

Mayor and Council Work Session and Executive Session September 20, 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 best preparation for tomorrow is doing your best today."
H. Jackson Brown, Jr

4:00 PM WORK SESSION

- 4:00 PM** 1. Preliminary Agenda Review
- 4:10 PM** 2. Main Street Hagerstown: Business Relations Work Group Focus Group Summary - *Jill Frick, Director of Community and Economic Development, and Amanda Whitmore, Downtown Coordinator*
- 4:30 PM** 3. Housing Summit Update - *Jonathan Kerns, Community Development Manager, and Sarah Nelson, Planning/Outreach Coordinator*
- 4:45 PM** 4. DOT Foods Request for Exception to City Water and Wastewater Policy - *Jill Frick, Director of Community and Economic Development, and Michael Spiker, Director of Utilities*
- 5:00 PM** 5. Rezoning for Burhans Village, LLC, west of Burhans Blvd N. - Alex Rohrbaugh, Planner
- 5:15 PM** 6. Vacant Structures Program - Proposed Amendments - *Kathleen Maher, Director of Planning and Code Administration*
- 5:35 PM** 7. Red Light Camera Discussion - *Chief Victor Brito*
- 5:50 PM** 8. Update on Brekford Speed Camera Contract - *Chief Victor Brito*

CITY ADMINISTRATOR'S COMMENTS

MAYOR AND COUNCIL COMMENTS

ADJOURN

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

Topic:

Preliminary Agenda Review

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

REQUIRED MOTION MAYOR AND CITY COUNCIL HAGERSTOWN, MARYLAND

Topic:

Main Street Hagerstown: Business Relations Work Group Focus Group Summary - *Jill Frick, Director of Community and Economic Development, and Amanda Whitmore, Downtown Coordinator*

Mayor and City Council Action Required:

Discussion:

At the September 20, 2016 Mayor and City Council meeting, staff and volunteers will provide a summary on the Business Focus Groups organized by the Business Relations Work Group. Rob Galoto, Taylor Bowen, and Paul Frey will attend. Rob and Taylor serve as co-chairs of the Main Street Business Relations Work Group. Paul Frey volunteers with Main Street Hagerstown and is President of the Chamber of Commerce.

In an effort to gain a better understanding of the needs, challenges and opportunities facing Main Street Businesses, the Business Relations Work Group held four focus group discussions with a total of 31 businesses participating. A Focus Group Team comprised of Work Group members Paul Frey, Mary Ann Keyser, Margaret Yaukey, and Bob Jones, formatted the questions, organized and facilitated the focus groups, and took notes during each group discussion. The team combined the raw notes relating to each of the questions in order to observe the range of comments and the frequency of the same or similar comments.

The five greatest areas of improvement identified from these focus groups were:

- Parking
- Crime: Real and Perceived
- Homelessness
- Lack of Cleanliness
- City Government Relationships

City staff members and representatives from the Business Relations Work Group met to discuss these concerns and to find better ways to address these concerns. Since the meeting between city staff and Main Street Hagerstown:

- A presentation on Crime Prevention through Environmental Design was given on September 14th to invited community members and stakeholders;
- City staff reviewed and updated the switchboard prompts to improve customer service;
- A street cleanup and beautification day on East Franklin Street is being planned; and
- Building permit applications and handouts are being updated to better direct applicants to incentives offered.

Additionally, Main Street Hagerstown will be creating a new and more informative website, developing a marketing plan to better promote the downtown, and continuing to work with city staff to identify opportunities to improve the downtown.

opportunities to improve the downtown.

Staff and volunteers see opportunity for additional focus groups to further identify and assess downtown business needs.

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Description

FINAL_MCC_Memo_Business_Relations_Work_Group_with_Attachments_092016.pdf

Main Street
Hagerstown:
Business
Relations
Work Group
Focus
Group
Summary



CITY OF HAGERSTOWN, MARYLAND

Department of Community & Economic Development

TO: Valerie Means, City Administrator

FROM: Amanda Whitmore, Downtown Coordinator

DATE: September 13, 2016

SUBJECT: Main Street Hagerstown: Business Relations Work Group Focus Group Summary

At the September 20, 2016 Mayor and City Council meeting, staff and volunteers will provide a summary on the Business Focus Groups organized by the Business Relations Work Group. Rob Galioto, Taylor Bowen, and Paul Frey will attend. Rob and Taylor serve as co-chairs of the Main Street Business Relations Work Group. Paul Frey volunteers with Main Street Hagerstown and is President of the Chamber of Commerce.

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Staff and volunteers see opportunity for additional focus groups to further identify and assess downtown business needs.

Attachment:

Main Street Focus Group Summary

c:

Jill Frick, Director of Community & Economic Development

Rob Galioto, Co-Chair Business Relations Work Group

Taylor Bowen, Co-Chair Business Relations Work Group

Paul Frey, President Chamber of Commerce

Main Street Hagerstown

Focus Group Summary

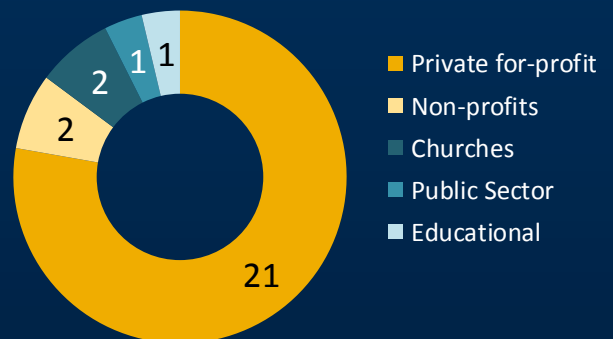
In the spring of 2016, Main Street Hagerstown volunteers conducted a series of two-hour focus group sessions with downtown business owners. The goal was to identify key insights about what would improve the business environment within the City, and use those insights to create a plan of action for the 2016-2017 year. Below is a summary of our findings and a broad overview of our work-plan for the coming year. Thank you to all those business owners and non-profit leaders who participated in the study, and we hope you continue to support the Main Street initiatives.

Who did we hear from?

31

Participants

27 Organizations



Highlights: Some Positive Feedback

- 👍 City Center Plan
- 👍 8 Catalyst Projects
- 👍 Incentive Packages
- 👍 Wind Down Fridays

- 👍 Maryland Theater
- 👍 Blues Fest
- 👍 City Park
- 👍 Pop Ups

Greatest Opportunities for Improvement

What were their biggest concerns?

Not necessarily in order of importance.

#1



- ✓ Reduce Confusion
- ✓ Improve Consistency
- ✓ Improve Signage
- ✓ Improve ease for visitors
- ✓ More loading zones for businesses

#2

Crime: Real and Perceived

- Some people thought it was mostly a perception problem, but . . .
- Others said it was a real issue (vagrancy, open drug dealing, loitering)

Both affect a business's success



Factors Enhancing Negative Perceptions



First impressions count! Focus groups told us that factors affecting perceptions of the City included homeless and vagrants in public spaces, unclean public areas like parking decks with unpleasant smells, and boarded up buildings that are crumbling. Participants thought that the concentration of social services downtown leads to a perceived increase in disruptive behavior by clients of the service providers.

#5 City Government Relationships

- Customer Service and Access
- Consistency of Code Enforcement (Environmental, Building, and Occupancy)
- Continued positive relationships with cooperative landlords
- Need for clarity of City's investment strategy
- Need for more recognition of business longevity
- Desire to see a “one-stop-shop” for key City services for business
- Better and sustained public relations campaign in conjunction with CVB to promote Hagerstown's Positives



What is Main Street's plan?

Main Street Hagerstown has 5 workgroups.

- Clean, Safe, and Green
- Public Relations
- Design
- Organizational
- Business Relations

The Business Relations Workgroup conducted this focus group study as well as 2 independent surveys related to real estate investment and renovation. The findings from this market research are being used to develop work plans for 2016-2017. The insights that respondents have provided are being reviewed with City staff and leadership, in order to find better ways to serve stakeholders. There are City staff on each of the Main Street workgroups including police officers, code enforcement officials, directors in support services, etc.

Below are a just a few of activities the Business Relations Main Street volunteers will be working on in the coming 12-18 months.

Improving Marketing and Public Relations by working with PR workgroup, and reaching out to CVB and the City to improve promotion of Downtown.

Adding a new Main Street website with easy access to:

- key business information regarding permitting, business startup guide, economic development incentives, access to SCORE and Small Business Development Center, information on permitting
- Access to shopping and retail in the downtown so businesses in Main Street area can promote themselves

Identifying the top 3 interactions with City agencies that businesses have and improving customer experience.

Working with the other workgroups to help define and address the **clean, safe, PR, and parking issues** brought up in the focus groups.

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

Topic:

Housing Summit Update - *Jonathan Kerns, Community Development Manager, and Sarah Nelson, Planning/Outreach Coordinator*

Mayor and City Council Action Required:

Discussion:

At the September 20, 2016 Mayor and City Council meeting, staff will be present to give an update on the Mayor's Housing Summit. The event held July 19, 2016 was attended by over 100 community members. Participants engaged in conversations to improve housing and neighborhoods for all residents by assessing where we are, best practices, and how can we build strategic partnerships to shape the future.

Industry professionals and local leaders collaborated on innovative ways to enhance housing opportunities in Hagerstown for both homeowners and renters with focused discussions around providing our community's homeless residents with sustainable housing and addressing blight to re-energize our neighborhoods. This one-day event strengthened relationships and created momentum for a continued discussion on these issues over the coming months.

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

092016_Housing_Summit_Memo.pdf
Summit_Event_Summary.pdf

Description

Housing Summit Update
Event Summary



CITY OF HAGERSTOWN, MARYLAND

Department of Community & Economic Development

TO: Valerie Means, City Administrator

FROM: Jonathan Kerns, Community Development Manager
Sarah Nelson, Planning & Outreach Coordinator

DATE: September 15, 2016

SUBJECT: Housing Summit Update

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c: Jill Frick, Director of Community & Economic Development

Presented 9/30/16



MAYOR'S HOUSING SUMMIT 2016

Event Summary

Acknowledgements

Mayor's Housing Summit Advisory Group

Steve Hummel, Columbia Bank
George Newman III, Washington County Community Action Council
Joanne Ballengee, Hagerstown Housing Authority
Rosalind Martin, Hagerstown Housing Authority
Joyce Heptner, Habitat for Humanity of Washington County
Nancy Allen, Pen-Mar Regional Association of Realtors
Mike Draper, Pen-Mar Regional Association of Realtors
Corinne Guglielmini, Housing Authority of Washington County

Staff Support

Valerie Means, City Administrator
Kathleen Maher, Director, Planning & Code Administration
Jonathan Kerns, Community Development Manager
Sarah Nelson, Planning & Outreach Coordinator
Amina Omar, Events Assistant
Erin Wolfe, Communications Manager
Eric Hastings, TV Production & Web Coordinator
Brenda Hawbaker, Administrative Coordinator

Event Facilitation

Nicole Hewitt, Senior Public Engagement Associate, Public Agenda
Washington County Community Mediation Center

Fregonese Associates

John Fregonese, President

Event Sponsors

Habitat for Humanity of Washington County
Pen-Mar Regional Association of Realtors
Bridge of Life Church
Washington County Community Mediation Center
Columbia Bank
Coldwell Banker
Hagerstown Housing Authority
Washington County Community Action Council
Washington County Free Library
Washington County Homeless Coalition

Contents

Acknowledgements.....	2
A Message from the Mayor	4
Overall Themes	5
Agenda for the Day	6
Enhance Rental Housing Opportunities.....	8
Breakout Session Notes	8
Expand Homeownership Opportunities	10
Breakout Session Notes	10
Fight Blight & Energize Neighborhoods.....	12
Breakout Session Notes	12
Create Pathways from Homelessness to Housing & Build Sustainable Supportive Housing.....	13
Breakout Session Notes	13
Next Steps	15

A Message from the Mayor

August 29, 2016

I am proud of the work our community began at the Mayor's Housing Summit. The day-long event held in Downtown Hagerstown gathered over 100 housing and neighborhood development stakeholders from across the region to begin a conversation on improving housing opportunities and the sustainability of neighborhoods across the City of Hagerstown.

