

Mayor and Council

100th Special Session and Work Session

September 13, 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."*

"The American patriots of today continue the tradition of the long line of patriots before them, by helping to promote liberty and freedom around the world."

John Linder

4:00 PM SPECIAL SESSION

1. Approval of a Resolution: Authorization to Apply for a Main Street Improvement Program Grant from Maryland's Department of Housing and Community Development
2. Approval of a Resolution: Authorization to Apply for a Technical Assistance Grant through Maryland's Department of Housing and Community Development
3. Resolution to Approve the Addendum to Contract of Sale for 278 South Prospect Street with Piotr Zielinski and Delia Zielinski to Extend the Settlement Date to October 31, 2016

4:00 PM WORK SESSION

- 4:15 PM** 1. Proclamation: Economic Development Week
- 4:20 PM** 2. Proclamation: General Aviation Month - *Phil Ridenour, Airport Director*
- 4:25 PM** 3. Proclamation: National Alcohol and Drug Addiction Recovery Month
- 4:30 PM** 4. City Park Lower Lake Dredging Project - *Rodney Tissue, City Engineer, and Sepehr Baharlou, BayLand Consultants*
- 5:00 PM** 5. Stormwater Fee / Stormwater Utility Information - *Jim Bender, Assistant City Engineer, and Rodney Tissue, City Engineer*
- 5:15 PM** 6. User Agreement for The Life Center International "Community Day" Event - *Lauren Metz, Events Coordinator*

CITY ADMINISTRATOR'S COMMENTS

MAYOR AND COUNCIL COMMENTS

ADJOURN

6:30 p.m. Remembrance in the Park, City Park

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

Topic:

Approval of a Resolution: Authorization to Apply for a Main Street Improvement Program Grant from Maryland's Department of Housing and Community Development

Mayor and City Council Action Required:

Mayor and Council authorization is needed to begin the process to submit an FY 2017 application to the State's Operating Assistance Grant Program, Main Street Improvement Program, as well as adoption of a resolution in support of the City's application. The grant application window was announced on August 9th and the deadline for submittal of grant applications this year is September 15th. Due to a tight timeline given by the State and that there are no additional Mayor & Council meetings before the deadline, staff is bringing the grant requests for approval at a Special Session on September 13th.

Discussion:

Proposed FY 2017 Main Street Improvement Program Application

Staff, in conjunction with Main Street Hagerstown volunteers, has developed a project that meets our current priorities and is consistent with the expectations of the Maryland Department of Housing and Community Development for Main Street Improvement projects.

Proposed project is as follows:

Project for Main Street Improvement Program Grant	Grant Request	Support
Pop-Up Ready Storefronts	\$10,000	\$1,000 <i>(support from Main Street Hagerstown)</i>
Total	\$10,000	\$1,000

Grant funds will be used to improve vacant storefront space to be pop up and/or permanent retail ready.

Hagerstown's Past Main Street Improvement Program Award

The City of Hagerstown received a \$10,000 Main Street Improvement Program award to continue the Second Saturday event series. This series re-launched in August and will continue year round.

Operating Assistance Grant

The Operating Assistance Grant is a consolidation by the Maryland Department of Housing and Community Development of three operating assistance programs: the Main Street Improvement Program, the Nonprofit Assistance Fund, and the Technical Assistance Grants. These programs

offer funding to support operating and technical assistance costs associated with local housing and revitalization projects and/or initiatives. Applicant organizations must serve communities that include designated Sustainable Community areas and projects and/or initiatives themselves should be in alignment with local Sustainable Community Action Plans.

The Main Street Improvement Program has \$150,000 in funding for grant awards in the State's 28 designated Main Street Maryland communities and Baltimore City's nine designated Baltimore Main Streets in FY 2017. Main Street Improvement Grants helps stimulate the economic development of the State's designated Main Street business districts. These grants are intended to support a broad range of local initiatives aimed at supporting the development and revitalization of these historic business districts by retaining and attracting investment. While there is no matching requirement, applications that demonstrate other funding support will score better.

Staff will be present at the meeting to answer any questions about the proposed project.

Financial Impact:

Recommendation:

Motion:

I hereby move for Mayor and Council approval of a resolution for the City of Hagerstown to apply for a Main Street Improvement Program grant through Maryland's Department of Housing and Community Development in the amount of \$10,000. The funding will be used to provide incentives for property owners to improve vacant storefront space to be pop up and/or permanent retail ready.

Action Dates:

DATE OF INTRODUCTION: 09/13/16

DATE OF PASSAGE: 09/13/16

EFFECTIVE DATE: 09/13/16

ATTACHMENTS:

File Name

Description

091316_MCC_Memo_MIP_Grant_Application_with_Motion_and_Resolution.pdf

Memo Motion &
Resolution Main
Street MIP
Grant



CITY OF HAGERSTOWN, MARYLAND

Department of Community & Economic Development

TO: Valerie Means, City Administrator
FROM: Amanda Whitmore, Downtown Coordinator
DATE: September 7, 2016
SUBJECT: Main Street Improvement Program Application

Mayor and Council Action Requested

Mayor and Council authorization is needed to begin the process to submit an FY 2017 application to the State's Operating Assistance Grant Program, Main Street Improvement Program, as well as adoption of a resolution in support of the City's application. The grant application window was announced on August 9th and the deadline for submittal of grant applications this year is September 15th. Due to a tight timeline given by the State and that there are no additional Mayor & Council meetings before the deadline, staff is bringing the grant requests for approval at a Special Session on September 13th.

Proposed FY 2017 Main Street Improvement Program Application

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Staff will be present at the meeting to answer any questions about the proposed project.

Attachment:

Resolution of Support for Proposed Main Street Improvement Project (included in the meeting packet)

C: Jill Frick, Director DCED

Kathleen Maher, Director PCAD

REQUIRED MOTION

MAYOR & CITY COUNCIL HAGERSTOWN, MARYLAND

DATE: September 13, 2016

TOPIC: **Approval of Motion:** Authorizing a resolution to approve a Main Street Improvement Program grant from Maryland's Department of Housing and Community Development

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

MOTION: I hereby move for Mayor and Council approval of a resolution for the City of Hagerstown to apply for a Main Street Improvement Program grant through Maryland's Department of Housing and Community Development in the amount of \$10,000. The funding will be used to provide incentives for property owners to improve vacant storefront space to be pop up and/or permanent retail ready.

DATE OF INTRODUCTION: 09/13/16

DATE OF PASSAGE: 09/13/16

EFFECTIVE DATE: 09/13/16

LOCAL RESOLUTION

Resolution of the Mayor and Council of the City of Hagerstown approving the application and receipt of financing for a *Main Street Improvement Program* project (“the Project”) further described in the *Main Street Improvement Program* application (“the Application”), to be financed either directly by the Department of Housing and Community Development (“the Department”) of the State of Maryland or other departments or agencies of the State of Maryland.

WHEREAS, the Mayor and City Council of the City of Hagerstown recognizes that there is a significant need for reinvestment and revitalization of Hagerstown’s Main Street Area; and

WHEREAS, the Department, either through the *Main Street Improvement Program* or through other Programs of the Department, or in cooperation with other State departments or agencies, may provide some or all of the financing for the Project in order to assist in making it financially feasible; and

WHEREAS, the Project is located within the Hagerstown Sustainable Community Area, and the Main Street Hagerstown area; and

WHEREAS, the applicable law and regulations require approval of the *Main Street Improvement Program* Project and Project Financing by the Mayor and City Council of the City of Hagerstown;

NOW, THEREFORE BE IT RESOLVED THAT, the Mayor and City Council of the City of Hagerstown hereby endorses the Project; and HEREBY approves the request in the form of a grant in the approximate amount of up to \$10,000: for the Project’s Pop-Up Ready Storefronts Program; and

BE IT FURTHER RESOLVED THAT, the chief elected executive official be, and is hereby requested to endorse this Resolution, thereby indicating his approval thereof; and

BE IT FURTHER RESOLVED THAT, the Mayor is hereby authorized to execute documents and take any action necessary to carry out the intent of these resolutions; and,

BE IT FURTHER RESOLVED THAT, copies of this Resolution be sent to the Secretary of Housing and Community Development of the State of Maryland.

READ AND PASSED THIS 13th day of September, 2016

ATTEST/WITNESS

MAYOR AND CITY COUNCIL OF THE
CITY OF HAGERSTOWN, MARYLAND

Donna Spickler, City Clerk

By: _____
David S. Gysberts, Mayor

Date of Introduction:	9/13/2016
Date of Passage:	9/13/2016
Effective Date:	9/13/2016

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

Topic:

Approval of a Resolution: Authorization to Apply for a Technical Assistance Grant through Maryland's Department of Housing and Community Development

Mayor and City Council Action Required:

Mayor and Council authorization is needed to begin the process to submit an FY 2017 application to the State's Operating Assistance Grant Program, Technical Assistance Grant, as well as adoption of a resolution in support of the City's application. The grant application window was announced on August 9th and the deadline for submittal of grant applications this year is September 15th. Due to a tight timeline given by the State and that there are no additional Mayor & Council meetings before the deadline, Staff is bringing the grant requests for approval at a Special Session on September 13th.

Discussion:

Proposed FY 2017 Technical Assistance Grant Application

Staff, in conjunction with Main Street Hagerstown Business Relations workgroup volunteers, has developed a project that meets our current priorities and is consistent with the expectations of the Maryland Department of Housing and Community Development for Technical Assistance projects.

Proposed project is as follows:

Project for Technical Assistance Grant	Grant Request	Support
Code Analysis Incentive Program	\$7,000	\$1,000 <i>(support from Main Street Hagerstown)</i>
Total	\$7,000	\$1,000

Grant funds will be used to offset the cost of qualified architects and/or engineers providing walkthroughs and code analysis reports on vacant or underutilized downtown buildings.

