

Mayor and Council Work Session and Executive Session January 19, 2016 Agenda

*"A diverse, business-friendly, and sustainable community with clean, safe and strong neighborhoods."
"Providing the most efficient and highest-quality services as the municipal location of choice for all customers."*

"We will be able to transform the jangling discords of our nation into a beautiful symphony of brotherhood...knowing that we will be free one day." - Martin Luther King, Jr.

EXECUTIVE SESSION

3:30 PM 1. Executive Session

4:00 PM WORK SESSION

1. Preliminary Agenda Review
- 4:15 PM** 2. Washington County Coalition - *Paul Frey, President of Hagerstown-Washington County Chamber of Commerce*
- 4:30 PM** 3. Annual Police and Fire Pension Review with CBIZ & PNC- *Karen Paulson, Director of Human Resources, Alvin Winters, CBIZ, and Lisa Locher, PNC*
- 5:00 PM** 4. Hagerstown Suns - Proposed Lease Extension - *Rodney Tissue, City Engineer, and Robert Bruchey, II, Hagerstown Suns Director of Community Services*
- 5:15 PM** 5. Local Conversion Overlay - Kreyn, 702 West Washington Street- *Kathleen Maher, Director of Planning and Code Administration, and Alex Rohrbaugh, Planner*
- 5:30 PM** 6. Trash Codes and Complaints about Trash Storage - *Kathleen Maher, Director of Planning and Code Administration, Rodney Tissue, City Engineer, and Paul Fulk, Inspections Manager*

CITY ADMINISTRATOR'S COMMENTS

MAYOR AND COUNCIL COMMENTS

ADJOURN

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Executive Session

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

January_19_2016_Executive_Session.pdf

Description

Agenda



EXECUTIVE SESSION

MAYOR & CITY COUNCIL

JANUARY 19, 2016

AGENDA

3:30 p.m. EXECUTIVE SESSION – *Room 407, 4th floor, City Hall*

1. 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

**Hagerstown Loan Review Authority Membership*

2. To consider the acquisition of real property for a public purpose and matters directly related thereto, #3

**Property Acquisition*

***AUTHORITY: Annotated Code of Maryland, General Provisions Article: Section 3-305(b)**
(Subsection is noted in parentheses)

CITY OF HAGERSTOWN, MARYLAND

PUBLIC BODY: Mayor & City Council

DATE: January 19, 2016

PLACE: Room 407, 4th floor, City Hall

TIME: 3:30 p.m.

AUTHORITY: **ANNOTATED CODE OF MARYLAND, GENERAL PROVISIONS ARTICLE: Section 3-305(b) :**

1. To discuss:
 - ☒ (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or
 - ☐ (ii) any other personnel matter that affects 1 or more specific individuals;
- ☐ 2. To protect the privacy or reputation of individuals with respect to a matter that is not related to public business;
- ☒ 3. To consider the acquisition of real property for a public purpose and matters directly related thereto;
- ☐ 4. To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- ☐ 5. To consider the investment of public funds;
- ☐ 6. To consider the marketing of public securities;
- ☐ 7. To consult with counsel to obtain legal advice;
- ☐ 8. To consult with staff, consultants, or other individuals about pending or potential litigation;
- ☐ 9. To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- ☐ 10. To discuss public security, if the public body determines that public discussions would constitute a risk to the public or public security, including:
 - (i) the deployment of fire and police services and staff; and
 - (ii) the development and implementation of emergency plans;
- ☐ 11. To prepare, administer or grade a scholastic, licensing, or qualifying examination;
- ☐ 12. To conduct or discuss an investigative proceeding on actual or possible criminal conduct; or
- ☐ 13. To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; or
- ☐ 14. Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.
- ☐ 15. Administrative Function

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Preliminary Agenda Review

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Washington County Coalition - *Paul Frey, President of Hagerstown-Washington County Chamber of Commerce*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Washington_County_Coalition.pdf

Description

Memo

Washington County Community Coalition

Draft Agenda for 2016 Legislative Session

- **I-81 Widening** (*WV line to I-70 Interchange and create momentum for future widening to PA*)
 - The State currently plans to widen the I-81/Potomac River Bridge and a section of the interstate to approximately 1 mile north of Exit #1 in Williamsport (Phase 1). We would like to encourage the state to expand the project to widen I-81 from the end of Phase 1 to the I-70 Interchange for safety reasons and to ease congestion. This requires approximately 3.5 miles of additional road widening on I-81 to 6 lanes. We are asking the State to allocate funds for the engineering of Phase 2 (@\$12.3M), identify State funds to construct Phase 2, and create a 10-year plan to finish the widening of I-81 to the Pennsylvania line. The SHA recently revised the I81 Cost estimate to \$291M, down from over \$600 Million in last year's estimate. The accurate costs should help spur manageable funding discussion and results in the CTP.
- **Eastern and Southern Boulevard SHA offset to fund Professional Boulevard Bridge and extension to Yale Drive**
 - Thanks to \$1.12M of State support, the engineering and design of the Professional Blvd. Bridge and road extension is underway and should be completed in 2017. The Coalition is asking for additional State to help us free up funds for the construction phase of this project. An additional \$5.8M is needed to complete this important transportation corridor. (Total cost for bridge and road extension estimated at \$13M). The County has planned several key corridor projects for construction over the next several years including the Eastern Blvd corridor and Southern Boulevard. Both corridors include intersections with State roads. Expedited State plan review and approvals will aid in completing these phases in a timely manner and alleviate traffic congestion in this area. The coalition is asking the State to assist the County in funding these local projects due to the intersections with State Roads. The offset of State support for these projects will allow the County to reallocate local funds to the Professional Blvd/Bridge project. An Eastern Boulevard offset is requested at \$3.1M, Southern Boulevard at \$2.3M for a total of \$5.4 Million.
- **Extend mandate for Washington County to adopt new IBC codes from every 3 years to 6 years**
 - Current state law requires the county to adopt the most recent revisions to the International Building Codes (IBC) every three years. It takes considerable time for the County to work through the process of understanding any changes, determining any local amendments, educating local contractors, and training County staff on the new code revisions. By the time this process is completed and contractors and county staff are up to speed, the next 3-year cycle is about to begin. We are asking the State to extend the mandate for Washington County to adopt the new IBC code to every 6 years to reduce costs and logistical challenges to the County and local businesses.
- **Allow Hagerstown to serve as a pilot city for a City Revitalization Improvement Zone (CRIZ)**
 - CRIZ incentives have been used successfully in cities like Allentown, PA and is limited to an area designated by the city for revitalization. The CRIZ incentive is similar to a TIF but allows for a broader array of State taxes generated from new development to be allocated back to the financing of infrastructure for these new projects. Only new businesses attracted from outside the state would qualify. The program is considered cost neutral to the State budget as it only uses new taxes generated from new development. We are asking the State to allow the City of Hagerstown to serve as a pilot city for a City Revitalization Improvement Zone (CRIZ). (City is working with Del. Wilson on crafting language – see draft summary page prepared by City)

Washington County Community Coalition

Draft Agenda for 2016 Legislative Session

Promotion/Educational Outreach:

- Continue educational effort to promote Washington County as an area of prosperity and innovation in MD through meetings with legislators and reception.

2016 "Watch List"

- **USMH Operational Funding**
 - *Note: USMH took a \$100k cut in 2014 that was supposed to be a one-time cut, but has turned out to be ongoing loss in revenue. USMH was able to use leftover funds to cover loss, but may be an issue if loss continues long term. USMH has had it best year of growth and needs a funding increase commensurate with increase in students.*
- **Gaming Revenue Protection** –*Not aware of any upcoming attacks in 2016*
- **Shifting of Liabilities from State to Localities**
- **Highway User Revenue Restoration** –*Governor talking of legislation for a permanent formula change with increases for local govt. – we are not sure how much or how that will break down between municipalities and counties. This is likely challenged in legislature.*
- **HCC Operational Funding** –*Contacted HCC to check on this issue for 2016. No lobbying needs for coalition were identified. HCC working with all community colleges to improve operational funding levels in future State budgets.*
- **Ensure Restoration of State Aid for Police Protection to Municipalities**
- **Funding for Heart of the Civil War Heritage Area** *(Last session there was broad level of support to keep this funding in budget from around the State. This was moved to watch list to monitor funding levels in 2016.)*

SAVE THE DATE

Community Coalition's Annual Day In Annapolis Thursday, January 28, 2016

Tentative Agenda:

- **11:30 a.m. – 1:00 p.m. - Lunch with Western MD Delegation**
 - Galway Bay Irish Restaurant and Pub 63 Maryland Avenue, Annapolis, MD
- **Noon – 4:30 p.m. - Various meetings with legislators and administration officials**
- **4:30 – 7:30 p.m. - Hagerstown - Washington County "We Mean Business" Reception**
 - Calvert House, State Circle (similar format as previous year's receptions)
- **7:30 p.m. - Close of the Day**
(Special arrangements will be made should any morning meetings with State officials be scheduled.)