In 2013, this administration adopted a resolution with a vision and commitment for housing and neighborhoods throughout the city. The vision outlines the city's commitment to work toward continual improvement of the quality of life in our community, through neighborhoods of choice that offer the opportunity for people from diverse backgrounds to find access to healthy, safe, and affordable housing. The Housing Summit created a space to gather together around this vision, to learn best practices and discuss ways that we can increase homeownership, enhance rentals, fight blight, create pathways from homelessness to housing and build sustainable supportive housing in Hagerstown.

The ideas generated by each group are contained in the following pages. I hope you will see what I see - the thoughts and dreams of a community that is passionate about its places and collectively wants to see Hagerstown thrive. Reflected here are both innovative ideas and issues our community has struggled to resolve over and over again throughout the years. Complex topics create the need for courageous conversations and continued commitment to action from a diverse group of stakeholders and policy makers. A large percentage of event participants indicated a desire to stay engaged and committed to the process.

This is why the Mayor's Housing Summit was just the beginning; the real work starts as we continue to gather in the coming months to develop goals and action items to implement the ideas generated and build on the connections established during the event. I look forward to engaging in a collective impact process to further the conversation we have begun. The continuing work of the Summit will guide the city's housing policies and resource allocations; together we are laying a foundation for a Hagerstown where all members of our community can live, work and play in strong healthy neighborhoods.



David S. Gysberts
Mayor

Overall Themes

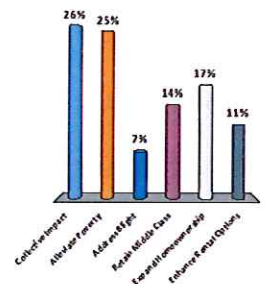
Vision & Planning:

Community members across breakout groups indicated the desire for a Collective Impact Strategy, with 26% of polled participants indicating it was the most important strategy for Hagerstown. Collective impact would foster cross sector collaboration on complex housing and neighborhood issues and includes five conditions:

- A Common Agenda - All participants have a shared vision for change.
- Shared Measurement- Collecting data and measuring results consistently across all participants. Alignment and accountability.
- Mutually Reinforcing Activities - Activities differentiated while still coordinated, based on a mutually reinforcing plan.
- Continuous Communication - Consistent and open communication. Build trust and assure mutual objectives and common motivation.
- A Backbone Organization – An organization serves as backbone for the initiative. Coordinates organizations.

Which is the most important strategy for Hagerstown?

- A. Collective Impact
- B. Alleviate Poverty
- C. Address Blight
- D. Retain Middle Class
- E. Expand Homeownership
- F. Enhance Rental Options



To begin a successful collective impact process local leadership and financial resources to support collaboration for at least 12 month must be identified. This process also furthers the Mayor and Councils 2015-2016 goal to develop a housing and neighborhood plan.

Participants in the largest breakout session on the topic of homelessness and supportive housing indicated the need for a planning process that would involve decision and policy makers across local government, non-profit and private sectors to build a strategy to end homelessness in our community. This would support efforts currently managed by the Washington County Homeless Coalition and broaden the process, bringing financial resources and diverse stakeholder to the table to build capacity, oversight, and enhance the strategic planning efforts and impact of the Coalition.

Communication & Collaboration:

Stakeholders identified opportunities to strengthen and focus communication and marketing across sectors to support goals in the various breakout areas. Ideas included a platform that would create a centralized place for information and incentives related to homeownership, rentals, etc. Groups also identified areas the city can explore to streamline marketing and customer service to support neighborhoods and housing.

Stakeholders across breakouts indicated a desire to stay engaged in their topics and to continue to build collaborative efforts.

Quality of Life & Poverty Alleviation:

Community members across breakouts ranked poverty alleviation as an important strategy for improving housing and neighborhoods in Hagerstown (see above poll). Participants correlated the health and vibrancy of the downtown to the over health of the housing market and quality of life in neighborhoods. The conversations advocated for more amenities in the urban core and positive marketing of our community as a whole to combat negative perceptions.

Workforce and economic development that focuses on community members across income levels affects the quality of life of the community as a whole. Participants in the Summit thought adult education, job training and community wealth building should be included in the ongoing conversations on housing and neighborhoods.

All groups identified the need for improved access to public transportation to improve quality of life in neighborhoods.

Stakeholders at the Summit expressed the need to celebrate our communities and neighborhoods and build a more welcoming environment for people from diverse socio-economic backgrounds.

Agenda for the Day

Mayor's Housing Summit 2016

July 19, 2016

Bridge of Life Church

14 South Potomac Street

8:00 a.m. – 3:00 p.m.

8:00—8:30am

Registration/Coffee

Coffee Sponsored by Coldwell Banker Innovations

8:45—9:30am

Welcome & Opening Remarks – Mayor Gysberts

9:30—10:15am

Housing Hagerstown – John Fregonese, Fregonese & Associates

What does housing look like in our community for residents and families? How do national and regional housing markets/trends influence our local reality? What role does housing play in helping families secure economic mobility and intergenerational opportunity?

What are Hagerstown's local strengths, opportunities and challenges related to housing and neighborhood revitalization?

10:15—12:15pm

Breakout Sessions I – Nicole Hewitt, Senior Public Engagement Associate, Public Agenda

Participants will have the opportunity to select one breakout track to participate in throughout the day.

Each Breakout will focus on a critical area where innovation is needed from the housing community. At the end of the day, participants will be invited to join a working group that will plan specific actions and collaboratively move the needle on session topics.

- Expand Opportunities for Homeownership
- Enhance Rental Housing Opportunities
- Pathways from Homelessness to Housing
- Energize Neighborhoods
- Build Sustainable Supportive Housing

Objectives for the Breakout Sessions

- Help participants get to know each other better and gain a better feel for the issues
- Create a plan for each group to continue to build upon the foundation of the work completed

12:15—12:30pm Break

12:30—1:30pm

Working Lunch and Keynote Address:
Neighborhood Revitalization Best Practices – John Fregonese
Lunch Sponsored by Pen-Mar Regional Association of Realtors

Energizing housing and neighborhoods is an issue for many communities across the country. What are some examples of innovative best practices other communities have used to create healthy neighborhoods? What policy or other solutions do these best practices imply for our community?

1:30—1:45pm

Break

1:45—3:00pm

Breakout Sessions II

Participants will return to the same breakouts they joined in the morning. Where morning sessions focused on exploring the issue, the afternoon sessions will focus in on driving toward achievable action plans and commitments.

Enhance Rental Housing Opportunities

Goal: *Neighborhoods with both access to quality affordable and market rate rental housing options are a necessity for improving family economic mobility, health and well-being. What partnerships, data and resources are needed to incentivize enhanced rental properties in the community?*

Discussion Guide: *Thinking about the "Housing Hagerstown" presentation as well as your experience with housing and neighborhood revitalization (1 hour):*

- *What are Hagerstown's strengths?*
- *What are some areas where Hagerstown can improve?*
- *What partnerships, data and resources are needed to incentivize enhanced rental properties in the community?*
- *What are other opportunities for increased rental access that are economically sustainable?*
- *What does your group need to know more about in order to move forward on this issue?*
- *Are there low hanging fruit that can be tackled right away?*
- *Are there any key people we should invite who are missing from this conversation?*
- *Going forward, how would you like to be involved in your working group? How would you like to stay in touch with your working group?*
- *What kinds of commitments are you willing to make in order for Hagerstown to make progress on this topic?*

Breakout Session Notes - 34 Participants

Quality of Life/Perceptions:

- Clean up empty buildings and stagnant properties
- Organized family events per community – places for people to go
- Marketing by City to bring in \$\$
- Compel media to promote positive things in city
- Change the conversation – be an advocate for downtown
- Bring personal connections and friends to downtown
- Downtown businesses close early, need longer hours
- Need attractions for consumers and residents to come downtown
- Need for attracting both large (catalyst) and small projects
- Need programs and incentives to renters for their own sustainability
- Law enforcement and safety within the community
- Would like to see a change in perception of downtown
- Need of fitness center for downtown students
- Grocery store downtown
- Need attractions for younger people
- Making Hagerstown more competitive for large businesses
- School system is strong, but results are not reflective
- Need to provide stronger mental health services
- Areas still need help to control pockets of crime (i.e. Dagmar)
- More medical care downtown or transportation from downtown to medical care
- Tax incremental financing
- More tax incentives to bring more arts and entertainment-gear amenities
- City parking partnerships for parking
- Poor public transportation system

Workforce Development & Poverty Alleviation:

- Need more jobs to create more disposable income

- Clear up misperceptions re: downtown safety, poverty and working poor
- Diversified housing for various levels of income
- Educating the community about poverty and dispelling myths (understanding our high level of working poor, varying degrees and types of poverty)
- Case manager everywhere we have housing – not sustainable, but ideal

Communication & Marketing:

- Better understanding of what funds may be available for investment, development and living
- Communication - more across the board
 - Guidelines for programs and incentives
 - Single portal for all information
 - City markets properties for developers and quantifies incentives up front
- “Good neighbor” reminders to share with property management companies
- One point of contact in Planning and Code Administration
 - Wheeling, WV website example
 - Develop a flow chart for developers, investors, business owners, landlords, etc.

Code & Permitting:

- Better relationship with Code enforcement – more give and take
- One point of contact to start conversations with property owners
- One-stop shop for rental creation
- City have discussions and flexibility with investors on Code variances
- City takes customer service oriented approach to developing rentals
- Blitz training for City employees in customer service
- Process of zoning and planning for businesses to come downtown
- Improve repetition of rental inspections
- Improve communication among landlords, biz owners, agencies, residents and City
- City leaders need to be team players
- City may accept HHA inspection for Rental Licensing Program
- City partnerships for investors, agencies, landlords
- Make it more cost-effective to renovate vacant, neglected properties

Vision & Planning:

- Collective design effort – Housing and Neighborhoods Plan
- Thinking outside the box for creative and collaborative solutions (i.e. Boston Kitchen)
- Develop a strategic plan for housing and neighborhoods to be drafted with input from community partners, investors, developers, contractors, etc.
- Supply information and invite decision-makers and stakeholders to discuss outcomes
- Monthly agendas, monthly gathering and check-in, brainstorm partnerships to match housing with tenants
- More outreach for community involvement – getting input from people with expertise in certain fields instead of relying on City staff
- REACH volunteers – get volunteers to work on City projects

Expand Homeownership Opportunities

Goal: The homeownership rate in the City of Hagerstown is 40%, this effects the overall sustainability of neighborhoods across the city. How do we incentivize owning in Hagerstown and empower residents from diverse backgrounds to become homeowners?

