

# **Mayor and Council**

## **96th Special Session, Work Session and Executive Session**

### **July 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."*

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**"Man maintains his balance, poise, and sense of security only as he is moving forward."  
Maxwell Maltz**

#### **EXECUTIVE SESSION**

**5:00 PM** 1. Executive Session

#### **5:00 PM WORK SESSION**

**6:00 PM** 1. Preliminary Agenda Review

**6:15 PM** 2. ZM-2016-01: Local Conversion Overlay – 400 Jonathan Street

**6:25 PM** 3. 2016 Land Management Code Amendments

**6:55 PM** 4. Tank Mixing and Travelling Screen Project

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

#### **MAYOR AND COUNCIL COMMENTS**

#### **ADJOURN**

#### **SPECIAL SESSION**

1. Approval of an Application/Permit for the Doleman Black Heritage Museum Summer Concert Series – July 23, 2016, August 13, 2016, and September 17, 2016
2. Approval of a Street Closure – T.E.A.M. Community Day
3. Approval of Purchase of Five Ford Police Vehicles - Keystone Ford (Chambersburg, PA) \$94,726.75
4. Introduction of an Ordinance: City of Hagerstown Drinking Water Bond, Series 22016 for RC Willson Traveling Screen Replacements and Pump Station Improvements
5. Approval of Resolution: Declaration of Official Intent to Use Future Bond Financing for RC Willson Traveling Screen Replacement and Pump Station Improvements

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

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**Topic:**

Executive Session

**Mayor and City Council Action Required:**

**Discussion:**

**Financial Impact:**

**Recommendation:**

**Motion:**

**Action Dates:**

**ATTACHMENTS:**

**File Name**

July\_19\_\_2016\_Executive\_Session.pdf

**Description**

Agenda



## EXECUTIVE SESSION

### MAYOR & CITY COUNCIL JULY 19, 2016 AGENDA

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5:00 p.m. EXECUTIVE SESSION – *Room 407, 4<sup>th</sup> 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 a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, #4  
*\*Two separate proposals*  
*(Discussion – no packet material)*
3. To conduct collective bargaining negotiations or consider matters that relate to the negotiations, #9  
*\*Negotiations*  
*(Discussion – no packet material)*

**\*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:** July 19, 2016

**PLACE:** Room 407, 4<sup>th</sup> floor, City Hall

**TIME:** 5:00 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**

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**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**

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**Topic:**

ZM-2016-01: Local Conversion Overlay – 400 Jonathan Street

**Mayor and City Council Action Required:**

This item is scheduled for discussion at the July 19th Work Session. The purpose is to follow up on the June 21st Public Hearing for the proposed Local Conversion District Overlay zoning for 400 Jonathan Street and get direction on how the Mayor & Council would like to proceed for the July 26th Regular Session.

**Discussion:**

The property at 400 Jonathan Street (corner of Jonathan St and W North Ave) currently contains a vacant commercial building. The property owners, Khadene Wilson and Dexton Brunson, have filed for a rezoning for Local Conversion District Overlay for a restaurant use. At its May 11th meeting, the Planning Commission recommended to the Mayor & City Council approval of the zoning proposal, subject to three conditions:

- 1) The old metal sign pole along Jonathan Street shall be removed;
- 2) Parking spaces shall be striped in the parking area; and
- 3) The dumpster and enclosure shall be placed adjacent to the proposed handicap-accessible entrance.

Other than the applicant (Ms. Wilson) no one from the public provided comment on the proposal at June 21st Public Hearing. Staff has received no additional public comment period following the Hearing.

**Financial Impact:**

**Recommendation:**

Staff recommends approval of the Local Conversion Zoning Overlay zoning for 400 Jonathan Street with the three conditions cited by the Planning Commission.

**Motion:**

**Action Dates:**

June 21 - public hearing; introduction of ordinance  
July 19 - discussion  
July 26 - approval of ordinance

**ATTACHMENTS:**

**File Name**

400\_Jonathan\_St\_-\_MCC\_Memo\_7-14-16.pdf

**Description**

Cover Memo & Attachments



# CITY OF HAGERSTOWN, MARYLAND

Planning and Code Administration Department

## MEMORANDUM

TO: Valerie Means, City Administrator

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

DATE: July 14, 2016

SUBJECT: ZM-2016-01: Local Conversion Overlay – 400 Jonathan Street

### **Mayor and City Council Action Requested**

This item is scheduled for discussion at the July 19<sup>th</sup> Work Session. The purpose is to follow up on the June 21<sup>st</sup> Public Hearing for the proposed Local Conversion District Overlay zoning for 400 Jonathan Street and get direction on how the Mayor & Council would like to proceed for the July 26<sup>th</sup> Regular Session.

### **Discussion**

The property at 400 Jonathan Street (corner of Jonathan St and W North Ave) currently contains a vacant commercial building. The property owners, Khadene Wilson and Dexton Brunson, have filed for a rezoning for Local Conversion District Overlay for a restaurant use. At its May 11<sup>th</sup> meeting, the Planning Commission recommended to the Mayor & City Council approval of the zoning proposal, subject to three conditions:

- 1) The old metal sign pole along Jonathan Street shall be removed;
- 2) Parking spaces shall be striped in the parking area; and
- 3) The dumpster and enclosure shall be placed adjacent to the proposed handicap-accessible entrance.

Other than the applicant (Ms. Wilson) no one from the public provided comment on the proposal at June 21<sup>st</sup> Public Hearing. Staff has received no additional public comment period following the Hearing.

### **Staff Recommendation**

Staff recommends approval of the Local Conversion Zoning Overlay zoning for 400 Jonathan Street with the three conditions cited by the Planning Commission.

Attachments: Ordinance, Findings of Fact, Vicinity Map, & Photos of Exterior

C: Kathleen Maher, Director, PCAD

**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 **KHADENE WILSON and DEXTON BRUNSON**;

WHEREAS; said application for zoning classification and amendment to the Zoning Map and Zoning Ordinance is known and designated as Case No. ZM-2016-01;

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 June 21, 2016, 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 July 26, 2016, take formal action to approve the Local Conversion District Overlay for the property designated as **400 JONATHAN 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-2016-01 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: 06/21/2016  
DATE OF INTRODUCTION: 06/21/2016  
DATE OF PASSAGE: 07/26/2016  
EFFECTIVE DATE: 08/25/2016

**EXHIBIT "A" ZONING  
RECLASSIFICATION APPLICATION NO. ZM-2016-01**

Applicant: Khadene Wilson and Dexton Brunson  
Location: 400 Jonathan Street  
Hagerstown, Maryland 21740

**OPINION AND FINDINGS OF FACTS**

The foregoing matter was heard at Public Hearing by the Mayor and City Council on June 21, 2016, 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 400 Jonathan Street. The proposal was filed jointly by both owners of the property. The tract consists of 0.06 acres, more or less. The property currently contains a vacant commercial building which was constructed prior to October 1, 1956. The owner's agent represented to the Mayor and City Council that it is the owner's intent to reuse the commercial building for a restaurant.

The proposal is in accordance with the provisions for a Local Conversion District as set forth in the Land Management Code, Article 4, Zoning, including the following:

1. A Local Conversion District Overlay is permitted in the underlying zoning district of RMED (Residential-Medium Density);
2. A restaurant is a permitted use 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 North Avenue, a public street;
5. The total land area of the subject parcel is approximately 2,972 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. The old metal sign pole along Jonathan Street shall be removed.
2. Parking spaces shall be striped in the parking area.
3. The dumpster and enclosure shall be placed adjacent to the proposed handicap-accessible entrance.

## **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 June 21 2016, 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 the three (3) enumerated conditions are adhered to.

MAYOR AND COUNCIL FOR THE  
CITY OF HAGERSTOWN, MARYLAND

By: \_\_\_\_\_  
David S. Gysberts, Mayor

# ZM-2016-01: Local Conversion Overlay

## 400 Jonathan Street



0 20 40 60 80 Feet

1 inch = 60 feet



Subject Property



City Tax Parcel

City Street



Building

Map Projection: NAD83 State Plane Maryland FIPS (feet)

Data Sources:

City of Hagerstown, 2016; State of Maryland Image, 2014  
Washington County, 2014

Prepared By:

Hagerstown Planning & Code Admin. Dept, 03/16/16









SPEED  
LIMIT  
25

ONE WAY



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

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**Topic:**

2016 Land Management Code Amendments

**Mayor and City Council Action Required:**

Discussion of proposed amendments to the Land Management Code in preparation for the July 26th public hearing.

**Discussion:**

Staff will brief the Mayor and City Council on July 19<sup>th</sup> on the package of amendments forwarded by the Planning Commission. Many changes are content neutral – correcting structural inconsistencies, clarifying intent, correcting department references, etc. Fourteen items would add or revise content, some minor and others more significant in nature. Many involve adjusting setbacks or maximum size of permitted items. Other changes include adding provisions for outdoor flea markets, indoor car sales, and off-track betting facilities, and revising provisions for home day care and residential facilities with in-house professional care. One provision provides consistency with State law on gasoline sales pricing signs. Another provision establishes procedures for timing of recordation of Home-owners Association (HOA) documents. And finally, the definition of livestock (only permitted in the AT zone) would be revised to include honey production. The public hearing is scheduled for the July 26<sup>th</sup> regular session of the Mayor and City Council.

**Financial Impact:**

**Recommendation:**

**Motion:**

**Action Dates:**

July 19 - discussion  
July 26 - public hearing  
August 16 - discussion

**ATTACHMENTS:**

**File Name**

**Description**








# CITY OF HAGERSTOWN, MARYLAND

Planning and Code Administration Department

## Memorandum

**TO:** Valerie Means, City Administrator

**FROM:**  Stephen R. Bockmiller, AICP  
Development Review Planner/Zoning Administrator

**SUBJECT:** Land Management Code 2016 Updates  
Package of Proposals Submitted for the Mayor and Council's Consideration

**DATE:** July 11, 2016

### Transmission of Amendment Package:

Herewith, the Planning Commission forwards a package of 32 proposed amendments to the Land Management Code for their consideration. The Commission conducted a public hearing on these proposals in accordance with the City Code and the Code of Maryland on May 25, 2016. Proposed changes can be tracked in the attached materials as follows:

Black text – existing and not to be changed.  
Strikeout - existing text to be eliminated  
Red text – proposed text.

We are scheduled to discuss this with the Mayor and Council on July 19, and a public hearing has been advertised for July 26.

### Privacy Fences on Properties Backing to Comprehensive Plan Rated Roadways:

The Mayor and Council asked staff and the Planning Commission to review the issue of the ordinance not permitting privacy fences on residential properties on side and rear property lines that abut roadways that are of a higher functional classification than the front street. This was raised when the owners of a house that fronts Moller Parkway wanted to put a privacy fence in their rear yard adjacent to Eastern Boulevard were required to obtain a variance from the Board of Zoning Appeals. The Commission recommends that the existing text remain intact.

After much discussion and several fruitless attempts to craft language to address this uncommon situation, the Commission determined that the few properties that this requirement impacts typically have unique characteristics that could not be addressed through creating standardized language in the Ordinance. The Commission believes these situations are fairly rare and best addressed through the variance process. This allows for consideration of these unique conditions, allows for review for potential impacts to surrounding properties and the public interest, and allows for the Board to impose conditions where necessary to address those impacts.

If you have any questions about the attached material, please contact me at your convenience.

**The first 18 proposals involve policy/content changes to the Land Management Code. Those that are administrative, structural, or other non-substantive changes or corrections are enumerated separately beginning with Item #19 on page 10.**

1.	LMC Page: 5-13
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**Issue:** There is a leftover reference to the Adequate Public Facilities Ordinance that has been repealed and needs to be removed.

**Proposal:** Remove Article 5, Section C.6.h, as follows:

**~~h. — Adequate Public Facilities.~~**

~~A Development Plan shall be approved only when the Planning Commission has determined that:~~

- ~~(1) — School facilities will be adequate to support and service the proposed subdivision;~~
- ~~(2) — Or if an approved mitigation program is in place to satisfy any deficiencies.~~

~~As regulated under the City's Adequate Public Facilities Ordinance, as amended from time to time.~~

2.	LMC Page: 7-23
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**Issue:** Sometimes, a developer will delay starting a project and the forest conservation fee in lieu rate, indexed annually for inflation, will increase between the time the Planning Commission approves the plan and when the fee is paid. This results in less buying power for the forest conservation program.

**Proposal:** Codify that the approval is based on area and the fee will be based on the rate that is in effect at the time it is collected, by adjusting Section I, subsections 1.b and 1.e. as follows:

1.b – add as new item to end of section. It is not tacked to the end of the sentence that ends... “State of Maryland.”: **Planning Commission approval of the use of fee-in-lieu contribution shall be identified and measured in the amount of area subject to compliance. Payment of fee-in-lieu contributions will be made based on the amount of area approved by the Planning Commission and the rate in effect at the time the applicant remits payment.**

1.e - ...Article shall be paid prior to the issuance of a permit to begin the construction activity. **Planning Commission approval of the use of fee-in-lieu contribution shall be identified and measured in the amount of area subject to compliance. Payment of fee-in-lieu contributions will be made based on the amount of area approved by the Planning Commission and the rate in effect at the time the applicant remits payment.**



3.	LMC Page: 4-79
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**Issue:** Article 4, Section M.1 speaks of a property owner being able to file a certification of nonconforming use with the Zoning Administrator. This basically puts approval of such in the hands of the applicant. There is no wording regarding how the review authority would or would not approve it.

**Proposal:** Add to the end of M.1:

...structure, location and general use. With the information provided, the Zoning Administrator shall have the authority to confirm the existence of a nonconforming use. Should the initial application's information be insufficient to confirm the nonconformity and continuous use of the alleged nonconformity to the Zoning Administrator's satisfaction, he or she may request additional information of the applicant prior to rendering a decision. The Zoning Administrator shall not have the authority to approve expansions, enlargements or changes of nonconforming uses. In the event that the Zoning Administrator declines to confirm the existence of a nonconforming use, the applicant may apply to the Board of Zoning Appeals seeking confirmation. The Zoning Administrator's rejection of the request shall not be part of the record considered by the Board (i.e., the case would be heard by the Board *de novo*.)

4.	LMC Page: 3-23
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**Issue:** Staff receives inquiries about beekeeping in residential areas. This is not advisable.

**Proposal:** Add beekeeping to the definition of livestock. Keeping of livestock is prohibited in all zoning districts except the AT (Agricultural Transition) Zoning District.

**LIVESTOCK** - Animals typically grown for the purpose of production of animal byproducts (e.g., eggs, milk, meat, wool, **honey**, leather, etc.) for household...

5.	LMC Page: 5-77
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**Issue:** Ensuring the creation of homeowners associations with subdivisions.

**Proposal:** Create signature block for subdivision plats that requires recording of the HOA covenants' location in the land records before the plat is recorded. Include the deed reference in the signature block to the HOA covenants on the plat. Add new #11 signature block to "Final Plat Certifications" in Article 5 as follows:

**11. Fee Simple Dedication of Open Space and Other Facilities to be Owned and Maintained by Property Owners Association.** If dedication of open space, stormwater management facilities or other lands to a property owner's association is proposed, the developer shall provide documentation of the creation of the Property Owners' Association and submit an original deed to the City prior to recordation of the final plat, granting good and sufficient fee simple title to all open space required to be dedicated to the Property Owner's Association.