Note: The Coalition Partners consist of: County Gov't, City of Hagerstown, WCPS, Library, CVB, Chamber of Commerce, CHIEF, and The Greater Hagerstown Committee. Lobbyist is John Favazza of Manis, Canning & Associates

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Annual Police and Fire Pension Review with CBIZ & PNC- *Karen Paulson, Director of Human Resources, Alvin Winters, CBIZ, and Lisa Locher, PNC*

Mayor and City Council Action Required:

No formal action required from this work session

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

1.19.2016_M_C_Cover_memo.pdf
PNC_Police_and_Fire_Jan.19.2016.ppt
CBIZ_Police_and_Fire_Jan.19.2016.pptx

Description

Cover Memo
PNC Presentation
CBIZ Presentation



CITY OF HAGERSTOWN, MARYLAND

TO: Valerie Means, City Administrator

FROM: Karen Paulson, Director of Human Resources *KP*
Michelle Hepburn, Director of Finance *MH*

DATE: January 14, 2016

RE: **Annual Police & Fire Pension Review with CBIZ & PNC**

During the January 19th work session, staff will be joined by Alvin Winters, Consulting Actuary with CBIZ Benefits and Insurances Services and Lisa Locher, Vice President and Senior Portfolio Manager of PNC Institutional Investment Group. The purpose of this annual review is to provide Mayor and Council with an update of the status of the Police and Fire Retirement plan, review plan performance, and discuss plan funding.

There is no formal action required of Mayor and Council at this meeting.

THE ROLE OF CBIZ & PNC

CBIZ serves as the City's Police and Fire Plan actuary and has worked with the City since the plan's inception in 1998. In the past few years, we have been providing Mayor and Council with an annual update of the plan's performance.

Lisa Locher with PNC meets regularly with the City's Police and Fire Retirement Committee to review investment performance, identify trends, project future performance, and monitor our investment policy compliance. She also discusses any pertinent issues involving the plan and its investments.

RETIREMENT BENEFIT

A defined benefit pension is a major component of an employee's overall compensation package. The Police and Fire Retirement Plan offers a very generous benefit that provides a maximum lifetime benefit of 60% of an employee's 3 highest years' salary after 30 years of service. Police and Fire are eligible to retire after 25 years of service and their benefit is calculated at 2% of their salary for each year they work.

As a comparison, the City participates in the Maryland State Retirement Plan for eligible non-sworn personnel. The Reformed Maryland State plan offers a benefit of approximately 40-50% of an employee's 5 highest years' salary. Normal retirement is age 65 with ten years of service or based on the Rule of 90 (age and service must equal 90). The Reformed Maryland Plan also has a ten year vesting requirement.

FINANCIAL CONSIDERATIONS

Since the Police and Fire Plan's inception, the City has funded 100% of the actuary's recommended employer contribution amount. The employee contribution rate has remained at 7%, with Mayor and Council approving increasing City contribution rates to make up the difference. This absorption of contributions by the City was taken to ensure a securely funded retirement plan.

ROLE OF MAYOR & COUNCIL AND THE POLICE & FIRE RETIREMENT COMMITTEE

Chapter 38 of the City's Code details the authority and administration of the plan. Mayor and Council have ultimate authority over the Police and Fire Retirement Plan and the Committee.

The Police and Fire Retirement Committee reviews plan performance and discusses matters that could have an impact to the plan. The establishment and authority of the committee are also defined by Chapter 38 of the City's Code. Only two positions require Mayor and Council's formal appointment. The Committee itself votes to establish a Chair and a Vice-Chair. The committee as defined by the Code consists of the following members:

Human Resources Director	Karen Paulson
Finance Director	Michelle Hepburn
Representative of AFSCME Local 3373	Tom Bartles Tom Kelly - Alternate
Representative of IAFF Local 1605	Glenn Fuscick – Committee Chair Glenn Fishack - Alternate
Representative of the City of Hagerstown Police Department management employees	Interim Chief Paul Kifer
Representative of the City of Hagerstown Fire Department management employees	Chief Steven Lohr
Member of the Hagerstown City Council who shall be entitled to vote only upon matters which do not require Council approval	Councilmember Kristin Aleshire
A citizen of the City of Hagerstown with investment or financial experience who shall be appointed by the Mayor and City Council	Vacant
A retiree receiving benefits from the plan who shall be appointed by the Mayor & Council.	Gary Hawbaker

City of Hagerstown Police and Fire Retirement Plan

Presentation to Mayor and City Council of Hagerstown, Maryland

January 19, 2016

Presented by:

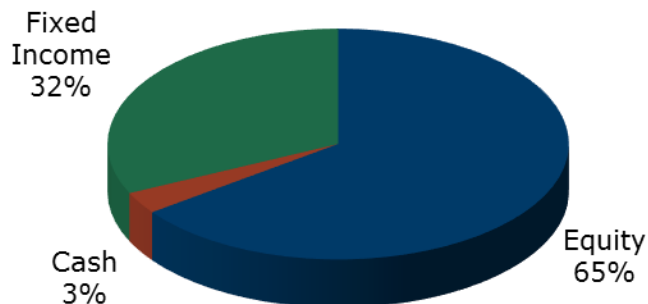
Lisa S Locher

PNC Institutional Asset Management
Senior Client Advisor
410-237-5454
lisa.locher@pnc.com

Executive Summary

- Portfolio management decisions are guided by the Plan's Investment Policy Guidelines, which are reviewed and reaffirmed at least annually. PNC works closely with the Plan's Investment Committee, as well as the City's Human Resources and Finance Departments, to ensure investment objectives and goals are aligned. We meet quarterly to review the Plan's investments.
- Plan market value as of end of fiscal year (6/30/15) was \$19.0 million versus year earlier market value of \$18.7 million. Market value as of 12/31/15 was \$18.5 million.
- The current targeted asset allocation for the Plan is:
 - 65% equity
 - 32% fixed income
 - 3% cash
- Looking ahead in 2016, we expect another moderate year of overall economic growth, with GDP up 2.5%, the unemployment rate down near 4.6% toward the end of the year, and inflation somewhat higher at about 1.8%. We expect periods of volatility in 2016 in response to market-moving dynamics, including continued low oil prices and concerns over global growth, along with the possibility of unforeseen political events and heightened worries over terrorism.

City of Hagerstown Police and Fire Retirement Plan Investment Summary



Asset Classification	1 Year	3 Year	5 Year
Total Portfolio	5.2%	11.5%	11.8%
Blended Total-Cash Taxable Index	3.7%	11.4%	11.4%
US Consumer Price Index	-0.2%	1.3%	1.8%
Total Equity	7.3%	16.5%	16.5%
S&P 500	7.4%	17.3%	17.3%
Total Fixed Income	1.2%	2.4%	3.8%
Barclays Aggregate	1.9%	1.8%	3.4%

Historical Market Values



Disclosures

The PNC Financial Services Group, Inc. ("PNC") provides investment and wealth management, fiduciary services, FDIC-insured banking products and services, and lending of funds through its subsidiary, PNC Bank, National Association ("PNC Bank"), which is a **Member FDIC**, and provides specific fiduciary and agency services through PNC Delaware Trust Company. This report is furnished for the use of PNC and its clients and does not constitute the provision of investment advice to any person. It is not prepared with respect to the specific investment objectives, financial situation, or particular needs of any specific person. Use of this report is dependent upon the judgment and analysis applied by duly authorized investment personnel who consider a client's individual account circumstances. Persons reading this report should consult with their PNC account representative regarding the appropriateness of investing in any securities or adopting any investment strategies discussed or recommended in this report and should understand that statements regarding future prospects may not be realized. The information contained in this report was obtained from sources deemed reliable. Such information is not guaranteed as to its accuracy, timeliness, or completeness by PNC. The information contained in this report and the opinions expressed herein are subject to change without notice. Past performance is no guarantee of future results. Neither the information in this report nor any opinion expressed herein constitutes an offer to buy or sell, nor a recommendation to buy or sell, any security or financial instrument. Accounts managed by PNC and its affiliates may take positions from time to time in securities recommended and followed by PNC affiliates. PNC does not provide legal, tax, or accounting advice unless, with respect to tax advice, PNC Bank has entered into a written tax services agreement. PNC does not provide services in any jurisdiction in which it is not authorized to conduct business. PNC Bank is not registered as a municipal advisor under the Dodd-Frank Wall Street Reform and Consumer Protection Act ("Act"). Investment management and related products and services provided to a "municipal entity" or "obligated person" regarding "proceeds of municipal securities" (as such terms are defined in the Act) will be provided by PNC Capital Advisors, LLC, a wholly-owned subsidiary of PNC Bank and SEC registered investment adviser. **Securities are not bank deposits, nor are they backed or guaranteed by PNC or any of its affiliates, and are not issued by, insured by, guaranteed by, or obligations of the FDIC or the Federal Reserve Board. Securities involve investment risks, including possible loss of principal.**