Discussion Guide: Thinking about the "Housing Hagerstown" presentation, as well as your experience with housing and neighborhood revitalization, talk about:

- What are Hagerstown's strengths?
- What are some areas where Hagerstown can improve?
- What are some opportunities related to this expanding homeownership?
- What are some challenges related to expanding homeownership?
- What has worked in expanding opportunities for homeownership so far? And what new initiatives would you like to see?
- How do we incentivize home ownership in Hagerstown and empower residents from diverse backgrounds to become homeowners?
- What does your group need to know more about in order to move forward on this issue?
- Are there low hanging fruit that can be tackled right away?
- Are there any key people we should invite who are missing from this conversation?
- Going forward, how would you like to be involved in your working group? How would you like to stay in touch with your working group?
- What kinds of commitments are you willing to make in order for Hagerstown to make progress on this topic?

Breakout Session Notes -18 Participants

Quality of Life/ Perceptions:

- Create a destination.
- Make city more walkable and bikeable.
- Attract people to live downtown by increasing proper amenities (groceries, pharmacies, etc.)
- Driving into the city of Hagerstown on Franklin Street does not provide a perception of the city
- Incentivize investment in current vacant buildings

Workforce Development/Poverty Alleviation:

- Affordable housing options.
- Skills training and workforce development through job creation
- Encourage business to move to the area. Due to location advantages.
- Improve transportation for workers from urban core to get to employment opportunities.

Communication & Marketing:

- Education and marketing home ownership programs.
- Centralized web site for homeownership programs for people purchasing in the city.
- Create a collected body that promotes housing in Hagerstown.
- Marketing what we have (programs).
- Housing Fairs
- Lunch and learns
- Available properties for sale now at housing seminars
- Partnership with other businesses etc., realtors, chamber etc.
- Getting the word out to people the benefits of owning vs buying
- No wrong door. Baseline level of knowledge across the board.
- Need for all agencies to communicate and work together.
- Expand Neighborhoods 1st initiative.
- Collection of data, connecting information, identifying discrepancies(income qualifications)
- City wide newsletter – with updates about housing
- There are a group of people younger looking for homes in the city of Hagerstown.

Incentives:

- Individual development- renters to put their funds into an investment account to save for a home.
- Good assistance for down payment program.
- Income available for people's income range. Having homes priced for people that can afford them.
- Cost of renovation exceeds cost of building.
- Cost of investment in a rehab loan.
- Length of time to get rehab loans.
- Regulations and guidelines inflexible to help achieve the objective.
- City program for higher end income renters that would be eventually turn into home owners.
- A tax reprieve for a certain amount of time would make investors want to come redo neighborhoods. Similar to Washington DC
- Down Payment assistance.
- Stipulations from the State on which we have limited control. Strings are attached to funds from State.

Fight Blight & Energize Neighborhoods

Goal: Addressing vacant structures and infill development are key to the overall health of neighborhoods. What strategies and incentives could be created to encourage invest in vacant and blighted buildings putting strain on their neighbors?

Discussion Guide: Thinking about the "Housing Hagerstown" presentation as well as your experience with housing and neighborhood revitalization; (1 hour)

- What are Hagerstown's strengths?
- What are some areas where Hagerstown can improve?
- How do we address vacant structures and infill development to increase the overall health of our neighborhoods?
- What has worked in downtown revitalization so far? And what new initiatives would you like to see?

Breakout Session Notes - 19 Participants

Quality of Life/ Perceptions:

- Reconsider our current position on homeownership/rental ratio
- Improve high percentage rentals, concentration of poverty, transportation, self-segregated areas
- Address vacant structures: balance code enforcement
- Marketing the existing incentive programs more actively
- Consolidation of services across boundaries (water, sewer, fire etc)
- Pop up shops successful/downtown movement
- Address vacant structures: making abandoned buildings more attractive

Workforce Development/Poverty Alleviation:

- Bring jobs into the core
- Initiatives to help with food desert

Tools/Incentives:

- Get banks held accountable on foreclosures
- Land banks
- Tax lien property to go to the city instead of an auction
- Create and maintain a community development organization
- Attract better tenants.
- Incentives to promote neighborhood investment by current residents
- Streamline investments
- Programs to assist landlords to screen out bad tenants
- Incentives to flip to homeowners not landlords
- Expand PEP program and commercial incentives,
- Support for the HUB building project, commuter transportation to Shady Grove
- Incentive program for neighbors to buy blighted properties in their neighborhood – e.g. the second half of a duplex
- Address vacant structures: more code enforcement,
- Consistent enforcement of codes
- Tax payers are taxed to their limit
- More money for the down-payment assistance program

Communication/Marketing:

- List of commercial properties that cannot be repurposed that we can demolish
- Data for investors and to the public – what properties are available - Make data public
- Incentive programs that a regular person can purchase? In your own neighborhood?
- Data – deeper and more up-to-date on who owns what properties, where they stand, sales etc
- Identify at-risk and priority areas for revitalizations
- Communicating personally with the owners of the blighted properties
- Identifying who's responsible for blighted properties that are in limbo – e.g. the bank?

Create Pathways from Homelessness to Housing & Build Sustainable Supportive Housing

Goal 1: A shared understanding of the issue and an identifiable pathway to housing for those experiencing homelessness are foundational to building a strategy to end homelessness in our community. What partnerships, policies, data and resources are needed to ensure community members experiencing homelessness have a pathway to housing?

Goal 2: Ensuring vulnerable residents have access to appropriate support services and stable housing in coordination with neighborhood revitalization efforts, is key to creating stable neighborhoods. What partnerships, policies, data and resources are needed to coordinate efforts to ensure community members in need of supportive housing have access to programs that stabilize and empower? How can such programs be leveraged to contribute to the strength of housing and neighborhoods in our community?

Discussion Guide: Thinking about the "Housing Hagerstown" presentation as well as your experience with housing and neighborhood revitalization; (1 hour)

- What are Hagerstown's strengths?
- What are some areas where Hagerstown can improve?
- What partnerships, policies, data and resources are needed to ensure community members experiencing homelessness have a pathway to housing?
- In what ways can we engage low-income citizens in the housing/rental market so they do not experience homelessness?
- How can we make supportive housing more accessible?
- How can such programs be leveraged to contribute to the strength of housing and neighborhoods in our community?
- What does your group need to know more about in order to move forward on this issue?
- Are there low hanging fruit that can be tackled right away?
- Are there any key people we should invite who are missing from this conversation?
- Going forward, how would you like to be involved in your working group? How would you like to stay in touch with your working group?
- What kinds of commitments are you willing to make in order for Hagerstown to make progress on this topic?

Breakout Session Notes - 46 Participants

Quality of Life/Perceptions:

- Improvements to transportation – more access to rural areas and after hours; transportation services beyond 9-5
- Be more positive; so much negativity in this community
- Enhance downtown with cultural activities
- Encourage the positive outlook here; outside people see it is beautiful
- Take advantage of the housing infrastructure not a lot of mixed income housing
- Level of handicap accessibility
- Large number of churches or church owned property in urban core

Workforce Development/Poverty Alleviation:

- Deal with challenges – racial issues, proximity to highway – drug, etc
- Economic Development work to be done at low to moderate scale
- Housing of ex-offenders
- Instill hope for homeless people to help them be successful
- Housing for those with criminal backgrounds
- Jobs for all income levels
- Bring businesses to Washington County
- When supportive housing enters a neighborhood there is usually kickback from the neighborhood - need to educate the neighborhood
- Doesn't matter where the homeless person comes from, provide service if they are here

Communication & Coordination:

- Library has people who come in looking for where to start getting services; create a guide of all services.

- Get involved with the Wash Co Homeless Coalition – needs committee members, volunteers etc.
- Improve coordination with building owners
- More engagement between the city and county government
- Need to do better job to send data to community and be transparent about funding and where it's spent;
- Reduce resources with redundancy
- National push and state push to have better coordinated entry points;
- Supportive housing prices – being able to focus – great to have model but focus on using the data and determining which clients are having the most difficulty; highest level of services highest level of need
- Elevate issues to a level of policymakers, workgroups will not move forward without it
- Homeless coalition working together to develop a uniform intake form and that enhances resources access as well;
- Anyone involved in housing should be partnering to prevent homelessness

Vision & Planning:

- Need to have greater level of conversations among service organizations to develop a single plan
- Should be a County and City vision to resolve problems

Next Steps

- Tuesday, September 20, 2016 – Housing Summit presentation to Mayor and City Council
- Host meetings with key stakeholders and summit participants who indicated a desire to continue in a leadership role to:
 - Assess summit learning outcomes
 - Establish next steps
 - Identify resources to support the process
- Partner with State of Maryland Department of Housing and Community Development to host a Homeownership event and ensure potential home buyers in the community are aware of state resources.
- Additional Housing Summit information including packet information, videos and PowerPoint slides can be found online at: <http://www.hagerstownmd.org/housingsummit>

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

Topic:

DOT Foods Request for Exception to City Water and Wastewater Policy - *Jill Frick, Director of Community and Economic Development, and Michael Spiker, Director of Utilities*

Mayor and City Council Action Required:

Discussion:

At the September 20, 2016 Mayor and City Council Work Session, staff will review the request by DOT Foods for an exception to the City's Water and Wastewater Policy as a vital economic development project (Exception #6). The property is on Greencastle Pke (Rte 63) south of Elliott Parkway, identified as Map 0048, Parcel 0922, and record plat 10574. DOT Foods plans to construct a new truck maintenance facility at the site.

As the Community and Economic Development Director and the Utilities Director, we recognize that Water and Wastewater Services are available to the parcels and support the consideration of the Mayor and City Council for exception being requested for this economic development project.

This request is consistent with the City of Hagerstown's Water and Wastewater Policy regarding Utility Services provided external to the Medium Range Growth Area as a vital economic development project (exception #6) located in a targeted area for industrial and/or non-retail commercial development.

Approval using this exception is contingent upon recommendation of the County Commissioners, the City and County Economic Development Directors, and the Director of Utilities, and approved by the Mayor and City Council. The approval will require a pre-annexation agreement with the City of Hagerstown.

This memo provides the recommendation of the City Economic Development Director and the Director of the Utilities. Attached are the additional recommendation letters.

We look forward to working with the business in furthering this opportunity.

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name	Description
092016_MCC_Work_Session_Exemption_Request_Dot_Foods.pdf	DOT Foods Rquest



CITY OF HAGERSTOWN, MARYLAND

Department of Community and Economic Development

TO: Valerie Means, City Administrator

FROM: Jill Frick, Community & Economic Development Director
Michael Spiker, Utilities Director

DATE: September 15, 2016

RE: DOT Foods Request for Exception to City Water and Wastewater Policy

At the September 20, 2016 Mayor and City Council Work Session, staff will review the request by DOT Foods for an exception to the City's Water and Wastewater Policy as a vital economic development project (Exception #6). The property is on Greencastle Pke (Rte 63) south of Elliott Parkway, identified as Map 0048, Parcel 0922, and record plat 10574. DOT Foods plans to construct a new truck maintenance facility at the site.