Property Owners Association Note (for developments where they are necessary):

A property owners association, named the \_\_\_\_\_ (proper name of POA) \_\_\_\_\_ has been created and property owners association covenants have been approved by the City of Hagerstown and recorded by the developer in the Land Records of Washington County, Maryland at Liber \_\_\_\_\_ Folio \_\_\_\_\_ on \_\_\_\_\_ (insert date) \_\_\_\_\_. Such property owners association shall be responsible for the maintenance of all common areas and storm water management facilities depicted in the area included in this plat, or otherwise identified on the plat and/or other improvements referred to in the covenants.

\_\_\_\_\_  
Insert Name, President/Name of POA

6.

LMC Pages: 3-16 and 4-133

**Issue:** Ordinance is silent on outdoor flea markets.

**Proposal:** Define (specifically outdoors) and permit, subject to parking and buffer requirements. Definition is modified from the Zoning Ordinance of El Paso, Texas.

***FLEA MARKET*** – An outdoor commercial activity, not including shopping centers, individual retail operations, or sales that is open to the general public and composed of five or more semi-enclosed or outdoor stalls, rooms, stands, or spaces used for the purpose of display and sale, exchange, or barter of merchandise. The regulation of flea markets in Article 4 shall not apply to such activities conducted no more than three times per year by a nonprofit or charitable organization on their property. (*Zoning*)

Use Chart, Article 4, Section Z:

Use	CG	IR	IG
Flea Markets, subject to performance criteria found in Article 4, Section F.2.b(9) or Section H.2.c, as applicable	P	P	P

New Section F.2.b(9):

- (9) A flea market shall:
- (a) Comply with current requirements for vendor (employee) and customer parking, calculated based on retail use parking requirements; and
  - (b) All elements of the use are setback at least the required structure setback for the district, and
  - (c) The use area meets current landscaping requirements from adjacent commercial and residentially used properties and zoning districts.

New Section H.2.c:

- c. A flea market shall:
- (1) Comply with current requirements for vendor (employee) and customer parking, calculated based on retail use parking requirements; and
  - (2) All elements of the use are setback at least the required structure setback, and
  - (3) The use area meets current landscaping requirements from adjacent commercial and residentially used properties and zoning districts.

Renumber existing subsections c and d to d and e.



7.	LMC Page: 4-13
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**Issue:** The provision of allowing up to 240 square feet of sheds in addition to a 900 square foot garage is confusing to the public and difficult to administer.

**Proposal:** Remove the 240 square foot provision from Article 4, Section D.5.b.

**Detached Garages and Accessory Buildings.**

Private detached garages ~~accessory buildings~~ for not more than three (3) motor vehicles and accessory buildings cumulatively totaling not over nine hundred (900) square feet. ~~In addition to such buildings, accessory buildings shall be permitted that are cumulatively not more than two hundred forth (240) square feet in area.~~

8.	LMC Pages: 3-32 and 4-131
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**Issue:** Satellite simulcast betting facilities were inquired about as a potential use. One recently opened in Boonsboro. They are regulated and licensed by the state, however it does not pre-empt local zoning. State requires that it be part of a high end dining use.

**Proposal:** Include as a permitted use in the CC-MU District as a potential support for the A&E District, and in the CG District, and define the use in Article 3.

Use	CG	CC-MU
Satellite Simulcast (off track) Betting Facilities	P	P

***SATELLITE SIMULCAST BETTING FACILITIES*** – shall be as defined and regulated by the Annotated Code of Maryland. (*Zoning*)

9.	LMC Page: 4-85
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**Issue:** Front yards of single family homes and duplexes should not become parking lots.

**Proposal:** Amend Article 4, Section O.1, to add a new subsection d:

**d. Front Yards Not to Be Dominated by Vehicle Parking.**

On all existing improved residential properties and new residential development, driveways shall be one vehicle in width when accessed off of a front or side street. This shall not preclude driveways of sufficient depth to contain multiple vehicles or access to rear yard parking pads or garages. Driveways from front and/or streets shall be permitted to be two vehicles in width when constructed to access a front-loaded two-car garage.

10.	LMC Page: 4-75, 5-63 and multiple accessory refs.
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**Issue:** All merchandise, inventory and supply display and storage should not be permitted right up to rights of way and property lines. (Ex. Steffey Findlay's brick yard on Burhans as a

long existing example created before zoning.) New uses should be subject to a buffering requirement. Existing uses would be exempt.

**Proposal:** Amend Article 5, Section I. as follows, adding new Section 11:

**11. Outdoor Storage of Inventory, Merchandise and Supplies.**

All Outdoor storage of inventory, merchandise and supplies in the CL, CG, CR, IR, IG, I-MU, and Conversion Districts shall, at a minimum, be located at least 10 feet from adjacent property lines and street rights of way, and buffered in accordance with the provisions of the section pertaining to the buffering of parking areas.

This provision shall also be applied to properties and uses where a site plan is not required for a new or expanded use which introduces outdoor storage to an area, regardless of whether a site plan is required for the proposed use.

Amend Article 4 (Zoning), by adding the following to Section K (Supplementaries):

**17. Outdoor Storage of Inventory, Merchandise and Supplies.**

All Outdoor storage of inventory, merchandise and supplies in the CL, CG, CR, IR, IG, I-MU, and Conversion Districts shall, at a minimum, be located at least 10 feet from adjacent property lines and street rights of way, and buffered in accordance with the provisions of the section pertaining to the buffering of parking areas.

This provision shall also be applied to properties and uses where a site plan is not required for a new or expanded use which introduces outdoor storage to an area, regardless of whether a site plan is required for the proposed use.

Amend Article 4 (Zoning) by adding the following cross-reference to the above to the mixed use, commercial and industrial district sections, adding the following reference in their sections on Accessory Uses:

**XX.** The outdoor storage of inventory, merchandise and supplies accessory to a principal use, subject to the requirements of Section K.17.

11.	LMC Page: 4-85
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**Issue:** The backs of the apartments at Reserve at Collegiate Acres are side setbacks as recorded on the plats.

**Proposal:** Increase side setback and require apartment developments that any property line which has the rear or "long axis" of an apartment building facing it shall be treated as a rear setback for the building:

(see chart on next page)



## Article 4, Section D.5 (chart):

	Lot Area (sq. ft.)	Lot Width (ft.)	Lot Area Per Dwelling Unit (sq. ft.)	Front Yard Depth (ft.) (or to established line on same side of street for infill)	Rear Yard Depth (ft.)	Min. Aggregate Width of Side Yards (ft.)	Minimum Width of Side Yards (ft.)	Number of Side Yards Req'd.
Courtyard, new construction Mansion House, and Stacked Apartment units	20,000	100	2,700	0	20 (35 when adjacent to RMOD and RMED)	N/A	<del>40</del> 20 (or when property line is adjacent to the rear of a bldg., one add'l. foot for each foot of building height over 20 feet)	2

12.	LMC Page: 4-85
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**Issue:** Addressing when building permits are issued in error.

**Proposal:** Codify that if zoning approval for a building permit or zoning certificate was done in error and the work is underway or completed, the Zoning Administrator is prohibited from revoking the permit and enforcing the violated provision. Add the following to Article 2, Section E.3.e:

- e. When a site plan is approved in error by the responsible authority and/or a building permit or zoning certificate is approved in error by the Zoning Administrator or his or her agent, and the work is constructed in accordance with the permit, there shall be no violation of this Code and the Zoning Administrator is prohibited from initiating enforcement action, provided:
- (1) No fraud or misrepresentation had been practiced in obtaining the permit;
  - (2) At the time of the permit's issuance, no appeal or controversy regarding its issuance was pending before any body;
  - (3) The applicant has acted in good faith, expending funds or incurring obligations in reliance on the permit;
  - (4) Failure to enforce the violated provision is not contrary to the public interest, and
  - (5) Does not involve issues of compliance with the Floodplain Management Ordinance.

13.	LMC Page: 4-85
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**Issue:** Historically, the City has not held retaining walls to setback requirements, but there is a need to not allow the toe of a wall to be right up to the property line in order to allow for maintenance of the wall from the lower side.

**Proposal:** Require a setback for the base of any retaining wall on a property that is part of a multi-family development, institutional, commercial or industrial use from adjacent property lines and street rights of way. Setback would be 3 feet for walls up to 5 feet in height, and 6 feet for walls over 5 feet in height. Amend Article 4, Section K.1. to add new subsection i.:

- i. Retaining Wall Setbacks:** In order to ensure that a retaining wall can be maintained or repaired without trespass onto adjacent property, when a retaining wall is constructed on a property that contains or is planned to contain a use other than a single-family dwelling, single-family semi-detached dwelling or two family dwelling, and the wall faces away from the property, the wall shall be setback as follows:

Wall Height:	0 to 60 inches above adjacent grade:	3 feet
	More than 60 inches above adjacent grade:	6 feet.

14.	LMC Page: 4-65
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**Issue:** Mayor and Council asked staff and the Planning Commission to consider the issue of privacy fencing on properties that have higher classification streets in sides or rear are prohibited from having privacy fences up to property lines.

**Proposal:** No correction proposed. See cover memorandum.

15.	LMC Page: 4-mult.
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**Issue:** Our regulations are more restrictive than the State's regarding home day care.

**Proposal:** As a result of the Commission's meeting with State representatives at the April 13<sup>th</sup> meeting, the proposed language of the amendment is as follows:

- (3) Home day-care of up to ~~four (4)~~ **eight (8)** children, ~~not including the children or relatives of the resident provider,~~ as licensed by the State of Maryland. The number of children cared for in an apartment unit that are not members of the resident household shall not exceed 2. ~~(not permitted in an apartment dwelling unit).~~ A home day-care may utilize non-resident employees only for occasional back up staff for the purpose of covering on-site operations for the resident staff during vacations, personal emergencies, appointments, etc. when the resident provider will not be present, as is required by their State license. Otherwise, a home-day care shall not employ persons who do not reside on the property. *[Ed. Note: State licensure counts those children under age 6 living in the dwelling among those being cared for under the license. City requirements prohibit a*



*home day care operator's ability to care for five or more children under the age of two unless a second care giver (as required by State licensure) is also a resident of the dwelling].*

16.	LMC Page: 4-47
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**Issue:** State law requires gas price signs of a minimum square footage and exempts it from local sign laws. Also, the prohibition on bare bulb prohibits artistic neon-tube lighting.

**Proposal:** Clarify the neon tube intent and create a new provision that exempts gas price signs, up to the minimum required by Maryland law for the purposes of calculating maximum sign area. Amend (1) and add a new (10) to Article 4, Section I.2.b, as follows:

- (1) Animation, bare-bulbs, or flashing illumination or imagery. All lighting shall be steady, stationary, and/or shielded light sources directed solely onto the message.

*The prohibition of bare-bulbs shall not prohibit the use of decorative neon tube lighting used;*

*(a) In straight sections used to only highlight architectural features (and such use shall not be counted toward sign area), and/or*

*(b) When formed into shapes with the intended use of signage (and such use shall be counted toward sign area).*

- (10) The minimum size and required posting of graphics informing the public of gasoline sales prices in accordance with Maryland law shall not be calculated for the purposes of maximum graphic area. That which exceeds the minimum required by Maryland law shall be included in maximum sign area.*

17.	LMC Page: 4-34 and 4-136
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**Issue:** Staff was approached recently by property owner wishing to do automobile sales, entirely indoors, in a building in the CL (Commercial Local) Zoning District that was built for motor vehicle sales (West Washington Street near Madison Avenue).

**Proposal:** Amend use chart (Section Z) to permit motor vehicle sales in the CL District, provided all inventory and vehicles to be serviced are stored within a building.

Use	CL	CG	CR
Automobile and truck sales, subject to performance standards found in Section F.2.b(8) (441110), including rental or leasing when a principal use. Storage of rental fleets shall be calculated separate from customer and employee parking. (See Editor's Note beginning on page 8-4).	P	P	P

Amend Article 4, Section F.2.b(8) as follows:

- (e) Automobile sales shall be permitted in the CL Zoning District only when all for-sale inventory and all vehicles on site for repair or preparation for sale shall be*

stored inside of fully enclosed buildings at all times. At no time will for-sale inventory, vehicle awaiting preparation for sale, or on-site for service be stored outdoors. Nothing in this provision shall be interpreted to permit warehousing of automobiles as a principal use.

(f) The provisions of this subsection shall not apply to any facility.....

18.	LMC Page: 4-129
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**Issue:** Prevent multiple units within an apartment building from being used for residential facilities with in-house professional care, creating an institutional environment through the guise of individual residences on a property that permits multiple residential units.

**Proposal:** Add “per lot” to each descriptor in Section Z – use chart.

Use	AT	RMOD	RMED	RH	RO	N-MU	CC-MU	CL
Residential facilities with in-house professional care for up to three residents with mental and/or physical disabilities – <b>one per lot.</b>	P	P	P	P	P	P	P	P

The following proposals are not policy or content related, and are intended to address cross referencing updates, structural adjustments, corrections to structural errors, content clarifications and other administrative adjustments.

19.	LMC Page: throughout
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**Issue:** Inconsistent and interchangeable use of the terms “this article” and “this Ordinance”.

**Proposal:** Change all relevant references to “ordinance” in the Code to “article”. In some places, due to context, “ordinance” may be retained as necessary.

20.	LMC Page: 4-9
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**Issue:** Structural consistency.

**Proposal:** Make Article 4, Section B. 2 and 3 consistent with other land use type sections (see similar entries in the residential and commercial sections. Minimal content change.

**B. AT (Agricultural Transition) District.**

**1. Purpose.**

**2. ~~Principal Permitted Uses.~~**

~~Principal Permitted uses in the AT Zoning District shall be as enumerated in Section Z of this Article.~~



3. ~~Special Exception Uses, As Provided For In Sub-section U.8.~~  
~~Special exception uses in the AT Zoning District shall be as enumerated in Section Z of this Article. Special exception uses shall be reviewed and governed by the provisions of Sub-section U.8 of this Article.~~

2. **Uses.**

a. **Permitted and Special Exception Uses.**

Uses in this district shall be permitted, permitted by special exception in accordance with the general and specific performance criteria found in Sub-section U.8 of this Article, or not permitted, as enumerated in Section Z of this Article.

b. **Special Exception Use Conditions.**

No special exception use shall be granted by the Board of Zoning Appeals unless the use is found to be in accordance with the following requirements:

- (1) The off-street parking requirements of Section O.
- (2) The specific performance criteria of individual special exception uses (if applicable) as found in Sub-section U.8.a(7) of this Ordinance.
- (3) The site plan requirements of Sub-section S.2, if applicable, following the Board's granting of the special exception.

Renumber subsections 4 through 7 to 3 through 6.

21.	LMC Page: 4-37 and 4-44
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**Issue:** Inconsistencies exist between Section I (Graphics) and the provisions within the sections regulating commercial districts (Section F) and industrial districts (Section H).

**Proposal:** Extend the regulation of signage in the commercial districts to all districts, not just the POM. Amend Article 4, Section F.6 as follows:

6. **Street Graphics in the POM Commercial Districts.**

Regulation of street graphics in the POM District **commercial zoning districts** shall be per Section I of this Article.