Hagerstown's Past State Awards

The City of Hagerstown has been fortunate to receive a number of Maryland Department of Housing and Community Development awards in the past for various City or City-supported downtown revitalization and housing improvement projects. While the city has received past Department of

Housing and Community Development grants, the city has not previously received grant funding

from the Technical Assistance Grant program.

Operating Assistance Grant

The Operating Assistance Grant is a consolidation by the Maryland Department of Housing and Community Development of three operating assistance programs: the Main Street Improvement Program, the Nonprofit Assistance Fund, and the Technical Assistance Grants. These programs offer funding to support operating and technical assistance costs associated with local housing and revitalization projects and/or initiatives. Applicant organizations must serve communities that include designated Sustainable Community areas and projects and/or initiatives themselves should be in alignment with local Sustainable Community Action Plans.

The Technical Assistance Grant has \$150,000 in funding for grant and loan awards around the State in FY 2017. Technical Assistance Grants provide funding to obtain advisory, consultative, training, information and other services which will assist or carry out community development activities. Special areas of focus for the program include projects that involve and support designated Main Street communities, and initiatives within local Sustainable Community Action Plans. While there is no matching requirement, applications that demonstrate other funding support will score better.

Staff will be present at the meeting to answer any questions about the proposed project.

Financial Impact:

Recommendation:

Motion:

I hereby move for Mayor and Council approval of a resolution for the City of Hagerstown to apply for a Technical Assistance grant through Maryland's Department of Housing and Community Development in the amount of \$7,000. The funding will be used provide a Code Analysis Incentive Program to incentivize developers to invest in the Main Street Hagerstown area.

Action Dates:

DATE OF INTRODUCTION: 09/13/16

DATE OF PASSAGE: 09/13/16

EFFECTIVE DATE: 09/13/16

ATTACHMENTS:

File Name	Description
091316_MCC_Memo_TAG_Application_with_Motion_and_Resolution.pdf	Resolution to approve a Technical Assistance grant from Maryland's Department of Housing and



CITY OF HAGERSTOWN, MARYLAND

Department of Community & Economic Development

TO: Valerie Means, City Administrator
FROM: Amanda Whitmore, Downtown Coordinator
DATE: September 7, 2016
SUBJECT: Technical Assistance Grant Application

Mayor and Council Action Requested

Mayor and Council authorization is needed to begin the process to submit an FY 2017 application to the State's Operating Assistance Grant Program, Technical Assistance Grant, as well as adoption of a resolution in support of the City's application. The grant application window was announced on August 9th and the deadline for submittal of grant applications this year is September 15th. Due to a tight timeline given by the State and that there are no additional Mayor & Council meetings before the deadline, Staff is bringing the grant requests for approval at a Special Session on September 13th.

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Staff will be present at the meeting to answer any questions about the proposed project.

Attachments:

Resolution of Support for Proposed Technical Assistance Project (included in the meeting packet)

C: Jill Frick, Director DCED

Kathleen Maher, Director PCAD

REQUIRED MOTION
MAYOR & CITY COUNCIL
HAGERSTOWN, MARYLAND

DATE: **September 13, 2016**

TOPIC: **Approval of Motion:** Authorizing a resolution to approve a Technical Assistance grant from Maryland's Department of Housing and Community Development

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

MOTION: I hereby move for Mayor and Council approval of a resolution for the City of Hagerstown to apply for a Technical Assistance grant through Maryland's Department of Housing and Community Development in the amount of \$7,000. The funding will be used provide a Code Analysis Incentive Program to incentivize developers to invest in the Main Street Hagerstown area.

DATE OF INTRODUCTION: 09/13/16

DATE OF PASSAGE: 09/13/16

EFFECTIVE DATE: 09/13/16

LOCAL RESOLUTION

Resolution of the Mayor and Council of the City of Hagerstown approving the application and receipt of financing for a *Technical Assistance Grant* project (“the Project”) further described in the *Technical Assistance Grant* application (“the Application”), to be financed either directly by the Department of Housing and Community Development (“the Department”) of the State of Maryland or other departments or agencies of the State of Maryland.

WHEREAS, the Mayor and City Council of the City of Hagerstown recognizes that there is a significant need for reinvestment and revitalization of Hagerstown’s Main Street Area; and

WHEREAS, the Department, either through the *Technical Assistance Grant* or through other Programs of the Department, or in cooperation with other State departments or agencies, may provide some or all of the financing for the Project in order to assist in making it financially feasible; and

WHEREAS, the Project is located within the Hagerstown Sustainable Community Area, and the Main Street Hagerstown area; and

WHEREAS, the applicable law and regulations require approval of the *Technical Assistance Grant* Project and Project Financing by the Mayor and City Council of the City of Hagerstown;

NOW, THEREFORE BE IT RESOLVED THAT, the Mayor and City Council of the City of Hagerstown hereby endorses the Project; and HEREBY approves the request in the form of a grant in the approximate amount of up to \$7,000: for the Project’s Code Analysis Incentive Program; and

BE IT FURTHER RESOLVED THAT, the chief elected executive official be, and is hereby requested to endorse this Resolution, thereby indicating his approval thereof; and

BE IT FURTHER RESOLVED THAT, the Mayor is hereby authorized to execute documents and take any action necessary to carry out the intent of these resolutions; and,

BE IT FURTHER RESOLVED THAT, copies of this Resolution be sent to the Secretary of Housing and Community Development of the State of Maryland.

READ AND PASSED THIS 13th day of September, 2016

ATTEST/WITNESS

MAYOR AND CITY COUNCIL OF THE
CITY OF HAGERSTOWN, MARYLAND

Donna Spickler, City Clerk

By: _____
David S. Gysberts, Mayor

Date of Introduction:	9/13/2016
Date of Passage:	9/13/2016
Effective Date:	9/13/2016

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

Topic:

Resolution to Approve the Addendum to Contract of Sale for 278 South Prospect Street with Piotr Zielinski and Delia Zielinski to Extend the Settlement Date to October 31, 2016

Mayor and City Council Action Required:

Staff request Mayor & Council approval of an addendum to the contract of sale for 278 South Prospect Street. The addendum will extend the settlement date from August 31, 2016 to October 31, 2016.

Discussion:

In March of 2016, the Mayor & Council approved a resolution authorizing the sale of property located at 278 S Prospect Street for the City's Homeownership Program (Catalytic Project #8). The contract of sale for 278 S Prospect Street was contingent upon the buyers, Piotr and Delia Zielinski, selling their current residence. Their residence is currently under contract and the sale is pending.

Although the buyer's current residence is under contract, the sale is slightly behind schedule due to delays during the sale process. Due to these delays, it will be necessary to extend the settlement deadline for 278 S Prospect Street from August 31, 2016 to October 31, 2016. Staff anticipate settlement for 278 S Prospect Street occurring in early October.

Staff will be available to answer any questions on the above items.

Financial Impact:

Recommendation:

Motion:

Action Dates:

Date of Introduction: September 13, 2016
Date of Passage: September 13, 2016
Effective Date: September 13, 2016

ATTACHMENTS:

File Name

278_S_Prospect_addendum_MCC_09132016.pdf
Motion_278_S_Prospect_09132016.pdf

Description

Memo & Resolution
Motion



CITY OF HAGERSTOWN, MARYLAND

Department of Community and Economic Development
Business and Community Relations Division

To: Valerie Means, City Administrator
From: Jonathan Kerns, Community Development Manager
Date: September 8, 2016
RE: Addendum to Contract of Sale – 278 South Prospect Street

Mayor & Council Action Requested

Staff request Mayor & Council approval of an addendum to the contract of sale for 278 South Prospect Street. The addendum will extend the settlement date from August 31, 2016 to October 31, 2016.

Background

In March of 2016, the Mayor & Council approved a resolution authorizing the sale of property located at 278 S Prospect Street for the City's Homeownership Program (Catalytic Project #8). The contract of sale for 278 S Prospect Street was contingent upon the buyers, Piotr and Delia Zielinski, selling their current residence. Their residence is currently under contract and the sale is pending.

Although the buyer's current residence is under contract, the sale is slightly behind schedule due to delays during the sale process. Due to these delays, it will be necessary to extend the settlement deadline for 278 S Prospect Street from August 31, 2016 to October 31, 2016. Staff anticipate settlement for 278 S Prospect Street occurring in early October.

Staff will be available to answer any questions on the above items.

Attachments: 278 S Prospect Street Contract Addendum

c. Jill Frick, Director DCED
Michelle Hepburn, Director of Finance

CITY OF HAGERSTOWN, MARYLAND

**A RESOLUTION TO APPROVE THE
ADDENDUM TO CONTRACT OF SALE FOR
278 SOUTH PROSPECT STREET WITH PIOTR ZIELINSKI AND DELIA ZIELINSKI
TO EXTEND THE SETTLEMENT DATE TO OCTOBER 31, 2016**

RECITALS

WHEREAS, the City of Hagerstown, Maryland (the "City") operates a Homeownership Program, utilizing State or Federal grant funds to purchase, rehabilitate and sell residential properties within the City of Hagerstown; and

WHEREAS, On May 15, 2015 the Mayor and Council approved by Ordinance (the "Ordinance") the acquisition, rehabilitation and sale of a property located at 278 South Prospect Street in Hagerstown, Maryland (hereinafter the "Property"); and

WHEREAS, at the time of the City's acquisition of the Property, it consisted of substandard rental dwellings, had been vacant for a period of time and had become a blighting influence on the South Prospect Street neighborhood; and

WHEREAS, pursuant to the Ordinance, City staff coordinated the rehabilitation of the Property and offered it for sale through the City Homeownership Program; and

WHEREAS, City staff reviewed applications for the purchase of the Property pursuant to established City guidelines and recommended the Property be sold to Piotr Zielinski and Delia Zielinski; and

WHEREAS, the Mayor and Council approved a Resolution and entered into a Contract of Sale with Piotr Zielinski and Delia Zielinski (the "Buyers") to sell the Property, with settlement to occur on or before August 31, 2016; and

WHEREAS, the Buyers have requested an extension of the settlement date to October 31, 2016; and

WHEREAS the Mayor and Council believe it to be in the best interest of the citizens of the City of Hagerstown to do so;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Hagerstown, Maryland, as its duly constituted legislative body, as follows:

1. That the foregoing Recitals be and are hereby incorporated herein as if set forth verbatim.
2. That the requested extension of the settlement date to October 31, 2016 for sale of 278 South Prospect Street be and is hereby approved.
3. That the Mayor be and is hereby authorized to execute and deliver the Addendum to Contract of Sale for 278 South Prospect Street, a copy of which is attached hereto and incorporated herein by reference.
4. That City Staff be and are hereby authorized to execute and deliver any additional documentation and take any additional steps necessary to effectuate the purpose of this ordinance and satisfy the terms of the aforesaid Addendum to Contract of Sale.