As the Community and Economic Development Director and the Utilities Director, we recognize that Water and Wastewater Services are available to the parcels and support the consideration of the Mayor and City Council for exception being requested for this economic development project.

This request is consistent with the City of Hagerstown's Water and Wastewater Policy regarding Utility Services provided external to the Medium Range Growth Area as a vital economic development project (exception #6) located in a targeted area for industrial and/or non-retail commercial development.

Approval using this exception is contingent upon recommendation of the County Commissioners, the City and County Economic Development Directors, and the Director of Utilities, and approved by the Mayor and City Council. The approval will require a pre-annexation agreement with the City of Hagerstown.

This memo provides the recommendation of the City Economic Development Director and the Director of the Utilities. Attached are the additional recommendation letters.

We look forward to working with the business in furthering this opportunity.

Attachments

City of Hagerstown Water and Wastewater Policy
DOT Foods Request for Exception to City's Water and Wastewater Policy
Location Map
County Commissioners Recommendation Letter
County Economic Development Director Recommendation Letter

c: Kathy Maher, Planning and Code Administration Director
Alex Rohrbaugh, Planner

City of Hagerstown
Water and Wastewater Policy

Adopted: February 24, 2004

Amended: July 29, 2008

Amended: September 22, 2009

The City of Hagerstown will not extend water or wastewater services beyond the Hagerstown Medium-Range Growth Area or the Hagerstown Long-Range Growth Area as defined in the City's Annexation Policy, and shall not allow new connections to the existing lines located outside the Hagerstown Medium-Range Growth Area or Long-Range Growth Area. Reference: City of Hagerstown 2008 Comprehensive Plan, Policy 4-4. The following seven exceptions may be granted:

1. Condemnation or Impending Failure of an Existing Private Water or Septic System. The governing health authority has provided a request with documentation or certification to the Utilities Department that, to obtain a water or wastewater service connection, the existing private water or wastewater system for an existing dwelling or nonresidential building has been condemned, or has impending failure, and a reasonable alternate system is otherwise not available. Service approved by the Utilities Department using this exception is contingent upon acceptance and signing of a service contract by the owner providing for the allocation of costs of extending and maintaining the service to the property and that such service shall be subject to all applicable policies, procedures and practices. Reference: City of Hagerstown 2008 Comprehensive Plan, Policy 4-4.
2. System Improvement. Upon the recommendation of the Director of Utilities to, and approval by, the Mayor and Council, a system extension would provide a vital improvement or enhancement to the operation or efficiency of the water and/or wastewater system.
3. Connection to an Existing Lot of Record. Service approval by the Utilities Department is contingent upon the following: (a) outside the Long-Range Growth Area, lot was an existing lot of record prior to February 24, 2004; (b) between the Medium-Range Growth Area and Long-Range Growth Area boundaries, lot was an existing lot of record prior to April 22, 2008; (c) lot is contiguous to a right-of-way containing a City water or wastewater line that was in existence at the time the property became a lot of record. Any exception the Utilities Department may determine is warranted will be given with the following limitations and conditions: (a) the maximum allocation shall not exceed two hundred (200) gallons per day or one dwelling unit, or 400 gpd for a two-family dwelling if allowed by County zoning and if does not involve a subdivision; and b) service is contingent upon acceptance and signing of a service contract by the owner providing for the allocation of costs of extending and maintaining the service to the property and that such service shall be subject to all applicable policies, procedures and practices.

4. Redevelopment of a Property Containing an Existing Customer. Service approval by the Utilities Department using this exception is contingent upon there being no addition of land area to the existing lot(s) of record containing the existing customer(s) and there being no increase in the existing allocation as a result of the redevelopment.
5. Pre-existing Water or Wastewater Agreement. Service approval by the Utilities Department using this exception is contingent upon a water or wastewater agreement having been in place prior to July 29, 2008, which guaranteed water or wastewater service to this property as a condition of the construction and/or provision of land for the construction of the water or wastewater line at issue.
6. Economic Development Project. Service approval using this exception is contingent upon recommendation of the County Commissioners, the City and County Economic Development Directors, and the Director of Utilities to, and approval by, the Mayor and Council, for a vital economic development project located in a targeted area for industrial and/or non-retail commercial development.
7. Pre-Annexation Agreement. Service approval by the Utilities Department using this exception is contingent upon a pre-annexation agreement having been approved by the Planning and Code Administration Division and recorded in the County Courthouse prior to April 22, 2008.

The granting of exceptions one through five above is contingent upon the property owner submitting a pre-annexation agreement to the City of Hagerstown that offers the property for annexation at such time as the corporate boundaries of the City reach the property and the Mayor and City Council determines annexation to be advantageous to the City of Hagerstown. For exception number six above, this pre-annexation agreement requirement may be subject to negotiation between the City of Hagerstown and Washington County.

August 15, 2016

Ms. Jill Frick, Director
City of Hagerstown
Department of Community & Economic Development
Hagerstown City Hall
One East Franklin Street
Hagerstown, MD 21740

RE: DOT Foods Truck Maintenance Facility

Dear Jill,

On behalf of our client, DOT Foods, we hereby request the proposed construction of their truck maintenance facility, located along the east side of Greencastle Pike directly across from Findlay Mill Lane, be considered a significant Economic Development Project. Obtaining said designation would qualify the project for exemption number 6 of the City of Hagerstown's Water and Wastewater Policy. The property is more particularly described as 33.6 acres zoned IG and located on tax map 48 parcel 922 and record plat 10574.

As you are aware, DOT Foods entire operation from truck maintenance, warehousing, cold storage, freezers and offices are located at 16301 Elliott Parkway, Williamsport. Their plan is to move the truck maintenance and storage area to the property mentioned above and is the subject of this request. Once the truck maintenance facility is relocated a 140,000 square foot expansion of the existing facility is planned.

DOT Foods has been a leader in the food warehousing and transport industry not to mention a major employment center for Hagerstown, Williamsport, Washington County and surrounding communities. For this and the following reasons we request DOT foods be granted the status of a significant Economic Development Project and utilize exemption number 6 which would allow this project to tap onto public water supplied by the City of Hagerstown, outside of the MRGA.

1. The opening of the Truck Maintenance Facility will create the need for DOT to hire 95 new employees to staff the new facility. The second phase or 140,000 square foot expansion of the existing facility will also generate the need for new employees however a number has not be assigned as to how many yet.
2. The approximate cost of the truck facility is \$12.6 million. Cost of the 140,000 square foot expansion is not known yet.
3. The project is scheduled to begin construction in October of 2016 and be occupied by May of 2017. The proposed 140,000 square foot expansion should be complete by early 2019.
4. The site is located within the County's Urban Growth Area and has a Water Category of W-3 and S-3, both Planned Service and there is a 24" water line in Greencastle Pike.
5. It is anticipated that the required amount of water needed from the City would be approximately 1,500 gallons per day.

According to the City Policy, this needs to be approved by the County Commissioners, City and County Economic Development Directors, City Director of Utilities and finally the City Mayor and Council. If you can present this to the City EDC authorities I will pursue the City Utilities Director and finally Mayor & Council.

I might add that the Washington County BOCC and County EDC have approved the request. I have attached the EDC letter and are waiting for all members of the BOCC to sign the letter.

Thank you for your time and efforts.

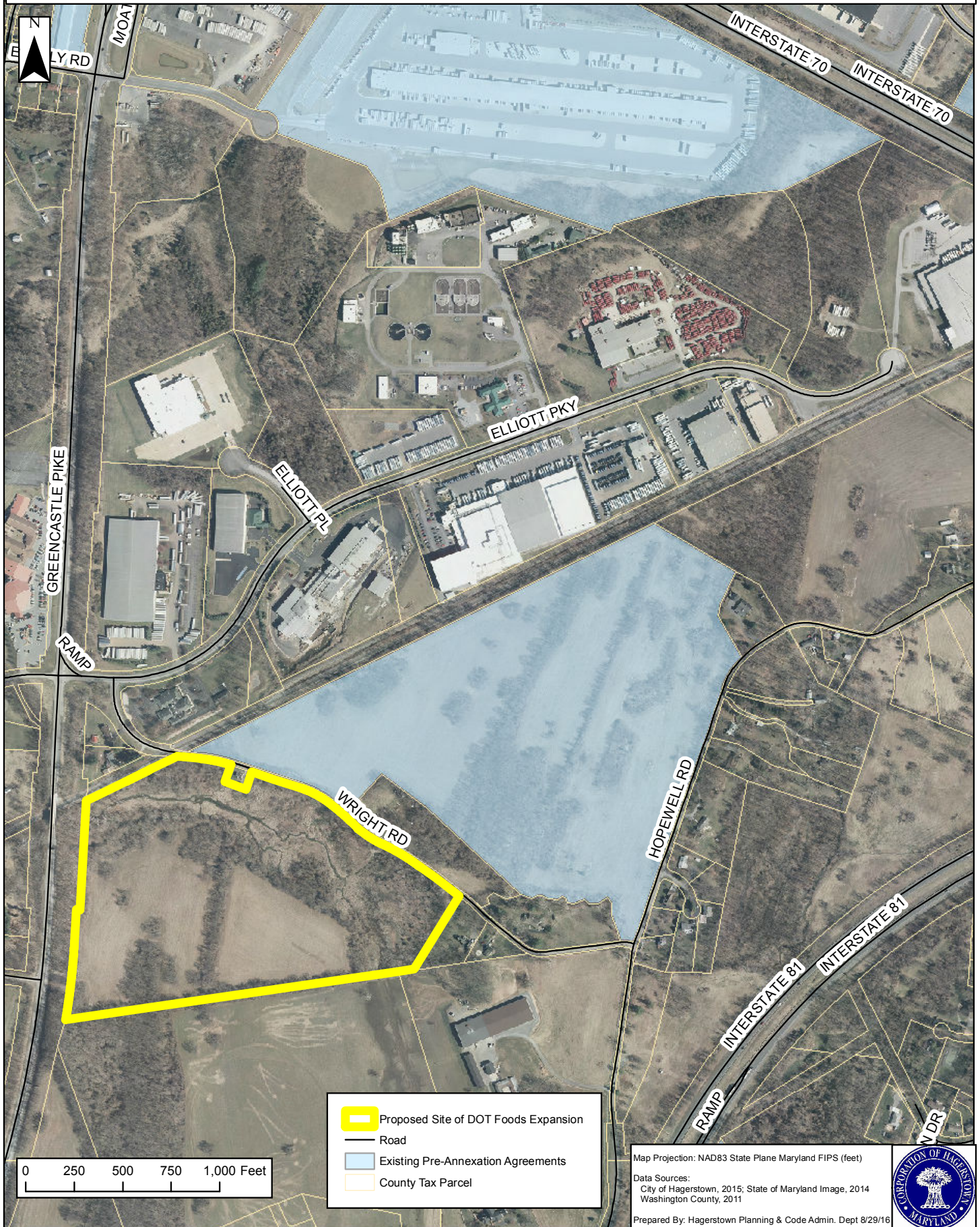
As always, if you have any questions or concerns please do not hesitate to contact me.