**Proposal:** Make same correction in the industrial districts section (Section H.8), which only addresses I-MU. This also requires renumbering to move it from its current location in I-MU specific regulations.

b. **9. Street Graphics.**

Regulation of street graphics in the I-MU **industrial zoning districts** shall be in accordance with Section I of this Article.

22.	LMC Page: 5-4
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**Issue:** Article 5, Section A.3.d is an incomplete sentence. It is intended to allow administrative approval of adjustments to recorded lots.

**Proposal:** Add text to make a complete sentence.

**d. Adjustments to Recorded Plats.**

The combination or recombination of a portion of previously subdivided and recorded lots **may be approved by the Zoning Administrator** if the total number of lots is not increased, and the resultant lots are equal to or exceed the standards of this Ordinance.

23.	LMC Page: see below
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**Issue:** Numerous minor non-content clarifications.

**Proposal:** On page 5-17, add word to last line of second paragraph on section on Condo plats (Article 5, Section C.19.  
...by the Zoning Ordinance, or if the **existing** use is illegal or nonconforming.

**Proposal:** On page 5-43, add words to Section I.1.c, last line:  
...semi-detached dwellings and **additions thereto**, and additions to townhouses.

**Proposal:** On page 5-48, add words to Article 5, Section I.4.h.4: "All off-street parking areas must be physically separated **from property lines and public street rights of way** by a landscaped buffer as specified...."

**Proposal:** On page 3-3, add "As pertains to Article 6" to the second definition of "Accessory Building or Use" in Article 3. The first definition starts "As pertains to Article 4".  
2. **As pertains to articles except Article 4**, a building or structure...

**Proposal:** On page 3-15, in the third item of the definition of "Essential Utility Equipment", change "this Code" to "this chapter".  
...as regulated in Article 4, Section Q of this ~~Code~~ **Chapter**.

**Proposal:** On page 4-82, adjust Section M.11.c with the following clarification-  
...but is rendered noncomplying **or nonconforming** due to the property not meeting lot area, width, and other bulk requirements.

**Proposal:** On page 4-85, in Section O.1.b(2) – clean up as follows –  
...Local Conversion District, ~~as enumerated in Section J.3~~ or the CC-MU Zoning District.

**Proposal:** On page 5-33, second line from the top, in the plat requirement chart in Section F.2.b – Notation explaining all associated planning and zoning files, change one word:  
...(BZA, FC, NCU, annexation, HDC, past subdivisions ~~or~~ **and** site plans)



**Proposal:** On page 5-33, chart c (proposed layout), line 5, add:  
 “Building setback line for each street **and property line.**”

**Proposal:** On page 4-124, correct the date of the ordinance in the box for multi-family dwellings constructed prior to October 1, 1956 from March 27, 1977 to March 7, 1977. On page 4-7, correct the date on item #14 to also accurately reflect the correct date.

**Proposal:** On page 4-69, Change title of #9 to “Use of Semi-Trailers **and** Sea Containers **and** PODs” Removes the reference to “PODS” which were removed in prior amendments.

24.		LMC Page: throughout
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**Issue:** Due to recent reorganization, the agency that administers the Land Management Code has been re-named.

**Proposal:** Change all references to the “Planning and Code Administration Division” to the “Planning and Code Administration Department”.

25.		LMC Page: 4-46
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**Issue:** Signs are prohibited for home workstations. However, they do not appear on the list of prohibited signs in the section on “Graphics”.

**Proposal:** Therefore, we propose to cross reference the prohibition on signs for home work stations to the list of prohibitions in graphics by adding a ninth prohibition to Section I.1.b as follows:

(9) **Graphics for Home Workstations.**

26.		LMC Page: 5-62
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**Issue:** Subjecting redevelopment of apartments to same standards as shopping areas. Awkwardness was created in the wording in a prior amendment process.

**Proposal:** Adjust Article 5, Section I.9.b as follows (re-written as requested by Commission):

b. **Remodeling and Renovation of Existing Retail Centers **and Multi-Family Developments.****

~~When an existing retail center is renovated or redeveloped to permit the introduction of a destination retail use to the site, all provisions of this subsection shall apply to the renovation plans. Given the existing nature of site improvements, the Planning Commission may treat such proposed renovation with leniency when reviewing plans submitted in accordance with this subsection.~~

All provisions of this subsection shall apply to renovation plans for existing retail centers and/or multi-family developments that are improved to 1) introduce a destination retail use to the site and/or 2) result in an increase in the number dwelling units. This includes circumstances when there is little to no ground disturbance. A site plan will be required. Depending upon the nature and arrangement of existing site improvements, the Planning Commission may treat such proposed renovation plans with leniency when reviewing plans submitted in accordance with this subsection.

27.	LMC Page: 4-133
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**Issue:** The Ordinance treats gasoline sales as any other sales use, however there are localized regulations and prohibitions that require backing into understanding where it is permitted. A common inquiry staff receives is “where are gas stations permitted?” as the caller does not know that we treat it the same as any other retail sales. It is permitted in the CL, CG and CR districts, however there are no CL zoned tracts that would support development of a gas station within current industry standards. To simplify this issue and reduce the number of inquiries we receive on it, we propose calling out gasoline sales separately, and listing it as a permitted use in the CG and CR Districts. With this change, gas sales would not be permitted in the CL District.

**Proposal:** Create line in use chart for gasoline sales in the CG and CR districts.

Use	CG	CR
Gasoline and diesel fuel, sale to the public	P	P

28.	LMC Page: 4-85
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**Issue:** In the POM District, tanning and depilatory salons and hair care are not subject to the 25% cap for commercial uses in the POM. This corrects an editorial error from a prior amendment process.

**Proposal:** Add note accordingly.

Use	POM
Tanning and Depilatory salons (812199)	P#

29.	LMC Page: 4-85
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**Issue:** Need to cross reference the amortization of certain signs and trailers to Section M, which deals with nonconforming uses. There are already such cross references for other uses, and this will update that list. This is not new content – just cross-referencing existing content.

**Proposal:** Create new Subsections M.4.d and e, as follows:



**d. Temporary Graphics**

Per Article 4, Section I.b(4), temporary graphics made nonconforming to these regulations are to be removed within 180 days of October 30, 2015  
*[ADMINISTRATIVE NOTE: This date is April 27, 2016].*

**e. Use of Semi-Trailers**

Per Article 4, Section K.9.a, the parking and storage of semi-trailers is limited to certain activities and existing uses other than those enumerated became nonconforming. Non-conforming trailers are to be removed within 24 months of the effective date of the Ordinance amendment. *[ADMINISTRATIVE NOTE: The amortization period for this provision expired on October 25, 2014.]*

30.	LMC Page: 5-45
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**Issue:** Ordinance permits stopping subdivision processing as an enforcement tool (Article 5, Section C.21, page 5-18), but the ordinance has no provisions that permits stopping site plan processing.

**Proposal:** New Article 5, Section I.2.h:

**h. Properties in Violation at Time of Application or Processing.**

When a property with an open violation case or known violation of this Land Management Code is submitted into the site plan process, the Zoning Administrator may suspend review and processing of the application pending resolution of the violation. Such suspension also suspends any review timing standards as set forth in this Chapter.

31.	LMC Page: 5-46
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**Issue:** There is a hole in the applicability of the landscaping requirements that could be construed as they only applied to full site plans. We believe this is a holdover from when the thresholds for minor site plans were much lower.

**Proposal:** Amend Article 5, Section I.4.b, as follows:

**b. Applicability.**

These standards shall apply to any development or redevelopment proposals requiring approval by the Planning Commission *(or by staff in the case of administrative approvals)*. Improvements associated with single-family residences; ~~simplified plats, and minor site plans~~ are exempt.

32.		LMC Page: multiple
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**Issue:** Administrative issue - In the last annual package, the Mayor and Council gave staff one-time authority to fix minor structural errors (cross referencing, etc.). In order to implement this, counsel required each correction to be annotated with a foot note, referring to an administrative appendix that was inserted at the end of Chapter 8.

**Proposal:** When satisfied with the changes it wants to make, the Mayor and Council will officially “repeal and replace” the entire Land Management Code, which will then remove the need for the foot notes and appendix. The footnotes and appendix will not appear in the next version of the Land Management Code.

33.		LMC Page: multiple
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**Issue:** Whenever new material is added or material is removed from the ordinance, it has the potential to affect cross referencing.

**Proposal:** Once satisfied with the proposed changes, the Mayor and Council directs staff to place the Ordinance in final format, verifying any changes to cross referencing, for final adoption (repeal and replace). That way, staff addresses cross referencing repairs prior to adoption, eliminating any need for an administrative correction appendix.

End.

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

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**Topic:**

Tank Mixing and Travelling Screen Project

**Mayor and City Council Action Required:**

**Discussion:**

**Financial Impact:**

**Recommendation:**

**Motion:**

**Action Dates:**

**ATTACHMENTS:**

**File Name**

Memo-Tank\_Mixing\_and\_Traveling\_Screen\_Project.pdf

**Description**

Memo- Tank Mixing and  
Travelling Screen Project



CITY OF HAGERSTOWN



DEPARTMENT OF UTILITIES

425 East Baltimore Street  
Hagerstown, MD 21740-6105

51 West Memorial Blvd  
Hagerstown, MD 21740-6848

Memorandum

To: Valerie Means, City Administrator

From: Michael Spiker, Director of Utilities  
Nancy Hausrath, Water Operations Manager

RE: Maryland Department of the Environment – Grant Funding  
Traveling Screen and Tank Mixing Project

Date: July 8, 2016

In accordance with the approved Fy16 and FY17 Capital Improvement Budget (attached), staff requested consideration for funding to Maryland Department of the Environment (MDE). In the funding application, a request was made loan and grant funding. Staff was notified on May 18, 2016 of approval of \$691,250 in grant funding and an additional \$691,250 in loan funding. Please find attached a copy of the loan application and award letter.

The project will include the replacement of the existing traveling screens at the R.C. Willson Water Treatment Plant and the installation of tank mixing system in four finished water tanks throughout the water distribution system. The existing traveling screens at the Willson were installed and placed into service in 1976 – emergency repairs have been and continue to be made to keep the screens operable until they can be replaced. This project will allow for better solids removal from the raw water supply and minimize and/or eliminate disinfectant by-product formation and nitrification in the distribution system. To continue to achieve compliance with the Stage 2 DBPR2 – this project builds on the existing work that has been completed in the Phase IV-A and Phase IV-B improvements at the R.C. Willson Plant. This project will also address future concerns regarding nitrification in the water distribution system with the conversion to chloramines in August 2015 as a secondary disinfectant.

Upon completion of this project, the following system benefits will be realized:

1. Project will allow for better removal of organic material from the raw water supply
2. Project will prevent low service pump failure associated with the transfer of raw water to the pre-sedimentation basins
3. Project will increase water quality in the distribution system by reducing water age, TTHM formation, and nitrification
4. Project will address Public Health concerns by reducing TTHM formation potential and nitrification
5. Project will allow the City to remove solids from the raw water source without compromising production

Utility Department staff is recommending Mayor and Council approval of the MDE grant I the amount of \$691,250 for the replacement of the traveling Screens at R.C. Willson and the installation of tank mixing systems at the West End, Orchard Hills, Mack, and Smithsburg finished water storage tanks. Collectively, these improvements with allow the Water Division to continue to maintain compliance with the Stage 2 Disinfection By-Product Rule. Staff will also request approval for MDE Loan funds for this project is a separate request.

Should you have questions or require additional information, please let us know.



CITY OF HAGERSTOWN



DEPARTMENT OF UTILITIES

425 East Baltimore Street  
Hagerstown, MD 21740-6105

51 West Memorial Blvd  
Hagerstown, MD 21740-6848

Memorandum

To: Valerie Means, City Administrator  
From: Michael Spiker, Director of Utilities  
Nancy Hausrath, Water Operations Manager  
RE: Maryland Department of the Environment – Grant Funding  
Water Pumping Improvements  
Date: July 8, 2016

Maryland Department of the Environment contacted City staff on April 4, 2016 to notify staff of a new grant funding opportunity available through the Energy-Water Infrastructure Program (E-WIP). Staff reviewed the funding application and requested consideration for funding to Maryland Department of the Environment (MDE). In the funding application, a request was made for grant funding in the amount of \$842,940. Staff was notified on June 17, 2016 of approval of the total grant funding request (see attached application and funding award notification).

This project consists of the replacement of the low service pumps at the RC Willson Water Treatment Plant and finished water system pumps at Pump Station 4 located on Park Avenue. There are four low service pumps at the RC Willson Plant which were installed in 1970 (two 75HP and two 150HP). One 75HP pump and one 150HP run 24 hours per day year round. Occasionally, a second 75HP pump will need to be turned on based on customer demand. Based on current energy usage at the Water plant, the estimated efficiency has been reduced to approximately 60%. The proposed energy calculations are based on the rated efficiency of the pumps.

There are three 20 HP pumps at Pump Station 4 that were installed in 1963. At least one of these pumps run 24 hours per day, and sometimes a second will turn on in a lead-lag setup when customer demand increases. Based on the current energy usage at the pump station, the estimated efficiency of the current pumps is approximately 60%. The proposed energy calculations are based on the rated efficiency of the pumps.

Utility Department staff is recommending Mayor and Council approval of the MDE grant in the amount of \$842,940 for the replacement of the four low service pumps at the R.C. Willson Plant and the three pumps at Pump Station 4 located on Park Ave. Collectively, these improvements will reduce long term energy costs and improve system reliance.

In as much as this funding source was not available during the preparation of the FY17 Capital Improvement Budget, these projects are not specifically identified in the Willson or Pump Station CIP (C0166 and C0651 attached). Should funds be required for Engineering Services to meet MDE procurement requirements, adequate funding is available in the Water Fund.

Should you have questions or require additional information, please let us know.

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

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**Topic:**

Approval of an Application/Permit for the Doleman Black Heritage Museum Summer Concert Series – July 23, 2016, August 13, 2016, and September 17, 2016

**Mayor and City Council Action Required:**

Staff seeks approval of an Application/Permit from the Doleman Black Heritage Museum for an open container law exemption during the Doleman Black Heritage Museum Summer Concert Series on Saturday, July 23, 2016, August 13, 2016, and September 17, 2016.

**Discussion:**

Staff seeks approval of an Application/Permit from the Doleman Black Heritage Museum for an open container law exemption during the Doleman Black Heritage Museum Summer Concert Series on Saturday, July 23, 2016, August 13, 2016, and September 17, 2016. All liquor sales by the Doleman Black Heritage Museum will be contained to University Plaza for the duration of the event. If approved by the Mayor and City Council, this application will go to the Liquor Board for review and final approval.

**Background**

The Doleman Black Heritage Museum Summer Concert Series is scheduled for Saturday, July 23, 2016, August 13, 2016, and September 13, 2016. The event will be free and open to the public and live entertainment is planned for the main stage against 60 West Washington Street. The Doleman Black Heritage Museum is sponsoring the event and has agreed to pay a fee of \$275 for each of the three events. This fee includes \$125 for the rental of University Plaza, \$100 for the usage of restrooms and the associated restroom cleaning fee, and \$50 for the attendance of a park attendant for one hour of the event. Each concert is scheduled to run from 6:00 P.M. to 10:00 P.M. with alcohol only being available for purchase from 6:00 P.M. to 9:30 P.M.