BE IT FURTHER RESOLVED THAT this resolution shall become effective immediately upon its approval.

WITNESS AND ATTEST
AS TO CORPORATE SEAL

MAYOR AND COUNCIL OF THE
CITY OF HAGERSTOWN, MARYLAND

Donna K. Spickler,
City Clerk

David S. Gysberts, Mayor

Date of Introduction: September 13, 2016
Date of Passage: September 13, 2016
Effective Date: September 13, 2016

PREPARED BY:
SALVATORE & BOYER, LLC
CITY ATTORNEYS

ADDENDUM TO CONTRACT OF SALE

THIS ADDENDUM is made this ____ day of September, 2016, by and between The City of Hagerstown, a Maryland Municipal Corporation (hereinafter "Seller" or "City"), and Piotr Zielinski and Delia Zielinski (hereinafter "Buyer").

WHEREAS, the Seller and Buyer are parties to a certain Contract of Sale whereby Seller has agreed to sell certain land in Hagerstown, Washington County, Maryland known as 278 South Prospect Street to Buyer through its Homeownership Program; and

WHEREAS, the Contract of Sale requires settlement to occur on or before August 31, 2016; and

WHEREAS, the Buyer has requested an extension of the settlement date to October 31, 2016, which extension the Seller has agreed to accommodate;

NOW, THEREFORE, THIS ADDENDUM WITNESSETH: That the parties hereto hereby agree, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, that the aforementioned Contract of Sale be and is hereby amended as follows:

1. The Settlement date is hereby extended by mutual consent of the parties. Settlement shall occur no later than October 31, 2016, at the office of Buyer's attorney.
2. The remainder of the Contract of Sale between the parties shall remain in full force and effect except as amended herein or inconsistent herewith, with no waiver of any rights or obligations thereunder by the parties hereto.

WITNESS the names and seals of the parties hereto, signed the date first above written:

ATTEST:

City of Hagerstown, SELLER

Donna K. Spickler, City Clerk

BY: _____ (SEAL)
David S. Gysberts, Mayor

WITNESS:

BUYER

Piotr Zielinski (SEAL)

Delia Zielinski (SEAL)

STATE OF MARYLAND, COUNTY OF WASHINGTON, to-wit:

I HEREBY CERTIFY that on this day of September, 2016, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared David S. Gysberts, known to me to be the Mayor of The City of Hagerstown, whose name is subscribed to the foregoing Addendum to Contract of Sale, and who acknowledged that he executed the same for the purposes therein contained as the act of The City of Hagerstown, with full authority to do so.

WITNESS my hand and Official Notarial Seal.

Notary Public

My Commission Expires:

STATE OF MARYLAND, COUNTY OF WASHINGTON, to-wit:

I HEREBY CERTIFY that on this day of September, 2016, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Piotr Zielinski and Delia Zielinski, known to me or satisfactorily proven to me to be the persons whose names are subscribed to the foregoing Addendum to Contract of Sale, who acknowledged that they executed the same for the purposes therein contained as their act, with full authority to do so.

WITNESS my hand and Official Notarial Seal.

Notary Public

My Commission Expires:

REQUIRED MOTION

MAYOR & CITY COUNCIL HAGERSTOWN, MARYLAND

September 13, 2016

TOPIC: **Approval of a Resolution: Addendum to Contract of Sale – 278 South Prospect Street**

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

MOTION: I hereby move for the Mayor & City Council to approve a resolution authorizing an addendum to the contract of sale for property located at 278 South Prospect Street. The property at 278 S Prospect Street is under contract through the City's Homeownership Program – Catalyst Project #8. The addendum to the contract of sale will extend the required settlement date from August 31, 2016 to October 31, 2016.

DATE OF INTRODUCTION:	09/13/2016
DATE OF PASSAGE:	09/13/2016
EFFECTIVE DATE:	09/13/2016

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

Topic:

Proclamation: Economic Development Week

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

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

Topic:

Proclamation: General Aviation Month - *Phil Ridenour, Airport Director*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

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

Topic:

Proclamation: National Alcohol and Drug Addiction Recovery Month

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

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

Topic:

City Park Lower Lake Dredging Project - *Rodney Tissue, City Engineer, and Sepehr Baharlou, BayLand Consultants*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