Best regards,

A handwritten signature in blue ink, appearing to read 'Ed Schreiber', with a stylized, cursive script.

Ed Schreiber
Project Coordinator

Proposed DOT Foods Site/Surrounding Area



Terry L. Baker
President
Jeffrey A. Cline
Vice-President



John F. Barr
Commissioner
Wayne K. Keefer
Commissioner
LeRoy E. Myers, Jr.
Commissioner

BOARD OF COUNTY COMMISSIONERS

September 13, 2016

Mayor David Gysberts and City Council Members
City of Hagerstown
One East Franklin Street
Hagerstown, MD 21740

Dear Mayor and City Council Members:

It is with great pride that we write this letter on behalf of one of our local businesses that is, once again, expanding. DOT Foods has been a major contributor to the economic welfare of our community and we ask you to consider the proposed construction of their truck maintenance facility along the east side of Greencastle Pike directly across from Findlay Mill Lane as a substantial Economic Development Project. With this designation, the project would be eligible for exemption number 6 of the City of Hagerstown's Water and Wastewater Policy. The property is more particularly described as 33.6 acres zoned IG and located on tax map 48 parcel 922 and record 10574.

DOT Foods currently operates solely at their location at 16301 Elliott Parkway in Williamsport and includes truck maintenance, warehousing, cold storage and offices. Their plan is to move the truck maintenance and storage area to the property mentioned above and is the subject of this request. Once the truck maintenance facility is relocated, a 140,000 square foot expansion of the existing facility is planned.

DOT foods has been a leader in the food warehousing and transport industry, not to mention a major employment center for Hagerstown, Williamsport, Washington County and the tri-state area. For this and the following reasons we request DOT Foods be granted the status of a significant Economic Development Project and utilize exemption number six which would allow this project to tap into public water supplied by the City of Hagerstown, outside of the MRGA.

1. The opening of the Truck Maintenance Facility will create the need for DOT Foods to hire 95 new employees to staff the new facility. The second phase or 140,000 square foot expansion of the existing facility will also generate the need for new employees; however an approximate number of new employees has not yet been assigned.

2. The approximate cost of the truck facility is \$12.6 million. Cost of the 140,000 square foot expansion is not yet known.

100 West Washington Street, Room 226 | Hagerstown, MD 21740-4735 | P: 240.313.2216 | F: 240.313.2201 | TDD: 711

www.washco-md.net

City of Hagerstown
Mayor and Council Members
Page 2

3. The project is scheduled to begin construction in October of 2016 and be occupied by May of 2017. The proposed 140,000 square foot expansion should be complete by early 2019.

4. This site is located within the County's Urban Growth Area and has a Water Category of W-3 and S-3, both Planned Service and there is a 24" water line along the Greencastle Pike.

5. It is anticipated that the required amount of water needed from the City would be approximately 1,500 gallons per day.

Your support of this project to continue development of economic opportunities for our residents and community is necessary to move this project forward. We encourage you to reach out if you have questions or require additional information to help facilitate this business expansion project. Our positive, longstanding relationship with DOT Foods is one we're pleased to continue building with your assistance and support. This capital investment in our community will only continue the commitment DOT Foods has shown to Hagerstown, Washington County the business community and residents of the region.

Sincerely,
BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

By: Terry L. Baker
Terry L. Baker, President

Cc: Board of County Commissioners
Gregory B. Murray, County Administrator
Kassie Lewis, Director, Department of Business Development



Washington County, MD

ECONOMIC DEVELOPMENT COMMISSION

August 11, 2016

Mayor and City Council
City of Hagerstown
1 East Franklin Street
Hagerstown, MD 21740-4987

Re: Water Service for Dot Foods Expansion

Dear Mayor Gysberts:

The State of Maryland Department of Commerce and the Washington County Department of Business Development (DBD) are currently working with Dot Foods on an economic development project that would entail construction of a new facility located along Greencastle Pike (Rte 63), just south of Elliott Parkway. This project involves a multi-phased construction plan which includes new construction and extensive renovations to existing buildings. Dot Foods plans on making a capital investment of \$17M and will be creating an additional 100 new full-time positions.

Since this site is outside the City of Hagerstown's Medium Range Growth Boundary, the Washington County Economic Development Commission is requesting you consider granting an exception as allowed for under Exception #6 of the City's Water and Wastewater Policy. The expansion project is dependent on the new facility being served with the necessary utilities. Dot Foods is a current customer of Hagerstown City Water.

The City presently provides water to businesses located along Elliott Parkway and Greencastle Pike and we hope you will continue to support further economic development of the area.

If you need any further information related to this request, please don't hesitate to contact me.

Sincerely,

WASHINGTON COUNTY
ECONOMIC DEVELOPMENT COMMISSION

By:


Julie M. Rohm, Chair

Cc: Sarah Sprecher, Washington County Deputy Administrator
Kassie Lewis, Washington County Department of Business Development
Jill Frick, City of Hagerstown Community & Economic Development

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

Topic:

Rezoning for Burhans Village, LLC, west of Burhans Blvd N. - Alex Rohrbaugh, Planner

Mayor and City Council Action Required:

No action needed at this time. This item is scheduled for discussion at the September 20 Work Session. A Public Hearing for the proposed rezoning has been scheduled for September 27.

Discussion:

ZM-2016-02: Rezoning - Burhans Village LLC, west of Burhans Blvd

Financial Impact:

Recommendation:

Motion:

Action Dates:

Public Hearing - September 27

ATTACHMENTS:

File Name

Burhans_Village_Rezoning_-_MCC_memo.pdf

Description

Cover Memo, Map, Staff Analysis, and Applicant's Justification for Rezoning



CITY OF HAGERSTOWN, MARYLAND

Planning and Code Administration Department

MEMORANDUM

TO: Valerie Means, City Administrator

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

DATE: September 15, 2016

SUBJECT: ZM-2016-02: Rezoning - Burhans Village LLC, west of Burhans Blvd N

Action Requested

No action needed at this time. This item is scheduled for discussion at the September 20 Work Session. A Public Hearing for the proposed rezoning has been scheduled for September 27.

Overview

Historically this property was split-zoned R2 (RMED's predecessor) and C2 (CG's predecessor). During the height of the housing boom in 2006, the owner at the time requested and received a Planned Unit Development (PUD) zone overlay for ~80 unit townhouse development that was known as Deerfield Knolls. A site plan for the Deerfield Knolls development was approved in 2007, and a revised grading plan for the development was approved in 2008. Although some clearing occurred on the site at the time, the development never came to fruition. When no further action on the development happened, the PUD overlay expired two (2) years later in 2010. The area was also reviewed during the 2008-2010 Comprehensive Rezonings and rezoned entirely to R2 (RMED's predecessor) during Phase III rezonings in 2010.

Burhans Village LLC has filed an application for rezoning on behalf of the property owner, Cavalier Hagerstown LLC. The area proposed for rezoning includes four (4) vacant parcels and platted right-of-way west of Burhans Boulevard N, east of Mitchell Avenue, and north of Carrollton Avenue. The total of the proposed rezoning is approximately 6.21 acres. The applicant proposes to rezone the property from RMED (Residential Medium Density) to RH (Residential High Density). If rezoned to RH, the plan is to develop the property for multi-family housing.

"Mistake" Justification for Rezoning

Under Maryland Law, a piecemeal rezoning of an individual property can be considered only if there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification. The applicant is requesting the rezoning on the argument that there was a mistake in the existing zoning classification that did not take into account "i) the negative impact of surrounding land uses on future homeownership, ii) the need for transition zoning between industrial and less dense residential zoning and land uses, iii) the unique and difficult to develop site in conjunction with the requirements of the Land Management Code, and iv) it (the City) failed to accommodate needs that had been expressly recognized as existing in the 2008 Comprehensive Plan and that existed at the time of the comprehensive rezoning". The applicant's complete justification is attached.

Planning Commission Review

The Planning Commission held its Public Review Meeting on Wednesday August 31st. The Commission did not receive any testimony from adjacent owners or residents. At the Hearing, the Planning Commission took testimony from the applicant's engineer. In his testimony, the engineer mentioned the arguments for mistake in the existing zoning classification submitted by applicant's attorney. He also mentioned that the property under RMED zoning would be difficult to develop for owner-occupied housing due to its subdivision design requirements (i.e. street rights-of-way), the property's irregular shape, and for a need for workforce housing that couldn't be developed under RMED. The record was held open for 10 days until September 10th, and Staff did not receive any additional public comment during that time.

Planning Commission Recommendation

At their September 14th Meeting, the Planning Commission considered the rezoning proposal and the testimony provided at the Public Review Meeting. The Commission determined in its deliberations that there was a mistake in the existing RMED zoning classification based on the following:

- 1) The rezoning to R2 during the 2010 Comprehensive Rezoning was a result of the existing PUD and not as a result of analysis of the appropriateness of the zoning.
- 2) Barriers to homeownership at this location (i.e. proximity to rail line and industrial lands) were not considered during the 2010 Comprehensive Rezoning
- 3) During the 2010 Comprehensive Rezoning, it was not contemplated that, should the PUD overlay expire, development of single- and two-family dwellings under RMED zoning would not have been economically viable after the removal of developable land for infrastructure and setback requirements
- 4) It was not foreseen at the time of the 2010 Comprehensive Rezoning that the City would subsequently amend PUD requirements so that another PUD plan would not be feasible on this property.

The Planning Commission found the RH zoning would be appropriate for this site because:

- a) The 2008 Comprehensive Plan anticipated residential in this area, and commercial or industrial do not work given the site configuration and the setback requirements;
- b) Residential is appropriate given the factors stated above and high density is the best option given the limitations of the site stated above and the fact that the surrounding RMED land is developed at a higher density than current design standards would allow a new multi-family development to achieve.

For these reasons, the Planning Commission recommended the property be rezoned to RH based on the mistake in the existing zoning classification for the reasons stated above.