**Financial Impact:**

**Recommendation:**

**Motion:**

I hereby move for Mayor and Council approval to authorize the attached Application/Permit for The Doleman Black Heritage Museum in University Plaza on Saturday, July 23, 2016, August 13, 2016, and September 17, 2016 from 6:00 p.m. to 9:30 p.m.

**Action Dates:**

**ATTACHMENTS:**

**File Name**

**Description**

Approval\_Application\_Permit\_DBHM\_Concerts\_071416.pdf

Approval of an  
Application/Permit for the  
Doleman Black Heritage  
Museum Summer Concert  
Series

## REQUIRED MOTION

### MAYOR AND CITY COUNCIL HAGERSTOWN, MARYLAND

**Date:** July 19, 2016

**TOPIC:** Approval of an Application/Permit for the Doleman Black Heritage Museum Summer Concert Series – July 23, 2016, August 13, 2016, and September 17, 2016

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

**MOTION:** I hereby move for Mayor and Council approval to authorize the attached Application/Permit for The Doleman Black Heritage Museum in University Plaza on Saturday, July 23, 2016, August 13, 2016, and September 17, 2016 from 6:00 p.m. to 9:30 p.m.

DATE OF PASSAGE: 07/19/2016



## CITY OF HAGERSTOWN, MARYLAND

Department of Community & Economic Development

TO: Valerie Means, City Administrator

FROM: Lauren Metz, Community Events Coordinator *ym*

DATE: July 14, 2016

SUBJECT: Doleman Black Heritage Museum Summer Concert Series Open Container Law Exemption

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Staff seeks approval of an Application/Permit from the Doleman Black Heritage Museum for an open container law exemption during the Doleman Black Heritage Museum Summer Concert Series on Saturday, July 23, 2016, August 13, 2016, and September 17, 2016. All liquor sales by the Doleman Black Heritage Museum will be contained to University Plaza for the duration of the event. If approved by the Mayor and City Council, this application will go to the Liquor Board for review and final approval.

### Background

The Doleman Black Heritage Museum Summer Concert Series is scheduled for Saturday, July 23, 2016, August 13, 2016, and September 13, 2016. The event will be free and open to the public and live entertainment is planned for the main stage against 60 West Washington Street. The Doleman Black Heritage Museum is sponsoring the event and has agreed to pay a fee of \$275 for each of the three events. This fee includes \$125 for the rental of University Plaza, \$100 for the usage of restrooms and the associated restroom cleaning fee, and \$50 for the attendance of a park attendant for one hour of the event. Each concert is scheduled to run from 6:00 P.M. to 10:00 P.M. with alcohol only being available for purchase from 6:00 P.M. to 9:30 P.M.

Attachment: Doleman Black Heritage Museum Permit Application – July 23, 2016, August 13, 2016, and September 17, 2016

c: Jill Frick, Director of Community and Economic Development  
Reggie Turner, Doleman Black Heritage Museum

## APPLICATION/PERMIT

The undersigned does hereby make application to the City of Hagerstown, Maryland, to utilize the property/facilities of the City more particularly described as follows:

The Doleman Black Heritage Museum Summer Concert Series to be held at University Plaza

on Saturday, July 23, 2016, August 13, 2016, and September 17, 2016 from 6:00 p.m. to 9:30 p.m.

The term applicant is defined as any person, firm, corporation or legal entity of whatsoever nature or kind on whose behalf this application is being made and permit granted.

The applicant acknowledges that the premises shall be used solely for the purpose of:

The Doleman Black Heritage Museum will be selling beverages during their Summer Concert Series on Saturday, July 23, 2016, August 13, 2016, and September 17, 2016 from 6:00 p.m. to 9:30 p.m. They will be selling alcoholic beverages to persons in this area who are of legal drinking age and non-alcoholic beverages.

The signatory to this application certifies that he/she has the authority to make this application and execute this agreement on behalf of:

Applicant Name: The Doleman Black Heritage Museum  
Applicant Address: 540 N. Locust Street, Hagerstown, MD 21740

and to bind said person, firm or legal entity to the terms hereof. The signatory hereto represents and agrees that in the event that he/she does not have such authority, then and in said event, the signatory hereto is solely responsible and bound by all of the terms and conditions of this application, permit and agreement.

The undersigned signatory, on behalf of the applicant, agrees that he/she/it shall:

1. Abide by all rules applicable to the facility utilized and/or any promulgated by the City and contained in this application (See Attachment B).
2. Abide by all Statutes, Acts, Ordinances, and Regulations applicable to the use of the area.
3. The applicant does hereby agree that if necessary he/she/it shall be responsible for and obtain all necessary permits, licenses, or any other matters required in connection with the function and/or use of the premises and does hereby agree to hold the City, its servants, agents and employees harmless from any suits, demands, claims, expenses or fines that may arise directly or indirectly from such use of the premises.
4. The applicant agrees that he/she/it shall furnish and does furnish upon the execution of this application and agreement certificates of insurance with coverage adequate within the absolute discretion of the City. The applicant further agrees that the City shall be placed upon any liability policy or any other policies of whatsoever nature or kind applicable to the function as an additional insured. The applicant agrees to hold harmless and indemnify the City, its agents, servants, representatives, officials and employees from any and all claims, expenses, suits, demands, losses or costs of whatsoever nature or kind



arising directly or indirectly from the use of the premises described. The Applicant shall abide by all rules applicable to the facility utilized and/or any promulgated by the City and contained in this application (See Attachment B).

5. The applicant further agrees that the premises shall be vacated by the applicant in the same condition as when occupied and if any damage has been done by the applicant or attendees of any function, the applicant shall be responsible for and reimburse the City for repairs, cleaning, and any other expenses incurred as a result thereof.
6. It is understood by the applicant that this permit is subject to all of the terms, obligations, conditions and reservations set forth in this agreement and any attachments which are incorporated by reference. In the event there are any conflicts between this document and any Attachments the terms set forth herein shall govern and prevail.

Date: 7/14/16

Name of Applicant: Doleman Black Heritage Museum

By: Reggie Turner

Address: 540 N. Locust Street, Hagerstown, MD 21740

Telephone: (301)797-5019

### ACCEPTANCE

The foregoing application for permit is hereby accepted and granted by the City of Hagerstown, Maryland, by its duly authorized and designated representative. This permit is being granted upon all of the terms and conditions set forth above which are incorporated herein by reference. A violation of any of the conditions set forth above may result in an immediate revocation of said permit.

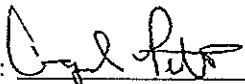
CITY OF HAGERSTOWN, MARYLAND

By: \_\_\_\_\_

**CITY OF HAGERSTOWN**  
**HOLD HARMLESS AGREEMENT**

Lessee/User: The Doleman Black Heritage Museum  
Event/Use: Doleman Black Heritage Museum Summer Concert Series  
Location: University Plaza (see map hereto as Attachment A)  
Date(s) of Use: Saturday July 23<sup>rd</sup>, 2016, August 13<sup>th</sup>, 2016 and September 17<sup>th</sup>, 2016 from 6:00 p.m. to 9:30 p.m.

The Lessee/User agrees that it shall indemnify the City of Hagerstown and hold harmless the City of Hagerstown against any and all fines, suits, claims, demands, expenses, actions, losses, alleged losses, or liabilities of whatsoever nature or kind incurred either directly or indirectly either in law or equity, paid, suffered or incurred as a result of the acts, activities, or omissions of the Lessee/User, its agents, servants, or employees, due to the operation and use of the premises. It is further agreed that the Lessee/User shall in addition to holding the City of Hagerstown harmless from any and all liabilities or damage or injury to both persons and property, occurring as a result of the use of said premises, shall defend The City of Hagerstown at Lessee's/User's expense against any and all claims, suits, demands, of whatsoever nature or kind.

Witness: 

Witness: 

Date: 7/14/16

The Doleman Black Heritage Museum  
Lessee/User

 President  
By (Signature and Title)

540 North Locust Street  
Street

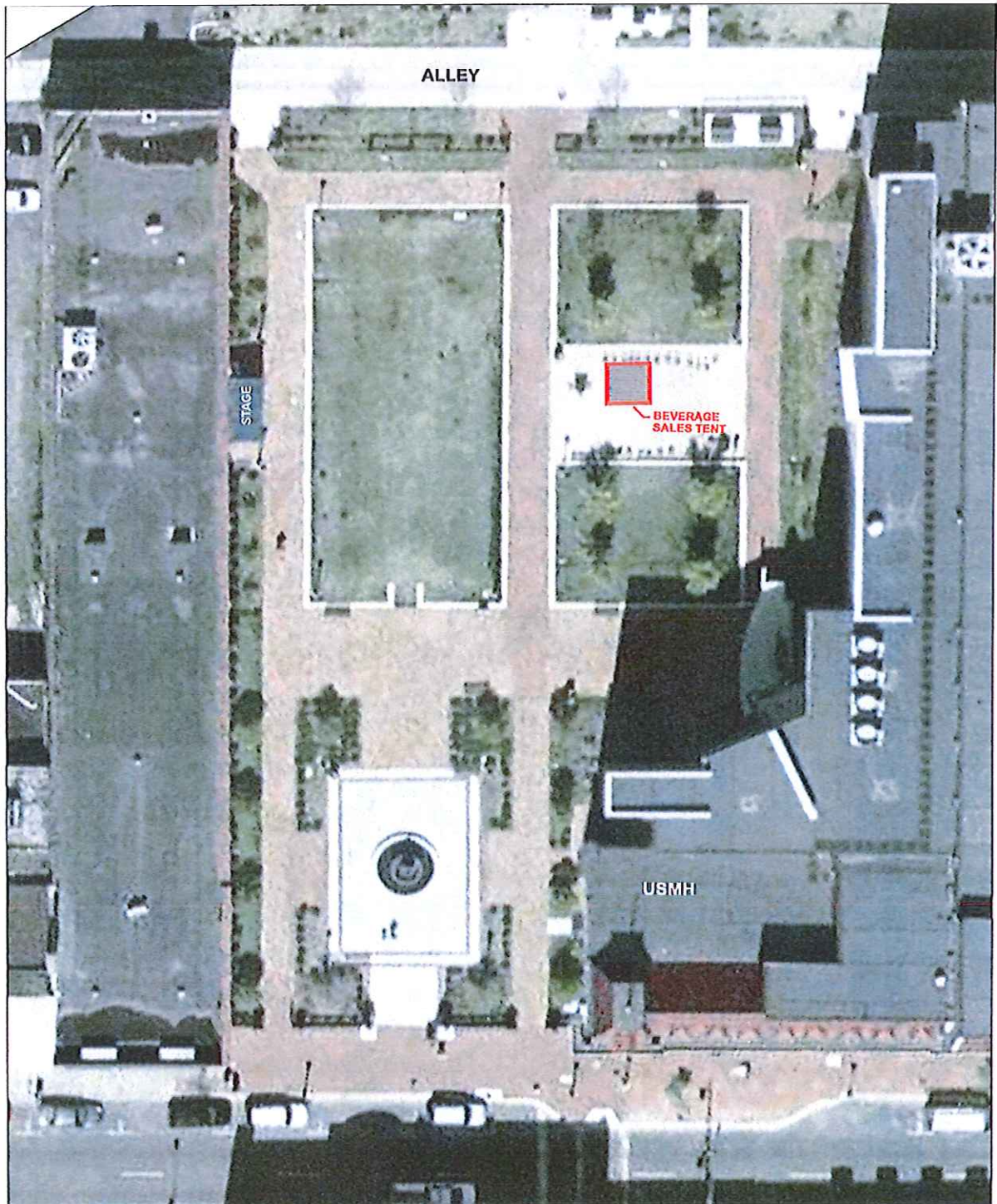
Hagerstown, MD 21740  
City, State, Zip

(301)790-5019  
Telephone

Return to: Lauren Metz  
Community Events Coordinator  
City of Hagerstown  
14 North Potomac St., Suite 200  
Hagerstown, MD 21740  
(301) 739-8577, Extension 116



## ATTACHMENT A



**DOLEMAN CONCERT SERIES - UNIVERSITY PLAZA**

SCALE: 1"= 30'

## ATTACHMENT B

It is understood by the applicant that this permit is subject to the terms and conditions below.

1. University Plaza (see map attached hereto as Attachment A) is rented for \$275 to The Doleman Black Heritage Museum from 6:00 p.m. to 9:30 p.m. on July 23, 2016, August 13, 2016, and September 17, 2016.
2. The Doleman Black Heritage Museum is a nonprofit institution.
3. The Doleman Black Heritage Museum will serve only beer and wine and will limit this activity to individuals who are legally able to drink alcohol and are in the fenced-in area.
4. The Doleman Black Heritage Museum will sign this permit and Hold Harmless Agreement (see next page), as well as, endorse the City of Hagerstown as an additional insured on a two million dollar (\$2,000,000) insurance policy.

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

---

**Topic:**

Approval of a Street Closure – T.E.A.M. Community Day

**Mayor and City Council Action Required:**

Approval of a street closure for the T.E.A.M. Community Day event from 12:00 PM to 1:00 PM on July 23, 2016

**Discussion:**

At the July 19, 2016 Mayor and City Council meeting, staff seek approval of a Street Closure for one additional event in 2016.

At the February 23, 2016 meeting the Mayor and City Council approved a broad list of events, and additional events have been approved at subsequent meetings. The following is an additional event that was not previously approved.

**T.E.A.M. Community Day**

Saturday, July 23, 2016

Street Closure: 12:00 P.M. to 1:00 P.M. – March from T.E.A.M. offices on intersection of Locust Street and E. Franklin Street to Wheaton Park expected to last around 40 minutes.

Additional event in Wheaton Park expected to run from 12:00 P.M. to 4:00 P.M.

Event site includes Locust Street between E. Franklin Street and North Avenue and North Avenue between Locust Street and Prospect Street. (See Attachment A)

Event Organizer: T.E.A.M., Fred and William Robinson

The event is a free and open festival that provides live entertainment, food, and games for members of the community while raising awareness of different behavior modification programs available for Hagerstown's youth by T.E.A.M.

For all events, plans may be modified for safety and traffic issues, and event times are subject to change.

**Background**

City policies related to special events not operated by the City include, but are not limited to the following:

- The City requires the event organizer to provide the City a certificate of insurance naming the City as additionally insured.
- For events that include serving alcoholic beverages, the City requires the event organizer to submit a signed application for Open Containers Law Exemption for Special Events. The City requires the event organizer to submit a signed application for Special Class C Street Festival License as a part of process of obtaining this type of license from the Liquor Board if the event format and alcohol sales fit this model.
- The City requires the event organizer to review street closure and event plans with a

cross-department logistics team which includes but may not be limited to representatives from the following City departments: Fire, Police, Public Works, Engineering/Parks & Recreation, Utilities, Planning and Code Administration and Community & Economic Development. The team review event and street closure plans and may seek modifications of plans to ensure efficiency and safety.

- The event organizer is responsible for applicable fees and costs for City services. City Staff work to keep costs minimal in support of events.

- The event organizer is responsible for obtaining a State Highway permit if the street closure affects a State Highway.

- The event organizer is responsible for notifying districts and neighborhoods affected by the street closures.