city_park_dredging.pt_2_of_2.pdf

city_park_dredging.pt_1_of_2.pdf

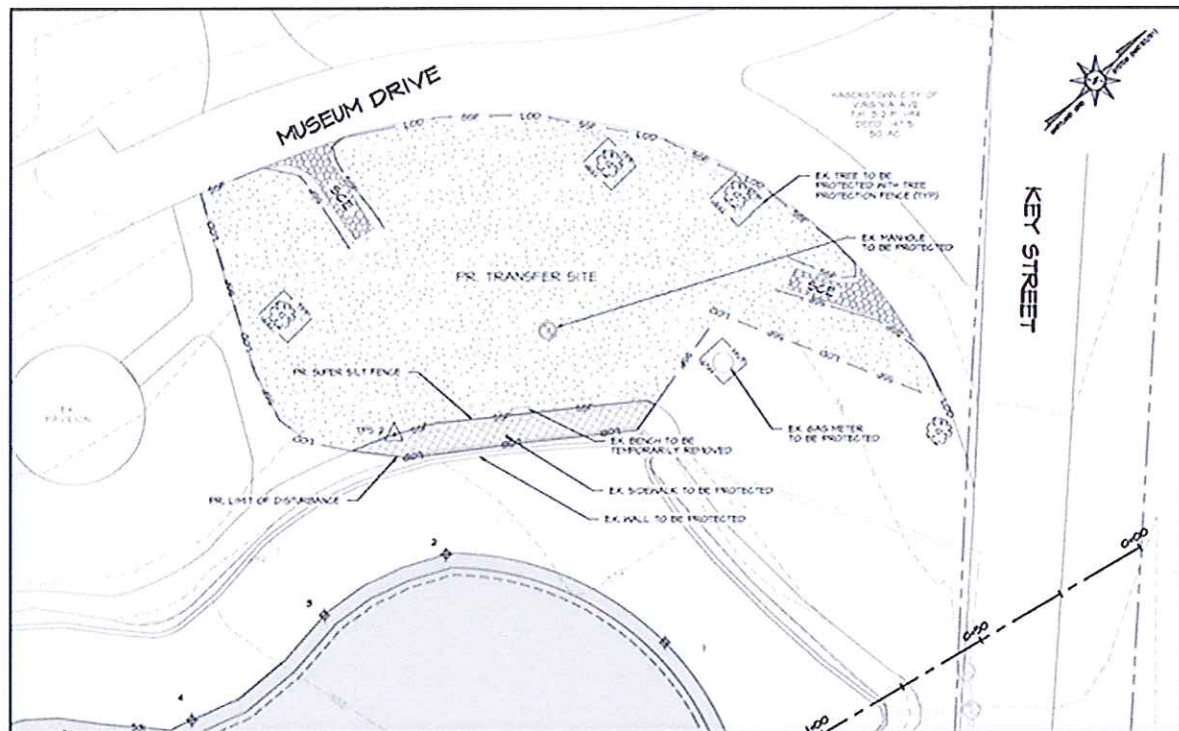
Budget_Information.pdf

Description

City Park Lower Lake
Dredging Project

City Park Lower Lake
Dredging Project

Budget Information



0 10 20 40
1" = 20 FEET

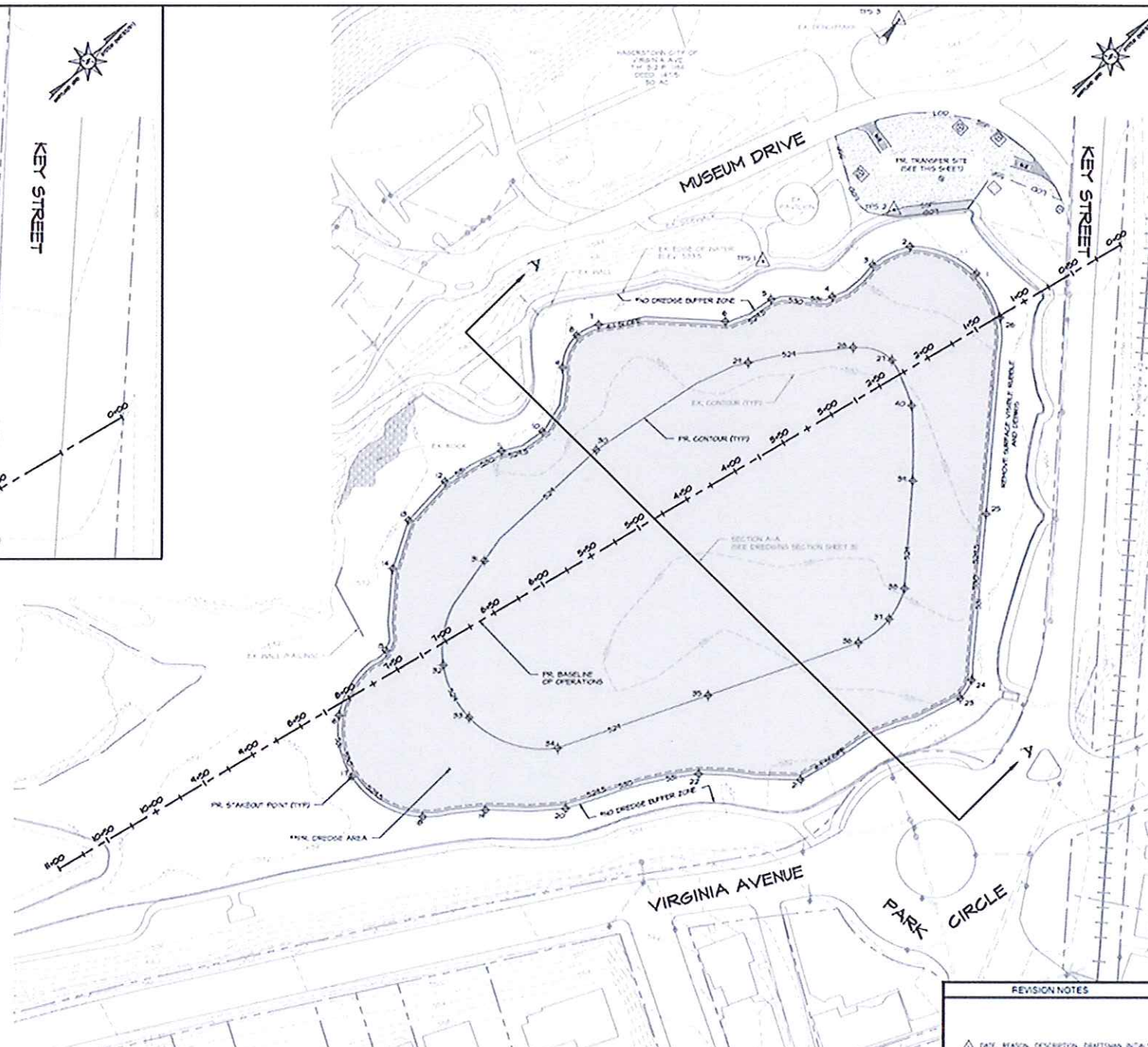
TRAVERSE POINT TABLE			
PTS #	NORTHING	EASTING	ELEVATION
1	718.793.75	1706.531.56	534.4
2	718.715.55	1704.841.67	534.5
3	718.229.99	1704.322.42	545.2

STAKEOUT POINT TABLE		
POINT #	NORTHING	EASTING
1	718.826.70	1706.134.35
2	718.802.08	1706.875.12
3	718.266.82	1706.843.44
4	718.200.22	1706.850.44
5	718.100.44	1706.821.56
6	718.131.17	1706.806.72
7	718.655.29	1706.528.86
8	718.654.5	1706.821.85
9	718.605.0	1706.533.37
10	718.501.18	1706.561.75
11	718.535.1	1706.548.8
12	718.408.85	1706.532.74
13	718.411.25	1706.554.64
14	718.370.56	1706.505.31
15	718.318.2	1706.407.10
16	718.242.58	1706.400.00
17	718.211.45	1706.463.24
18	718.250.21	1706.133.50
19	718.214.61	1706.168.58
20	718.325.70	1706.172

STAKEOUT POINT TABLE		
POINT #	NORTHING	EASTING
21	718.412.82	1706.441.80
22	718.432.28	1706.834.94
23	718.433.64	1706.816.40
24	718.444.53	1706.812.1
25	718.131.17	1706.844.58
26	718.136.61	1706.111.6
27	718.617.96	1706.136.11
28	718.601.60	1706.104.1
29	718.725.60	1706.418
30	718.718.80	1706.601.51
31	718.432.80	1706.600.24
32	718.340.8	1706.844.43
33	718.325.42	1706.844.04
34	718.308.41	1706.114.05
35	718.400.44	1706.435.56
36	718.676.76	1706.816.11
37	718.651.34	1706.800.85
38	718.650.36	1706.811.03
39	718.154.23	1706.221.20
40	718.601.62	1706.178.55

NOTES:

* CONTRACTOR WILL REMOVE SURFACE VISIBLE RUBBLE AND DEBRIS FROM THE NO DREDGE BUFFER ZONE SURROUNDING THE PROJECT AREA.
** THE ESTIMATED MAXIMUM DREDGE VOLUME IS 18,000 CUBIC YARDS. THIS QUANTITY IS AN ESTIMATE BASED UPON THE PROPOSED ELEVATIONS AND EXISTING CONDITIONS AT THE TIME OF THE SURVEY.



0 25 50 100
1" = 50 FEET

BayLand
Consultants & Designers, Inc.
"Integrating Engineering and Environment"
7455 New Ridge Road, Suite 100 Phone: (410) 691-9401
Hanover, Maryland 21076 Fax: (410) 691-9406
Website: www.baylandinc.com
BAYLAND JOB NO. B-23801

MD
Maryland Department of the Environment
Water Management Administration
Dam Safety Division
Mary P. Doherty
Sr. Regulatory & Compliance Engineer
Date

MAYOR - DAVID DISBEN
CITY ADMINISTRATOR - VALERIE MEANS
CITY COUNCIL - KRISTIN ALESBERG
MARTIN BRUGGER
LEWIS C. METZNER
DONALD MASON
PENNY NICH
CITY ENGINEER - ROONEY TISUE

REVISION NOTES			
DATE	REASON	DESCRIPTION	DRAWNMAN INITIALS
CITY OF HAGERSTOWN, MARYLAND DEPARTMENT OF PARKS AND ENGINEERING			
LOCATION HAGERSTOWN CITY PARK			
TITLE CITY PARK LAKE DREDGING ULTIMATE DREDGE PLAN			
SCALE AS SHOWN			
DRAWN BY	AP	DATE	8/2/16
SURVEY BY	AP/BN/WM	DATE	1/11/16
REVISED BY	BN/WM	DATE	8/2/16
SHEET NO. 2 OF 4		80% DESIGN	
COORDINATOR #		CHANGE ORDER #	



CITY OF HAGERSTOWN, MARYLAND

Department of Parks and Engineering

September 13, 2016

TO: Valerie Means, City Administrator
FROM: Rodney Tissue, City Engineer *Ron*
RE: City Park Lower Lake Dredging Project

1. Background

City Park was created 100 years ago. There are three (3) lakes in City Park but the most visible is the lower lake adjacent to the Museum of Fine Arts, Key Street, and Virginia Avenue. This lake has never been dredged although we did rebuild the perimeter walls about 20 years ago.

In 1974, there was a botulism outbreak that killed over 100 waterfowl in City Park. At that time the City studied the lake in detail by surveying the lake and developing an elevation plan of the lake bottom.

In October 2015, the Mayor & Council authorized that the City contract with *Bayland Consultants and Designers Inc* from Hanover, MD to begin the design and permitting of a project to dredge the lower lake. In January of this year, *BayLand* completed a survey of the lake bottom and developed a comparison of the accumulated sediment between January 2016 and the 1974 survey data. The accumulated sediment over that 42 year period is approximately 7000 cubic yards or an average of only 162 cubic yards per year. This sediment is from leaves, waterfowl and fish waste, and minor erosion of lake banks.

Based on their probes into the lake bed, *Bayland* estimated the original bottom elevations for the lake based on sudden change in soil type from very soft silt to hard soils and hit refusal of hand auger. Based on this, they determined in the 58 years before 1974 the sedimentation rate was higher and approximately an additional 25,000 cubic yards of sediment had accumulated in the lake prior to 1974. Total volume of accumulated sediment in the lake is estimated to be 32,000 cubic yards.

The current annual sedimentation is low but over a long period of time it resulted in the lake becoming quite shallow. The average depth is now 2.4 feet, with a significant area of the lake less than 1.5 feet deep and the deepest part of the lake is only 3.8' at the spillway near Key Street. As the lake continues to get shallower, this has resulted in the following:

- general deterioration of water quality of the lake,
- a fountain can no longer be operated on the lake,
- sailboat activities have caused us to increase the lake elevation of the lake up on the sidewalk,
- limits what additional activities can be done on the lake.

2. Mayor & Council Action Requested

The purpose of this presentation is to provide the Mayor and Council a briefing on the scope and extent of the proposed dredging project. Staff is seeking any comments the Mayor & Council may have. Our intention is to bid the project in the next month and bring a dredging contract to the Mayor & Council for approval in December 2016.

3. Discussion

Engineers from *BayLand* will attend the work session with me and will review the attached PowerPoint. I would like to highlight a few of the major issues regarding this project:

A. Silt/sediment Removal

The staff has worked to stay within the \$1,000,000 budget that is in the FY16/17 budget. This directly impacts the amount of sediment that can be removed. To stay within that budget, we are estimating up to 18,000 cubic yards of silt can be removed, which will result in a lake that is approximately 4.5' deep.

Three alternative dredging methods were evaluated:

- Option one was to dewater the lake and use conventional equipment,
- Option two was to hydraulically dredge and mechanical dewatering, and
- Option three was mechanical dredging.

Option three, mechanical dredging, was selected because it was the most cost effective option with minimal impact to the community and natural resources. This means the sediment will be removed while the water remains in the lake. *Bayland* will elaborate on this during their presentation.

B. Silt/sediment Disposal

One of the major considerations of this project is the disposal of the silt. We are very pleased to have received the cooperation of the Washington County Department of Solid Waste and they developed plans and approved the deposition of the dredged material at the Washington County landfill. This material will be used as daily cover or as topsoil on the finish slopes of the landfill. The landfill staff also provided us with the very important area for the water to drain or decant from the dredged material. Trucks used to haul the silt to the landfill will be sealed to prevent leakage onto the roads.

