified that Councilmember Aleshire is not opposed to giving away the property if the right business or quasi-public agency has a great intended use. He wondered if the buildings have a historical designation. If so, there may be difficulties in obtaining permission to demolish them.

Councilmember Brubaker wondered if there is any right of approval required and what will be required to have the deed transferred to the City. Mr. Murray indicated the property would be turned over to the City and the Mayor and Council would have control of the use and redevelopment.

Mr. Murray stated the Commissioners have no use for the property and are interested in the property being used in a way the Mayor and Council want. The property would be subdivided and then both parcels would be transferred to the City, without use restrictions.

Councilmember Nigh is supportive of accepting the property. She stated there are a number of incentives that could be utilized for this property. She noted one business is interested in using a portion of the property. She thanked the Commissioners and Mr. Murray for their efforts.

Mayor Gysberts stated staff will work with the County to draft the necessary agreements for the transfer. The documents will then be reviewed by the Mayor and Council.

Mr. Zimmerman suggested the Mayor and Council discuss ideas with the synagogue members as this project moves forward.

Mr. Murray noted there may be hotel/motel funding available for some of the work.

Mayor Gysberts thanked the County Commissioners for their efforts with this property. Mr. Murray stated the Commissioners would like to meet with the Mayor and Council to discuss the City's plans for downtown.

### Livable Streets Policy & Design Guidelines

Rodney Tissue, City Engineer, was present to discuss Livable Streets. Livable Streets (also known as Complete Streets) are streets that are designed and operated to enable safe access for all users including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities. “Incomplete” streets only provide for vehicles. Complete streets make it easier to cross the street, walk to shops and bicycle to work. They also account for bus/transit service.

Across the nation, over 665 municipalities and counties have adopted Livable Street policies including the State of Maryland, Rockville, and Baltimore. The following documents of the City of Hagerstown all recommend the adoption of a Complete Street policy:

1. 2008 Comprehensive Plan
2. Mayor and Council “Goals and Priorities 2015 and 2016”
3. Bicycle Master Plan

Passing the policy for Livable Streets is straight forward. However, the complicated part of this initiative is the implementation. Therefore, staff worked over the last 12 to 18 months developing “Livable Street Design Guidelines” that would be the reference document for the design and planning future street projects such as new construction or more likely maintenance such as paving overlays.

These guidelines have been developed in conjunction with various boards of the City and unanimous support and recommendation for approval has been provided from the Hagerstown Planning Commission, Hagerstown Board of Traffic and Parking, and the Hagerstown Bicycle Advisory Committee.

Based on published complete streets guidelines, six road typologies and seven character zones were developed for Hagerstown. They are applicable and appropriate to the existing and varying roads and land uses/neighborhoods within the City.

The location and density of pedestrian and bicycle related crashes can be used to prioritize streets that could benefit from the implementation of the livable streets guidelines. Streets that safely accommodate all users can reduce conflicts between modes. The top ten streets with the highest combined total of bicycle and pedestrian accidents based on data between 2009 and 2013 are: Washington Street, Dual Highway, Potomac Street, Franklin Street, Burhans Boulevard, Locust Street, Garland Groh Boulevard, Antietam Street, Baltimore Street, and Potomac Avenue.

To help accommodate all street users and to foster a sense of place, complete streets divide the roadway into a series of public realms or zones. Each zone accommodates a different street user or amenities for each street user. There are eight identified zones to best fit the overall vision of Hagerstown – Building Zone, Sidewalk Zone, Furniture Zone, Buffer/Green Zone, Parking Zone, Bicycle Zone, Motor Vehicle Zone, and Median

Zone. The zones can incorporate streetscaping, street furniture, and green features including trees, landscaping, and a defined travel way for each user. Not all zones are applicable to every roadway type, but a street will be more complete the more zones it incorporates.

Councilmember Kristin would like to see a focus on lighting included in the guidelines. He thinks there is an opportunity within the guidelines to ensure maximum sidewalk clearance for pedestrians.

Councilmember Brubaker worked through the guidelines with the Planning Commission. There may be other issues to consider as implementation occurs.

It was the general consensus to adopt both a Livable Streets policy and Design Guidelines at the March 31, 2015 regular session.

### **CITY ADMINISTRATOR'S COMMENTS**

*Bruce Zimmerman, City Administrator*, thanked employees for their work and years of service. Employees were recognized for their years of service at a luncheon earlier today.

### **MAYOR AND COUNCIL COMMENTS**

*Councilmember M. E. Brubaker* had no additional comments.

*Councilmember K. B. Aleshire* congratulated William Wivell on his appointment to the House of Delegates. He noted the Maryland Theatre is a good draw for people to downtown. He applauded the efforts by law enforcement personnel to apprehend the individual involved in a shooting in Williamsport.

*Councilmember P. M. Nigh* congratulated Councilmember Metzner for his 20 years of service as a Councilmember. She stated an article in the Crab Wrapper reporting Western Maryland is for sale was not true. She stated when she reports something during Council meetings she is aware of what is actually going on. She is concerned that non-residents are placing their trash at residences for pick up. She mentioned several locations with set-out situations.

*Councilmember L. C. Metzner* thanked employees for their service. He thanked Mayor Gysberts for his comments at the lunch about his time with the City. He noted the Massey property discussion is a good example of intergovernmental cooperation.

*Mayor D. S. Gysberts* thanked City staff and County Parks staff for organizing the St. Patrick's Day run. He attended the Doleman Black Heritage Museum event on Saturday, March 11, 2015. A Neighborhoods 1<sup>st</sup> event is being held on March 19, 2015. He thanked all the employees who were recognized today. He noted Junior Mason has 40

years of service, Councilmember Metzner has 20 years of service, and Bruce Zimmerman has 20 years of service.

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 7:02 p.m.

Respectfully submitted,

Donna K. Spickler  
City Clerk

Approved: April 28, 2015