**Financial Impact:**

**Recommendation:**

**Motion:**

I hereby move for Mayor and Council approval of a street closure for the T.E.A.M. Community Day event from 12:00 PM to 1:00 PM on July 23, 2016. The event site includes Locust Street between E. Franklin Street and North Avenue and North Avenue between Locust Street and North Prospect Street.

**Action Dates:**

DATE OF PASSAGE: 07/19/2016

**ATTACHMENTS:**

**File Name**

Approval\_Street\_Closure\_TEAM\_Community\_Day\_071416.pdf

**Description**

Approval of a Street Closure  
– T.E.A.M. Community Day



## REQUIRED MOTION

### MAYOR AND CITY COUNCIL HAGERSTOWN, MARYLAND

**Date:** July 19, 2016

**TOPIC:** Approval of a Street Closure – T.E.A.M. Community Day

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

**MOTION:** I hereby move for Mayor and Council approval of a street closure for the T.E.A.M. Community Day event from 12:00 PM to 1:00 PM on July 23, 2016. The event site includes Locust Street between E. Franklin Street and North Avenue and North Avenue between Locust Street and North Prospect Street.

DATE OF PASSAGE: 07/19/2016



# CITY OF HAGERSTOWN, MARYLAND

Department of Community & Economic Development

TO: Valerie Means, City Administrator  
FROM: Lauren Metz, Community Events Coordinator *JM*  
DATE: July 14, 2016  
SUBJECT: Street Closure Request – T.E.A.M. Community Day

At the July 19, 2016 Mayor and City Council meeting, staff seek approval of a Street Closure for one additional event in 2016.

At the February 23, 2016 meeting the Mayor and City Council approved a broad list of events, and additional events have been approved at subsequent meetings. The following is an additional event that was not previously approved.

## **T.E.A.M. Community Day**

Saturday, July 23, 2016

Street Closure: 12:00 P.M. to 1:00 P.M. – March from T.E.A.M. offices on intersection of Locust Street and E. Franklin Street to Wheaton Park expected to last around 40 minutes. Additional event in Wheaton Park expected to run from 12:00 P.M. to 4:00 P.M.

Event site includes Locust Street between E. Franklin Street and North Avenue and North Avenue between Locust Street and Prospect Street. (See Attachment A)

Event Organizer: T.E.A.M., Fred and William Robinson

The event is a free and open festival that provides live entertainment, food, and games for members of the community while raising awareness of different behavior modification programs available for Hagerstown's youth by T.E.A.M.

For all events, plans may be modified for safety and traffic issues, and event times are subject to change.

## Background

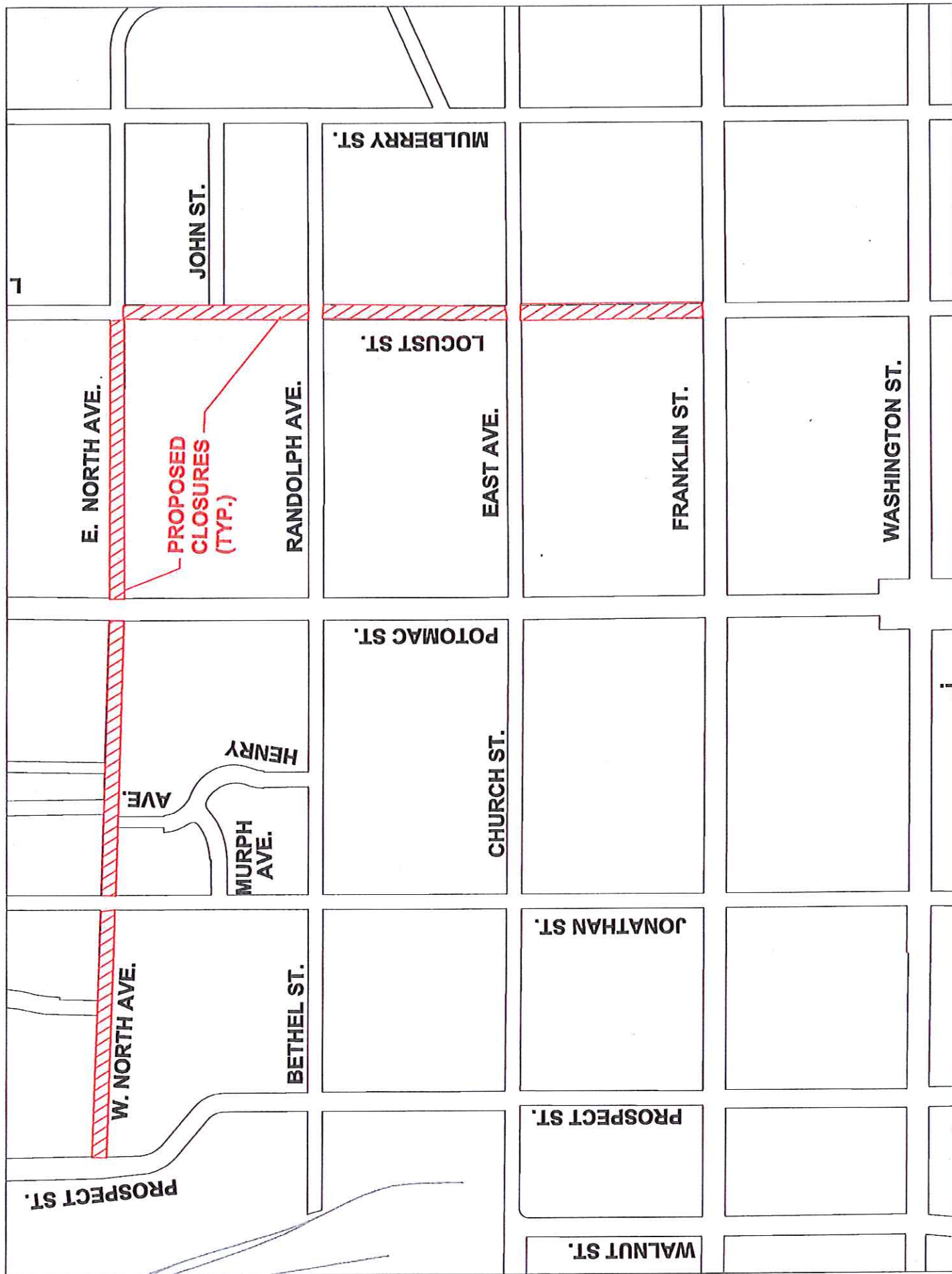
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- The City requires the event organizer to review street closure and event plans with a cross-department logistics team which includes but may not be limited to representatives from the following City departments: Fire, Police, Public Works, Engineering/Parks & Recreation,

Utilities, Planning and Code Administration and Community & Economic Development. The team review event and street closure plans and may seek modifications of plans to ensure efficiency and safety.

- The event organizer is responsible for applicable fees and costs for City services. City Staff work to keep costs minimal in support of events.
- The event organizer is responsible for obtaining a State Highway permit if the street closure affects a State Highway.
- The event organizer is responsible for notifying districts and neighborhoods affected by the street closures.

c: Jill Frick, Director of Community & Economic Development  
Fred Robinson, T.E.A.M.



T.E.A.M. COMMUNITY DAY - PROPOSED STREET CLOSURES



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

---

**Topic:**

Approval of Purchase of Five Ford Police Vehicles - Keystone Ford (Chambersburg, PA)  
\$94,726.75

**Mayor and City Council Action Required:**

**Discussion:**

**Financial Impact:**

**Recommendation:**

**Motion:**

**Action Dates:**

**ATTACHMENTS:**

**File Name**

KEYSTONE\_(5).pdf

CONSENT\_AGENDA\_-\_KEYSTONE\_FORD.pdf

**Description**

KEYSTONE FORD  
QUOTES

consent agenda - keystone  
ford

# Keystone

301 Walker Road  
Chambersburg, PA 17201-9798  
Phone (717) 264-5104 Fax (717) 264-8585  
www.keystoneford.com

Date 07/05/16

Salesperson CHAD SITES

<b>Buyer's Name</b> CITY OF HAGERSTOWN <b>Address (City, State and Zip Code)</b> 1 EAST FRANKLIN STREET HAGERSTOWN, MD 21740-0000		<b>Co-Buyer's Name</b> <b>Address (City, State and Zip Code)</b>	
<b>Residential Phone</b> (301) 739-8577 <b>Email Address</b>	<b>Business Phone</b> (301) 790-4160 <b>Mobile Phone</b>	<b>Residential Phone</b>	<b>Business Phone</b> <b>Mobile Phone</b>

THIS BUYER'S ORDER IS FOR THE FOLLOWING: ☐ NEW ☒ USED ☐ DEMONSTRATION ☒ CAR ☐ TRUCK ☐ PRIOR USE: TO BE DELIVERED ON OR ABOUT 07/01/16

Year	Make	Model	Type	Trim	Color	Mileage	Stock #
2014	FORD	FUSION	4DR SDN SE		WHITE	10,733	P4923A

YR.	MAKE	MODEL	TYPE
2014	FORD	FUSION	4DR SDN SE

COLOR	TRIM	MILEAGE
WHITE		10,733

VIN 1F A6 P0 H7 B E 5 3 6 4 8 7 0

PRICE OF VEHICLE 13,988.00

N/A

N/A

N/A

N/A

N/A

N/A

N/A

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N/A

N/A

☐ FACTORY WARRANTY - The manufacturer's warranty constitutes all of the warranties with respect to the sale of this item. The seller hereby expressly disclaims all warranties, either expressed or implied including any implied warranty of merchantability or fitness for a particular purpose, and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item.

☐ USED CAR WARRANTY - Used car is covered by a limited warranty detailed in a separate document. You may obtain a full copy of any applicable warranty from us.

☐ AS IS - THIS MOTOR VEHICLE IS SOLD "AS IS" WITHOUT ANY WARRANTY EITHER EXPRESSED OR IMPLIED. THE PURCHASER WILL BEAR THE ENTIRE EXPENSE OF REPAIRING OR CORRECTING ANY DEFECT THAT PRESENTLY EXISTS OR THAT MAY OCCUR IN THE VEHICLE.

PURCHASER'S SIGNATURE X

**USED CAR BUYER'S GUIDE: THE INFORMATION YOU SEE ON THE WINDOW FORM FOR THIS VEHICLE IS PART OF THE CONTRACT. INFORMATION ON THE WINDOW FORM OVERRIDES ANY CONTRARY PROVISIONS IN THE CONTRACT OF SALE.**

**GUÍA PARA COMPRADORES DE VEHÍCULOS USADOS. LA INFORMACIÓN QUE VE EN EL FORMULARIO DE LA VENTANILLA PARA ESTE VEHÍCULO FORMA PARTE DEL PRESENTE CONTRATO. LA INFORMACIÓN DEL FORMULARIO DE LA VENTANILLA DEJA SIN EFECTO TODA DISPOSICIÓN EN CONTRARIO CONTENIDA EN EL CONTRATO DE VENTA.**

If you cancel this purchase agreement or refuse to take delivery of the vehicle ordered, except as permitted by law, you shall, at our option, forfeit as damages the amount of \$

PURCHASER'S SIGNATURE X

Purchaser hereby acknowledges to the above clause.

Buyer agrees that this Agreement includes all of the terms and conditions on the front and back side hereof, that this Agreement cancels and supersedes any prior agreement including oral agreements, and as of the date below comprises, with any retail installment sale contract, the complete and exclusive statement of the terms of the agreement relating to the subject matters covered by this Agreement. Buyer, by signing this Agreement, acknowledges that he has read its terms and has received a true copy of this Agreement.

This Agreement is not binding upon either Dealer or Buyer until signed by an authorized Dealer representative. YOU, THE BUYER, MAY CANCEL THIS AGREEMENT AND RECEIVE A FULL REFUND ANY TIME BEFORE RECEIPT OF A COPY OF THE AGREEMENT SIGNED BY AN AUTHORIZED DEALER REPRESENTATIVE BY GIVING WRITTEN NOTICE OF CANCELLATION TO DEALER.

☐ BUYER ACKNOWLEDGES THAT IF THIS BOX IS CHECKED, THIS AGREEMENT CONTAINS AN ARBITRATION CLAUSE.

BUYER HAS READ ALL PAGES OF THIS AGREEMENT AND AGREES TO ALL TERMS AND CONDITIONS IN THIS AGREEMENT



Date 07/05/16 Salesperson CHAD SITES

Buyer's Name CITY OF HAGERSTOWN Address (City, State and Zip Code) 1 EAST FRANKLIN STREET HAGERSTOWN, MD 21740-0000		Co-Buyer's Name Address (City, State and Zip Code)	
Residential Phone (301) 739-8577	Business Phone (301) 790-4160	Residential Phone	Business Phone
Email Address	Mobile Phone	Email Address	Mobile Phone

THIS BUYERS ORDER IS FOR THE FOLLOWING  
☐ NEW ☒ USED ☐ DEMONSTRATION ☒ CAR ☐ TRUCK ☐ PRIOR USE: \_\_\_\_\_  
 TO BE DELIVERED ON OR ABOUT 07/01/16

Year	Make	Model	Type	Trim	Color	Mileage	Stock #
2014	FORD	FUSION	4DR SDN SE		BLACK	25,722	P4979A

TRADE IN RECORD						
YR.		MAKE		MODEL		TYPE
COLOR		TRIM		MILEAGE		
VIN						
TITLE NO.		PLATE NO.		EXP. DATE		
OWNER				LOAN #		
LIEHOLDEN				PHONE		
ADDRESS				SPOKE WITH		
AMOUNT N/A	GOOD TILL			VERIFIED BY		
<b>COLLISION COVERAGE</b>						
NAME OF AGENT				PHONE		
ADDRESS						
POLICY NUMBER:				COLLISION DEDUCTIBLE N/A		
INSURANCE CO.				SPOKE WITH		
EFFECTIVE DATE 07/05/16	EXP. DATE N/A		VERIFIED BY			

WARRANTY INFORMATION		SALES TAX		REGISTRATION		TITLE		TRANSFER		ENCUMBRANCE	
<input type="checkbox"/>	<b>FACTORY WARRANTY</b> - The manufacturer's warranty constitutes all of the warranties with respect to the sale of this item. The seller hereby expressly disclaims all warranties, either expressed or implied including any implied warranty of merchantability or fitness for a particular purpose, and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item.	<b>Sales Tax</b>	N/A	<b>REGISTRATION</b>	N/A	<b>TITLE</b>	100.00	<b>TRANSFER</b>	N/A	<b>ENCUMBRANCE</b>	N/A
<input type="checkbox"/>	<b>USED CAR WARRANTY</b> - Used car is covered by a limited warranty detailed in a separate document. You may obtain a full copy of any applicable warranty from us.	<b>PTA Tax (\$1.00 PER TIRE)</b>	N/A	<b>REGISTRATION</b>	N/A	<b>TITLE</b>	100.00	<b>TRANSFER</b>	N/A	<b>ENCUMBRANCE</b>	N/A
<input type="checkbox"/>	<b>AS IS</b> - THIS MOTOR VEHICLE IS SOLD "AS IS" WITHOUT ANY WARRANTY EITHER EXPRESSED OR IMPLIED. THE PURCHASER WILL BEAR THE ENTIRE EXPENSE OF REPAIRING OR CORRECTING ANY DEFECT THAT PRESENTLY EXISTS OR THAT MAY OCCUR IN THE VEHICLE.	<b>Temporary Registration Plate Fee</b>	N/A	<b>REGISTRATION</b>	N/A	<b>TITLE</b>	100.00	<b>TRANSFER</b>	N/A	<b>ENCUMBRANCE</b>	N/A
		<b>Documentary Fee</b>	N/A								
		<b>Notary Fee</b>	N/A								

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If you cancel this purchase agreement or refuse to take delivery of the vehicle ordered, except as permitted by law, you shall, at our option, forfeit as damages the amount of \$

PURCHASER'S  
SIGNATURE X

Purchaser hereby acknowledges to the above clause.

[illegible]

Trade-In	Trade-In	N/A
	*Payoff Amount Is Subject To Verification	N/A
	Less Payoff *	N/A
	Net Trade In	N/A
	Deposit	N/A
	Cash on Delivery	N/A
Net Trade + Deposit + Cash on Delivery	** Total Down Payment	N/A
Unpaid Balance of Total Price		16,617.95

Buyer agrees that this Agreement includes all of the terms and conditions on the front and back side hereof, that this Agreement cancels and supersedes any prior agreement including oral agreements, and as of the date below comprises, with any retail installment sale contract, the complete and exclusive statement of the terms of the agreement relating to the subject matters covered by this Agreement. Buyer, by signing this Agreement, acknowledges that he has read its terms and has received a true copy of this Agreement.

**THIS AGREEMENT IS NOT BINDING UPON EITHER DEALER OR BUYER UNTIL SIGNED BY AN AUTHORIZED DEALER REPRESENTATIVE. YOU, THE BUYER, MAY CANCEL THIS AGREEMENT AND RECEIVE A FULL REFUND ANY TIME BEFORE RECEIPT OF A COPY OF THE AGREEMENT SIGNED BY AN AUTHORIZED DEALER REPRESENTATIVE BY GIVING WRITTEN NOTICE OF CANCELLATION TO DEALER.**

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301 Walker Road  
Chambersburg, PA 17201-9798  
Phone (717) 264-5104 Fax (717) 264-8585  
www.keystoneford.com

# VEHICLE BUYERS ORDER

Date 07/05/16 Salesperson CHAD SITES

Buyer's Name <b>CITY OF HAGERSTOWN</b> Address (City, State and Zip Code) <b>1 EAST FRANKLIN STREET</b> <b>HAGERSTOWN, MD 21740-0000</b>		Co- Buyer's Name  Address (City, State and Zip Code)	
Residential Phone (301) 739-8577	Business Phone (301) 790-4160	Residential Phone	Business Phone
Email Address		Mobile Phone	

THIS BUYERS ORDER IS FOR THE FOLLOWING ☐ NEW ☒ USED ☐ DEMONSTRATION ☒ CAR ☐ TRUCK ☐ PRIOR USE: PERSONAL TO BE DELIVERED ON OR ABOUT 07/01/16

Year	Make	Model	Type	Trim	Color	Mileage	Stock #
2013	FORD	EDGE AWD-SE			WHITE	20,124	P4961A

TRADE IN RECORD			
YR.	MAKE	MODEL	TYPE
COLOR	TRIM	MILEAGE	
VIN			
TITLE NO.	PLATE NO.	EXP. DATE	
OWNER		LOAN #	
LIENHOLDER		PHONE	
ADDRESS		SPOKE WITH	
AMOUNT	GOOD TILL	VERIFIED BY	
N/A			
COLLISION COVERAGE			
NAME OF AGENT		PHONE	
ADDRESS			
POLICY NUMBER		COLLISION DEDUCTIBLE	
		N/A	
INSURANCE CO.		SPOKE WITH	
EFFECTIVE DATE	EXP. DATE	VERIFIED BY	
07/05/16	N/A		

WARRANTY INFORMATION			
<input type="checkbox"/> <b>FACTORY WARRANTY</b> - The manufacturer's warranty constitutes all of the warranties with respect to the sale of this item. The seller hereby expressly disclaims all warranties, either expressed or implied including any implied warranty of merchantability or fitness for a particular purpose, and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item.			
<input type="checkbox"/> <b>USED CAR WARRANTY</b> - Used car is covered by a limited warranty detailed in a separate document. You may obtain a full copy of any applicable warranty from us.			
<input type="checkbox"/> <b>AS IS</b> - THIS MOTOR VEHICLE IS SOLD "AS IS" WITHOUT ANY WARRANTY EITHER EXPRESSED OR IMPLIED. THE PURCHASER WILL BEAR THE ENTIRE EXPENSE OF REPAIRING OR CORRECTING ANY DEFECT THAT PRESENTLY EXISTS OR THAT MAY OCCUR IN THE VEHICLE.			
PURCHASER'S SIGNATURE <u>X</u>			

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If you cancel this purchase agreement or refuse to take delivery of the vehicle ordered, except as permitted by law, you shall, at our option, forfeit as damages the amount of \$

PURCHASER'S SIGNATURE <u>X</u>	Purchaser hereby acknowledges to the above clause.
--------------------------------	--

Buyer agrees that this Agreement includes all of the terms and conditions on the front and back side hereof, that this Agreement cancels and supersedes any prior agreement including oral agreements, and as of the date below comprises, with any retail installment sale contract, the complete and exclusive statement of the terms of the agreement relating to the subject matters covered by this Agreement. Buyer, by signing this Agreement, acknowledges that he has read its terms and has received a true copy of this Agreement.

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## VEHICLE BUYERS ORDER

301 Walker Road  
Chambersburg, PA 17201-9798  
Phone (717) 264-5104 Fax (717) 264-8585  
www.keystoneford.com

Date 07/05/16

Salesperson CHAD SITES

Buyer's Name CITY OF HAGERSTOWN Address (City, State and Zip Code) 1 EAST FRANKLIN STREET HAGERSTOWN, MD 21740-0000		Co-Buyer's Name Address (City, State and Zip Code)	
Residential Phone (301) 739-8577	Business Phone (301) 790-4160	Residential Phone	Business Phone
Email Address	Mobile Phone	Email Address	Mobile Phone

THIS BUYER'S ORDER IS FOR THE FOLLOWING  
☐ NEW ☒ USED ☐ DEMONSTRATION ☒ CAR ☐ TRUCK ☐ PRIOR USE:

TO BE DELIVERED ON OR ABOUT 07/01/16

Year	Make	Model	Type	Trim	Color	Mileage	Stock #
2014	FORD	TAURUS	4DR SDN SEL	MD	OXFORD WHIT	35,833	16273A
<b>TRADE IN RECORD</b>							
VIN	MAKE	MODEL	TYPE				
1F A H P 2 E 8 9 E 6 1 B 4 7 2 4							
COLOR	TRIM	MILEAGE		PRICE OF VEHICLE 17,900.00			
VIN							
TITLE NO.	PLATE NO.	EXP. DATE					
OWNER	LOAN #						
LIENHOLDER	PHONE		N/A				
ADDRESS	SPOKE WITH		N/A				
AMOUNT	GOOD TILL	VERIFIED BY					
N/A							
<b>COLLISION COVERAGE</b>							
NAME OF AGENT	PHONE						
ADDRESS							
POLICY NUMBER	COLLISION DEDUCTIBLE		N/A				
INSURANCE CO.	SPOKE WITH						
EFFECTIVE DATE	EXP. DATE	VERIFIED BY					
07/05/16	N/A						
<b>WARRANTY INFORMATION</b>							
<input type="checkbox"/> FACTORY WARRANTY - The manufacturer's warranty constitutes all of the warranties with respect to the sale of this item. The seller hereby expressly disclaims all warranties, either expressed or implied including any implied warranty of merchantability or fitness for a particular purpose, and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item.							
<input type="checkbox"/> USED CAR WARRANTY - Used car is covered by a limited warranty detailed in a separate document. You may obtain a full copy of any applicable warranty from us.							
<input type="checkbox"/> AS IS - THIS MOTOR VEHICLE IS SOLD "AS IS" WITHOUT ANY WARRANTY EITHER EXPRESSED OR IMPLIED. THE PURCHASER WILL BEAR THE ENTIRE EXPENSE OF REPAIRING OR CORRECTING ANY DEFECT THAT PRESENTLY EXISTS OR THAT MAY OCCUR IN THE VEHICLE.							
PURCHASER'S SIGNATURE X							
<b>USED CAR BUYERS GUIDE: THE INFORMATION YOU SEE ON THE WINDOW FORM FOR THIS VEHICLE IS PART OF THE CONTRACT. INFORMATION ON THE WINDOW FORM OVERRIDES ANY CONTRARY PROVISIONS IN THE CONTRACT OF SALE.</b> <b>GUÍA PARA COMPRADORES DE VEHÍCULOS USADOS. LA INFORMACIÓN QUE VE EN EL FORMULARIO DE LA VENTANILLA PARA ESTE VEHÍCULO FORMA PARTE DEL PRESENTE CONTRATO. LA INFORMACIÓN DEL FORMULARIO DE LA VENTANILLA DEJA SIN EFECTO TODA DISPOSICIÓN EN CONTRARIO CONTENIDA EN EL CONTRATO DE VENTA.</b> If you cancel this purchase agreement or refuse to take delivery of the vehicle ordered, except as permitted by law, you shall, at our option, forfeit as damages the amount of \$							
PURCHASER'S SIGNATURE X							
Buyer hereby acknowledges to the above clause.							
Buyer agrees that this Agreement includes all of the terms and conditions on the front and back side hereof, that this Agreement cancels and supersedes any prior agreement including oral agreements, and as of the date below comprises, with any retail installment sale contract, the complete and exclusive statement of the terms of the agreement relating to the subject matters covered by this Agreement. Buyer, by signing this Agreement, acknowledges that he has read its terms and has received a true copy of this Agreement.							
This Agreement is not binding upon either Dealer or Buyer until signed by an authorized Dealer representative. YOU, THE BUYER, MAY CANCEL THIS AGREEMENT AND RECEIVE A FULL REFUND ANY TIME BEFORE RECEIPT OF A COPY OF THE AGREEMENT SIGNED BY AN AUTHORIZED DEALER REPRESENTATIVE BY GIVING WRITTEN NOTICE OF CANCELLATION TO DEALER.							
<input type="checkbox"/> BUYER ACKNOWLEDGES THAT IF THIS BOX IS CHECKED, THIS AGREEMENT CONTAINS AN ARBITRATION CLAUSE.							

Cash Price of Vehicle &amp; Accessories 17,900.00

Sales Tax N/A

PTA Tax (\$1.00 PERTURE) N/A

REGISTRATION 100.00 TRANSFER N/A ENCUMBRANCE 100.00

Temporary Registration Plate Fee N/A

Documentary Fee N/A

Notary Fee N/A

On-Line Registration Fee 17.95

N/A

COUNTY FEE N/A

N/A

Total Price 18,017.95

Trade-In N/A

Less Payoff \* N/A

Net Trade In N/A

Deposit N/A

Cash on Delivery N/A

Total Down Payment N/A

Unpaid Balance of Total Price 18,017.95





## COMMENTS

### (1) DEPARTMENT MANAGER:

These (5) vehicles will replace (5) existing vehicles that are being decommissioned from the fleet.

 7-12-16  
\_\_\_\_\_  
Signature/Date

### (2) PURCHASING AGENT:

\_\_\_\_\_  
Signature/Date

### (3) FINANCE MANAGER:

\_\_\_\_\_  
Signature/Date

### (4) CITY ADMINISTRATOR'S RECOMMENDATION:

\_\_\_\_\_  
Signature/Date



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

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**Topic:**

Introduction of an Ordinance: City of Hagerstown Drinking Water Bond, Series 22016 for RC Willson Traveling Screen Replacements and Pump Station Improvements

**Mayor and City Council Action Required:**

**Discussion:**

**Financial Impact:**

**Recommendation:**

**Motion:**

**Action Dates:**

**ATTACHMENTS:**

File Name	Description
071916_Motion_and_Intro_to_Ordinance_RC_Willson_Travel_Screen_Replace_and_Pump_Station_Improve.pdf	MDE Loan Intro Ordinance Travel Screen

# REQUIRED MOTION

## MAYOR AND CITY COUNCIL HAGERSTOWN, MARYLAND

**DATE:** July 19, 2016

**TOPIC:** Introduction of an Ordinance: City of Hagerstown Drinking Water Bond, Series 2016 for R.C. Willson Traveling Screen Replacements and Pump Station Improvements

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

### MOTION:

I hereby move to introduce an ordinance as introduced on July 19, 2016 authorizing the City of Hagerstown to issue and sell upon its full faith and credit, general obligation bonds to the Maryland Water Quality Financing Administration in one or more series in an aggregate principal amount not to exceed \$1,000,000. Proceeds from the sale of the bonds will be used for the public purpose of financing the R.C. Willson Water Plant Traveling Screen Replacement and Pump Station Improvements as more fully described in the ordinance together with related expenses and costs of issuance.

Staff is hereby directed to proceed in working with the City's Bond Counsel to develop the necessary detailed resolutions and other documents required to prepare for the sale of the bonds as directed by this ordinance. As specified in the ordinance, details and authorizations regarding the amount, timing, method of sale or sales, and other sale details will be outlined in a detailed resolution to be presented to this body for approval at a future date prior to the issuance of the bonds.

DATE OF INTRODUCTION:	07/19/2016
DATE OF PASSAGE:	07/26/2016
EFFECTIVE DATE:	08/26/2016

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## ORDINANCE NO. O-16-15

AN ORDINANCE authorizing and empowering City of Hagerstown (the “City”), for the public purpose of financing, reimbursing or refinancing costs of projects identified in the City’s fiscal year 2017 budget as RC Willson – Traveling Screen Replacement and Pump Station Improvements and related costs as provided herein, to issue and sell from time to time, upon its full faith and credit, one or more series of (1)(A) general obligation bonds and (B) general obligation bond anticipation notes, each in an aggregate principal amount not to exceed \$1,000,000, and (2) general obligation refunding bonds, provided that the aggregate principal amount of any series of refunding bonds shall not exceed one hundred thirty percent (130%) of the aggregate principal amount of the bonds refunded therefrom; determining that any such series of bonds be sold to the Maryland Water Quality Financing Administration (the “Administration”) by private sale, without public bidding; authorizing the approval by resolution of one or more loan agreements with the Administration and, with respect to any such loan agreement, acknowledging the Administration’s rights thereunder, making a pledge of certain revenues receivable from the State of Maryland, and acknowledging certain payment responsibilities of the City; providing that the Council of the City (the “Council”) by resolution shall determine or provide for certain details of any such series of general obligation bonds, bond anticipation notes or refunding bonds (each, a “series of obligations” or “obligations”), including with respect to any debt service reserve account required by the Administration; providing that any such series of general obligation bond anticipation notes or refunding bonds will be sold by private sale unless the Council by resolution determines otherwise; identifying or providing for the determination of the sources from which debt service on any such series of obligations will be payable in the first instance; pledging the City’s full faith and credit and unlimited taxing power to payment of any such obligations and providing for the levy of ad valorem taxes upon all real and personal property within the City subject to assessment for unlimited municipal taxation to pay any such obligations; authorizing the Council by resolution to provide for post-closing modifications affecting any series of bonds or refunding bonds; providing that any such obligations may be consolidated with other obligations of the City; authorizing and directing officials and employees of the City to take any and all action necessary to complete and close the sale, issuance and delivery of any such series of obligations and to consummate the transactions contemplated by this Ordinance; providing that this title constitutes a fair summary of this Ordinance; and otherwise generally relating to the sale, issuance, delivery and payment of and for any such series of obligations.

### RECITALS

1. City of Hagerstown, a municipal corporation of the State of Maryland and a municipality within the meaning of the Enabling Act identified below (the “City”), is authorized and empowered by Sections 19-301 to 19-309, inclusive, of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Enabling Act”), and



Sections 717 and 719 of the Charter of the City of Hagerstown, as replaced, supplemented or amended (the “Charter”), to borrow money for any proper public purpose in connection with the water supply system serving the City and surrounding areas and to evidence such borrowing by the issuance and sale of its general obligation bonds.

2. The City has determined to undertake activities relating to two projects identified in the City’s fiscal year 2017 budget as (i) RC Willson – Traveling Screen Replacement, which generally involves the replacement of existing traveling screens at the R.C. Willson Water Plant and related equipment, and (ii) Pump Station Improvements, which generally involves acquiring and installing new tank mixing systems at various finished water tanks in order to comply with Safe Drinking Water Act (as defined below) Stage 2 Disinfection By-Product Rule requirements, and in connection with such activities and projects, to acquire or pay for, as applicable, necessary property rights and equipment, related site and utility improvements and related architectural, engineering, planning, design, bidding, acquisition, construction, improvement, installation, modification, demolition, removal, renovation, reconstruction, rehabilitation, equipping, inspection, construction management and permitting expenses, costs of related activities, improvements and appurtenances, and related administrative, financial and legal expenses and costs of issuance (collectively, the “Project”), and to evidence this borrowing by the issuance and sale of one or more series of its general obligation bonds. References to the Project in this Ordinance are intended to include any modifications or amendments to components of the Project as provided for in the fiscal year 2017 budget or future budgets of the City.

3. The federal Safe Drinking Water Act, as amended (the “Safe Drinking Water Act”), authorizes the U.S. Environmental Protection Agency (the “EPA”) to award grants to qualifying states to establish and capitalize drinking water treatment revolving loan funds

(“SRFs”) for the purpose of providing loans and certain other forms of financial assistance to finance, among other things, the construction and improvement of publicly-owned and privately-owned water supply systems.

4. As contemplated by the Safe Drinking Water Act, the General Assembly of Maryland has amended the Maryland Water Quality Financing Administration Act, codified at Sections 9-1601 through 9-1622, inclusive, of the Environment Article of the Annotated Code of Maryland (as replaced, supplemented or amended, the “MWQFA Act”), establishing an SRF designated the Maryland Drinking Water Revolving Loan Fund (the “Fund”) to be maintained and administered by the Maryland Water Quality Financing Administration (the “Administration”).

5. The MWQFA Act authorizes the Administration, among other things, to make a loan from the Fund to a “local government” (as defined in the MWQFA Act) for the purpose of financing or refinancing all or a portion of the cost of a “water supply system” project (as defined in the MWQFA Act).

6. The City is a “local government” within the meaning of the MWQFA Act, and the Project is a “water supply system” project within the meaning of the MWQFA Act, and the City has applied to the Administration for a loan or loans from the Fund for Project purposes.

7. The MWQFA Act authorizes a local government to issue one or more bonds, notes or other evidences of obligation (each, a “loan obligation” as defined in the MWQFA Act) to evidence its indebtedness under a loan agreement with respect to a loan from the Administration, to sell any such bond, note or other evidence of obligation to the Administration at private sale, without public bidding, and to establish a dedicated source of revenues for repayment of such loan.

8. Pursuant to the authority of the MWQFA Act, the Enabling Act and the Charter, the City has determined to borrow money from the Administration for the public purpose of financing, reimbursing or refinancing costs of the Project or such components of the Project as the Administration shall approve.

9. In connection with the issuance and sale of any series of the general obligation bonds contemplated hereby, and pursuant to the MWQFA Act, the City will enter into one or more loan agreements with the Administration.

10. In connection with the issuance of any series of bonds contemplated by this Ordinance (and any series of refunding bonds contemplated hereby that are issued to the Administration), the Administration may require the City to establish, fund and maintain for a period of time acceptable to the Administration a debt service reserve account in a manner that satisfies the Administration's debt service coverage requirements.

11. Prior to issuing any such series of bonds to the Administration, the City may need to obtain interim financing in order to finance Project costs on a timely basis through the issuance of one or more series of its general obligation bond anticipation notes pursuant to the authority of Sections 19-211 to 19-223, inclusive, of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the "Bond Anticipation Note Act"), and the Charter.

12. Subsequent to the issuance to the Administration of any series of bonds provided for herein, the City may desire to currently refund or advance refund all or a portion of such series of bonds pursuant to the authority of Section 19-207 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the "Refunding Act").

13. The City has determined to pledge its full faith and credit and unlimited taxing power to the prompt payment of debt service on any such series of bonds, bond anticipation notes or refunding bonds contemplated hereby.

14. The City expects to pay the principal of, and interest on, as applicable, any such bonds, bond anticipation notes or refunding bonds in the first instance from revenues received by the City in connection with the operation of the water supply system serving the City, including fees for use of or connection to such system and, to the extent required by the purchaser of any such series of obligations, from revenues received by the City in connection with the operation of the wastewater system serving the City, including fees for use of or connection to such system, all to the extent lawfully available for such purpose.

15. The City, as authorized by the MWQFA Act, may pledge any moneys that the City is entitled to receive from the State of Maryland, including the City's share of the State income tax, to secure its obligations under any loan agreement with the Administration contemplated hereby.

16. Pursuant to the authority of the Charter, the City shall issue any series of bonds, bond anticipation notes or refunding bonds authorized hereby in accordance with the terms and conditions provided for in a resolution or resolutions to be adopted by the Council of the City (the "Council") pursuant to the Charter and this Ordinance.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF CITY OF HAGERSTOWN, THAT:

SECTION 1. (a) The Recitals to this Ordinance are deemed a substantive part of this Ordinance and incorporated by reference herein. Capitalized terms used in this Ordinance and not otherwise defined in the Sections of this Ordinance shall have the meanings given to such terms in the Recitals.



(b) References in this Ordinance to any official by title shall be deemed to refer (i) to any official authorized under the Charter or other applicable law to act in such titled official's stead during the absence or disability of such titled official, (ii) to any person who has been elected, appointed or designated to fill such position in an acting capacity under the Charter or other applicable law, (iii) to any person who serves in a "Deputy", "Associate" or "Assistant" capacity as such an official, provided that the applicable responsibilities, rights or duties referred to herein have been delegated to such deputy, associate or assistant in accordance with applicable law or authority, and/or (iv) to the extent an identified official commonly uses another title not provided for in the Charter or the code of City ordinances (the "City Code"), the official, however known, who is charged under the Charter, the City Code or other applicable law or authority with the applicable responsibilities, rights or duties referred to herein.

SECTION 2. Pursuant to the authority of the MWQFA Act, the Enabling Act and the Charter, the City hereby determines to borrow money and incur indebtedness for the public purpose of financing, reimbursing or refinancing costs of any one or more components of the Project, all to the extent permitted by the Administration. Although the definition of the Project set forth in Recital 2 to this Ordinance refers to the Project being comprised of separate projects identified in the City's fiscal year 2017 budget, the City recognizes that the City and/or the Administration may treat such components of the Project as a single project for purposes of any Loan Agreement (as defined in Section 6 hereof), any project documentation (including, without limitation, any architectural or engineering contracts, any bid documents or any construction contracts) or for any other purpose. The total cost of the Project not otherwise payable from other sources is not expected to exceed One Million Dollars (\$1,000,000).

SECTION 3. To evidence the borrowing and indebtedness authorized in Section 2 of this Ordinance, the City, acting pursuant to the authority of the MWQFA Act, the Enabling Act and the Charter, hereby determines to issue and sell from time to time, upon its full faith and credit, one or more series of its general obligation bonds in an aggregate principal amount not to exceed One Million Dollars (\$1,000,000) (individually, a “Bond” and, collectively, the “Bonds”). Each such series may consist of one or more bonds and any Bond may be issued in installment form and/or draw-down form.

SECTION 4. Pursuant to the authority of the MWQFA Act, the Enabling Act and the Charter, the City hereby determines to sell each series of the Bonds to the Administration by private sale, without public bidding, due, in part, to the ability to issue any series of the Bonds as draw-down obligations and the beneficial interest rates offered by the Administration.

SECTION 5. The proceeds of each series of the Bonds shall be used and applied by the City exclusively and solely for the public purposes described in Section 2 of this Ordinance, unless, with the approval of the Administration, a supplemental ordinance is enacted by the City to provide for the use and application of such proceeds for some other proper public purpose authorized by the MWQFA Act.

SECTION 6. (a) As required by the MWQFA Act, the City is hereby authorized to enter into one or more loan agreements with the Administration (each, a “Loan Agreement” and collectively, the “Loan Agreements”) in connection with any series of the Bonds. The final or substantially final form of each Loan Agreement shall be approved by the Council pursuant to the Resolution (as defined in Section 8 hereof) and the execution and delivery of each Loan Agreement shall be authorized by the Council pursuant to the Resolution.

(b) The City hereby acknowledges that the provisions of each Loan Agreement may allow for, among other remedies, all payments on any series of the Bonds subject to such Loan Agreement to be declared immediately due and payable upon the occurrence of any event of default provided for in such Loan Agreement.

SECTION 7. As authorized by Section 9-1606(d) of the MWQFA Act, the City hereby pledges any moneys that the City is entitled to receive from the State of Maryland, including the City's share of the State income tax, to secure its obligations under the Loan Agreements. Such pledge shall be evidenced and detailed in each Loan Agreement.

SECTION 8. Pursuant to the authority of the Enabling Act and this Ordinance, the Council, prior to the issuance, sale and delivery of any series of the Bonds, shall adopt a resolution or resolutions (in each such case, the "Resolution") specifying, prescribing, determining or providing for the determination of, providing for, or approving or providing for the approval of, such matters, details, forms (including, without limitation, the complete form of the Bonds of such series), documents or procedures as may be required by the MWQFA Act, the Enabling Act, the Charter or this Ordinance or as the Council may deem appropriate for the authorization, sale, security, issuance, delivery, payment or redemption of or for such series of the Bonds. The Resolution shall or may set forth, determine or provide for the determination of, provide for, or approve or provide for the approval of, among other things, as applicable, the aggregate principal amount of such series of the Bonds; the principal installment or installments of, or the method of determining the principal installment or installments of, such series of the Bonds; the rate or rates of interest, or the method of determining the rate or rates of interest, which may be fixed or variable, payable on such series of the Bonds; provisions relating to the payment of any late fees or penalties with respect to such series of the Bonds; the components of the Project on which proceeds of such

series will be expended, if limited in any way; provisions for the appropriation and disposal of such proceeds; provisions relating to the prepayment of such series of the Bonds, if applicable; provisions for the application of unexpended proceeds of such series of the Bonds; the procedures for the sale of such series of the Bonds by private sale, without public bidding; provisions relating to the principal forgiveness of such series of the Bonds, if applicable; certifications, representations, determinations, designations or elections relating to the tax-exempt status of interest payable on such series of the Bonds, if applicable; and all other terms and conditions pursuant to which such series of the Bonds will be issued, sold and delivered. Any Resolution may specify, prescribe, determine or provide for the determination of, or approve or provide for the approval of, the details required or authorized by this Section 8 for more than one series of the Bonds.

(b) In the event the Administration requires the City establish a debt service reserve account to be funded from non-Bond proceeds in order to provide security for any series of the Bonds as a condition to the issuance of such series of the Bonds, provisions relating to the establishment, funding and maintenance of such debt service reserve account and the investment and application of moneys held in such debt service reserve account shall be determined, approved or provided for in the Resolution, and any such debt service reserve account may be identified in the applicable Loan Agreement as a dedicated source of revenues contemplated by the MWQFA Act.

SECTION 9. The City is hereby authorized and directed to pay any fees or costs provided for in any Loan Agreement which are not payable from Bond proceeds, including, without limitation, any administrative fees and any ongoing fees or costs. The obligation of the City to pay such amounts shall be absolute and unconditional as further provided in any Loan Agreement.

SECTION 10. Notwithstanding anything to the contrary contained in this Ordinance, the City shall use and apply proceeds of each series of the Bonds only as permitted by the related Loan



Agreement, the Safe Drinking Water Act (as defined in such Loan Agreement) and the MWQFA Act (which may be referred to in each Loan Agreement as the “Act”).

SECTION 11. (a) Pursuant to the authority of the Bond Anticipation Note Act and the Charter, the City may issue and sell from time to time, upon its full faith and credit, one or more series of its general obligation bond anticipation notes in an aggregate principal amount not to exceed One Million Dollars (\$1,000,000) (each, a “series of the BANs” and, collectively, the “BANs”) prior to and in anticipation of the sale of any series of the Bonds in order to finance or reimburse costs of the Project on an interim basis, including paying costs of issuance and capitalized interest on such series of the BANs within the limitations of the Bond Anticipation Note Act. Any such series of the BANs may consist of one or more notes and any note may be issued in installment form and/or draw-down form. Prior to the issuance, sale and delivery of any series of the BANs, the Council shall adopt a resolution or resolutions pursuant to the authority of the Bond Anticipation Note Act, the Charter and this Ordinance authorizing such series of the BANs and specifying, prescribing, determining or providing for the determination of, or approving or providing for the approval of, the same types of matters, details, forms, documents, procedures or determinations detailed in Section 8 hereof that may be made or addressed with respect to any series of the Bonds, to the extent applicable with respect to such series of the BANs, and as otherwise may be authorized or required by applicable law. Unless the Council determines otherwise in a resolution providing for any series of the BANs, pursuant to the authority of the Bond Anticipation Note Act, each series of the BANs shall be sold by private negotiation. Any such sale by private negotiation is hereby determined to be in the public interest due to the ability to time the market, negotiate with potential purchasers and thereby achieve a beneficial interest rate or rates and other beneficial terms by

undertaking a private (negotiated) sale, and the lower costs of issuance typically incurred with a negotiated sale.

(b) As authorized by the Bond Anticipation Note Act, by resolution the Council may provide for the renewal of any series of the BANs at maturity with or without resale, as well as any amendments of or modifications to such series of the BANs and any related documentation.