C. Timeframe

Since most of the permits are in hand and the plans are being finalized, staff is proposing that we put the contract out to bid in October and review the dredging bids with the Mayor & Council in December 2016. We anticipate starting the dredging in early January 2017 and completing the project by spring 2017.

D. Wildlife

Since water will remain in the lake during dredging, this will decrease smell and impact on waterfowl and fish. The dredging is planned for winter to further minimize impacts to wildlife. Once the dredging is complete the deeper lake elevations will provide improved water quality and habitat.

E. Benefits

Dredging will directly improve the items listed in #1 above and specifically:

- general improvement of water quality,
- we can plan for a new fountain on the lake,
- sailboat activities will be unimpeded
- staff can keep the water surface off the sidewalks
- additional activities can be developed for the lake with City Council approval
- improve appearance of the lake
- remove trash and debris scattered on bottom of the lake

F. Oversight

One of the project permits is from Maryland Dam Safety who require the oversight of the design engineer along with our inspection staff. We anticipate daily monitoring of the silt excavation and regular progress meetings.

G. Repair of Walls

Staff recommends we earmark \$100,000 for the repair of the perimeter stone walls around the lower lake. This needs to be done in addition to the dredging, but they are not similar projects, so we do not see the walls being part of the dredging contract. Rather we would propose it would be part of the Marsh Run wall repair project that we plan to do in the spring. City staff may also do repairs as their schedule allows.

Staff and *Bayland* engineers will be present at the next work session to discuss this project in detail.

Attachments: * Dredging Plan
 * *Bayland* PowerPoint presentation



RAT:jj

c: Bayland Consultants
 Julie Pipple, WaCo
 Dave Mason, WaCo
 R M Lane, Washington County Museum of Fine Arts
 Mark Haddock
 Amy Riley
 Jim Bender
 Jarl Wathne, MD

City Park Lower Lake Dredging Project


Mayor and City Council Briefing

September 13, 2016



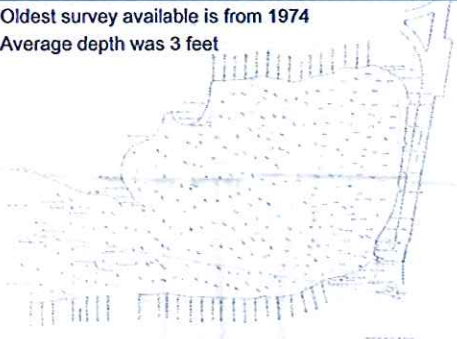
Background

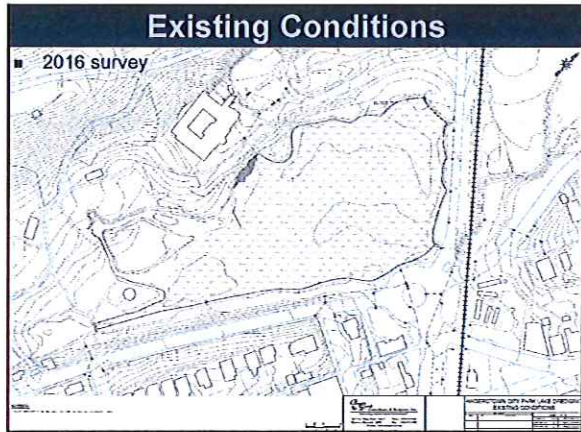
- Man-made lake constructed in 1916
- 7-acre surface area
- 5 to 7 feet deep (estimated)
- Primary use
 - Recreational
 - Wildlife habitat
 - Scenic

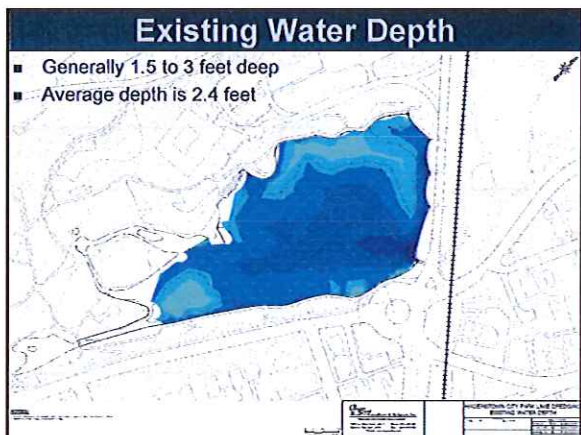


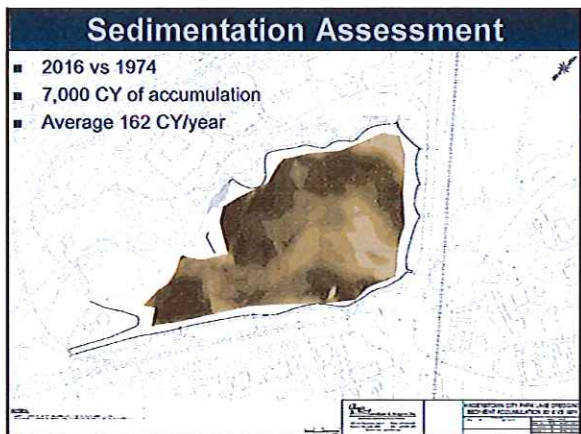
Historic Depths

- Oldest survey available is from 1974
- Average depth was 3 feet









Sedimentation Assessment

- Performed borings
- Estimated original bottom elevations
- Calculated 32,000 CY has accumulated over the past 100 years



Dredging Options

- Option 1 – Dewater and Excavate
 - Requires long drying period
 - Major impacts to habitat
 - Disturbance to community
 - Potential permitting complications



Dredging Options

- Option 2 – Hydraulic Dredging
 - Requires on-site dewatering prior to disposal
 - Can be very costly



Dredging Options

- Option 3 – Mechanical Dredging (Recommended)
 - Uses conventional excavating equipment from floating barge
 - No need for on-site dewatering
 - Material can be removed from site immediately
 - Can be accomplished with minimal on-site impact



Material Placement Site

- Washington County Landfill
 - Temporary stockpile and dewatering area has been permitted
 - Dredged materials tested and approved for placement
 - Dredged material to be reused in landfill operations





Dredging Plan

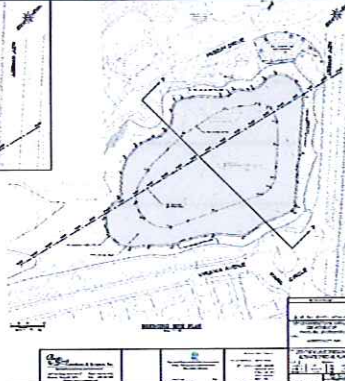
- Objective:
 - Maximize dredging within available budget
 - Remove surface visible debris
 - Enhance recreational opportunities
 - Minimize impact to community and wildlife
 - Improve overall health of lake

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Dredging Plan




DREDGING ZONE		DEBRIS ZONE		WATER ZONE	
AREA	VOLUME	AREA	VOLUME	AREA	VOLUME
1	100	1	50	1	100
2	200	2	100	2	200
3	300	3	150	3	300
4	400	4	200	4	400
5	500	5	250	5	500



Dredging Plan

- Remove estimated 18,000 CY
- Provides 4 to 4.5 feet water depth
- Dredged quantity can be adjusted based on unit bid price and available budget



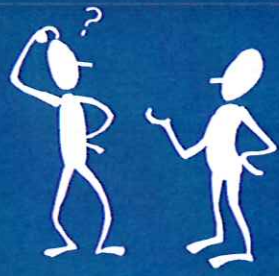
The map shows a water body with a blue-shaded area indicating the dredging site. The map includes surrounding land, roads, and a scale bar. A legend at the bottom left identifies the dredging area. A north arrow is located in the top right corner.

Schedule

- Currently in the final stages of permitting
- Advertise for bidding – October 2016
- Review bids with Mayor and the City Council – December 2016
- Construction start – January 2017
- Completion – Spring 2017

17

Question and Answer Session



The illustration shows two white stick figures on a blue background. The figure on the left is scratching its head with a question mark above its head, while the figure on the right stands with its hands on its hips.

18

CAPITAL IMPROVEMENT PROGRAM

FY '17 *thru* FY '21

City of Hagerstown, Maryland

Project # 45-C0047
Project Name City Park Lake Improvements

Type Improvement
Useful Life 25 - 50 years
Category Land Improvements
Location: City Park
Year Submitted: Ongoing
Department Parks
Contact Tissue
Priority Planned Improvement
Status Active



Description

The 7.1 acre lower lake needs to be dredged to remove 100+ years of sediment. Plan to design extent of dredging in FY16 and acquire permits and waste site approval. Construction targeted for FY17 in December 2016 through March 2017. No grant sources were found for lake enhancements.

Replacement of walls around perimeter of upper and middle lakes, associated sidewalk improvements, and landscape enhancements. Repairs to lower lake walls as they deteriorate will be completed by Park Division staff.

FY20: Upgrades to upper lake

The lower lake walls were reconstructed in three phases:

1995: Phase I- Key Street end

1998: Phase II- Virginia Avenue side

2004: Phase III- Museum Drive side

Justification

The goal is to improve deteriorating facilities and provide necessary maintenance. In addition, City Park was recently rated one of the most beautiful municipal city parks in America. Last, the preservation of the lake helps to maintain the beauty of the lake, which is visited by tens of thousands of people each year.

Budget Impact/Other

Less than \$5,000 would be saved on maintenance costs as the wall needs to be fully replaced and is not worthy of patching or repairing.