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Investment Return Comparison

	1 year	3 year	5 year
City of Hagerstown Police & Fire Retirement Plan	5.2%	11.5%	11.8%
City of Hagerstown OPEB Plan	4.8%	11.2%	11.6%
Maryland State Retirement & Pension System	2.7%	9.1%	9.4%
Baltimore City Fire & Police Employees Retirement System	2.3%	8.6%	9.8%

1,3,&5 year performance data is as of June 30, 2015

Maryland State and Baltimore City F&P are from the websites of those plans.

City of Hagerstown

Sponsor of the

City of Hagerstown Police and Fire Employees Retirement Plan

Review of 2015 Actuarial Valuation

January, 2016



CBIZ Benefits & Insurance Services, Inc.

Cumberland, Maryland
www.cbiz.com



Plan Provisions

- **Normal Retirement:** Age 62 or 25 years of svc.
- **Early Retirement:** Age 55 and 20 years of svc.
- **Salary Average:** Highest 3 consecutive plan years preceding date of termination.
- **Average Benefit at Normal Retirement:**
2.00% of average monthly compensation times years of service (to a maximum of 30 years)
- **For 30 Year Service Retiree:**
Pension = 60% of 3 highest three plan years salary

Demographics



	Actives	Retirees	Terminated Vested	Total
♦ 2013	159	71	12	242
♦ 2014	173	79	10	262
♦ 2015	177	81	9	267

	<u>2014</u>	<u>2015</u>
•Average Age	37.41	38.25
•Average Length of Service	10.81	11.68

Notes: Only current participants are included in liability calculations.

Plan was established in 1998

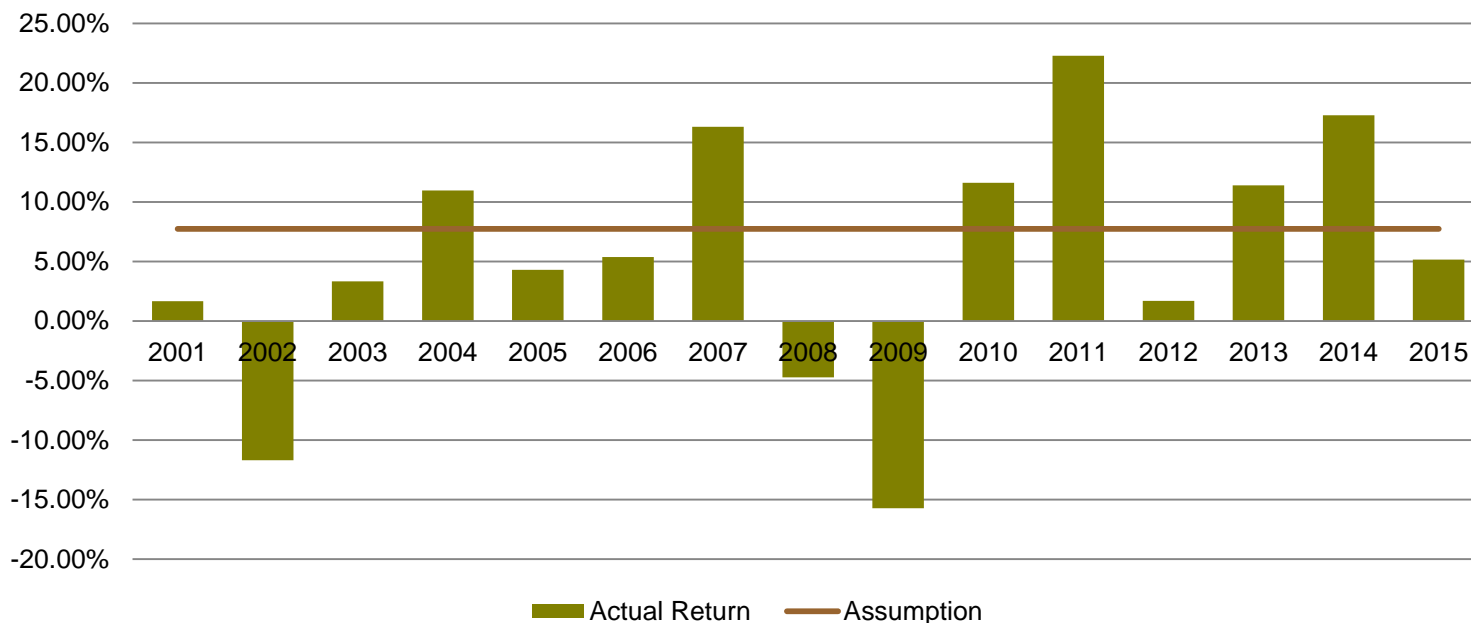


Assumption Changes

- Plan Expenses: Previous Valuations included a \$15,000 load for administrative expenses. Actual 2015 expenses were \$130,000 for Legal Fees, Trustee Fees, Insurance, Actuarial, and Benefit Distributions. Assumption was increased to \$130,000.
- Mortality: Prior valuation used RP-2000 mortality assumption. Society of Actuaries is currently studying municipal mortality pension experience but did issue a new non-governmental mortality table showing significantly longer life expectancies. We updated our mortality assumption to reflect continued increases of life expectancy by projecting the RP-2000 mortality table into the future.
- Retirement Rates: Prior valuations assumed that 100% of retirees would retire at the earlier of age 62 or 25 years of service. Actual experience has been that retirees work on average until 28 years of service. Assumption was updated to 50% at 25 years of service and 50% at 30 years of service.



Rate of Return Review



- Rate of Return is used to determine present value of future benefits
- 15 year average return: 4.8%
- 5 year average return: 11.3%
- Exceeded target 6 out of 15 years

Current Funded Status

Funding Measure	Value
1. Present Value of Accrued Benefits	\$40,527,393
2. Future Salary Increases	\$3,199,471
3. Future Years of Service	\$6,830,296
4. Present Value of Future Benefits: [(1)+ (2) +(3)]	\$50,557,160
5. Actuarial Value of Assets	\$18,909,415
6. Present Value of Future City and Employee Contributions: [(4) – (5)]	\$31,647,745

Key Assumptions:

1. Discount Rate: 7.75%
2. Mortality: RP-2000 generational improvement
3. Retirement Age: 50% at 25 years of service and 50% at 30 years of service

Contribution Recommendation

Funding Measure	Value
1. Present Value of Future Contributions	\$31,647,745
2. 20-Year Amortization Factor (level % of payroll)	0.0647
3. 20-Year Benefit Payment: $[(1)/(2)]$	\$2,048,807
4. Assumed Expenses	\$130,000
5. Total Pension Contribution	\$662,396
6. Net City Contribution	\$1,516,411
7. Expected Payroll	\$9,462,796
8. Net City Contribution as % of Payroll: $[(6)/(7)]$	16.02%*

*Prior Year Contribution was 13.7% of payroll, which would fully fund the plan over 24 years instead of 20 years