Attachments:

Map of Rezoning

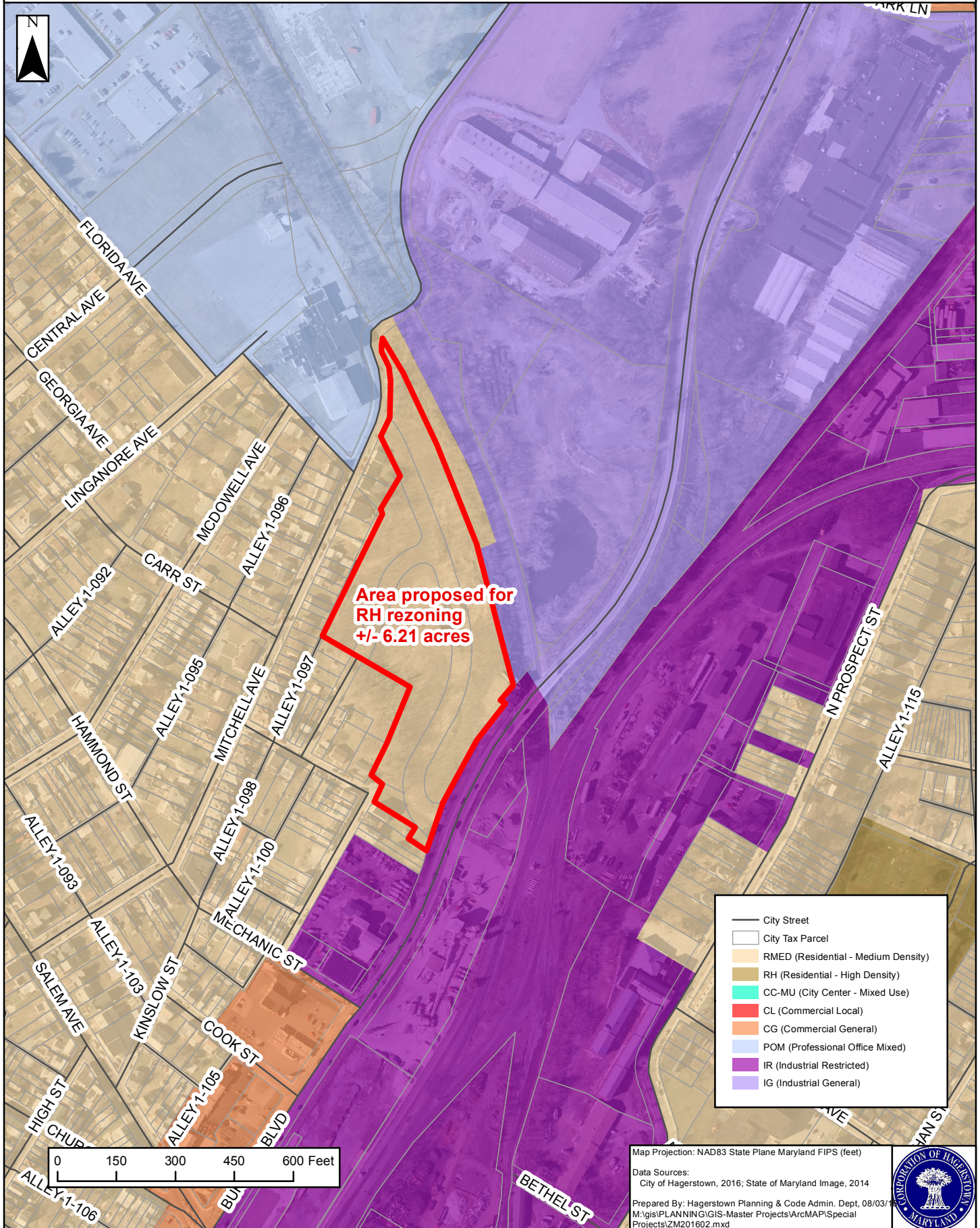
Rezoning Justification from Applicant's Attorney

Rezoning Staff Analysis

C: Kathleen Maher, Director PCAD

Mark Boyer, City Attorney

ZM-2016-02, Burhans Village LLC Rezoning





CITY OF HAGERSTOWN, MARYLAND

Planning and Code Administration Department

REZONING STAFF ANALYSIS

Parcels A,B,C,D – West of Burhans Blvd N, Case No. ZM-2016-02

Prepared for Planning Commission

August 24, 2016

APPLICANT: Burhans Village LLC

LOCATION: Parcels A, B, C, and D – E of Burhans Boulevard North & W of Mitchell Avenue (Formerly Deerfield Knolls tract)

EXISTING USES: Vacant Land

AREA: 6.21 acres +/-

EXISTING ZONING: RMED (Residential Medium Density)

PROPOSED ZONING: RH (Residential High Density)

ADJACENT LAND USES:

North – Norfolk Southern active railroad line, zoned RMED and IG (Industrial General).

West – Primarily single- and two-family residential dwellings fronting on Mitchell Avenue, zoned RMED, and warehouse facility fronting on Langdon Street, zoned POM (Professional Office Mixed)

South – Single- and two-family residential dwellings fronting on Freemont Street and Carrollton Avenue, zoned RMED

East – Burhans Boulevard right-of-way and Industrial use (TBH Concrete) on east side of Burhans Boulevard North, zoned IR (Industrial Restricted)

ZONING HISTORY:

Historically this property was split-zoned Residential Medium Density (formerly R2) and Commercial General (formerly C2). During the height of the housing boom in 2006, the owner at the time requested and received a Planned Unit Development (PUD) zone overlay for ~80 unit townhouse development that was known as Deerfield Knolls. A site plan for the Deerfield Knolls development was approved in 2007, and a revised grading plan for the development was approved in 2008. Although some clearing occurred on the site at the time, the development never came to fruition. When no further action on the development happened, the PUD overlay expired two years later in 2010. The area was also reviewed during the 2008-2010 Comprehensive Rezoning and rezoned entirely to R2 (RMED's predecessor) during Phase III rezonings in 2010. As reflected in the Findings of Fact for the Comprehensive Rezoning, the basis for the rezoning of the property was the following:

“It is proposed to rezone this area from C2 (Commercial General) to R2 (Residential). This area is currently vacant but a site plan for a townhouse development (Deerfield Knolls) was approved in 2007. A PUD overlay exists on this area, and would remain with a rezoning to R2. An R2 rezoning would be consistent with the existing residential neighborhoods immediately to the west of this area, as well as the approved PUD. The 2008 Comprehensive Plan overlooked this change which occurred following the completion of the draft plan.”

Shortly thereafter, also in 2010, the PUD overlay zone expired for the property.

ANALYSIS:

The following staff analysis is structured to address the information that the Mayor and Council must consider according to the Zoning Ordinance and the Annotated Code of the State of Maryland.

1. *Relationship of the proposed map amendment to the Comprehensive Plan.*

The area proposed for rezoning is designated for “Medium Density Residential” and “Commercial General” future land uses in the 2008 Comprehensive Plan. This future land use designated followed existing zoning classification lines at the time.

2. *Suitability of proposed zoning district classification.*

The property is currently zoned RMED. Due to its relatively small size (6.2 acres) and its unusual shape and topography, the zoning and land development requirements for RMED (5 units/acre or less) make this property challenging to develop. RH zoning provides for areas of high-density residential development (10 – 16 units/acre), and may make the property more suitable for development.

3. *Compatibility of proposed zoning district classification.*

The property is currently consists of vacant land. For the reasons stated above in #2, a rezoning to RH may make the property more suitable for development. The property is surrounded by primarily single- and two-family residential dwellings on small lots on the western and southern sides (Mitchell Avenue and Freemont Street). The residential density of these residential properties is estimated at about 18 units/acre (2.19 aggregate acres of adjacent residential divided by 40 units). If the property in question were developed under the proposed RH zoning, the overall residential density would be generally compatible to that of the surrounding residential area.

4. *Availability of public facilities.*

All public facilities and services rendered by the City of Hagerstown are available to the site and currently serving the existing businesses.

5. *Population change.*

It is estimated that development on the property was increase the city’s population by

242 persons. This figure is based on the following assumptions: 1) the property is rezoned to RH, 2) the property is developed to a maximum density of 99 units (16 dwelling units/acre X 6.21 acres), and 3) each unit is occupied at the city's average household size of 2.44 persons/dwelling unit.

6. Transportation patterns.

It is anticipated that development on this site will have access to both Burhans Boulevard North to the east and Mitchell Avenue to the west. Burhans Boulevard North experiences daily traffic counts of about 12,165 vehicles per day, and Mitchell Avenue experiences less than 2,500 vehicles per day. It is estimated that a multi-family development on this site could generate a maximum of 643 vehicles per day. This figure is based on the following assumptions: 1) the property is rezoned to RH, 2) the property is developed to a maximum density of 99 units (16 dwelling units/acre X 6.21 acres), and 3) a rate of 6.47 vehicle trips per day per unit.

7. Change or mistake criteria.

Whether or not a zoning reclassification has merit in the State of Maryland depends first upon the applicant establishing to the satisfaction of the Planning Commission and the Mayor and Council, strong evidence of mistake in the original zoning or evidence of substantial change in the character of the neighborhood since the last comprehensive rezoning of the City in 2010. Once this is established, the question turns to the appropriate zoning classification.

"In order to establish a change in the character of the neighborhood a person seeking a zoning reclassification under this rule must present evidence demonstrating at least the following: (a) What area reasonably constituted the 'neighborhood' of the subject property; (b) The changes which have occurred in that neighborhood since the original or last comprehensive zoning affected that property; (c) That these changes resulted in a change in the character of the neighborhood which would justify reclassification to the category requested." Montgomery Bd. of Commissioners for Prince George's County, 256 Md. 597(1970).

"In order to assess the evidence before the Board, it is necessary to understand the inherent nature of the terms 'mistake' or 'error' as they are used in zoning law. A perusal of cases . . . indicates that the presumption of validity accorded to a comprehensive zoning is overcome and error or evidence to show that the assumptions or premises relied upon by the Council at the time of the comprehensive rezoning were invalid. Error can be established by showing that at the time of the comprehensive zoning the Council failed to take into account then existing facts, or projects or trends which were reasonably foreseeable of fruition in the future, so that the Council's action was premised initially on a misapprehension Error or mistake may also be established by showing that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect." Boyce v. Sembly, 25 Md. App. 43(1975) at 50 and 51.

The Planning Commission determined in its deliberations that there was a mistake in the existing RMED zoning classification based on the following:

- A) The rezoning to R2 during the 2010 Comprehensive Rezoning was a result of the existing PUD and not as a result of analysis of the appropriateness of the zoning.
- B) Barriers to homeownership at this location (i.e. proximity to rail line and industrial lands) were not considered during the 2010 Comprehensive Rezoning
- C) During the 2010 Comprehensive Rezoning, it was not contemplated that, should the PUD overlay expire, development of single- and two-family dwellings under RMED zoning would not have been economically viable after the removal of developable land for infrastructure and setback requirements
- D) It was not foreseen at the time of the 2010 Comprehensive Rezoning that the City would subsequently amend PUD requirements so that another PUD plan would not be feasible on this property.

Additionally, The Planning Commission found the RH zoning would be appropriate for this site because:

- E) The 2008 Comprehensive Plan anticipated residential in this area, and commercial or industrial do not work given the site configuration and the setback requirements;
- F) Residential is appropriate given the factors stated above and high density is the best option given the limitations of the site stated above and the fact that the surrounding RMED land is developed at a higher density than current design standards would allow a new multi-family development to achieve.

8. Planning Commission Recommendation:

Based upon the findings of fact and reasons set forth above, the Planning Commission finds that a mistake was made in the existing RMED zoning classification and finds that RH would be appropriate for the site. Therefore, the Planning Commission recommends that these property be rezoned from RMED (Residential-Medium Density) to RH (Residential-High Density).

LINOWES
AND | BLOCHER LLP
ATTORNEYS AT LAW

August 16, 2016

Bruce N. Dean
BDean@linowes-law.com
301.620.1175

VIA REGULAR AND ELECTRONIC MAIL

Alex W. Rohrbaugh, AICP, Planner
City of Hagerstown, Maryland
Planning and Code Administration Department
And Members of the City of Hagerstown Planning Commission
One East Franklin Street
Hagerstown, Maryland 21740-4987

Re: Application for Map Amendment in Case # ZM-2016-02 (Burhans Village, LLC)

Dear Mr. Rohrbaugh and Members of the Planning Commission:

On behalf of our client, Burhans Village, LLC, the applicant in the above-referenced proposed Map Amendment (the "Applicant"), the purpose of this letter is to provide additional justification for the rezoning based on "Mistake in Original Zoning" for use by Staff and the Planning Commission in reviewing this request.

As is stated in the application, the Applicant is asserting that the City of Hagerstown erred in classifying the subject parcel RMED during the 2008-2010 Comprehensive Rezoning in the City. Specifically, the Applicant asserts that appropriate consideration of adjacent existing uses, which include Industrial General (Maryland Metals), Restricted Industrial (Hub Scrap Metals) and the heavily used CSX rail lines between the two, and their effect on the future development of the subject parcel was not given. Had the City considered the noise and aesthetics associated with these adjoining land uses, and their effect on potential future home ownership on the subject parcel, it would have determined that high density residential uses would be more appropriate on this vacant and hard to develop land. In addition, high density rental housing often serves as a transitional buffer use between existing industrial uses and more moderately dense single family housing as exists to the west of the subject parcel.

In addition, as was stated in the Planning Commission workshop, the unique and exceptional geometric configuration of the subject parcel, combined with the requirements of the City's Land Management Code, will make future development as RMED extremely difficult at best. There is simply insufficient land width and area to adequately meet minimum lot sizes and

August 16, 2016

Page 2 of 5

street widths under this zoning classification and end up with a usable development. No doubt these strict limitations played a significant role in the subject property's prior proposed use as condominium townhomes. Had the City been apprised of these unique circumstances, and focused on the need for a transitional zone between the existing industrial and transportation uses to the east of the site, and the established neighborhoods to the west, the Applicant firmly believes that the requested RH zoning would have been strongly considered and applied to this site.

The subject parcel, being located just outside of downtown Hagerstown along Burhans Boulevard, is uniquely appropriate for high density, affordable residential development, and we believe that the RH zoning classification on this site is compatible with the adjoining and nearby properties. It's location is logical and appropriate for the RH district as a "transition zone" between the existing and ongoing industrial development to the north and east and the lower density single-family residential development to the west.

LEGAL ARGUMENT.

A. The Law.

A local legislative body (in the City of Hagerstown, the City Council) may approve a piecemeal zoning map amendment, which changes the zoning classification of a property outside of the comprehensive planning process, upon finding that either there was a mistake in the existing zoning classification or that there has been a substantial change in the character of the neighborhood where the property is located. Md. Ann. Code Lane Use, §4-204(b)(2) (2012).

It is important to note at the outset of our legal argument that, in Maryland, courts apply a more liberal standard of review to rezonings which merely seek to reclassify property from one zoning subcategory to another within the same zoning use category, i.e. from one residential subcategory to another such as the Applicant is requesting in this zoning map amendment. Chatham Corp v. Beltram, 243 Md. 138 (1966); Chapman v. Montgomery County Council, 259 Md. 641 (1970); Tennison v. Shomette, 38 Md. App. 1 (1977). In other words, the burden of persuasion is much lower in this instance. This application would, therefore, be reviewed according to this more liberal standard of review, as the Applicant is merely seeking a rezoning from one Residential zoning subcategory to another.

Mistake in zoning, as defined by the Maryland Court of Appeals in numerous opinions related over the years, is proved by introducing evidence that shows either that the approving body failed to take into account factors at the time of comprehensive zoning which would (or should) have justified a different zoning classification, or that events have occurred subsequent to the comprehensive rezoning which show that the approving body's assumptions and premises have since proved to be invalid. Howard County v. Dorsey, 292 Md. 351, 438 A.2d 1339 (1982). Specifically, "when the assumption upon which a particular use is predicated proves,

August 16, 2016

Page 3 of 5

with the passage of time, to be erroneous, this is sufficient to authorize a rezoning.” Mayor of Rockville v. Stone, 271 Md. 655, 319 A.2d 536 (1974); see also Anne Arundel County v. A-Pac Ltd., 67 Md. App. 122, 506 S. 2d 671 (1986) (stating, “when subsequent events demonstrate that any significant assumption made by the Council at the time of the comprehensive rezoning was invalid, the presumption of validity accorded to the comprehensive rezoning is overcome.”). In addition, the “evidentiary burden [of proving error in existing zoning] can be accomplished ... by producing evidence that the Council failed to make any provision to accommodate a project, trend or need which it, itself, recognized as existing at the time of the comprehensive rezoning.” Boyce v. Sembly, 25 Md. App. 43, 334 A.2d 137 (1975), citing also Jobar Corp. v. Rodgers Forge Community Ass’n., 236 Md. 106, 202 A.2d 612 (1964) and Rohde v. County Board of Appeals 234 Md. 259, 199 A.2d 216 (1964).

In the case at hand, evidence exists and is presented herein which specifically and unequivocally shows that:

(1) In adopting the comprehensive rezoning, the City Council did not account for the site’s ideal location as a “transition zone” for high density residential uses between the existing and ongoing industrial development to the north and east and the lower density single-family residential development to the west;

(2) The City Council erred in failing to take into account the negative effect that the ongoing neighboring industrial uses would have on potential home ownership on the subject property if developed under RMED zoning;

(3) The City Council made a legal mistake by failing to take into account the unique shape of the property relative to surrounding development and the requirements of the Land Management Code for RMED developments, and the Council should have considered whether this property might have been appropriate and logical for the RH district; and

(4) The City Council also erred in failing to make provisions for Citywide needs and trends it had recognized as existing at the time of comprehensive rezoning, as expressed in its 2008 Comprehensive Plan (see below).

This evidence is sufficient to allow the current Council to grant the requested rezoning on the basis of a mistake in the existing zoning.

B. The 2008 Comprehensive Plan.

The existing 2008 City of Hagerstown Comprehensive Plan acknowledges the need for providing incentives to develop undeveloped land already within the City’s borders. Policy 2-6 states that “Development and redevelopment of Hagerstown’s vacant and underutilized land will be an important part of the City’s overall growth management approach.”(Page 2-15).

August 16, 2016
Page 4 of 5

Furthermore, under Chapter 2's "Growth Management and Land Use Implementation Actions", Action 2-5 is to "Monitor the status of vacant and underutilized land within corporate boundaries, *and encourage its re-use and revitalization*" (emphasis added, Page 2-21). The Applicant firmly believes that the proposed development of the site as an affordable, workforce multi-family development, would strongly add to the City's economic strength and vitality without having any adverse effects on the surrounding community. The Comprehensive Plan indicates that the City should be encouraging such efforts.

Finally, Chapter 7 of the Comprehensive Plan, the Housing and Neighborhoods Element, indicates that "Quality affordable housing and "workforce" housing are in short supply in the City."(page 7-1). Furthermore, the "lack of workforce housing – units that are affordable to workers whose household income is at or near the regional median income – is a growing concern in Hagerstown" (Page 7-2). The Applicant's proposed development of the site using tax credit financed development would greatly assist in the City's meeting this Comprehensive Plan identified need, while having no negative impact on City tax revenue.

Reclassification of the site to the RH zoning district is consistent with the 2008 Comprehensive Plan's policy guidelines set forth above. Changing the property's classification from the RMED district to the RH district would allow infill of an underutilized site which has been vacant for many years and would greatly add to the affordable housing stock in the City of Hagerstown. For these reasons, reclassification of the site to the RH zoning district furthers the goals and policies of the 2008 Comprehensive Plan.

C. Conclusion of Legal Argument

In summation, the City made a legal mistake in zoning the subject property RMED in that it failed to take into account i) the negative impact of surrounding land uses on future home ownership, ii) the need for transition zoning between industrial and less dense residential zoning and land uses, iii) the unique and difficult to develop site in conjunction with the requirements of the Land Management Code, and iv) it failed to accommodate needs that had been expressly recognized as existing in the 2008 Comprehensive Plan and that existed at the time of the comprehensive rezoning. The Board expressly acknowledged the goal of providing incentives to develop vacant land within the City's borders and to provide for additional workforce and affordable housing. The City intended to implement the comprehensive rezoning in accordance with the Comprehensive Plan

For these reasons, the Applicant submits that the current RMED zoning resulted from legal mistake, and reclassification of the subject property to the RH zoning district would correct the City's failure to provide for needs which it previously recognized, as well as its failure to account for factors which would have justified RH zoning for the site, and is consistent with the policies and objectives which are embodied in the 2008 Comprehensive Plan.

August 16, 2016

Page 5 of 5

We believe that the requested zoning map amendment will remedy a failure to designate the subject parcel as an RH "transition zone" for high density residential uses, located between the heavy industrial development and rail lines existing and occurring to the north and east and the less intense single-family residential development existing to the west. In addition, the requested zoning change will also account for trends or needs which the City previously recognized in the 2008 Comprehensive Plan.

Thank you for your consideration of the above information. If you have any questions or concerns, or would like any additional information, please do not hesitate to contact me.

Very truly yours,

LINOWES AND BLOCHER LLP



Bruce N. Dean

cc: Stephen Bockmiller, Development Planner/Zoning Administrator
Michael H. Shifler, P.E.
Sassan Shaool

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

Topic:

Vacant Structures Program - Proposed Amendments - *Kathleen Maher, Director of Planning and Code Administration*

Mayor and City Council Action Required:

Consideration of proposed amendments to the Vacant Structures Program to reflect issues raised and discussion held during the June 14th Mayor and City Council review of the program. The intent of the proposed amendments are to both maximize our impact on the health of our neighborhoods and commercial districts and provide some further flexibility for a period of time for recently renovated properties and for non-blighted properties listed and marketed for sale.

Discussion:

UPDATE ON PROGRAM'S FIRST 18 MONTHS

On June 14th, staff provided a powerpoint presentation on our experience administering the Vacant Structures Program since January 2015. This presentation provided data on the numbers of properties identified and registered in the program and inspected to date. Also provided were three handouts with a detailed data as a companion to the presentation. In addition, the presentation identified challenges we face in administering the program, concerns identified by the public and staff in the application of the program, recommendations on possible code and policy amendments to respond to concerns and improve the effectiveness of the program, identification of areas where State assistance would be beneficial to our efforts, and other initiatives the City could pursue to have a greater impact in our efforts to address blight and improve the quality of our neighborhoods.

As noted in past presentations, both the Mayor and City Council and staff had heard consistently from residents appealing to the City for assistance in our neighborhoods. No neighborhood was immune from the negative effects of vacant structures. In support of our neighborhoods and the recommendations of Catalyst Project #8 of the Community's City Center Plan, the Mayor and City Council adopted revisions to the City's Vacant Structures ordinances (Chapter 232 and 233) in September 30, 2014 and authorized the hiring of additional Code Administration staff to administer the program. Staffing to coordinate the Vacant Structures Program was in place by April 2015.

As of June 14, 2016, the City had identified 1,034 individual properties as vacant and following further investigation 474 properties were licensed in the program, 108 were in violation for failure to register, and 65 were in the application process. 42% of the licensed properties were classified as blighted, with a majority receiving that classification due to property conditions rather than foreclosure status. Inspections have been ongoing and positive results achieved with many properties.

PROPOSED AMENDMENTS TO THE PROGRAM

While the City was achieving some success with the program over the last year and a half, there remained some issues of concern in administration of the program for City staff and for property owners. These issues were discussed at the June 14th Mayor and City Council meeting and some consensus reached on a path forward. In order to improve our ability to protect our neighborhoods and to provide further flexibility to property owners with non-blighted properties, the following amendments to the program are proposed in the attached document:

1. Provide a definition of “active work” to elaborate on what type of permitted activity provides an exemption from the vacant structures program licensing process;
2. Provide an exemption for the six month period immediately following the issuance of a Certificate of Occupancy for permitted construction work;
3. Provide an exemption for one year for non-blighted properties actively being marketed for sale with a licensed real estate agent; and
4. Provide for a re-inspection fee system if City staff are called to the property by the owner or his agent and find the noted violation is not corrected.

ISSUE RAISED SINCE JUNE 14th

As a result of communication received from a developer who recently acquired a vacant, blighted structure, staff contemplated whether there was an appropriate exemption that could be devised to address the issue of arms-length sales of vacant properties to new owner-developers. Since these situations would usually involve a blighted property, staff were unable to devise an exemption we felt comfortable recommending. Something to consider is that if the property was already in the program, since the initial license period is for one year, the new owner would have whatever period remained in that year to formulate a plan of action before the license renewal would arise. In the case for this particular developer, the City was in the process of pursuing the violation for failure to register when the property changed hands, so the license had not yet been assigned. We feel licensing of blighted properties is important to allow the inspection process to occur to ensure exterior blighting conditions are addressed to protect the neighborhood and any unsafe interior conditions are addressed to protect first responders. Staff contemplated a refund option for these situations if a permit was issued and work began within six months of the arms-length acquisition by a new owner-developer. Staff would be interested to learn the Mayor and City Council's views on whether to set up an exemption or refund option to address these situations.

NEXT STEPS

Provided the Mayor and City Council are in agreement with the proposed amendments, the ordinance could be ready for introduction on September 27th.

Financial Impact:

Recommendation:

Motion:

Action Dates:

September 20 - Discussion

September 27 - Introduction of Ordinance (if ready)

October 25 - Approval of Ordinance (if ready)

ATTACHMENTS:

File Name

MCC_Memo-Vac_Struct_.pdf

Description

Vacant Structures program -
Proposed Amendments



CITY OF HAGERSTOWN, MARYLAND

Planning and Code Administration Department

MEMORANDUM

TO: Valerie Means, City Administrator

FROM: Kathleen A. Maher, Director of Planning & Code Administration
Paul Fulk, Inspections Manager
Chris Wren, Neighborhood Services Program Specialist

DATE: September 15, 2016

SUBJECT: Vacant Structures Program – Proposed Amendments

A handwritten signature in black ink, appearing to be "K. Maher", is written over the name Kathleen A. Maher in the FROM field.

ACTION REQUESTED: Consideration of proposed amendments to the Vacant Structures Program to reflect issues raised and discussion held during the June 14th Mayor and City Council review of the program. The intent of the proposed amendments are to both maximize our impact on the health of our neighborhoods and commercial districts and provide some further flexibility for a period of time for recently renovated properties and for non-blighted properties listed and marketed for sale.

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ISSUE RAISED SINCE JUNE 14th

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Attachment

c: PCAD Leadership Team
Victor Brito, Chief of Police
Steve Lohr, Fire Chief
Jason Morton, City Attorney

Chapter 232 – Proposed Changes

§232-2. Definitions

ACTIVE WORK – Regularly ongoing modifications to bring a structure up to code and which involve two or more systems, including but not limited to constructing, enlarging, altering, moving, demolishing, erecting, installing, removing, converting or replacing any electrical, plumbing, or mechanical system. Active Work also includes modifications to the structure itself.

VACANT NON-RESIDENTIAL STRUCTURE – Any non-residential structure that is vacant for a continuous six (6) month period. For properties with multiple structures, such as shopping centers with pad sites, if any individual structure is vacant for a continuous six (6) month period, that structure shall be subject to the terms of this chapter. For calculation of the continuous six (6) month period required to satisfy the definition of Vacant Non-Residential Structure, the following periods of time shall not be included: (i) the one (1) year period immediately following the issuance of ~~a use and~~ a Certificate of Occupancy permit for new construction; ~~and~~ (ii) any period of time during which active work is being legally performed pursuant to a valid permit issued by the City; (iii) ~~the six (6) month period immediately following the issuance of a Certificate of Occupancy permit for existing construction;~~ and (iv) ~~the first year of vacancy of a non-blighted structure while being marketed via a currently licensed real estate agent through Maryland's Department of Labor, Licensing & Regulation.~~

§232-5. Inspections.

In connection with the application requirements contained in Section 232-4 of this Chapter, the exterior of the vacant structure shall be inspected at the time of initial application and on an annual basis thereafter. Required re-inspections for noted conditions shall be as directed by the Department.

Interior inspections shall be conducted in accordance with the following schedule:

Vacant Blighted Non-Residential Structures – At initial application and on annual basis thereafter.

Vacant Non-Residential Structures – At first renewal and annually thereafter.

All inspections conducted hereunder shall be conducted by the Department and shall be performed to ensure compliance with all applicable property maintenance, fire and other City codes for vacant, unoccupied structures and Section 232-6 of this Chapter.

In the event that any noted violations are not corrected at the time of the re-inspection requested by the owner or his agent or the premises is not safely accessible, the Code Official may impose a re-inspection fee as established by the City of Hagerstown's fee schedule for each additional visit for the same violation.

Chapter 233 – Proposed Changes

§233-2. Definitions

ACTIVE WORK – Regularly ongoing modifications to bring a structure up to code and which involve two or more systems, including but not limited to constructing, enlarging, altering, moving, demolishing, erecting, installing, removing, converting or replacing any electrical, plumbing, or mechanical system. Active Work also includes modifications to the structure itself.

VACANT RESIDENTIAL STRUCTURE – Any residential structure, single or multi-unit, that has been vacant for a continuous six (6) month period. For properties with multiple structures, such as apartment complexes, if any individual structure is vacant for a continuous six (6) month period, that structure shall be subject to the terms of this chapter. For calculation of the continuous six (6) month period required to satisfy the definition of Vacant Residential Structure, the following periods of time shall not be included: (i) the one (1) year period immediately following the issuance of ~~a use and~~ a Certificate of Occupancy permit for new construction; ~~and~~ (ii) any period of time during which active work is being legally performed pursuant to a valid permit issued by the City; (iii) ~~the six (6) month period immediately following the issuance of a Certificate of Occupancy permit for existing construction; and (iv) the first year of vacancy of a non-blighted structure while being marketed via a currently licensed real estate agent through Maryland's Department of Labor, Licensing & Regulation.~~ A vacant residential structure shall not include a structure that falls within the definition of a Non-Residential Structure pursuant to Chapter 232 of the City Code.

§233-5. Inspections.

In connection with the application requirements contained in Section 233-4 of this Chapter, the exterior of the vacant structure shall be inspected at the time of initial application and on an annual basis thereafter. Required re-inspections for noted conditions shall be as directed by the Department.

Interior inspections shall be conducted in accordance with the following schedule:

Vacant Blighted Residential Structures – At initial application and on annual basis thereafter.

Vacant Residential Structures – At first renewal and annually thereafter.

All inspections conducted hereunder shall be conducted by the Department and shall be performed to ensure compliance with all applicable property maintenance, fire and other City codes for vacant, unoccupied structures and Section 233-6 of this Chapter.

In the event that any noted violations are not corrected at the time of the re-inspection requested by the owner or his agent or the premises is not safely accessible, the Code Official may impose a re-inspection fee as established by the City of Hagerstown's fee schedule for each additional visit for the same violation.

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

Topic:

Red Light Camera Discussion - *Chief Victor Brito*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Memo_-_Red_light_cameras__2_.pdf

Description

Red Light Camera Update



CITY OF HAGERSTOWN
MARYLAND
21740-4696

DEPARTMENT OF POLICE
50 N. Burhans Blvd.

Non-Emergency 301-790-3700
Emergency 301-739-6000
Fax 301-733-5513

September 15, 2016

To: Valerie Means
City Administrator

From: Chief V. Brito

Re: Red Light Camera Update

As part of the ongoing Red Light Camera program, HPD staff will be present at the September 20, 2016 Work Session to continue the discussion about the Howard County Red Light Consortium.



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

Topic:

Update on Brekford Speed Camera Contract - *Chief Victor Brito*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Memo_-_Brekford_Contracts__2_.pdf
Safe_Speed_Spreadsheet.pdf

Description

Brekford Contracts Review
Spreadsheet



CITY OF HAGERSTOWN
MARYLAND
21740-4696

DEPARTMENT OF POLICE
50 N. Burhans Blvd.

Non-Emergency 301-790-3700
Emergency 301-739-6000
Fax 301-733-5513

September 15, 2016

To: Valerie Means
City Administrator

From: Chief V. Brito

Re: Brekford Contract Review

As part of the ongoing Speed Camera program, HPD staff will be present at the September 20, 2016 Work Session to discuss the contract expiration and renewal.



City of Hagerstown
Safe Speed for School Program
as of September 15, 2016

	FY13 Actual	FY14 Actual	FY15 Actual	FY16 Prelim Actual	FY17 Approved Bud
Revenues:					
Citation revenue	1,629,461	1,267,913	1,474,422	1,315,694	1,555,000
Late fee revenue	194,478	187,117	191,809	172,150	200,000
Subtotal	1,823,939	1,455,030	1,666,231	1,487,844	1,755,000
Reserve for uncollectible	(263,915)	(230,185)	(272,690)	(266,068)	(100,000)
Total Revenue, Estimated to be Collected	1,560,024	1,224,845	1,393,541	1,221,776	1,655,000
Direct Expenditures:					
Brekford - Contract Charges	595,011	481,126	639,364	496,199	467,000
All other Safe Speed department expenses	105,109	178,432	174,266	145,326	113,744
Total Direct Expenditures	700,121	659,558	813,630	641,525	580,744
Net Safe Speed Program Revenue	859,903	565,287	579,911	580,251	1,074,256
Total Amount of Cash Collected	1,500,104	1,212,297	1,434,285	1,229,178	
Total Amount of Unpaid Citations Issued	573,205	790,698	1,020,813	1,341,897	

1. Program began in April 2012
2. FY13 - phased in 11 total cameras
3. FY16 - started Collection agreement with Brekford for outstanding citations after 3 notices have been made
4. Net Safe Speed Program Revenue funded the following in FY16:
 - HPD Hiring Incentives for eligible employees - \$26K for monthly housing allowance (\$100 per month) and one-time sign-on bonus (\$5K)
 - 2012 & 2013 COPS Hiring grant match for Officers - \$171K
 - HPD Operating Capital outlay - \$110K (includes tasers, body armor, communication equipment)
 - 3 Fire Captain positions - \$281K