Based on a 20 year term, preliminary annual debt service impact for the 2017 general fund supported bond issue of \$1.1M is \$80.6K

Expenditures	FY '17	FY '18	FY '19	FY '20	FY '21	Total
Construction/Maintenance	1,100,000			500,000		1,600,000
Total	1,100,000			500,000		1,600,000

Funding Sources	FY '17	FY '18	FY '19	FY '20	FY '21	Total
Bond Financing (General Fund)	1,100,000			500,000		1,600,000
Total	1,100,000			500,000		1,600,000

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

Topic:

Stormwater Fee / Stormwater Utility Information - *Jim Bender, Assistant City Engineer, and
Rodney Tissue, City Engineer*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

stormwater_info.201i6.pdf

Description

Stormwater Fee/Stormwater
Utility Information



CITY OF HAGERSTOWN, MARYLAND

Department of Parks and Engineering

September 6, 2016

TO: Valerie Means, City Administrator

FROM: Jim Bender, Assistant City Engineer JMB

RE: Stormwater Fee / Stormwater Utility Information

Background:

Over the past five years, staff has made several presentations to the Council regarding anticipated changes in the City's National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges. Staff recently received the attached letter from the Maryland Department of the Environment (MDE) that a draft version of the new permit is about to be sent to the City; while the exact requirements of the permit are unknown, it is likely to contain specific mandates to reduce stormwater pollution. Previous estimates of the cost of compliance, using tools provided by MDE, have ranged from \$40-200 million. The City's Capital Improvement Program budget currently allocates only a fraction of this amount of money to stormwater projects, and it will be difficult to find additional revenue from the General Fund. Earlier this summer, Councilmembers mentioned that one source of funding used by other municipalities is a stormwater fee/stormwater utility, and asked staff to investigate the feasibility of implementation. The purpose of this memo is to describe how such a fee could be structured, and the steps required to implement such a fee if the Council chose to pursue this alternative.

Mayor and Council Action Requested:

No action is required at this time. However, if the Council has interest in pursuing this alternative, they should be aware that it will take 12 – 18 months develop the program and execute the necessary legislation prior to implementation. Staff will be present at the work session to discuss.

Discussion:

NPDES Phase I communities consist of larger cities and urbanized areas; examples of Phase I communities in Maryland are the City of Baltimore and the surrounding counties (e.g. Howard, Montgomery, Frederick, etc.). The City of Hagerstown and Washington County are classified as Phase II communities. The NPDES stormwater permits (and their requirements) for Phase I communities are typically much more stringent than the permits for Phase II communities.

In 2012, the General Assembly approved House Bill 987; this bill required Phase I communities to begin collecting a "stormwater remediation fee" and establish a "local watershed protection and restoration fund". No legislation has yet been introduced to extend these requirements to Phase II communities.

A "Stormwater Utility" is basically an enterprise fund responsible for addressing stormwater management issues in a community. The Utility is funded through the collection of a fee charged to property owners. As of 2015, there were more than 1600 municipalities across the United States and Canada that operated a Stormwater Utility, and the number is growing rapidly as Federal and State regulations become more stringent. Two charts from Western Kentucky University's (WKU) 2016

Parks and Recreation Division

351 North Cleveland Avenue • Hagerstown, MD 21740
Ph: 301.739.8577 Ext. 169 • Fax: 301.790.0171

Engineering Division

1 East Franklin Street • Hagerstown, MD 21740-4817
Ph: 301.739.8577 Ext. 125 • Fax: 301.733.2214

Stormwater Utility Survey report, showing the distribution of stormwater utilities across the country, are attached. In Maryland, examples of municipalities that are charging a stormwater fee or operating a Utility include Montgomery County, the City of Frederick, and the City of Rockville.

The process to develop a Utility typically begins with a Rate Study to determine how much money needs to be collected to fund a municipality's stormwater pollutant reduction efforts. Consultants quantify the cost to operate/maintain the Utility; this overall cost is then used as the basis for setting the amount of the fee schedule. Successful Rate Studies include public stakeholder participation, and typically require 12–18 months to complete. Without a Rate Study or “business plan” as justification, stormwater fees are open to disputes and legal challenges.

Stormwater fees are not a tax; they are typically a charge that is based upon the amount of impervious (i.e. storm runoff-producing) surface on a parcel of land. Because most developed properties contain impervious surfaces in the form of roofs, patios, or pavement, the fee applies both to taxable properties and to properties that are normally tax-exempt (e.g. churches, non-profit organizations, etc.). It is important to note that the collected fees must be devoted to operation/maintenance of the stormwater system; the fees cannot be lumped in with other General Fund revenue.

The most common method used for establishing the amount of the stormwater fee is the Equivalent Residential Unit (ERU) method. Based upon survey/GIS analysis, the “average” amount of impervious area on a typical residential lot is determined; all similar residential lots are then assumed to have this amount of impervious area without any actual measurement on each lot. For non-residential, commercial, and industrial properties, the amount of impervious area on the lot is measured. That measurement is then divided by the average amount assumed for a residential lot to get an ERU value.

The stormwater fee charged by a Utility will vary from municipality to municipality, depending upon the results of the Rate Study. Nationwide, the WKU survey found that the average monthly fee for an ERU was \$5.14 per month, or \$61.68 per year. Montgomery County, Maryland charges \$95.00 per year per ERU; the City of Frederick charges approximately \$43.50 per ERU, and the City of Rockville charges \$127.70 per ERU.

Some municipalities, such as Montgomery County, MD, have different levels or “tiers” for their fees; the more impervious area that actually exists on a lot, the higher the fee. This tiered structure, while more equitable to individual property owners, requires more work from the municipality to actually measure impervious surfaces on individual lots. Montgomery County, and some other municipalities, offer fee discounts to non-profit organizations. Others offer discounts or credits to property owners that install stormwater management facilities on their property (e.g. rain barrels, infiltration trenches, etc.).

The question has been raised as to whether a fee could be levied on only commercial/non-residential properties. Staff, through its research, was unable to find an example of a “commercial only” stormwater fee. Although this has not been confirmed by legal research, staff feels that a “commercial only” fee would be difficult to implement because (a) without being able to spread the overall stormwater program costs over all properties, the fee charged to the commercial properties would have to be disproportionately high, and (2) it would be difficult to establish the “fairness” of such a system when residential properties were also discharging storm runoff and pollutants into the City's system without having to pay the fee.

Knowing that a new NPDES permit would eventually be issued to the City, staff has attempted to prepare in advance for the new regulations. Over the past five years staff has endeavored to obtain grant funding for stormwater studies and the construction of retrofit facilities, as shown in the following table:

Recent Grant Solicitations

Year	Grant Agency/Program	Purpose	Amount requested	Amount awarded
2012	Chesapeake Bay Trust Watershed Assistance Planning	Fund a study to identify stormwater retrofit project sites	\$35,000 + \$10,000 match	\$22,000 + \$10,000 match
2014	Chesapeake & Atlantic Coastal Bays Trust Fund	Construct two stormwater retrofit facilities	\$500,000 + \$100,000 match	\$500,000 + \$100,000 match
2014	Chesapeake Bay Trust Green Streets- Green Jobs	Street tree planting and construct Park Circle stormwater facility	\$170,000 + \$90,000 match	\$170,000 + \$90,000 match
2015	Chesapeake & Atlantic Coastal Bays Trust Fund	Reduce impervious area (narrow streets) in Hagerstown Industrial Park	\$335,000 + \$40,000 match	\$0
2015	Chesapeake Bay Trust/MDE Watershed Assistance Planning	Develop Action Plan for Hamilton Run; design stream relocation at golf course	\$75,000 + \$15,000 match	\$90,000 + \$15,000 match
2016	Chesapeake & Atlantic Coastal Bays Trust Fund	Restore 1,000 linear feet of Hamilton Run along Northern Avenue	\$750,000 + \$50,000 match	Pending

Although the City has enjoyed some success in obtaining grant funding for these projects, the issuance of the new NPDES permit may limit the City's ability to apply for future grants; many of these programs will only consider projects that are not required for compliance with other permits or mandates.

If the Council wishes to proceed with the development of a Utility, staff will prepare a Request for Proposal to solicit bids from qualified consultants to perform a Rate Study.

attachments: August 12, 2016 MDE letter to City
WKU Survey exhibits

cc: Rodney Tissue
Michelle Hepburn



Maryland

Department of the Environment

Larry Hogan
Governor

Boyd Rutherford
Lieutenant Governor

Ben Grumbles
Secretary

AUG 12 2016

Ms. Valerie Means
City Administrator
City of Hagerstown
1 East Franklin Street
City Hall, Room 202
Hagerstown, MD 21740

Dear Ms. Means:

The United States Environmental Protection Agency (EPA) promulgated National Pollutant Discharge Elimination System (NPDES) regulations under the federal Clean Water Act (CWA), which require permit coverage for eligible small municipal separate storm sewer systems (MS4s). EPA has authorized Maryland Department of the Environment (MDE) to issue the MS4 general permit for controlling stormwater discharges from small municipalities in certain portions of the State of Maryland. This general permit expired in 2008; however, the Code of Federal Regulations (CFR) allows that the permit be administratively continued until a new one is issued. This letter is to inform you of MDE's process for reissuing the general permit and your responsibility for obtaining coverage.

MDE plans to begin the Tentative Determination process for reissuing the small MS4 general permit this fall. This will begin the public comment period whereby permittees or any interested party may provide comments or request a public hearing. When the Final Determination is issued, all municipalities currently covered under the general permit will need to seek coverage by submitting a notice of intent (NOI) within 180 days of the effective date of the permit.

The NPDES MS4 program requires permittees to implement best management practices to reduce the discharge of pollutants and improve the quality of receiving waters. Examples of such practices include public education and outreach, public participation and involvement, illicit discharge detection and elimination, construction site stormwater runoff control, post-construction stormwater management, and pollution prevention and good housekeeping measures. The new permit also establishes additional requirements to support Maryland's efforts toward Chesapeake Bay restoration and to improve water quality of local streams and rivers. Therefore, small MS4s will be required to develop a restoration program and work toward implementing water quality improvement projects on existing developed lands that have little or no stormwater management.