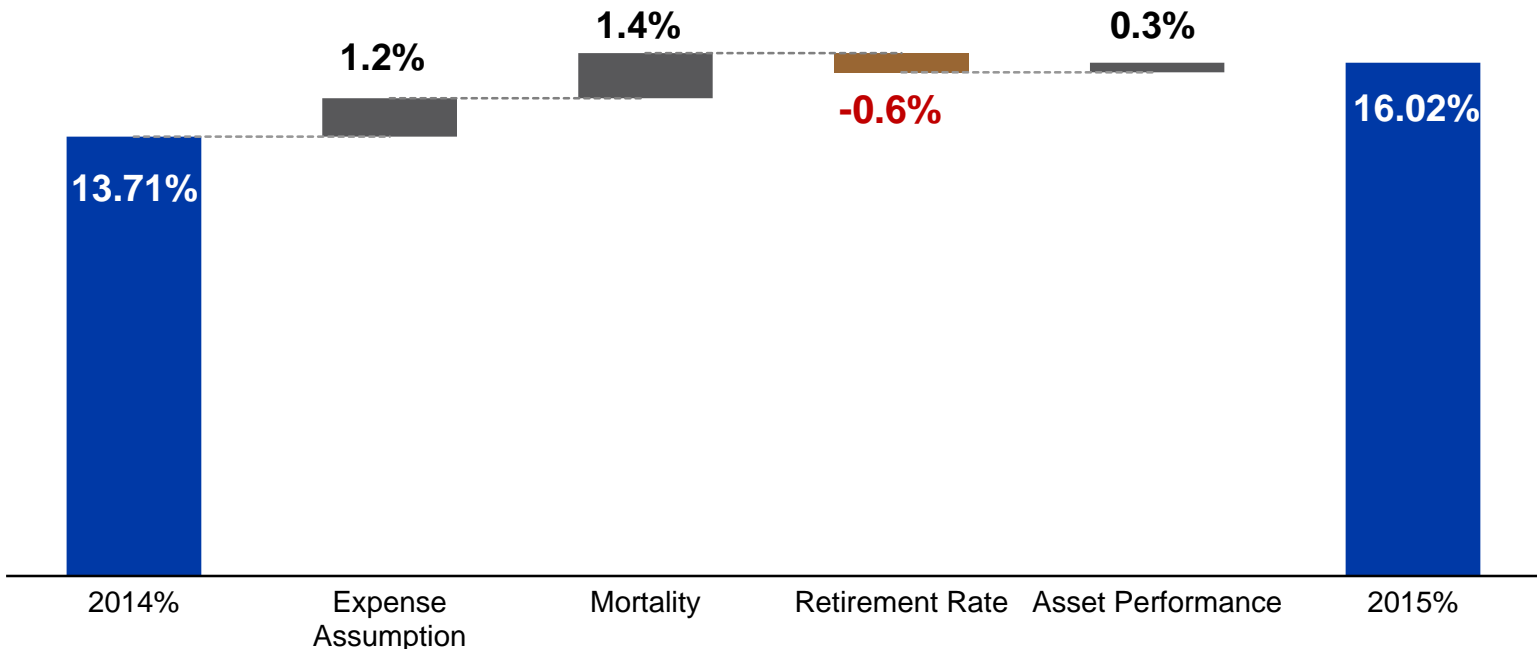


Historical Contribution Recommendations

	Target	2015	2014	2013	2012	2011
Employee Cost as a % of Payroll	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%
City Cost as a % of Payroll	7.90%	16.02%	13.71%	13.50%	12.20%	11.29%
Total	14.90%	23.02%	20.71%	20.50%	19.20%	18.29%

Costs have been increasing more than original plan design due to three primary drivers: (1) lower than assumed investment returns, (2) lower than assumed payroll growth, and (3) longer life expectancies

Contribution Reconciliation



- Expense Assumption: Increased from \$15,000 to \$130,000
- Mortality Assumption: Increased from RP-2000 Mortality life expectancy to RP-2000 Generational
- Retirement Rate: Changed from 100% at 62 and 25 years of service to 50% at 25 years of service and 50% at 30 years of service
- Asset Performance: 2015 Actual return 5.17% vs assumed 7.75%



Historical Cashflows

Plan Year Ended	Employer Contribution	Employee Contribution	Investment Return	Total	Benefits Paid
6/30/2006	713,034	510,783	561,287	1,785,105	(741,313)
6/30/2007	816,909	543,778	1,756,961	3,117,648	(882,726)
6/30/2008	945,905	605,546	(573,190)	978,262	(1,112,194)
6/30/2009	1,054,785	690,844	(1,881,859)	(136,230)	(1,012,886)
6/30/2010	990,470	603,484	1,290,385	2,884,340	(1,187,172)
6/30/2011	1,218,097	714,275	2,815,936	4,748,308	(1,599,977)
6/30/2012	1,064,214	707,564	423,163	2,194,941	(2,055,495)
6/30/2013	965,773	598,799	1,837,079	3,401,651	(1,876,938)
6/30/2014	1,024,869	591,411	2,826,122	4,442,402	(2,276,321)
6/30/2015	1,155,675	608,356	954,796	2,718,827	(2,268,315)



Conclusions

- Plan costs are rising due to increased life expectancies, plan expenses, and unfavorable asset performance
- City contribution equaling 16.02% of payroll required to fully fund plan over 20 years
- Prior Year contribution rate of 13.7% of pay fully funds plan over 24 year period
- Additional monitoring of plan's funded percentage needed to ensure ongoing adequacy of plan's contribution percentage

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Hagerstown Suns - Proposed Lease Extension - *Rodney Tissue, City Engineer, and Robert Bruchey, II, Hagerstown Suns Director of Community Services*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Suns_Lease.pdf

Description

Memo



CITY OF HAGERSTOWN, MARYLAND

Department of Parks and Engineering

January 14, 2016

TO: Valerie Means, City Administrator
FROM: Rodney Tissue, City Engineer *Roa*
RE: Hagerstown Suns: Proposed Lease Extension

Staff received the attached request from the Hagerstown Suns for an extension to the current lease. The Suns' request proposes to extend their lease at Municipal Stadium for the 2017 and 2018 baseball seasons.

We understand that the majority of the Council wish to directly negotiate these terms with the Suns representative.

Staff will provide whatever support is requested of us and will be present at the worksession on January 19th, and any other future worksessions scheduled for this discussion.

Attachment: * 1/8/16 Letter from Bruce Quinn
* 1/7/16 Letter from Bob Bruchey

RAT:jj
c: Mark Boyer
Junior Mason



Mayor & City Council

1/7/16

City Administrator

Rodney Tissue

All,

I am happy to announce that the Hagerstown Suns are anxious to complete the Lease Extension for Memorial Stadium for the 2017 & 2018 seasons. After further conversations with owner Bruce Quinn it is agreed upon that the following amendments to the current lease be enacted:

Hagerstown Baseball LLC

- Hagerstown Baseball LLC to pay \$35,000.00 a year for the property at 274 E. Memorial Blvd. Hagerstown, Maryland 21740 for the business of baseball beginning on 1/1/2017 and ending on 12/31/2018.
- Hagerstown Baseball LLC will continue to pay all utilities.
- Hagerstown Baseball LLC will continue the routine house cleaning of the property.
- Hagerstown Baseball LLC will continue to be responsible for all field maintenance.
- Additional wording in the termination clause to state that the lease can be assumed by another owner other than Hagerstown Baseball LLC (there are still possibilities that exist that the team may be bought by another entity)

City of Hagerstown

- The City of Hagerstown will invest at least \$35,000.00 into capital projects as agreed upon by the City of Hagerstown and Hagerstown Baseball LLC.
- The City of Hagerstown will take over general building maintenance of the clubhouse and structures.
- City staff will complete the "bathroom remodel" in the home team clubhouse.
(The City will complete this work in March of 2016)
- City staff will replace outfield wall padding before the beginning of the 2016 season.
(Work to be completed by April 7, 2016)

Hagerstown Baseball LLC thanks the City of Hagerstown for their help in meeting this year's requirements from the Washington Nationals, and the City's continued efforts to retain MiLB in the City of Hagerstown.

Respectfully,

R.E. Bruchey II

Director of Community Services

Hagerstown Suns

Municipal Stadium
274 E. Memorial Blvd.
Hagerstown, MD 21740

HAGERSTOWN SUNS
CLASS-A AFFILIATE OF THE  WASHINGTON NATIONALS

301 791 6266
fax • 301 791 6066
hagerstownsuns.com



Mayor and City Council

1/8/16

City Administrator

1E. Franklin St.

Hagerstown, MD 21740

Dear Mayor, Council and City Administrator,

We authorize Robert E. Bruchey II to handle the extension of the lease agreement between Hagerstown Baseball LLC and the City of Hagerstown.

Thank you for the opportunity to continue to provide a recreational asset to the community of Hagerstown and Washington County.

Respectfully,

Bruce Quinn

Manager

Hagerstown Baseball LLC

Municipal Stadium
274E Memorial Blvd.
Hagerstown MD 21740

HAGERSTOWN SUNS

CLASS AA AFFILIATE OF THE 'm) WASHINGTON NATIONALS

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**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Local Conversion Overlay - Kreyn, 702 West Washington Street- *Kathleen Maher, Director of Planning and Code Administration, and Alex Rohrbaugh, Planner*

Mayor and City Council Action Required:

This item is scheduled for discussion at the January 19th Work Session. The purpose is to follow up on the December 15th Public Hearing for the proposed Local Conversion District Overlay zoning for 702 West Washington Street and get direction on how the Mayor & Council would like to proceed for the January 26th Regular Session.

Discussion:

Financial Impact:

Recommendation:

Staff recommends approval of the Local Conversion Zoning Overlay zoning for 702 West Washington Street with the two conditions cited by the Planning Commission and the removal of ambulatory health care services as a permitted use for this property.

Motion:

Action Dates:

Introduction - 12/15/15

Approval - 1/26/15

ATTACHMENTS:

File Name

MCC_Memo_1-14-16.pdf

702_W_Wash_Map___Photos.pdf

Ordinance_-_ZM-2015-01.pdf

Description

Cover Memo

Map & Photos

Ordinance & Findings of Fact



CITY OF HAGERSTOWN, MARYLAND

Planning and Code Administration Department

MEMORANDUM

TO: Valerie Means, City Administrator

FROM: Alex W. Rohrbaugh, AICP, Planner *AWR*

DATE: January 14, 2016

SUBJECT: ZM-2015-01: Local Conversion Overlay – Kreyn, 702 West Washington Street

Mayor and City Council Action Requested

This item is scheduled for discussion at the January 19th Work Session. The purpose is to follow up on the December 15th Public Hearing for the proposed Local Conversion District Overlay zoning for 702 West Washington Street and get direction on how the Mayor & Council would like to proceed for the January 26th Regular Session.

Discussion

The property at 702 West Washington Street / 5 Winter Street (corner of Washington and Winter Streets) currently contains two former storefronts and four residential units on the second floor. The property owner, Alex Kreyn (t/a Kreyn Technology Inc.), has filed for a rezoning for Local Conversion District Overlay to retain the existing four apartment units, and reuse the commercial space for artist live/work space, ambulatory health care services, business offices, catering kitchen, restaurant, or retail/wholesale. Staff has been advised by the City Attorney that an applicant for local conversion rezoning can propose a select list of commercial uses for the space. At its November 18th meeting, the Planning Commission recommended to the Mayor & City Council approval of the zoning proposal, subject to two conditions: 1) Both storefronts shall be rehabilitated to reintroduce a storefront window display design; however, the storefront along West Washington Street will not be required to include a door, and 2) No more than 50% of the area of the storefronts shall be used for windows graphics.

Other than the applicant (Mr. Kreyn) no one from the public provided comment on the proposal at December 15th Public Hearing. Staff received no public comment during the 10-day comment period following the Hearing.

Modification of Proposal

In December, the Mayor & Council expressed concerns permitting ambulatory health care services at this property due to the intensity of the use and its potential impact on the neighborhood. On December 15, the Mayor & Council introduced the ordinance for rezoning with an amendment that removes ambulatory health care services from the list of permitted uses for this property.

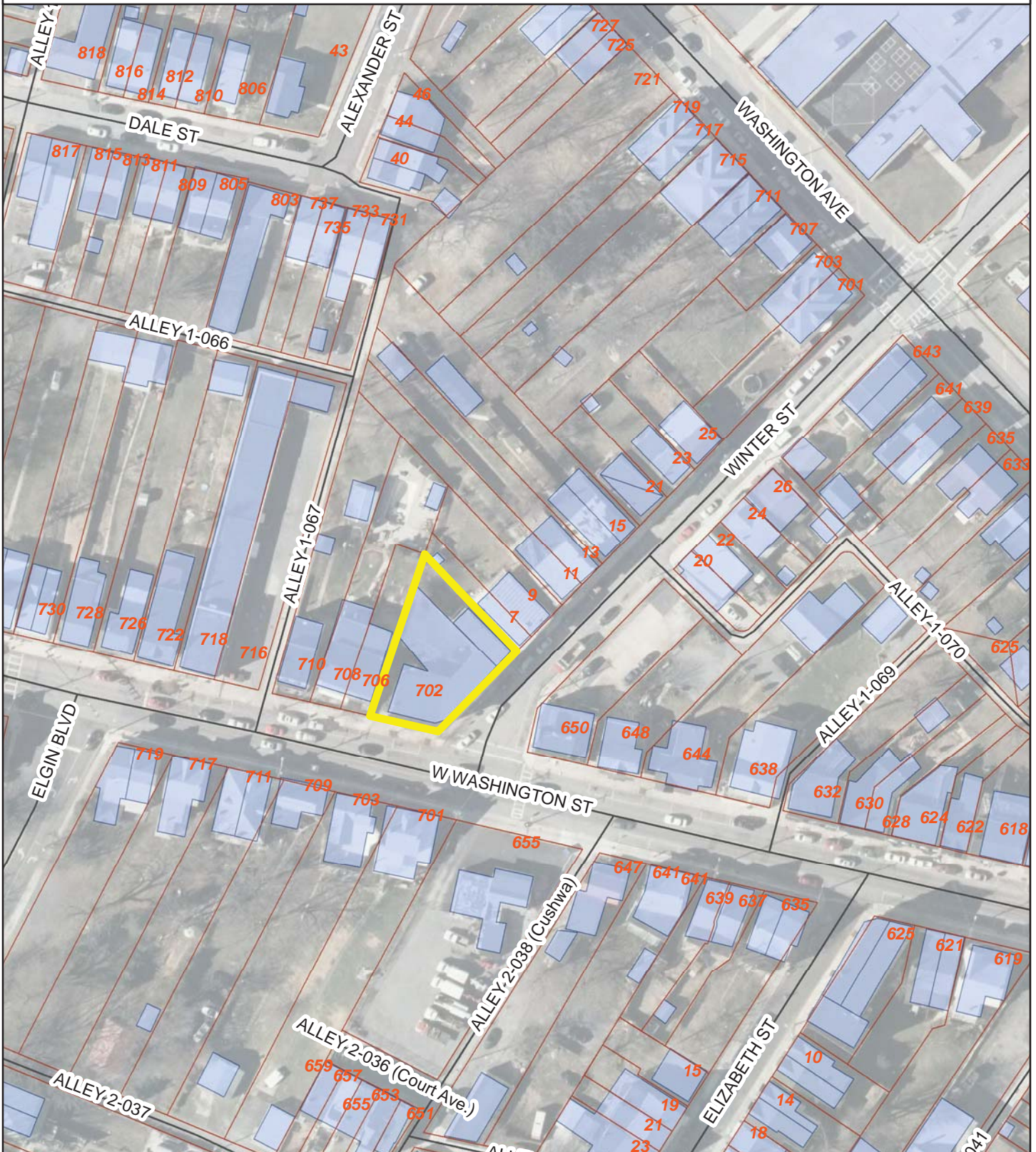
Staff Recommendation

Staff recommends approval of the Local Conversion Zoning Overlay zoning for 702 West Washington Street with the two conditions cited by the Planning Commission and the removal of ambulatory health care services as a permitted use for this property.

Attachments: Motion Sheet, Ordinance, & Findings of Fact, Vicinity Map, & Photos of Exterior
C: Kathleen Maher, Director, PCAD

ZM-2015-01: Local Conversion Overlay

702 W Washington St



0 30 60 90 120 Feet

1 inch = 100 feet



Subject Property

City Tax Parcel

City Street

Building

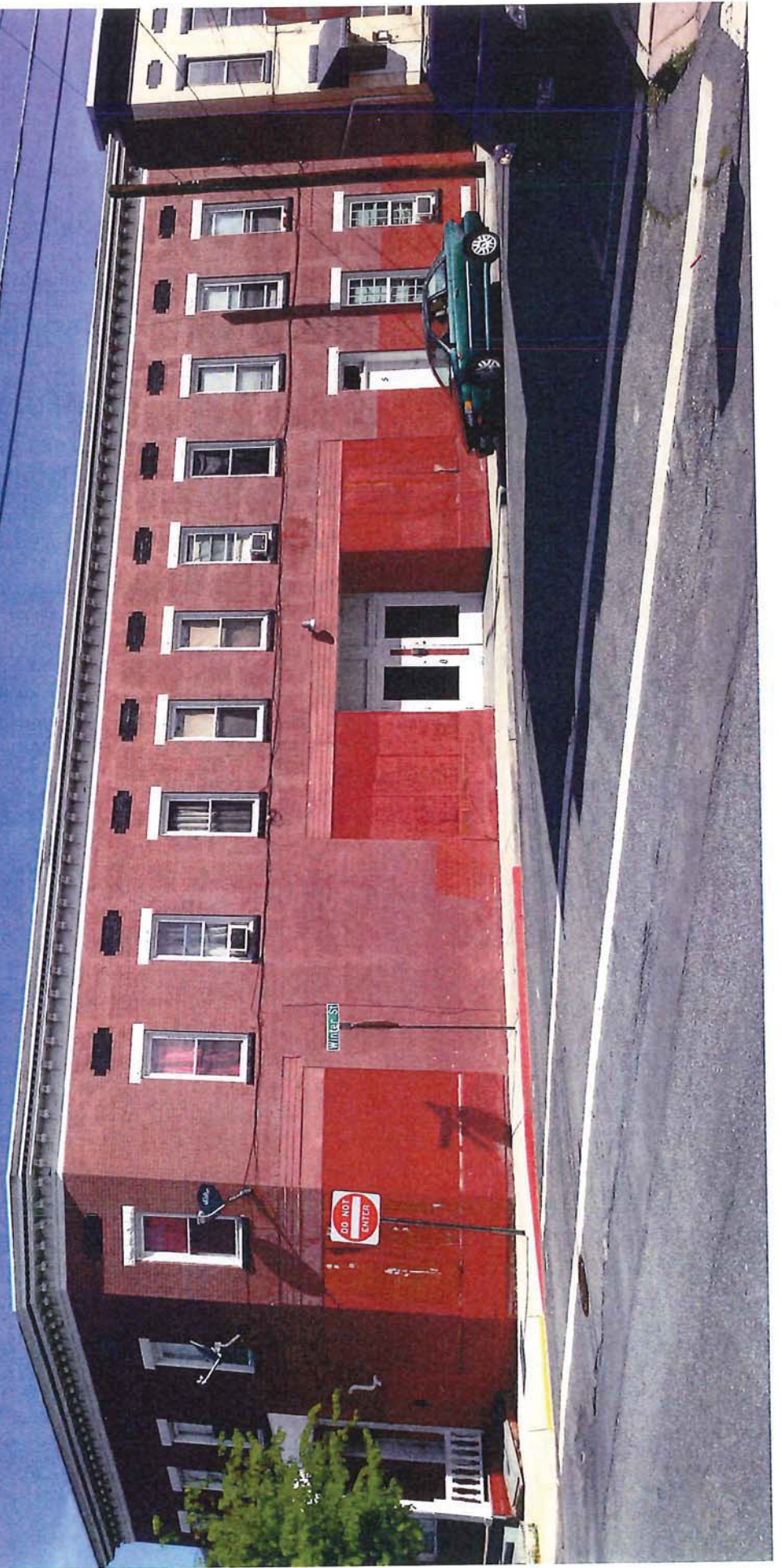
Map Projection: NAD83 State Plane Maryland FIPS (feet)

Data Sources:
City of Hagerstown, 2015; State of Maryland Image, 2014
Washington County, 2014

Prepared By: Hagerstown Planning & Code Admin. Div.9/24/15



Existing



Proposed



Note: Rendering modified by City Planning Staff on 12/9/15 to show windows for storefront facing West Washington Street

REQUIRED MOTION

MAYOR AND CITY COUNCIL HAGERSTOWN, MARYLAND

DATE: January 26, 2016

TOPIC: **Approval of an Ordinance: Kreyn Local Conversion District Overlay (ZM-2015-01)**

Charter Amendment	_____
Code Amendment	_____
Ordinance	<u> X </u>
Resolution	_____
Other	_____

MOTION: I hereby move that the Mayor and City Council approve an Ordinance for a Local Conversion District Overlay, including the two conditions endorsed by the Planning Commission, on property located at 702 West Washington Street. This Ordinance was amended during its Introduction by the Mayor and City Council to remove ambulatory health care as a permitted use for the property.

DATE OF INTRODUCTION: 12/15/2015

DATE OF PASSAGE: 01/26/2016

EFFECTIVE DATE: 02/25/2016

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
AND ZONING MAP OF THE CITY OF HAGERSTOWN**

WHEREAS; pursuant to the provisions of Article 4, Zoning, of the Land Management Code of the City of Hagerstown, Maryland, an application for rezoning and zoning map reclassification was made by **ALEX KREYN (T/A KREYN ENTERPRISES INC.)**;

WHEREAS; said application for zoning classification and amendment to the Zoning Map and Zoning Ordinance is known and designated as Case No. ZM-2015-01;

WHEREAS; the Mayor and City Council, as the duly constituted legislative body for the City held a Public Hearing in compliance with said Ordinance on December 15, 2015, wherein the Applicants and the general public were given an opportunity to fully present evidence and information pertinent to the request for zoning classification amendment and amendment to the Zoning Ordinance;

WHEREAS; the Mayor and City Council, prior to and subsequent thereto, have complied with all of the provisions of the General Laws of the State of Maryland and the Zoning Ordinance for the City of Hagerstown;

WHEREAS; said Mayor and City Council do find and determine in this case, based on said Public Hearing and the evidence presented therein, and having considered all of the criteria as set forth by the laws of the State of Maryland and the Zoning Ordinance, did on January 26, 2016, take formal action to approve the Local Conversion District Overlay for the property designated as **702 WEST WASHINGTON STREET**, Hagerstown, Maryland.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council for Hagerstown, Maryland, that the Zoning Reclassification and Zoning Map Amendment requesting Case No. ZM-2015-01 for a Local Conversion District Overlay and is hereby granted is hereby granted pursuant to the conditions and requirements set forth in the Opinion and Findings of Fact, attached hereto as **Exhibit A** and incorporated herein by reference.

WITNESS:

MAYOR AND CITY COUNCIL OF THE
CITY OF HAGERSTOWN, MARYLAND

Donna K. Spickler, City Clerk

By: _____
David S. Gysberts, Mayor

PUBLIC HEARING: 12/15/2015
DATE OF INTRODUCTION: 12/15/2015
DATE OF PASSAGE: 01/26/2016
EFFECTIVE DATE: 02/25/2016

**EXHIBIT "A" ZONING
RECLASSIFICATION APPLICATION NO. ZM-2015-01**

Applicant: Alex Kreyn (t/a Kreyn Technology Inc.)
Location: 702 West Washington Street / 5 Winter Street
Hagerstown, Maryland 21740

OPINION AND FINDINGS OF FACTS

The foregoing matter was heard at Public Hearing by the Mayor and City Council on December 15, 2015, in accordance with the provisions of the Zoning Ordinance for the City of Hagerstown, Maryland.

FINDINGS OF FACT

The property which is the subject of the proposed map amendment is located at 702 West Washington Street / 5 Winter Street. The property is under one (1) ownership. The tract consists of 0.16 acres, more or less. The property is currently contains four (4) dwelling units on the second floor with a former storefront commercial space on the first floor which was constructed prior to October 1, 1956. The owner represented to the Mayor and City Council that it is his intent to reopen the first floor storefront space for one of the following uses: retail/wholesale, a restaurant, an artist live/work space, an ambulatory health care service, a business office, or a catering kitchen. It is also to owner's intent to retain the four (4) existing dwelling units on the second floor.

The proposal is in accordance with the provisions for a Local Conversion District as set forth in the Hagerstown Zoning Ordinance, including the following:

1. A Local Conversion District Overlay is permitted in the underlying zoning district of RMED (Residential-Medium Density);
2. Retail/wholesale establishments, restaurants, artist live/work spaces, ambulatory health care services, offices, and catering kitchens, are permitted uses in the Local Conversion District Overlay;

3. The building was constructed prior to October, 1956;
4. The front of the building is oriented toward West Washington Street and Winter Street, both public streets;
5. The total land area of the subject parcel is approximately 7,169 square feet, which is below the maximum square footage allowed of 20,000 square feet of land area.
6. No additions to the building are proposed;
7. Outdoor vending machines are prohibited and none are proposed;
8. Outdoor storage is not allowed, with the exception of display of merchandise at convenience and grocery stores if historically a part of a use on the subject property which is not applicable in this case;
10. Storefronts previously modified or enclosed shall be rehabilitated to reintroduce a storefront window display design.

The Local Conversion District Overlay was designed to allow the adaptive reuse of pre-1956 commercial and mixed-use buildings embedded in residential districts on small lots, provided they are reviewed individually so that the proposal is complimentary to the residential nature of the area in which it is located. This site was analyzed for this application and the following conditions were approved and endorsed by the Planning Commission:

1. Both storefronts shall be rehabilitated to reintroduce a storefront window display design; however, the storefront along West Washington Street will not be required to include a door.
2. No more than 50% of the area of the storefronts shall be used for windows graphics.

Following the Public Hearing, on December 15, 2015, the Mayor & City Council voted to introduce the ordinance for the proposal with an amendment to remove ambulatory health care service from the list of uses for this property.

CONCLUSION

Therefore, the Mayor and City Council find that those matters contained in the staff analysis and presented by the applicants at the Public Hearing on December 15, 2015, to be true and accurate, and that all procedural requirements prerequisite to approval of the Local Conversion District Overlay by this Body have been met. The Mayor and City Council find as a matter of fact that the proposal generally does not violate the spirit and intent of the Zoning Ordinance. We further find that the approval of the proposed Local Conversion District Overlay modification will not materially or adversely affect adjoining properties provided that 1) the property shall not be used for ambulatory health care services; and, 2) the two (2) enumerated conditions are adhered to.

**MAYOR AND COUNCIL FOR THE
CITY OF HAGERSTOWN, MARYLAND**

By: _____
David S. Gysberts, Mayor

REQUIRED MOTION MAYOR AND CITY COUNCIL HAGERSTOWN, MARYLAND

Topic:

Trash Codes and Complaints about Trash Storage - *Kathleen Maher, Director of Planning and Code Administration, Rodney Tissue, City Engineer, and Paul Fulk, Inspections Manager*

Mayor and City Council Action Required:

Continue discussion on the trash in public view issue and possible modifications to existing codes and/or procedures to address complaints on this issue.

Discussion:

On December 8th, staff made a presentation to the Mayor and City Council on issues of concern for staff and neighborhood representatives regarding the issue of trash in public view.

Code Provisions – As highlighted in that presentation, two chapters of the City Code address trash. Chapter 117, Recycling and Refuse Collection, requires that stored trash not be “visible from the public right-of-way or street.” Chapter 64, Property Maintenance Code, indicates that “every occupant of a structure shall not store residential garbage containers on public ways. Exception: where permitted by the code official.”

Trash Storage Habits – A majority of properties within the city violate strict application of the “no trash stored in view of a public right-of-way or street” provision. In certain cases, particularly in the urban core area, no practical option is available for storage except in public view. In many cases, property owners and residents opt to store trash in convenient locations within public view, which can include the side yard, front yard, and even the front porch.

Enforcement Challenges – In recent years, the City has received sporadic complaints from around the city and frequent complaints from one of our neighborhood groups regarding the “trash in view” issue. In response to such complaints, staff investigate the situation. Where the incident is isolated to a single property or a small number of properties in a block, staff investigate and in some cases discuss the issue with the building occupant or property owner. If after this research, staff determines that there is no other reasonable option to the location within public view, then no violation is issued. If not, then a notice of violation issued. However, where the incident of complaint is in a block where the majority of properties violate the ‘no trash in public view’ provision, staff are faced with the prospect of citing everyone if enforcement is pursued. The staff resources necessary to enforce every incidence of trash in public view in our residential neighborhoods would be phenomenal.

Researching A Path Forward – Over the past several months, staff have met with neighborhood representatives to gain input and we have contacted 12 other communities in our region and around the state to learn how trash is dealt with in their communities. Concerned neighborhood reps desire to have the ‘no trash in view’ provision enforced in a practical manner (e.g., work with property owners to make reasonable efforts to keep trash stored out of view or in unobtrusive

locations). Of the eight communities who responded back to us, we found only two prohibit placement of trash containers in public view. Most prohibit location in the public right-of-way and two allow in public right-of-way provided the containers do not block a walking path.

December 8th Proposal – Staff recommended the following actions for the Mayor and City Council's consideration:

1. **Public View Issue** - Amend Chapter 117 to remove the public view prohibition and to replace it as follows: It shall further be the duty of the residential property owner(s) to provide receptacles to store recycling and refuse (until the appropriate set-out time for collection) that are located in side or rear yards and not within the public right-of-way. If special circumstances exist that make compliance with this provision infeasible, Code staff may approve alternative locations. In addition, amend Chapter 64 to have similar language.
 - a. Adopt a new policy regarding acceptable "special circumstances" for #1 above that would permit location of trash containers in front yards, on front porches, or within the public right-of-way.
2. **Public Education** – Continue existing efforts on public education about trash requirements and consider additional efforts to help educate a transient population about these requirements. At present, Engineering sends out flyers in City Light bills once per year on code requirements for trash and PCAD sends out neighborhood flyers when complaints increase. The Communications Manager is working on a 'Welcome to the City' package which could include info on trash code requirements.
3. **Container Issue** – Consider amending Chapter 117 to remove the provision that allows use of plastic bags as storage containers for trash, require cans/bins to have secured lids, and prohibit placement of loose trash within the cans/bins. This change would require property owners to provide their building occupants with trash cans or bins for storage of trash and would require building occupants to place trash within plastic bags prior to placement within the can/bin. Pros of this idea are possible reduction in odor and litter from burst bags. A con being that cans/bins don't go away when the trash is collected, as bags do.
4. **Volume at High Unit Buildings** – When the City gets a lot of complaints about high volume of trash at apartment buildings, we discuss the situation with the property owner and at times have allowed such properties to opt out of City Trash Collection to enable private trash hauling. The requirement for this opt-out is the storage of trash in a trash room or dumpster and the collection of trash directly from those locations. We would suggest continuing this practice.

Mayor and City Council Response – During the December 8th discussion, the merits of the staff proposal and alternatives posed by Council members were debated and no consensus was reached. Staff were directed to return at a future meeting to continue deliberations on the public view issue.

Financial Impact:

Recommendation:

January 19th Proposal – Staff discussed the feedback received on December 8th and practical

enforcement solutions and developed the following proposal to address storage of trash in our residential neighborhoods. Amend Chapter 117 to change “public view” to “in view of a public street” and add the following provisions:

1. No plastic bags or loose trash stored within view of a public street.
2. Trash containers with sealing lids may be stored in side yard or in ROW (if zero setback area).
3. No trash containers stored in front yard or on front porch, unless special circumstances (e.g., no side yard or garage, poor health, topography). We suggest the M&CC approve a policy on what constitutes acceptable “special circumstances.”
4. Property owner responsible for purchase of containers with lids.
5. Sealed plastic bags may be set out on trash day.
6. Problem high-unit count, multi-family properties – continue to work with owners on a private trash solution which requires storage of trash in room or enclosure and removal from that location.

In addition, staff recommend amending Chapter 64 to remove the language pertaining to trash storage.

Counter Proposal from Historic Heights Neighborhood – During the week of January 4th, staff met with representatives of this neighborhood and shared the above proposal with them. Following their neighborhood meeting on January 12th, the following counter proposal was forwarded to us. Rather than amend the City Code (except for changing “public view” to “in view of a public street”), adopt a modified version of the above list as guidelines for staff enforcement of the public view issue. The CAP text is the suggested revision to the staff proposal:

- 1 . EXCEPT AS PROVIDED BELOW, No TRASH OR RECYCLING CONTAINERS, plastic bags or loose trash within view of a public street (rather than just “public view”).
2. Trash AND RECYCLING containers may not be stored in front OR SIDE yardS or on front porch, unless special circumstances exist (e.g., no side yard, NO ACCESS TO THE REAR, NO INTERNAL STORAGE CAPABILITY or garage; poor PERMANENT health or disability of SOLE occupant; severe topography THAT MAKES IT INFEASIBLE TO STORE TRASH CONTAINERS OUT OF VIEW). We suggest the M&CC approve a policy on what constitutes acceptable “special circumstances.”
3. WHERE IT IS NOT FEASIBLE TO STORE THEM OUT OF VIEW AND A SPECIAL CIRCUMSTANCE IS OFFICIALLY DECLARED TO EXIST IN CODE OFFICE RECORDS, Trash AND RECYCLING containers with sealed lids may be stored in side yard or, for zero-setback areas with no side yard (e.g., downtown area) on sidewalk in public right-of-way.
4. Property owner responsible for purchasing container with sealed lid if intent is to store within view of a public street. SUCH TRASH AND RECYCLING CONTAINERS APPROVED FOR STORAGE IN VIEW FROM THE STREET MUST BE SERVICABLE WITH NO VISIBLE CRACKS AND HAVE LIDS THAT FIT TIGHTLY AND AS DESIGNED BY THE PRODUCER.
5. Sealed plastic bags may be set out on trash day.
- 6 . Problem high-unit count, multi-family properties – continue to work with owners on a private trash solution which requires storage of trash in room or enclosure and removal from that location.

Staff Response to Counter Proposal – Staff do not feel that the Historic Heights

proposal is doable city-wide from an enforcement perspective. Customized provisions on a property by property basis would consume too much staff time if applied city-wide. Additionally, we have side yard storage throughout many other neighborhoods without complaint – front yards are the concern elsewhere. Staff believe that our January 19th proposal is doable city-wide and reflects practices in other areas of the city which do not result in complaints. As we continued conversations on the trash in view issue, staff developed the additional proposed provision for Mayor and City Council consideration:

7. For properties with four or more units, owners must designate an appropriate location for storage of trash that meets the provisions of this chapter.

Alternative to Address Historic Heights Concerns – If property owners in the S. Prospect Street historic district would desire a separate stricter Code standard for their street, as is the case for curb and sidewalk maintenance, staff believe the Historic Heights counter proposal would be doable for the two-and-a-half blocks of S. Prospect Street. (Historic Heights also includes two blocks of Summit Avenue, however we do not feel the counter proposal would be doable for the 200 block of Summit. It would probably be doable for the 100 block.)

Motion:

Action Dates:

December 8 - discussion

January 19 - follow-up discussion

ATTACHMENTS:

File Name

Trash_memo_1_15_15.pdf

Description

Trash Codes and
Complaints about Trash
Storage



CITY OF HAGERSTOWN, MARYLAND

Planning and Code Administration Department

MEMORANDUM

TO: Valerie Means, City Administrator

FROM: Kathleen A. Maher, Director of Planning & Code Administration
Paul Fulk, Inspections Manager
Rodney Tissue, City Engineer

DATE: January 15, 2016

SUBJECT: Trash Codes and Complaints about Trash Storage

Mayor and City Council Action Requested

Continue discussion on the trash in public view issue and possible modifications to existing codes and/or procedures to address complaints on this issue.

Discussion

On December 8th, staff made a presentation to the Mayor and City Council on issues of concern for staff and neighborhood representatives regarding the issue of trash in public view.

Code Provisions – As highlighted in that presentation, two chapters of the City Code address trash. Chapter 117, Recycling and Refuse Collection, requires that stored trash not be “visible from the public right-of-way or street.” Chapter 64, Property Maintenance Code, indicates that “every occupant of a structure shall not store residential garbage containers on public ways. Exception: where permitted by the code official.”

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Enforcement Challenges – In recent years, the City has received sporadic complaints from around the city and frequent complaints from one of our neighborhood groups regarding the “trash in view” issue. In response to such complaints, staff investigate the situation. Where the incident is isolated to a single property or a small number of properties in a block, staff

investigate and in some cases discuss the issue with the building occupant or property owner. If after this research, staff determines that there is no other reasonable option to the location within public view, then no violation is issued. If not, then a notice of violation issued. However, where the incident of complaint is in a block where the majority of properties violate the 'no trash in public view' provision, staff are faced with the prospect of citing everyone if enforcement is pursued. The staff resources necessary to enforce every incidence of trash in public view in our residential neighborhoods would be phenomenal.

Researching A Path Forward – Over the past several months, staff have met with neighborhood representatives to gain input and we have contacted 12 other communities in our region and around the state to learn how trash is dealt with in their communities. Concerned neighborhood reps desire to have the 'no trash in view' provision enforced in a practical manner (e.g., work with property owners to make reasonable efforts to keep trash stored out of view or in unobtrusive locations). Of the eight communities who responded back to us, we found only two prohibit placement of trash containers in public view. Most prohibit location in the public right-of-way and two allow in public right-of-way provided the containers do not block a walking path.

December 8th Proposal -- Staff recommended the following actions for the Mayor and City Council's consideration:

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 - a. Adopt a new policy regarding acceptable "special circumstances" for #1 above that would permit location of trash containers in front yards, on front porches, or within the public right-of-way.
2. **Public Education** – Continue existing efforts on public education about trash requirements and consider additional efforts to help educate a transient population about these requirements. At present, Engineering sends out flyers in City Light bills once per year on code requirements for trash and PCAD sends out neighborhood flyers when complaints increase. The Communications Manager is working on a 'Welcome to the City' package which could include info on trash code requirements.
3. **Container Issue** – Consider amending Chapter 117 to remove the provision that allows use of plastic bags as storage containers for trash, require cans/bins to have secured lids, and prohibit placement of loose trash within the cans/bins. This change would require property owners to provide their building occupants with trash cans or bins for storage of trash and would require building occupants to place trash within plastic bags prior to placement within the can/bin. Pros of this idea are

possible reduction in odor and litter from burst bags. A con being that cans/bins don't go away when the trash is collected, as bags do.

4. **Volume at High Unit Buildings** – When the City gets a lot of complaints about high volume of trash at apartment buildings, we discuss the situation with the property owner and at times have allowed such properties to opt out of City Trash Collection to enable private trash hauling. The requirement for this opt-out is the storage of trash in a trash room or dumpster and the collection of trash directly from those locations. We would suggest continuing this practice.

Mayor and City Council Response – During the December 8th discussion, the merits of the staff proposal and alternatives posed by Council members were debated and no consensus was reached. Staff were directed to return at a future meeting to continue deliberations on the public view issue.

RECOMMENDATION

January 19th Proposal – Staff discussed the feedback received on December 8th and practical enforcement solutions and developed the following proposal to address storage of trash in our residential neighborhoods. Amend Chapter 117 to change “public view” to “in view of a public street” and add the following provisions:

1. No plastic bags or loose trash stored within view of a public street.
2. Trash containers with sealing lids may be stored in side yard or in ROW (if zero setback area).
3. No trash containers stored in front yard or on front porch, unless special circumstances (e.g., no side yard or garage, poor health, topography). We suggest the M&CC approve a policy on what constitutes acceptable “special circumstances.”
4. Property owner responsible for purchase of containers with lids.
5. Sealed plastic bags may be set out on trash day.
6. Problem high-unit count, multi-family properties – continue to work with owners on a private trash solution which requires storage of trash in room or enclosure and removal from that location.

In addition, staff recommend amending Chapter 64 to remove the language pertaining to trash storage.

Counter Proposal from Historic Heights Neighborhood – During the week of January 4th, staff met with representatives of this neighborhood and shared the above proposal with them. Following their neighborhood meeting on January 12th, the following counter proposal was forwarded to us. Rather than amend the City Code (except for changing “public view” to “in view of a public street”), adopt a modified version of the above list as guidelines for staff enforcement of the public view issue. The CAP text is the suggested revision to the staff proposal:

1. EXCEPT AS PROVIDED BELOW, No TRASH OR RECYCLING CONTAINERS, plastic bags or loose trash within view of a public street (rather than just “public view”).

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3. WHERE IT IS NOT FEASIBLE TO STORE THEM OUT OF VIEW AND A SPECIAL CIRCUMSTANCE IS OFFICIALLY DECLARED TO EXIST IN CODE OFFICE RECORDS, Trash AND RECYCLING containers with sealed lids may be stored in side yard or, for zero-setback areas with no side yard (e.g., downtown area) on sidewalk in public right-of-way.
4. Property owner responsible for purchasing container with sealed lid if intent is to store within view of a public street. SUCH TRASH AND RECYCLING CONTAINERS APPROVED FOR STORAGE IN VIEW FROM THE STREET MUST BE SERVICABLE WITH NO VISIBLE CRACKS AND HAVE LIDS THAT FIT TIGHTLY AND AS DESIGNED BY THE PRODUCER.
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6. Problem high-unit count, multi-family properties – continue to work with owners on a private trash solution which requires storage of trash in room or enclosure and removal from that location.

Staff Response to Counter Proposal – Staff do not feel that the Historic Heights proposal is doable city-wide from an enforcement perspective. Customized provisions on a property by property basis would consume too much staff time if applied city-wide. Additionally, we have side yard storage throughout many other neighborhoods without complaint – front yards are the concern elsewhere. Staff believe that our January 19th proposal is doable city-wide and reflects practices in other areas of the city which do not result in complaints. As we continued conversations on the trash in view issue, staff developed the additional proposed provision for Mayor and City Council consideration:

7. For properties with four or more units, owners must designate an appropriate location for storage of trash that meets the provisions of this chapter.

Alternative to Address Historic Heights Concerns – If property owners in the S. Prospect Street historic district would desire a separate stricter Code standard for their street, as is the case for curb and sidewalk maintenance, staff believe the Historic Heights counter proposal would be doable for the two-and-a-half blocks of S. Prospect Street. (Historic Heights also includes two blocks of Summit Avenue, however we do not feel the counter proposal would be doable for the 200 block of Summit. It would probably be doable for the 100 block.)

c: Blaine Mowen, Chief Code Official
Gary Lambert, Programs Manager
Jon Kerns, Community Development Manager
Erin Wolfe, Communications Manager
Mark Boyer, City Attorney