SECTION 12. (a) Pursuant to the authority of the Refunding Act, the Enabling Act and the Charter, the City is hereby authorized and empowered to issue and sell from time to time, upon its full faith and credit, one or more series of general obligation bonds (each, a “series of the Refunding Bonds” and, collectively, the “Refunding Bonds”) for the purpose of currently refunding or advance refunding any of the Bonds issued pursuant to the authority of this Ordinance then outstanding, including paying all or any portion of outstanding principal, prepayment premium and/or interest accrued or to accrue to the date of prepayment, purchase or maturity of the Bonds to be refunded, and paying costs and expenses in connection with the issuance, sale and delivery of such series of the Refunding Bonds, and, to the extent determined by the Council by resolution, interest on such series of the Refunding Bonds, for the public purpose of realizing savings to the City in the aggregate cost of debt service on either a direct comparison or present value basis or in order to accomplish any debt restructuring that is permitted by applicable law; provided that, the aggregate principal amount of any such series of the Refunding Bonds may not exceed one hundred thirty percent (130%) of the aggregate principal amount of the Bonds refunded therefrom. Any such series of the Refunding Bonds may consist of one or more bonds and any bond may be issued in installment form and/or draw-down form. Prior to the issuance, sale and delivery of any series of the Refunding Bonds, the Council shall adopt a resolution or resolutions authorizing such series of the Refunding Bonds

and specifying, prescribing, determining or providing for the determination of, or approving or providing for the approval of, such matters, details, forms, documents, procedures or determinations detailed in Section 8 hereof that may be made or addressed with respect to each series of the Bonds, to the extent applicable with respect to such series of the Refunding Bonds, and as otherwise may be authorized or required by applicable law. Unless the Council determines otherwise in a resolution providing for any series of the Refunding Bonds, pursuant to the authority of the Refunding Act, each series of the Refunding Bonds shall be sold at a private sale, without soliciting bids. Any such sale on a private basis is hereby determined to be in the public interest due to the ability to time the market, negotiate with potential purchasers and thereby achieve a beneficial interest rate or rates and other beneficial terms (including restructuring terms, if applicable) by undertaking a private (negotiated) sale, and the lower costs of issuance typically incurred with a negotiated sale.

(b) To the extent any series of the Refunding Bonds is sold to the Administration, the Council by resolution may specify, prescribe, determine or provide for the determination of, approve or provide for the approval of any determinations contemplated by in this Ordinance that may be made with respect to any series of the Bonds, including, without limitation, entry into a new loan agreement or any modification to an existing Loan Agreement, as applicable, provisions for the potential forgiveness of any such series of the Refunding Bonds, a pledge of the City's right to receive revenues from the State in the nature referred to in Section 7 above, the obligation of the City to pay any administrative fees or ongoing fees and expenses in the nature of those referred to in Section 9 above, the identification of any source of dedicated revenues and provisions for any debt service reserve account with respect to such series of the Refunding Bonds required by the Administration.

SECTION 13. The Council is hereby authorized, by resolution, to make any further determinations or approvals or provide for any matters or actions deemed necessary or desirable in connection with the issuance of any series of the BANs or the Refunding Bonds, including, without limitation, (i) any determination authorized by the Bond Anticipation Note Act or the Refunding Act, as applicable, (ii) to commit or provide for the commitment of the City to pay to the purchaser or purchasers of any series of the BANs or the Refunding Bonds (A) any commitment fee or similar fee and any legal costs in connection with such purchaser's or purchasers' agreement to purchase such series of the BANs or the Refunding Bonds and/or (B) any breakage compensation or other amount that may be determined to be due to such purchaser or purchasers in the event the City fails to deliver such series of the BANs or the Refunding Bonds and, in connection therewith, to approve or provide for the approval of, and the execution and delivery of, any agreement relating to such payment or payments (which such agreement may, but shall not be required to be, contained within any purchase or similar agreement for such series of the BANs or the Refunding Bonds), and (iii) to approve or provide for any offering documents, credit enhancement, liquidity enhancement, ratings, or continuing disclosure undertakings relating to such series of the BANs or the Refunding Bonds.

SECTION 14. (a) The principal of and interest on each series of the Bonds, the BANs and the Refunding Bonds (each, a series of the "Obligations") will be payable in the first instance from revenues received by the City in connection with the operation of the water supply system serving the City and surrounding areas, including charges for the use of or connection to such water supply system and, to the extent required by the purchaser of such series of the Obligations, from revenues received by the City from the operation of the wastewater system serving the City, including charges for the use of or connection to such wastewater system, all to the extent such revenues are lawfully available for such purpose. (Any such identification of wastewater system



revenues as a source of payment for the applicable series of the Obligations shall be provided for in the Resolution, any resolution relating to a series of the BANs or the Refunding Bonds or a Loan Agreement, as applicable.) In the event such moneys are insufficient in any fiscal year to provide for the payment of the principal of and interest on such series of the Obligations, the City shall levy or cause to be levied, for each and every fiscal year during which such series of the Obligations may be outstanding, ad valorem taxes on all real and tangible personal property within the City that is subject to assessment for unlimited municipal taxation in rate and amount sufficient to pay the principal of and interest on such series of the Obligations in each fiscal year in which any of the Obligations are outstanding and, in the event the proceeds from the collection of the taxes so levied may prove inadequate for such purposes in any fiscal year, additional taxes shall be levied in the subsequent fiscal year to make up any deficiency.

(b) The full faith and credit and unlimited taxing power of the City are hereby irrevocably pledged to the prompt payment of the principal of and interest on each series of the Obligations as and when the same are payable and to the levy and collection of the taxes hereinabove described as and when such taxes may become necessary in order to provide sufficient funds to meet the debt service requirements of such series of the Obligations. The City hereby covenants with the registered owner of each Obligation to take any action that may be lawfully appropriate from time to time during the period that such Obligation remains outstanding and unpaid to provide the funds necessary to pay promptly the principal and interest due thereon.

(c) The foregoing provisions shall not be construed so as to prohibit the City from paying the principal of and interest on any series of the Obligations from the proceeds of the sale of any other obligations of the City (including, without limitation, with respect to the Bonds, from the proceeds of the Refunding Bonds authorized hereby) or from any other funds legally available for

that purpose. Within any applicable limitations of Maryland or federal law (including, without limitation, the Internal Revenue Code of 1986, as amended, and the regulations issued thereunder), the City may apply to the payment of the principal of or interest on any series of the Obligations any funds received by it from the State of Maryland or the United States of America, or any governmental agency or instrumentality, or from any other source, if the funds are granted or paid to the City for the purpose of assisting the City in accomplishing the type of project or projects which such series of the Obligations are issued to finance or refinance or are otherwise available for such purpose, and to the extent of any such funds received or receivable in any fiscal year, the taxes hereby required to be levied may be reduced proportionately.

(d) Any source of revenues referred to in this Section 14 may be identified as a dedicated source of revenue contemplated by the MWQFA Act in any Loan Agreement entered into by the City with the Administration in connection with a series of the Obligations. Any applicable Loan Agreement exhibits may describe such dedicated revenues by references that are similar but not identical to any references contained in this Ordinance, the Resolution or any resolution relating to Refunding Bonds.

SECTION 15. In addition to the refunding authority provided for in Section 12 of this Ordinance, subsequent to the sale, issuance and delivery of any series of the Bonds or the Refunding Bonds to the Administration, the Council by resolution may specify, prescribe, determine or provide for the determination of, or approve or provide for the approval of, any amendments or modifications to such series of the Bonds or the Refunding Bonds and/or the related Loan Agreement or Loan Agreements and any other documents, agreements or instruments executed and delivered in connection with the sale, issuance and delivery of such series of the Bonds or the Refunding Bonds, and/or provide for the execution and delivery of

additional documents, agreements, certificates or instruments relating to such amendments or modifications (including, without limitation, any bond or bonds to be issued and exchanged for one or more of such series of the Bonds or the Refunding Bonds originally issued and delivered and any new or restated Loan Agreement), whether or not such amendments or modifications constitute a refunding or reissuance for purposes of federal and/or Maryland law.

SECTION 16. The Council by resolution may determine that any series of the Obligations authorized hereby may be consolidated with any bond anticipation notes, bonds and/or refunding bonds authorized by the Council, as applicable, and issued as a single series of obligations.

SECTION 17. The following City officials: the Mayor, the City Administrator, the Director of Finance, the City Clerk, and all other appropriate officials and employees of the City, are hereby authorized and directed to take any and all action necessary to complete and close the sale, issuance and delivery of any series of the Obligations, including, without limitation, to negotiate, approve, execute and deliver all documents, certificates and instruments necessary or appropriate in connection therewith, and to consummate and carry out the transactions contemplated by this Ordinance.

SECTION 18. The title of this Ordinance shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION 19. The provisions of this Ordinance shall be liberally construed in order to effectuate the transactions authorized or contemplated by this Ordinance.

SECTION 20. This Ordinance shall become effective at the expiration of thirty (30) calendar days following the date of its approval by the Mayor or its passage by the Council over the

Mayor's veto in accordance with Charter Sections 208 and 209, subject to the petition-to-referendum rights set forth in Section 210 of the Charter.

INTRODUCED before the Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2016,  
and passed \_\_\_\_\_ [as introduced] \_\_\_\_\_ [as amended] by the Council by a vote of  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays and \_\_\_\_\_ abstentions on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2016.

\_\_\_\_\_  
Donna K. Spickler, City Clerk

(SEAL)

Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
David S. Gysberts, Mayor

Effective: \_\_\_\_\_, 2016 (31<sup>st</sup> day after date of Mayor's approval, unless the effective date is determined in accordance with other applicable provisions of the Charter)

#188352;43111.045



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

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**Topic:**

Approval of Resolution: Declaration of Official Intent to Use Future Bond Financing for RC Willson Traveling Screen Replacement and Pump Station Improvements

**Mayor and City Council Action Required:**

**Discussion:**

**Financial Impact:**

**Recommendation:**

**Motion:**

**Action Dates:**

**ATTACHMENTS:**

<b>File Name</b>	<b>Description</b>
071916_Motion_and_DOOI_Resolution_RC_Willson_Travel_Screen_Replace_and_Pump_Station_Improve.pdf	MDE Loan DOOI Travel Screen

## REQUIRED MOTION

### MAYOR AND CITY COUNCIL HAGERSTOWN, MARYLAND

**DATE:** July 19, 2016

**TOPIC:** **RESOLUTION: Declaration of Official Intent to Use Future Bond Financing for RC Willson Traveling Screen Replacement and Pump Station Improvements**

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

#### **MOTION:**

I hereby move that a Resolution be approved to evidence the City's reasonable expectation to use future bond financing to reimburse project costs paid for the RC Willson Traveling Screen Replacement and Pump Station Improvement projects prior to issuance of such bond financing.

DATE OF PASSAGE: 07/19/2016

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## RESOLUTION NO. R-16-30

A RESOLUTION of the Council of City of Hagerstown (the “City”) for the purpose of making a declaration of official intent pursuant to U.S. Treasury Regulation Section 1.150-2 regarding the City’s intention to reimburse from the proceeds of one or more obligations to be issued by the City prior expenditures made in connection with two projects described in the fiscal year 2017 budget as (i) RC Willison – Traveling Screen Replacement and (ii) Pump Station Improvements, together with related costs.

### RECITALS

1. City of Hagerstown (the “City”) has determined to undertake activities relating to two projects identified in the City’s fiscal year 2017 budget as (i) RC Willson – Traveling Screen Replacement, which generally involves the replacement of existing traveling screens at the R.C. Willson Water Plant and related equipment, and (ii) Pump Station Improvements, which generally involves acquiring and installing new tank mixing systems at various finished water tanks in order to comply with Safe Drinking Water Act Stage 2 Disinfection By-Product Rule requirements, and in connection with such activities and projects, to acquire or pay for, as applicable, necessary property rights and equipment, related site and utility improvements and related architectural, engineering, planning, design, bidding, acquisition, construction, improvement, installation, modification, demolition, removal, renovation, reconstruction, rehabilitation, equipping, inspection, construction management, permitting, financial, administrative and legal expenses, and costs of related activities, improvements and appurtenances, and has determined to borrow money for the public purpose of financing, reimbursing or refinancing all or a portion of the costs of components of such activities, together with costs of issuance of any borrowing therefore (collectively, the “Project”). References to the Project in this Resolution are intended to include any modifications or amendments to

components of the Project as provided for in the fiscal year 2017 budget or future budgets of the City.

2. The Maryland Water Quality Financing Administration (“MWQFA”) has preliminarily approved loaning the City money for Project purposes.

3. The City currently expects that any loan or loans from MWQFA that are papered by one or more general obligation bonds issued by the City to MWQFA, the interest on which is excludable from gross income for federal income tax purposes, will be in an aggregate principal amount not to exceed \$691,000.

4. In the event the City is not able to borrow from MWQFA all of the anticipated loan funds to finance costs of the Project, the City reasonably anticipates that it will have to borrow money for Project costs from another available source, and that such borrowing will be evidenced by one or more general obligation bonds or other evidences of indebtedness of the City (any such bonds or other evidences of indebtedness, and any bonds issued to MWQFA as described above, the interest on which is intended to be excludable from gross income for federal income tax purposes, are referred to herein as the “Tax-Exempt Bonds”).

5. Prior to issuing any Tax-Exempt Bonds, it may be necessary to incur one or more borrowings in order to finance Project costs on an interim basis.

6. The City reasonably expects to spend City funds on Project costs prior to issuance of the Tax-Exempt Bonds to MWQFA (or to any other purchaser in the event MWQFA is not able to provide all of the desired loan funding), and (i) to reimburse the City from proceeds of the Tax-Exempt Bonds for all or a portion of such moneys expended, and/or (ii) to use Tax-Exempt Bond proceeds to refinance any interim borrowing incurred by the City that is applied to reimburse the City for all or a portion of such prior Project expenditures.



7. Section 1.150-2 of the U.S. Treasury Regulations (the “Reimbursement Regulations”) provides that local governments funding “original expenditures” intended to be reimbursed from the proceeds of “obligations” must make a declaration of “official intent” in order to qualify such original expenditures for reimbursement from a “reimbursement bond”, all within the meaning of the Reimbursement Regulations.

8. The City is an “issuer” for purposes of the Reimbursement Regulations and wishes to adopt this Resolution for the purpose of evidencing the clear and official intent of the City to reimburse from reimbursement bond proceeds (meaning the Tax-Exempt Bonds or any interim financing incurred in anticipation of the Tax-Exempt Bonds) original expenditures made in connection with the Project.

NOW, THEREFORE, BE IT HEREBY RESOLVED, BY THE COUNCIL OF CITY OF HAGERSTOWN THAT:

SECTION 1. The Recitals to this Resolution are deemed a substantive part of this Resolution and are incorporated by reference herein, and capitalized terms defined in the Recitals to this Resolution and not otherwise defined herein will have the meanings given to such terms in the Recitals hereto.

SECTION 2. In accordance with the Reimbursement Regulations, the Council of the City hereby makes this declaration of official intent to expend money on the Project prior to the issuance of the Tax-Exempt Bonds (or any interim financing incurred in anticipation of the Tax-Exempt Bonds) and to utilize proceeds of the Tax-Exempt Bonds (or such interim financing) to reimburse all or a portion of such original expenditures. This Resolution is intended to be a declaration of official intent within the meaning of the Reimbursement Regulations.

SECTION 3. The maximum principal amount of the Tax-Exempt Bonds reasonably expected to be issued for the Project (and the maximum principal amount of any interim financing reasonably expected to be incurred by the City in anticipation of the Tax-Exempt Bonds) is Six Hundred Ninety-one Thousand Dollars (\$691,000) each.

SECTION 4. This Resolution shall become effective immediately upon its adoption.

(SEAL)

ATTEST:

CITY OF HAGERSTOWN

\_\_\_\_\_  
Donna K. Spickler  
City Clerk

\_\_\_\_\_  
David S. Gysberts, Mayor

Introduced: \_\_\_\_\_, 2016

Adopted: \_\_\_\_\_, 2016

Effective: \_\_\_\_\_, 2016

#187801;43111.045