MDE strongly encourages permittees to establish partnerships with any surrounding county, municipality, State or federal entity, or local watershed groups to improve water quality and meet the CWA requirements. In addition, an MS4 may share responsibility with other MS4 entities for compliance with any permit condition. These efforts can be an efficient and cost effective method for meeting permit requirements.

Ms. Valerie Means

Page 2

MDE will forward the draft permit for your review as soon as the Tentative Determination process begins. MDE staff will be available to meet with you as needed and to answer any questions during this process. If you should have any questions, please contact me at 410-537-3567 or Brian Clevenger at 410-537-3543.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn Buhl". The signature is fluid and cursive, with the first name "Lynn" and last name "Buhl" clearly distinguishable.

Lynn Buhl, Director
Water Management Administration

cc: Brian Clevenger, Program Manager, Sediment, Stormwater, and Dam Safety Program



Maryland

Department of the Environment

Larry Hogan
Governor

Boyd Rutherford
Lieutenant Governor

Ben Grumbles
Secretary

National Pollutant Discharge Elimination System Small Municipal Separate Storm Sewer System General Permits

Chesapeake Bay Restoration Getting Started

National Pollutant Discharge Elimination System (NPDES) permit coverage is required for eligible small municipal separate storm sewer systems (MS4s) in certain portions of the State of Maryland. These permits are required under the federal Clean Water Act (CWA) in order to improve water quality in Maryland's streams, rivers, and Chesapeake Bay. The Maryland Department of the Environment (MDE) administers two general permits for controlling stormwater discharges from eligible small municipalities and State and federal agencies. These general permits are currently expired; however, as allowed by the Code of Federal Regulations, both are administratively continued until new ones are issued. This fact sheet is to advise the community of small MS4s of anticipated new requirements when the MS4 general permits are reissued.

Maryland's MS4 stormwater permits are playing an increasing role in controlling urban pollutants and restoring local waters and Chesapeake Bay. Therefore, new permit requirements will support Maryland's Watershed Implementation Plan (WIP) for achieving Chesapeake Bay restoration goals. The WIP strategy for achieving Chesapeake Bay nutrient and sediment load reductions for small MS4s is to provide impervious area restoration on existing developed lands that have little or no stormwater management.

Impervious Area Restoration

Impervious area restoration involves implementing water quality treatment practices on unmanaged urban areas. Acceptable water quality best management practices (BMPs) include the use of environmental site design, structural BMPs, and retrofitting existing stormwater management practices that were not designed for water quality treatment (e.g., converting a dry pond to a wetland). The design criteria for stormwater BMPs are outlined in the *2000 Maryland Stormwater Management Design Manual*. In addition, MDE's *Accounting for Stormwater Wasteload Allocations and Impervious Acres Treated* (Guidance) provides information to determine restoration credit for traditional and alternative BMPs. Alternative BMPs described in the Guidance include street sweeping, buffer planting, reforestation, stream restoration, shoreline stabilization, and impervious area removal.

Getting Started

MDE encourages all small MS4s to begin preparing for restoration requirements by evaluating the level of water quality treatment provided on existing impervious areas within their jurisdiction. Collection of site data is the first phase of any planning effort, including:

- Develop an inventory of the total impervious area within the small MS4. This area includes all roadways, parking areas, buildings, and any surface that prevents stormwater runoff from soaking into the ground.
- Inventory stormwater BMPs within the permit area in order to determine the impervious surfaces that are treated and surfaces that do not have adequate water quality treatment.
- Evaluate opportunities for BMP implementation and retrofitting on existing unmanaged or under-managed impervious areas.
- Develop a BMP database and document routine maintenance and inspection activities for all new and existing BMPs.

Getting Credit toward Future Permit Requirements

Initiating the activities described above can help small MS4s begin to develop a strategy and budget resources for complying with future permit requirements. Any restoration BMPs installed between 2006 and the issuance of the next permit will be credited toward the new requirements. MDE strongly recommends that small MS4s begin this planning effort.

Redevelopment and Impervious Acre Credit

Maryland's stormwater management regulations for redevelopment are intended to provide water quality treatment on existing developed lands. Therefore, when water quality treatment BMPs are installed to address State redevelopment regulations, the existing impervious area treated by the practices may count toward restoration requirements. If additional volume above the regulatory requirements is provided, additional credit will be allowed as described in the Guidance.

Establishing Partnerships

One goal of the small MS4 general permits is to encourage partnerships to improve water quality and meet CWA requirements. Permittees may partner or share responsibilities with other MS4 entities for compliance with any requirement of the MS4 general permit. This may entail exploring offsite restoration opportunities by collaborating with the surrounding County, another municipality, or State or federal facility performing similar activities under the requirements of an NPDES MS4 permit. These efforts can be an efficient and cost effective method for meeting permit requirements. MDE will remain flexible when any permittee pursues this option.

MS4 General Permits in Maryland

More information on the municipalities and State and federal agencies covered under the small MS4 general permit is provided on MDE's website at:

http://mde.maryland.gov/programs/Water/StormwaterManagementProgram/Pages/Programs/WaterPrograms/sedimentandstormwater/storm_gen_permit.aspx

Questions can be directed to Deborah Cappuccitti (Deborah.Cappuccitti@maryland.gov), Michelle Crawford (Michelle.Crawford1@maryland.gov), or Christina Lyerly (Christina.Lyerly@maryland.gov).

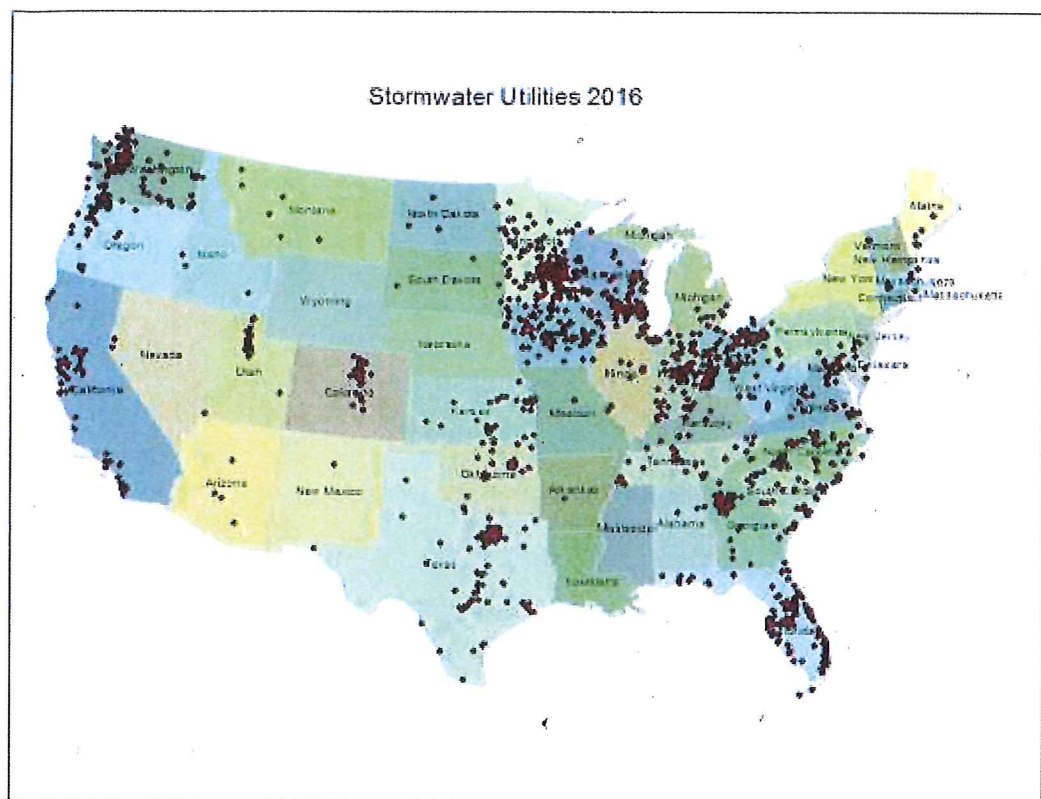


Figure 1. U.S. stormwater utilities (SWUs)

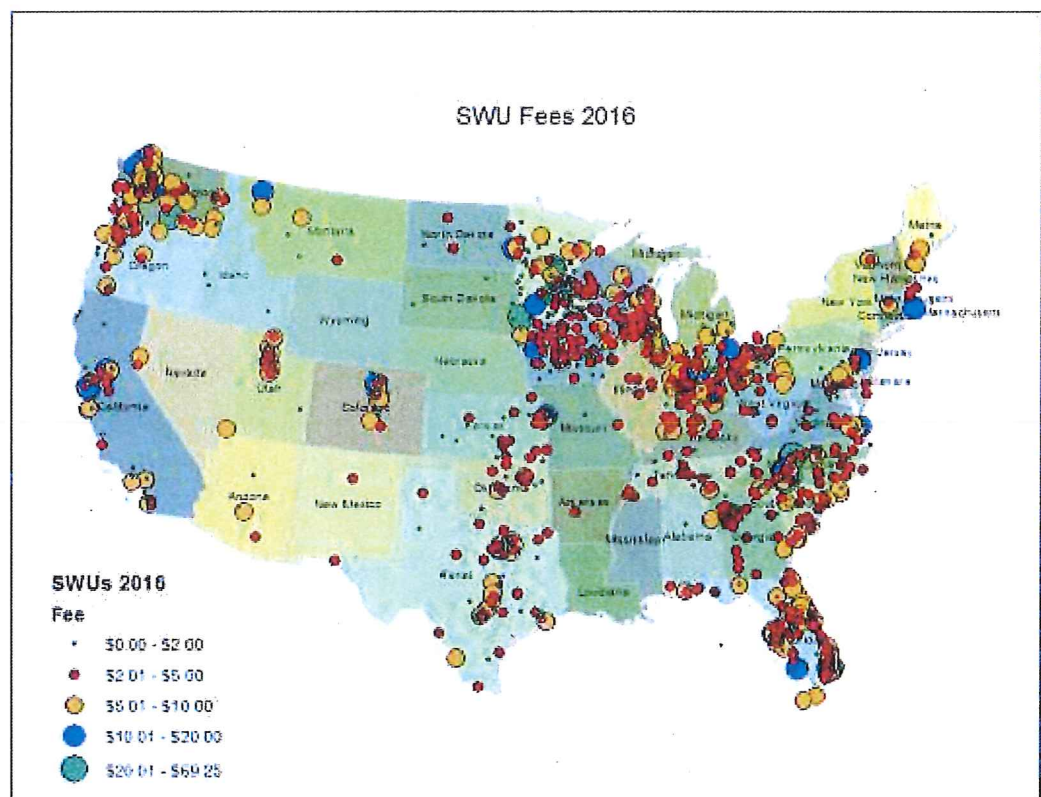


Figure 3. Spatial distribution of monthly residential stormwater fees

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

Topic:

User Agreement for The Life Center International “Community Day” Event - *Lauren Metz, Events Coordinator*

Mayor and City Council Action Required:

The Council is asked to review the attached user agreement that will need to be executed between the City and The Life Center International if the Council decides to allow the group to hold their event at this location. If the Council is in favor of allowing The Life Center International usage of the requested parking lot the attached user agreement will be added to the September 27th Regular Session agenda for formal approval.

Discussion:

In August 2016, city staff was approached by The Life Center International to help support the church’s Community Day event scheduled to take place on Saturday, October 1st, 2016. This group requested permission to utilize the parking lot located at 40 West Church Street for their event. This parking lot is currently leased to the Department of Social Services during the week for staff parking and is used as overflow parking for the City Farmers Market on Saturdays.

Staff will be present along with representatives from The Life Center International to discuss this request with the Mayor and City Council.

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Life_Center_Intl_User_Agreement_MCC_091316.pdf

Description

User Agreement for The Life Center International
“Community Day” Event



CITY OF HAGERSTOWN, MARYLAND

Department of Community & Economic Development

TO: Valerie Means, City Administrator

FROM: Lauren Metz, Community Events Coordinator

DATE: September 8, 2016

SUBJECT: User Agreement for The Life Center International "Community Day" Event

Background:

In August 2016, city staff was approached by The Life Center International to help support the church's Community Day event scheduled to take place on Saturday, October 1st, 2016. This group requested permission to utilize the parking lot located at 40 West Church Street for their event. This parking lot is currently leased to the Department of Social Services during the week for staff parking and is used as overflow parking for the City Farmers Market on Saturdays.

Mayor and Council Action Requested:

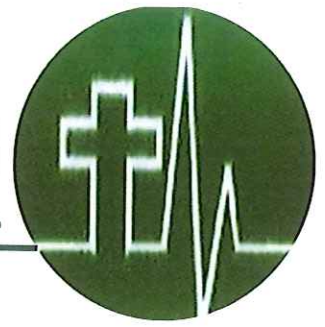
The Council is asked to review the attached user agreement that will need to be executed between the City and The Life Center International if the Council decides to allow the group to hold their event at this location. If the Council is in favor of allowing The Life Center International usage of the requested parking lot the attached user agreement will be added to the September 27th Regular Session agenda for formal approval.

Staff will be present along with representatives from The Life Center International to discuss this request with the Mayor and City Council.

Attachments: Letter dated July 28, 2016
User Agreement

c: Jill Frick, Director of Community and Economic Development
Pastor Barry Henson, The Life Center International
Mark Boyer, City Attorney

The Life Center International



"Transforming lives through faith, fundamentals, and fellowship!"

July 28, 2016

Elder Barry J. Henson • Pastor/Founder

City of Hagerstown
Attn: Gaela Shoop
Hagerstown, MD 21740

To Whom It May Concern:

We IMPACT the outreach ministry of The Life Center International, are partnering with Washington & Frederick County Dept. of Health and several outreach organizations in an effort to provide outreach services to support the Hagerstown and Washington County communities. We would like to host a Community Day "Church Without Walls" on Saturday, Sept 10, 2016 from 11:00 am to 4:00 pm. This great event will be held in the parking lot at 40 W Church St Hagerstown, MD 21740 between Jonathan and Potomac Streets across from the Farmers Market.

We are asking the City of Hagerstown if we can be granted permission utilize the parking lot on Saturday, September 10, 2016 from 9 am to 5 pm. By doing so, we will be able to offer free food to the community along with the outreach services. We will be offering HIV/AIDS testing, blood pressure screening, clothing giveaways, face painting, arts & crafts, basketball, moon bounce, tournament, games & a free concert and other great outreach efforts to the local community. We believe events like these will give hope to men, women and children in their time of need.

Please feel free to contact our Pastor Barry Henson 240-997-5985 cell or 240-280-0885 church bhenson@thelifecenterinternational.org e-mail for further questions. Thank you for helping and your assistance in this time of need. We look forward to hearing from you soon.

Sincerely,

Judy Gonzalez

Judy Gonzalez
Administrator
The Life Center International



CONTACT INFORMATION:

P.O. Box 763 • Hagerstown, MD 21741

(240) 280-0885

info@thelifecenterinternational.org

www.thelifecenterinternational.org

www.facebook.com/thelifecenterinternational.org

LIFE CENTER INTERNATIONAL SPECIAL EVENT USER AGREEMENT

The City of Hagerstown, Maryland, a Maryland municipal corporation, referred to in this agreement as "City", and Pastor Barry J. Henson d/b/a The Life Center International, referred to in this agreement as "User", in consideration of the mutual promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do hereby agree as follows:

1. **Description of Premises.** City agrees to allow User *exclusive use* of a portion of the City Parking Lot located at 40 W. Church Street, the extent of which is more particularly shown on Exhibit A (the "Premises").
2. **Term of Agreement.** The term of this agreement shall be for eight (8) hours on Saturday, October 1, 2016 from 9:00 a.m. to 5:00 p.m., inclusive.
3. **Rent.** User shall pay to City a rental amount of \$0.00, in advance of the event date in immediately available funds.
4. **Use of Premises.** User agrees that the sole use of the Premises will be to provide community outreach services in connection with an outreach ministry event known as *Community Day - "Church Without Walls"*.
5. **Maintenance of Premises/Available Facilities.**
 - A. **GROUND.** User shall maintain the Premises to City standards during and upon the conclusion of the event, including sweeping and cleanup of trash. Failure to clean up trash shall result in the City making necessary clean up and charging User for trash removal.
 - B. **RESTROOMS.** No restroom facilities will be available at the Premises. User shall be responsible for supplying appropriate portable restroom facilities.
 - C. **PREMISES.** User shall be responsible for any damage done by the User or its vendors, participants, or patrons to Premises which exceeds normal wear and tear. User shall leave the Premises in the same condition as prior to the event, and effectuate an necessary repairs needed at User's sole expense. Failure to repair the premises shall result in City making repairs and charging User for costs of same.
6. **Cancellation.** User may cancel said event as a result of inclement weather. If said event is cancelled by either party as a result of weather conditions, all rent paid by User to City shall be refunded. The parties shall make good faith efforts to coordinate any postponement of said event.
7. **Hold Harmless.** User will indemnify and hold the City harmless from all loss, liability, costs, or damages that may occur or be claimed with respect to any person or property, as a result of the User's use or maintenance of the Premises, related vendor activities, including any act or omission by the User, its agents, servants, volunteers, participants,

customers, invitees, vendors or employees. User will additionally indemnify and hold the City harmless from all loss, liability, cost or damages occurring to the Premises as a result of User's use or maintenance thereof.

8. Insurance.

A. **GENERAL LIABILITY.** User shall maintain a policy of general liability insurance in the minimum amount of \$1,000,000 covering liability arising directly or indirectly from the User's use and maintenance of the Premises. Said insurance shall include coverage of all food and other vendors, and a \$1,000,000.00 product liability endorsement or rider for each vendor. User shall provide to the City a certificate of insurance for the coverage in the amount specified above with the City listed as an additional named insured.

9. Damage to Personal Property. User is responsible for all personal property of User, vendors and participants used, kept, or placed on the property in conjunction with the User's use of the Premises. City shall not be responsible for any loss or damage to personal property for any reason.

10. Public Requirements. User shall comply with all laws, codes, ordinances, park rules and regulations, (a copy of which are attached hereto as Exhibit B), permit regulations, and other public requirements in effect now or in the future affecting the Premises or the use of the Premises, and shall hold the City harmless from expense or damages resulting from failure to do so. The Premises are not exempted from compliance with zoning or other municipal codes or ordinances, including the City Noise Ordinance, nor from any other requirements of law due to title being in the name of the City. Specifically, User shall be solely responsible for compliance with all licensing and other legal requirements in connection with this event.

11. Assignment or Sublease. User may not assign this agreement or sublease the Premises.

12. City Assistance. Nothing in this Agreement shall prohibit the User from requesting the City provide additional services or support nor prohibit the City from providing additional services or support at the sole discretion of the City.

13. Notices. Any notice sent to the parties shall be to the following addresses:

City: City of Hagerstown
ATTN: Lauren Metz
1 E. Franklin Street
Hagerstown, MD 21740

User: Barry J. Henson
69 Fisher Lane
Martinsburg, WV 25404

The parties agree and represent to each other that the undersigned have the authority to accept and sign this Agreement.

ATTEST:

CITY OF HAGERSTOWN

Donna Spickler, City Clerk

(Date)

WITNESS

USER
Barry J. Henson

(Date)

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

Topic:

6:30 p.m. Remembrance in the Park, City Park

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates: