

Mayor and Council Work Session and Executive Session November 5, 2013 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."*

"There is no greater impediment to the advancement of knowledge than the ambiguity of words."
Thomas Reid

3:30 p.m. MARYLAND THEATRE SOUND SYSTEM DEDICATION - Maryland Theatre, 21
S. Potomac Street Hagerstown, MD

4:15 p.m. Executive Session

5:45 PM WORK SESSION

1. Street Closure Request for Krumpe's New Year's Eve Donut Drop
- 5:55 PM 2. City Center Dollars Holiday Promotion
- 6:05 PM 3. Municipal Stadium Improvements
- 6:15 PM 4. 2014 and 2015 Pavement Management Plan
- 6:35 PM 5. Crime Free Housing

CITY ADMINISTRATOR'S COMMENTS

MAYOR AND COUNCIL COMMENTS

ADJOURN

7:45 p.m.

REQUIRED MOTION

MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

Topic:

Street Closure Request for Krumpe's New Year's Eve Donut Drop

Mayor and City Council Action Requested:

What's NXT is presenting the Krumpe's New Year's Eve Do-nut Drop on December 31, 2013 in Public Square at 7 p.m. The event features free coffee, free hot chocolate, free popcorn and of course, Krumpe's Do-nuts. Family festivities begin at 6 p.m. and the donut drop begins at 6:59 p.m. In order to have these festivities safe for the public, they are requesting to have the first block of South Potomac closed for the event from 5:30 p.m. to 7:30 p.m.

The street closure would be similar to the Wind Down Friday closure. A representative of What's NXT will be at the meeting to discuss the event.

Thank you in advance
for your assistance and support of activities in the City of Hagerstown.

Discussion:

What's NXT is presenting the Krumpe's New Year's Eve Do-nut Drop on December 31, 2013 in Public Square at 7 p.m. The event features free coffee, free hot chocolate, free popcorn and of course, Krumpe's Do-nuts. Family festivities begin at 6 p.m. and the donut drop begins at 6:59 p.m. In order to have these festivities safe for the public, they are requesting to have the first block of South Potomac closed for the event from 5:30 p.m. to 7:30 p.m.

Financial Impact:

No financial impact.

Recommendation:

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Motion:

This closure can be put on consent agenda for November.

Action Dates:

This closure can be put on consent agenda for November.

ATTACHMENTS:

Name:

Description:

 [street_closure,donut_drop.pdf](#)

Krumpe's New Year's Eve Do-nut Drop



CITY OF HAGERSTOWN, MARYLAND

Department of Community & Economic Development
Business & Community Relations Division
Karen M. Giffin ~ Community Affairs Manager
301.766.4188

November 1, 2013

TO: Bruce Zimmerman, City Administrator
FROM: Karen Giffin, Community Affairs Manager
RE: STREET CLOSURE REQUEST
FOR KRUMPE'S NEW YEAR'S EVE DONUT DROP

What's NXT is presenting the Krumpe's New Year's Eve Do-nut Drop on December 31, 2013 in Public Square at 7 p.m. The event features free coffee, free hot chocolate, free popcorn and of course, Krumpe's Do-nuts. Family festivities begin at 6 p.m. and the donut drop begins at 6:59 p.m. In order to have these festivities safe for the public, they are requesting to have the first block of South Potomac closed for the event from 5:30 p.m. to 7:30 p.m.

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REQUIRED MOTION

MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

Topic:

City Center Dollars Holiday Promotion

Mayor and City Council Action Requested:

Discussion:

For a second year, and building on the success of the City Center Dollar program, the Department of Community and Economic Development has once again instituted a holiday shopping promotion to raise awareness of downtown businesses. During the months of November and December, if customers spend \$20 on City Center Dollars, they receive \$25 in vouchers. The extra \$5.00 is budgeted for in the DCED Budget under marketing and promotions.

This year, we are marketing the City Center Dollars and the holiday promotions through the traditional channels but also in a few new ways, to include:

- <!--[if !supportLists]--> • Banners hung on the parking garage and the railroad overpass on Burhans Blvd.
- <!--[if !supportLists]--> • Updated Holiday Ad in Hagerstown Magazine (see attachment- next to City Center article)
- <!--[if !supportLists]--> • Sandwich board sign for daily placement in front of the Convention and Visitor Center.
- Updating the static window-clings for participating businesses.
- <!--[if !supportLists]--> • Updating the promotional flyers for distribution.
- <!--[if !supportLists]--> • Extensive advertising on the City's Facebook page and other popular social media outlets.
- <!--[if !supportLists]--> • Email communications to the City-wide communication lists.
- <!--[if !supportLists]--> • Updating the City Center Dollar's presence on the City's website.

City Center Dollars are gift certificates in \$5 increments that can be used in participating downtown businesses. They are treated like cash vouchers by the City Center businesses, who then redeem them at the Department of Community and Economic Development offices for full face value. City Center Dollars are available for purchase through the Convention and Visitor Center Office on North Potomac Street. Currently, there are 29 downtown businesses that participate in the program and that number increases regularly as more businesses become aware of the benefits to participating.

Staff hopes that these efforts will raise awareness of all the unique shopping, dining and service opportunities we have here in City Center Hagerstown.

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

Name:

 [CITY CENTER DOLLAR 110513.pdf](#)

Description:

City center Dollars Memo/Attachments



CITY OF HAGERSTOWN, MARYLAND

Department of Community & Economic Development

TO: Bruce Zimmerman, City Administrator

FROM: Andrew H. Sargent, Downtown Manager 

DATE: November 1, 2013

SUBJECT: City Center Dollars Holiday Promotion

Staff would like to update the Mayor and Council on the holiday promotion that is happening now in City Center.

For a second year, and building on the success of the City Center Dollar program, the Department of Community and Economic Development has once again instituted a holiday shopping promotion to raise awareness of downtown businesses. During the months of November and December, if customers spend \$20 on City Center Dollars, they receive \$25 in vouchers. The extra \$5.00 is budgeted for in the DCED Budget under marketing and promotions.

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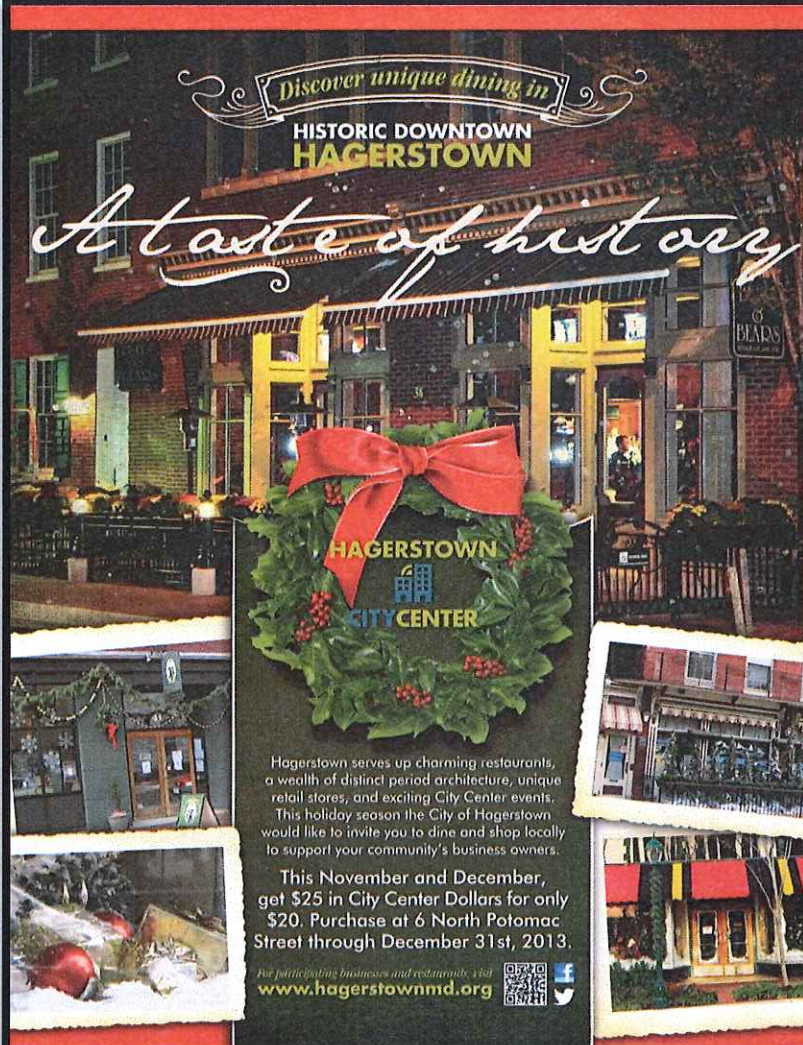
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14 North Potomac Street, Suite 200A
Hagerstown, MD 21740

Hagerstown Magazine November/December 2013 Issue



Discover unique dining in
**HISTORIC DOWNTOWN
HAGERSTOWN**

A taste of history

**HAGERSTOWN
CITY CENTER**

Hagerstown serves up charming restaurants, a wealth of distinct period architecture, unique retail stores, and exciting City Center events. This holiday season the City of Hagerstown would like to invite you to dine and shop locally to support your community's business owners.

This November and December, get \$25 in City Center Dollars for only \$20. Purchase at 6 North Potomac Street through December 31st, 2013.

For participating businesses and restaurants, visit www.hagerstownmd.org




**City Center
Sparkles**

THE DOWNTOWN ALLIANCE HELPS TO REJUVENATE THE SPIRIT
OF HAGERSTOWN'S URBAN CORE.

by Shannon McClellan - photos by Chris Jackson

Downtown Hagerstown is receiving some much needed TLC from local businesses, restaurants, churches, and residents. The City Center is a growing hub of great eats, affordable entertainment, and eclectic shopping, but the urban heart of Washington County is still a work in progress. Damaged at the slow progress of change, members of the community formed the all-volunteer Downtown Alliance, with Francine Donahue spearheading the initiative as the Alliance's president.

The Downtown Alliance is a group with a mission and a passion for the city they live and do business in. Their mission is simple — to make a difference. The Alliance is determined to make that difference for the community because they believe that the residents and businesses deserve more support than what they are currently receiving to thrive. Members are committed to the community because, in turn, they want residents to be supportive of their local businesses, and proud of their City Center.

Hagerstown: The Best of Life in Washington County & Beyond

November/December 2013 65

CCS Promo Images- \$25 for \$20

2 Permanent Banners in town (Overpass and Parking Garage)



Updated Window Clings



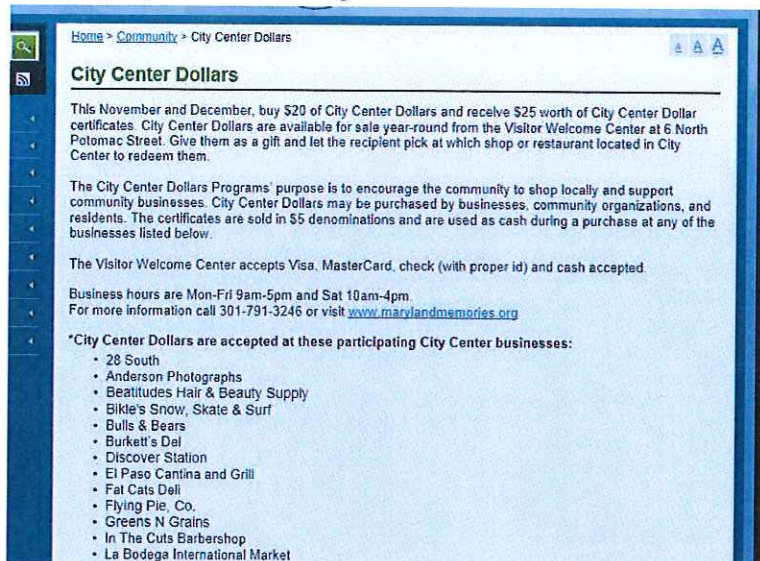
Flyer to participating businesses



Web Banner



Webpage updated to reflect promotion



REQUIRED MOTION

**MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Municipal Stadium Improvements

Mayor and City Council Action Requested:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

Name:

📎 [Municipal Improvements.pdf](#)

Description:

Municipal Stadium Improvements



CITY OF HAGERSTOWN, MARYLAND

Department of Parks and Engineering

November 5, 2013

TO: Bruce Zimmerman, City Administrator
FROM: Rodney Tissue, City Engineer *Rob*
RE: Hagerstown Suns
Municipal Stadium Improvements for the 2014 Season

1. Background

The lease signed by the City and the Hagerstown Suns in 2007 requires that the City commit up to \$35,000 of Capital Improvement Funds per fiscal year for upgrades to Municipal Stadium. The parties must negotiate in good faith to determine what upgrades shall be performed, but ultimately the City shall determine what annual upgrades can be completed.

2. Mayor & Council Action Required

Endorse the plan of improvements to the Stadium and authorize staff to complete the work prior to the season opener in April.

3. Proposed Improvements

Annually the City completes projects to improve the Stadium. In the last few years, we have made improvements to the electric system, clubhouse, backstop netting, installed a trail to the hospital parking lot, expanded the picnic area, added shade structures, and many other smaller projects. Staff has met with the Suns during the off season and they asked that City staff complete the following improvements:

- A. Clean field lights (\$3,000)
- B. Replace plywood outfield fence (\$5,000)
- C. Add padding on posts (\$2,000)
- D. Miscellaneous items (under \$5,000)

The total estimated cost of these items is \$15,000. Funding for this request is from CIP C0040 "Municipal Stadium Improvements".

Staff will be present at Tuesday's work session to review these items.

RAT:jj

c: Bruce Quinn
Junior Mason
Mark Boyer
Robert Bruchey

REQUIRED MOTION

**MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

2014 and 2015 Pavement Management Plan

Mayor and City Council Action Requested:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

Name:

 [Pavement Preservation Program.pdf](#)

Description:

Pavement Management Plan



CITY OF HAGERSTOWN, MARYLAND

Department of Parks and Engineering

November 1, 2013

TO: Bruce Zimmerman, City Administrator
FROM: Rodney Tissue, City Engineer *RT*
RE: 2014 & 2015 Pavement Preservation Program

1. Background

The Council endorsed a draft 2014 street list in November 2012, and now the City must finalize the 2014 street list and begin to establish a list of streets for pavement preservation in 2015. This would allow utilities to budget for and install main replacements as necessary. In addition, property owners who receive curb and sidewalk notices will have approximately 12 months to complete the required work prior to the 2015 pavement preservation work (see section 5 below).

2. Mayor & Council Action Requested

Staff requests that the Mayor & Council approve the list of streets proposed for pavement preservation in 2014 and tentatively approve the list of streets for pavement preservation in 2015.

3. Pavement Preservation Program

This year, we completed a "pavement condition" survey and the attached PowerPoint will be presented at the work session to show both the results of the survey and how we use the data to determine future pavement preservation work. In both 2014 and 2015, we plan to slurry seal, crackfill, and complete random patching based on the results of the pavement conditions survey.

A big factor in selecting streets is the condition of underground utilities and if the respective utility will upgrade prior to paving. We closely coordinate with the City utilities and Columbia Gas to assure us that their systems are in good condition in the proposed streets.

4. Budget

The estimated cost of the 2014 program is \$700,000 for all paving, milling, slurry seal, crack filling, and pavement markings. A very preliminary budget would be as follows:

- \$400,000 in fund balance (one time Highway User Revenue increase)
- \$300,000 FY15 Highway User Revenue

If those funds are not available, we would have to postpone streets to stay within our budget.

5. Curb & Sidewalk Notices

Staff sends about 75 to 100 "Curb & Sidewalk" notices each year. We endeavor to work with property owners given the current economic climate. Unless directed by Mayor & Council to do otherwise, staff will follow the previously established City Code and Council-approved policies to issue Notices to the "2015" streets after the first of the year.

Staff will be available on Tuesday to discuss the Pavement Preservation Program.

Attachment: * 2014 Pavement Preservation list for approval
 * Proposed 2015 Pavement Preservation list for review
 * PowerPoint slides

c: Jim Bender
 Eric Deike
 Dale Poffenberger
 Dan Poffenberger
 Tim Young
 Mike Spiker

**City of Hagerstown
Pavement Preservation Program
Summer 2014**

FINAL – Mill and Overlay Streets

<u>Year Last Resurfaced</u>	<u>Street</u>	<u>Location</u>	<u>Area</u>
1989	Church Street	Bryan Place to Salem Avenue	7,010 sy
1999	View Street	Mulberry Avenue to Pangborn Blvd	5,375 sy
1969	Linden Avenue	Irvin Avenue to Calvert Terrace	2,210 sy
1999	E. Baltimore Street	Cannon Avenue to Mulberry Street	6,060 sy
1980	S. Mulberry Street	Elm Street to Dead End	1,240 sy
1990	Hamilton Boulevard	East Irvin Avenue to Potomac Avenue	<u>7,900 sy</u>
TOTAL			29,795 sy

FINAL – Slurry Seal Streets

<u>Street</u>	<u>Location</u>	<u>Area</u>
East Wilson Boulevard	CSX Rail line to Frederick Street	13,450 sy
Eastern Boulevard North	Potomac Avenue to City Limits	8,961 sy
Forest Drive	Jonathan Street to Prospect Avenue	4,300 sy
West Irvin Avenue	The Terrace to Woodland Way	2,000 sy
King Street	Entire Street	2,075 sy
South Burhans Boulevard	Chase Street to Bridge WHO21	<u>10,831 sy</u>
TOTAL		41,617 sy

Note: Other streets that will receive crack filling treatment and isolated patching.

Last revised 10/31/13

City of Hagerstown Pavement Preservation Program Summer 2015

DRAFT – Mill and Overlay Streets

<u>Year Last Resurfaced</u>	<u>Street</u>	<u>Location</u>	<u>Area</u>
1990	Glenwood Avenue	Sunnyside Drive to Haven Road	5,940 sy
1994	South Burhans Boulevard	Bridge WHO21 to Sherman Avenue	7,300 sy
1994	Mulberry Avenue	Pangborn Boulevard to Irvin Avenue	5,180 sy
1991	Mealey Parkway	Irvin Ave. to & including Magnolia Circle	4,870 sy
1963	Wise Street	Franklin Street south to alley	620 sy
1992	West Hillcrest Avenue	Oak Hill Avenue to The Terrace	1,630 sy
1981	West Washington Street	Elgin Boulevard to Washington Square	4,920 sy
1980	South Mulberry Street	Washington Street to Baltimore Street	<u>3,660 sy</u>
TOTAL			34,120 sy

DRAFT – Slurry Seal Streets

<u>Street</u>	<u>Location</u>	
West Washington Street	Elgin Boulevard to City Limit	12,770 sy
Pangborn Boulevard	Hamilton Run bridge to Security Road	8,430 sy
Mill Street	Cannon Avenue to Frederick Street	4,830 sy
East Avenue	Potomac Street to Cannon Avenue	4,650 sy
West Antietam Street	Potomac Street to Walnut Street	4,340 sy
Jonathan Street	Washington Street to south of Church Street	<u>8,020 sy</u>
TOTAL		43,040 SY

Note: Other streets that will receive crack filling treatment and isolated patching.

Last revised 10/31/13

Pavement Management Program

Department of Parks and Engineering

November 5, 2013



In the old days....

- Prior to 1995, selected streets were paved with asphalt, maybe a dozen a year, based on the "worst-first" approach.
- Around 1995 we began to mill prior to repaving.
- In 2000, the cost of a ton of 'installed' asphalt was about \$30. The City spent about \$225,000 annually while our HUR revenue far exceeded that.
- Today that cost is about \$75 per ton, and we are budgeting around \$600,000 annually and our HUR revenue is \$350,000+/-

Research is now showing that the “worst first” approach is misplaced, actually causing the overall street system condition to worsen.



Rehabilitating a road that has fallen into disrepair costs substantially more than keeping the road in good condition in the first place. The cost of keeping a mile of road in good condition is less than half over time of letting a road deteriorate and then making major repairs.

What is “Pavement Preservation”

- There are never enough resources to rebuild roadways and bridges. With constrained resources causing roadways to deteriorate to the point of no return, we need to get serious about preserving and maintaining this fundamental investment.
- Pavement preservation fills that gap.
- The essence of pavement preservation is the application of the *right treatment, to the right pavement, at the right time.*

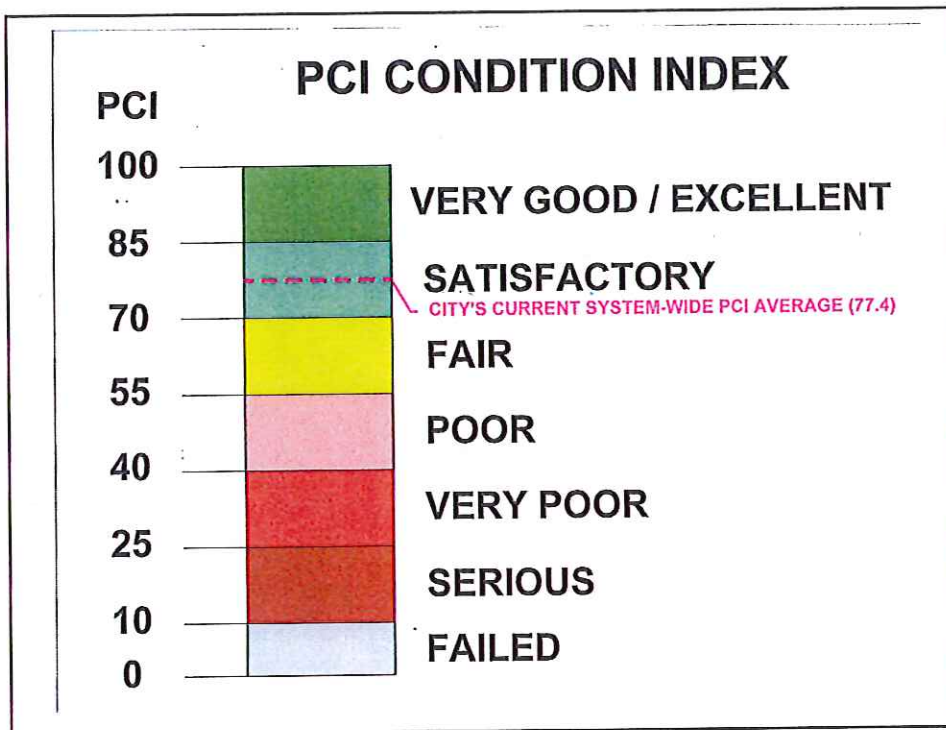
Preservation is Proactive

- Preservation is proactive, not reactive.
- We're not talking pothole filling, but pothole prevention.
- As roads worsen, reconstruction becomes the only option, but the cost is unaffordable.



Pavement Condition Index (PCI)

- Numerical index between 0 and 100 which is used to indicate the general condition of a pavement.
- Developed by the *United States Army Corps of Engineers*, the method is based on a survey of the number and types of distresses in a pavement. The result of the analysis is a numerical value between 0 and 100, with 100 representing the best possible condition (new pavement) and 0 representing the worst possible condition.

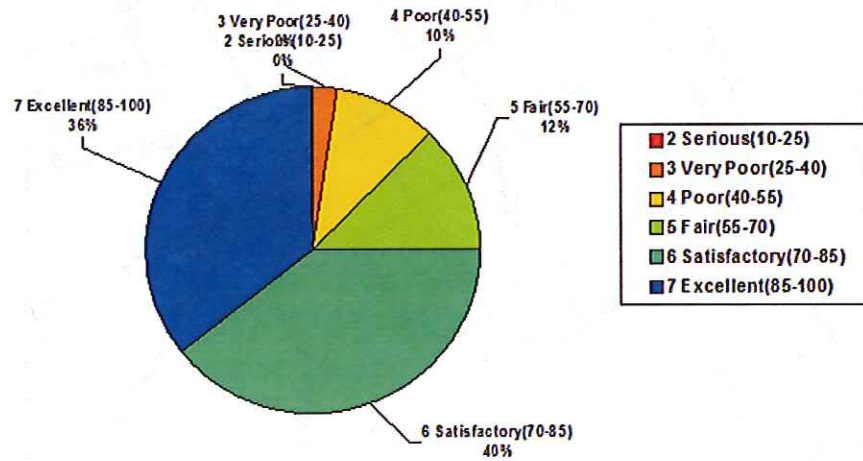


Pavement Condition Survey

- Contract awarded to *Enterprise Information Solutions, Inc* in October 2012
- Survey conducted in December 2012



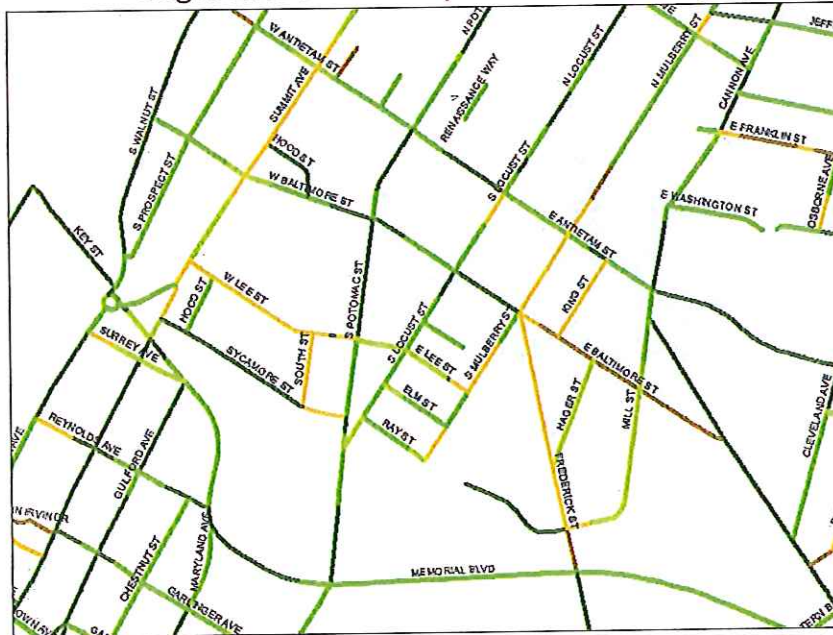
PCI Distribution



PCI By Streets



Segmented Street-by-Street PCI ratings



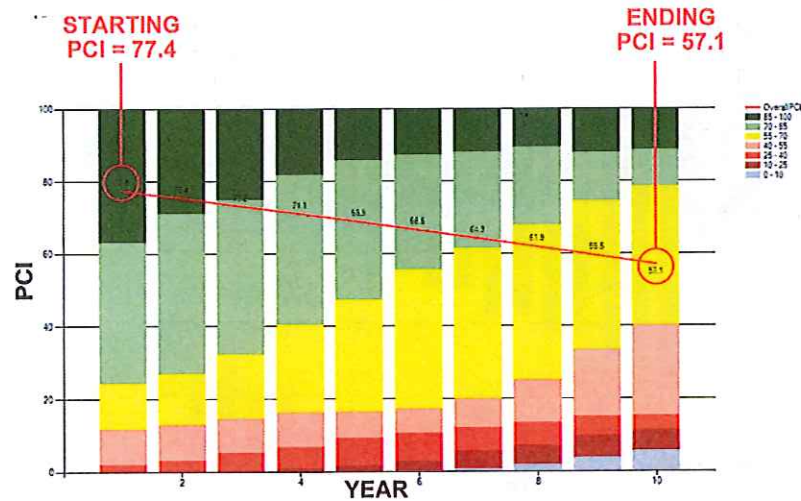
PCI Index

- 12/2012 Survey: Hagerstown City-wide PCI= 75.9
- Hagerstown PCI with recent work (neglects deterioration since 12/12 survey)= **77.4**
- Comparisons (per consultant):

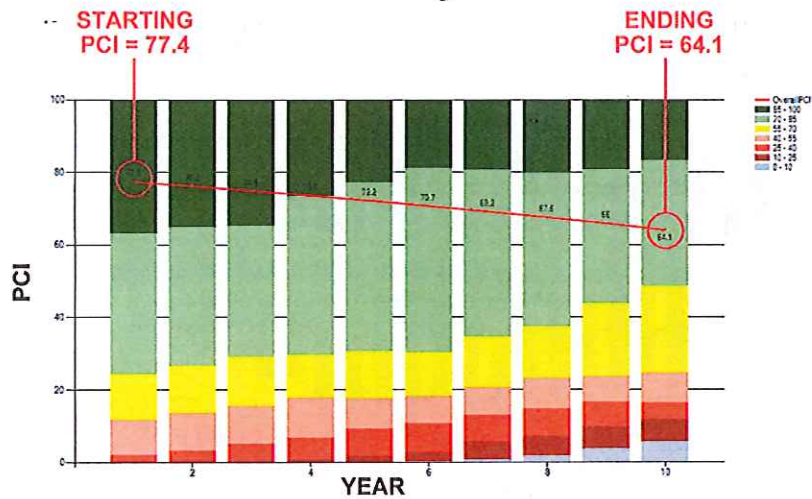
<u>Jurisdiction</u>	<u>Overall PCI Ratings</u>	<u>Centerline Miles</u>
City of Hagerstown, MD	75.9	126
Blacksburg, VA	64.9	129
Malden, MA	52.9	134
Salem, VA	75.4	178
Vineland, NJ	69.5	249
Redland, CA	53.4	349
City of Suffolk, VA	79.2	891
Montgomery County, MD	71.2	1900
Takoma Park, MD	76.8	77

Over 70 is considered "good" ...the question is can we keep them in good shape?

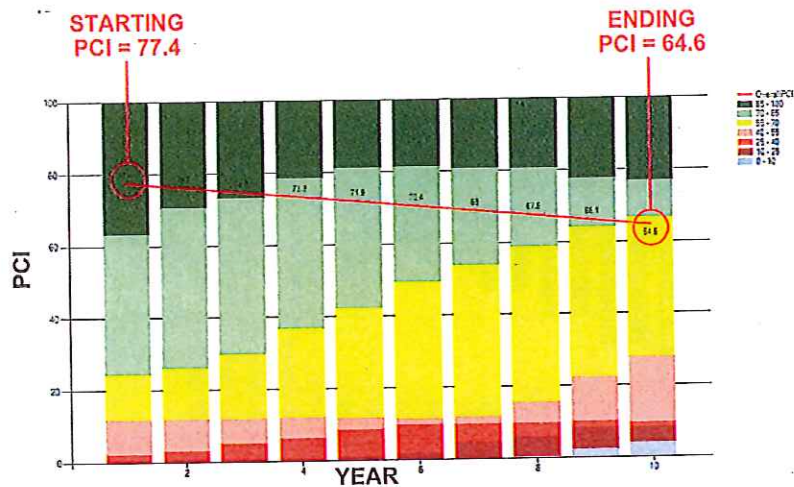
What if... Paving only, \$350,000 budget over 10 years



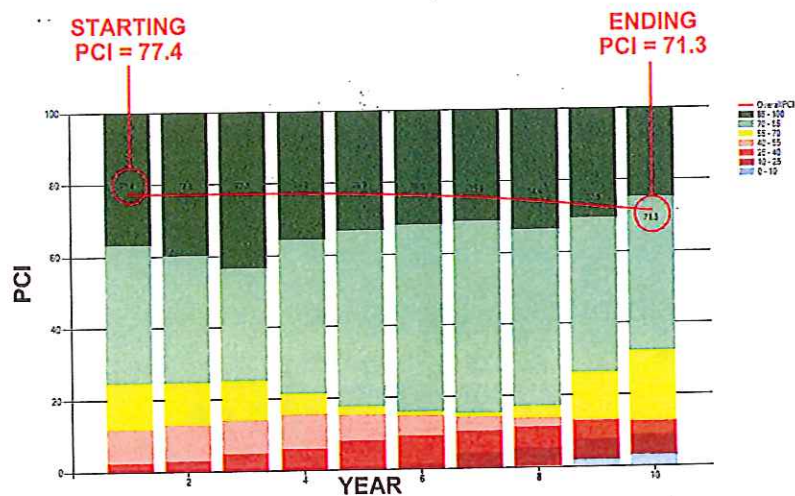
What if... Pavement Preservation, \$350,000 budget over 10 years



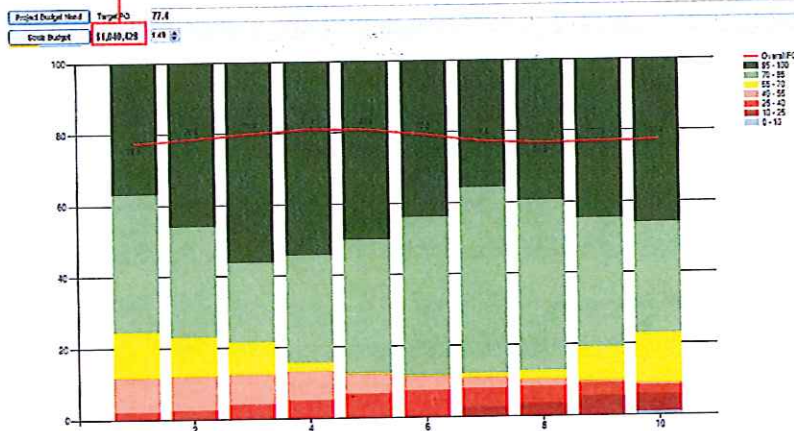
What if...
Paving only, \$700,000 budget
over 10 years



What if...
Pavement Preservation, \$700,000 budget
over 10 years



What Pavement Preservation budget is needed to maintain PCI = 77.4 over 10 years?
\$1,040,428 (3.1 times the 2013 HUR, or 1.7 times the FY 14 CIP budget)

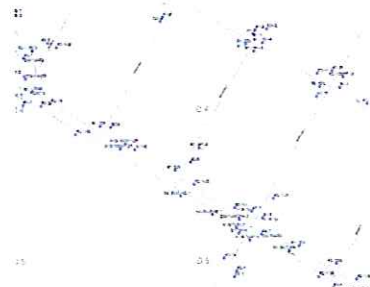


Sign Inventory Project 2013:

- 8482 signs total inventoried
- 115 in Poor Condition
- 1560 in Fair Condition
- 6807 in Good Condition



Sign ID	Sign Type	Location	Condition	Notes
1	Speed Limit	101st St	Good	
2	Speed Limit	101st St	Good	
3	Speed Limit	101st St	Good	
4	Speed Limit	101st St	Good	
5	Speed Limit	101st St	Good	
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REQUIRED MOTION

**MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Crime Free Housing

Mayor and City Council Action Requested:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

Name:

- 📎 [Crime Free Housing.pdf](#)
- 📎 [Crime Free Housing2.pdf](#)

Description:

Crime Free Housing
Crime Free Housing



CITY OF HAGERSTOWN MARYLAND

DEPARTMENT OF POLICE
50 N. Burhans Blvd.

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

October 31, 2013

To: Bruce Zimmerman
City Administrator

From: Chief Mark Holtzman

Re: *Crime Free Housing* proposed legislation & Changes to related Chapters 95 and 197

In response to the Mayor and Council's resolution on October 22, 2013 which identified the City's vision and commitment to strengthen housing and neighborhoods; City staff has drafted a new *Crime Free Housing* ordinance intended to advance the safety and welfare of neighborhoods throughout Hagerstown. No fees are associated with the program that will be managed through a joint effort between the Police Department and the Department of Community and Economic Development.

The key tenants of the *Crime Free Housing* ordinance and subsequent changes to Chapter 95 *Excessive Use of Police Service* and Chapter 197 *Rental Facilities* include:

- **Crime Free Housing Operator's License** (for all residential rental units) No Fee
- **Crime Free Housing Seminar** (completed by landlord or agent) No Fee
- **Written Lease Requirement** beginning July 1, 2014 (for all residential rental units)
- **Crime Free Housing Provision** (included in all residential rental leases)
- **Rental Facilities License** must include a valid Crime Free Housing Operator's License
- **Chronic Nuisance Property** designation change for repeat violations at residential or commercial properties

The Crime Free Housing ordinance is modeled after the nationally recognized "Crime Free Program" (www.crime-free-association.org). The ordinance requires landlords or property management agents obtain a Crime Free Housing Operator's License to rent residential property within the City of Hagerstown. The Operator's Licenses are issued upon completion of a Crime Free Housing Seminar hosted by Police Department. No Fees will be associated with the Operator's License, application, renewals or training seminar. A written lease must be used beginning July 1, 2014 that complies with Maryland Real Property Section 8-208. All residential leases must also contain a Crime Free Housing Provision which prohibits the tenant(s) and their guests from engaging in criminal activity on or near the premises.



Changes to the Rental Facilities ordinance require a valid Crime Free Housing Operator's License be attached to each rental facility license (the rental unit itself).

The Chronic Nuisance Property designation under chapter 95 relates to repeated disturbances at both rental and owner occupied residential properties or commercial properties. The number of disturbances has been lowered and the period of time has been increased from six months to one year for which a property may be deemed a Chronic Nuisance Property.

Type of Property	Minimum Number of Qualifying Calls in a year
Commercial	10
Residential	3, or 2 if at least one of which constitutes a felony under Maryland Law
Multi-Unit Residential Property (3 or more units)	6

This presentation for Mayor and Council is meant to introduce the main points of the proposed legislation and to return for further discussion on the 19th of November.

c. John N. Lestitian, Director DCED

Chapter ____

CRIME FREE HOUSING

§ ____-1. Purpose.

The Mayor and Council recognize that clean, well-built, crime-free housing and neighborhoods are the foundation upon which healthy communities are built. This chapter promotes and advances the City's vision and commitment to housing and neighborhoods throughout the City. The purpose of this Chapter is to protect and promote the public health, safety and welfare of the citizens of Hagerstown, to establish rights and obligations of the landlord and the tenant in the rental of dwelling units and to encourage the landlord and tenant to maintain and improve the quality of rental housing within the community.

It is also the purpose of this chapter to protect, preserve, and promote the health, safety and welfare of the citizens of Hagerstown by the reduction, control and prevention of criminal and nuisance activities in residential rental housing, through education and the implementation and enforcement of reasonable lease provisions.

§ ____-2. Definitions.

CERTIFIED AS A RESIDENTIAL OPERATOR OR CERTIFICATION AS A RESIDENTIAL OPERATOR – The annual certification of landlord or landlord's designated agent, who has been issued a Crime Free Housing operator's license.

CHRONIC NUISANCE PROPERTY – Chronic Nuisance Property shall be as defined in Chapter 95 of the City Code.

CITY – City of Hagerstown, Maryland.

CRIME FREE HOUSING SEMINAR – A seminar sponsored by the City to provide information to landlords and their designated agents regarding the requirements of this chapter, the lease provisions required hereunder, tenant application and criminal background review procedures, and fair housing laws.

DEPARTMENT – The Hagerstown Police Department.

DESIGNATED AGENT – An individual expressly designated by a landlord who actively operates or manages landlord's rental unit(s) for landlord.

LANDLORD – The owner of a residential rental facility or rental unit(s).

OWNER - Any person, partnership, association, company, corporation or other entity having a legal or equitable interest in, or control of a rental facility. Owner shall also mean any person who, alone, jointly or severally, shall have the charge, care or control of any premises as executor, administrator, trustee or guardian of the estate of the owner. Owner shall also mean

any person having any interest in a partnership, association, company, corporation or other entity which owns or has any ownership interest or control of a premise. Any person, firm, partnership, association, company, corporation or other entity whose name appears on the deed or property tax bill for the premises of a premise shall be deemed to be the owner of the premises.

RENTAL FACILITY – A structure containing one (1) or more rental units.

As used in this Chapter, Rental Facility shall not include a rental facility which is owned and operated by the Housing Authority of the City of Hagerstown.

RENTAL UNIT – Any single dwelling unit located in the City which is rented, leased or let, whether for consideration or not, by the owner of said premises to one (1) or more tenants for occupancy as a residence. A rental unit shall not include a unit actually being used for traditional hotel, motel, bed and breakfast, nursing home or hospital purposes.

§ ____-3 Crime Free Housing Operator's License Required.

It shall be unlawful for a landlord to enter into a residential lease with a tenant, or permit the continued tenancy or occupancy of a rental unit by another unless a valid Crime Free Housing Operator's License has been issued to the landlord or landlord's designated agent, and said license has not been denied, revoked or suspended.

§ ____-4. Application.

In addition to the requirements of Section ____-5 of this Chapter, an applicant for a Crime Free Housing Operator's License shall provide the following information on the application form provided by the Department.

- A. The name, street address, telephone number, and e-mail of all owners of a rental facility or rental unit(s) located in Hagerstown.
- B. If the owner of the rental facility or rental unit(s) is not an individual, the applicant shall provide the resident agent's name and address.
- C. The name and address of the landlord or designated agent in whose name a Crime Free Housing Operator's License is to be issued.
- D. The name, street address, telephone number, and e-mail of a designated contact person or property manager for the owner(s), if different from subsection C.
- E. The address and number of units for all proposed rental locations.
- F. The licensee shall be required to update the information provided pursuant to subsections A, B, C, and D of this Section, if said information shall change after the issuance of a license.

§____-5. **Training.**

In addition to the application requirements contained in Section ____-4 hereof, the issuance of the Crime Free Housing Operator's license is subject to and contingent upon the successful completion by the landlord or designated agent of the Crime Free Housing Seminar sponsored by the Department.

The requirements of this Section shall be valid for a two (2) year period.

§____-6. **Issuance of License; Renewal.**

Upon receipt of a completed application form, and completion of the requirements contained in Section ____-5, the Department shall issue a Crime Free Housing Operator's License within 30 days. Said license shall expire on June 30th of each year, and shall be renewable annually on July 1st, with application for said renewal being made at least 60 days prior to the expiration date of the then current license. The license renewal application shall be on the form provided by the Department.

In the event that a licensed landlord conveys a residential rental unit to a new owner, or if a designated agent licensee is no longer employed by an owner, a new landlord or designated agent shall comply with the requirements hereof within ninety (90) days of that event. If the Department is unable to facilitate the completion of the requirements of Section ____-5 hereof upon receipt of an application, a conditional license may be issued, subject to the licensee completing the necessary requirements within ninety (90) days of issuance of the conditional license.

§____-7. **Written Leases; Required Provisions.**

- A. **Written Leases required.** Beginning on July 1, 2014, a landlord or designated agent who offers one (1) or more residential rental units for rent in the City of Hagerstown may not rent or permit the occupancy of any such unit without using a written lease, or a written lease extension.
- B. **Compliance with State law.** All such written leases shall comply with the requirements of Maryland Real Property Section 8-208, as from time to time amended.
- C. **Additional Required Provisions.** In addition to the above referenced requirements, the landlord or designated agent shall include the following in all written leases:
 - (1) A Crime Free Housing provision, the purpose of which is to make criminal activity engaged in by, facilitated by or permitted by the tenant, or a member of the household, a guest or other person(s) under control of

the tenant, a violation of the lease. The Crime Free lease provision will be in substantially the following form:

“Tenant, any members of the Tenant’s household or a guest or other persons affiliated with the Tenant or any member of the Tenant’s household:

1. Shall not engage in criminal activity at, on or near the said premises. “Criminal activity” means the illegal manufacture, sale, distribution, possession with or without the intent to sell or distribute, or the use of an illegal or controlled substance or paraphernalia, or the commission of any of the acts defined in the Maryland Criminal Law Code Annotated, as from time to time amended.
2. Shall not engage in any act intended to facilitate criminal activity and shall not permit the premises to be used for or to facilitate criminal activity, regardless of whether the individual engaging in the activity is a Tenant, a member of the Tenant’s household, a guest, or another person affiliated with the Tenant.
3. VIOLATION OF THE ABOVE PROVISIONS SHALL BE A MATERIAL AND IRREPARABLE BREACH OF THE LEASE AND GOOD CAUSE FOR IMMEDIATE TERMINATION OF TENANCY. Proof of a violation of the lease hereunder shall not require a criminal conviction, but shall be by a preponderance of the evidence.”

- (2) A notice that the rental unit may be subject to regular inspections pursuant to Chapter 197 of the City Code and upon receipt of complaints; and
- (3) An attachment of the text or a fair summary of the text of Chapters _____, 95, and 197 of the City Code.

§____-8. Enforcement of Crime Free Provision.

It shall be a violation of this Chapter for a licensee to knowingly permit a tenant(s), occupant(s), a tenant’s guest(s), or any person(s) under a tenant’s control to violate the Crime Free Housing provision of a lease to an extent that said location is designated as a Chronic Nuisance Property pursuant to Chapter 95 of the City Code, without taking reasonable steps to enforce said provision.

§____-9. Denial; Revocation or Suspension.

- A. A Crime Free Housing Operator’s license may be denied, revoked or suspended at any time by the Department for a violation of any of the provisions of this Chapter or the provisions of Chapter 95 of the City Code. Denial, revocation or

suspension of a license shall be in addition to, and not in substitution of the penalties provided for in Section ____-10 of this Chapter, or elsewhere in the City Code.

- B. Any property owner directly affected by an action of the Department under the provisions of this Chapter may appeal such action to the Board established in Section 95-2 of the City Code.

§____-10. Violations and Penalties.

Any owner violating the requirements of this Chapter shall be guilty of a municipal infraction and shall be punished by a fine not exceeding \$1,000.00. Any such violation shall be cited as a prepayable fine in the amount of \$500.00. Each day a violation exists shall be considered a separate and distinct violation. In addition, the City may avail itself of all civil remedies including a petition for injunctive relief from a Court of competent jurisdiction.

§____-11. Crime Free Certification.

The Department shall offer a voluntary program whereby residential rental properties may be afforded certain designations or certifications upon satisfaction of established criteria by the owner, landlord or designated agent, in recognition of crime prevention steps taken at the property.

§____-12. Severability.

The provisions of this Chapter are severable. If any provision of this Chapter or its application to any person or circumstance is held to be invalid, such invalidity shall not effect the other provisions or applications of this Chapter which can be given effect without the invalid provision or application.

Chapter 197

RENTAL FACILITIES

§197-4. Application; License Fee.

In addition to the inspection requirements of Section 197-6 of this Chapter, an applicant for a rental facility license shall provide the following information for each rental facility on the appropriate application form provided by the Department.

- A. The address of the rental facility.
- B. The number of rental units contained in the rental facility.
- C. The name, street address, telephone number, and e-mail of all owners of the rental facility.
- D. If the owner of the rental facility is not an individual, the applicant shall provide the owner's name, street address and telephone number, and the resident agent's name and address.
- E. The name, street address and telephone number of a designated contact person for the owner(s).
- F. The name and address of the landlord or designated agent in whose name a Crime Free Housing Operator's License has been issued pursuant to Chapter _____ of the City Code.
- G. Except for a single unit rental facility occupied by an exempt tenant, payment of a nonrefundable annual license fee of:
 - (1) Fifty dollars per rental unit; or
 - (2) One hundred dollars for each rooming-house facility, plus \$10 for each rental unit in said rooming-house facility.
- H. The applicant shall be required to update the information provided pursuant to sub-sections C, D, and E of this Section, if said information shall change after the issuance of a license.

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§197-7. Issuance of License; Renewal.

Upon receipt of a completed application form and full payment of the appropriate fee, the Department shall issue a rental facility license for the subject rental facility within 30 days, unless such license is or has been denied, suspended or revoked pursuant to §197-8 hereof, or unless there is

no current valid Crime Free Housing Operator's License issued to the landlord or designated agent. Said license shall expire on its anniversary date, and shall be renewable annually, with application for said renewal being made at least 60 days prior to the expiration date of the then current license. License renewal application shall be on the form provided by the Department.

§197-8. Denial; Revocation or Suspension.

- A. A rental facility license may be denied, revoked or suspended in whole or in part at any time by the Department for the rental unit(s) in which a violation exists, if, after receipt of a notice of violation, the owner fails to eliminate violations of the property maintenance code identified during any inspection within the time ordered in the notice. Additionally, a rental facility license may be denied, revoked or suspended at any time by the Department if a valid Crime Free Housing Operator's License is not issued to the landlord or designated agent pursuant to Chapter _____ of the City Code. Denial, revocation or suspension of a rental facility license shall be in addition to, and not in substitution of the penalties provided for in Section 197-10 of this Chapter.

Deleted: A license shall be denied, revoked or suspended only for the rental unit(s) in which a violation exists.¶

CHAPTER 95
EXCESSIVE USE OF POLICE SERVICES

§95-2 Definitions.

DISTURBANCE - For the purposes of this Chapter a disturbance shall mean conduct consisting of any of the following:

Controlled dangerous substance or paraphernalia, possession or sale;
Disorderly conduct;
Disturbing the peace;
Liquor law violation, public consumption or open container of alcohol;
Loud noise complaint;

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Loitering;
Prostitution;

Public urination or indecent exposure; Undesirable, intoxicated or suspicious person; or

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Any conduct which constitutes a felony under Maryland law.

MULTI-UNIT RESIDENTIAL PROPERTY - A property that is maintained, at least in part, as a residence or domicile. For purposes of this Chapter a multi-unit residential property shall not include a property that has less than 3 separate units used for residence or domicile purposes.

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CHRONIC NUISANCE PROPERTY - For purposes of this Chapter chronic nuisance property shall be any property where the occurrence or commission of behavior which results in the following number of separate qualifying calls occurred at said property within any twelve month period:

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Type of Property

Minimum # of Qualifying Calls

Commercial Property
Residential Property

10

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3, or 2 if at least one of which constitutes a felony under Maryland law.

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Multi-Unit Residential Property

6

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RESIDENTIAL PROPERTY - A property that is maintained, at least in part, as a residence or domicile. For purposes of this Chapter a residential property shall not include a property that has 3 or more separate units used for residence or domicile purposes.

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§95-3 Notice of Nuisance.

Whenever a property located in the City qualifies as a chronic nuisance property pursuant to this Chapter, the City shall issue a written notice to any owner of said property advising the notice recipient of the following:

- A. A description of the property sufficient to reasonably identify the premises.
- B. An itemization of the dates of all qualifying calls and a brief description of the related circumstances giving rise to the qualifying calls.
- C. That the property has been deemed a chronic nuisance property for the assessment of charges pursuant to this Chapter for excessive police calls.
- D. That the property shall remain deemed a chronic nuisance property for one year from the date of such notice.
- E. That an assessment in the amount of \$100.00 for the first offense, \$250.00 for a second offense, and \$500 for a third or subsequent offense shall be imposed against the property for each qualifying call occurring at the property while the property is deemed a chronic nuisance property. That any such assessment shall be payable by the owner(s) of said property and shall constitute a lien on the property to be collected as municipal taxes are collected.
- F. That any affected owner shall have the right to appeal to the Board in writing to contest the notice and to show cause why the property should not be deemed a chronic nuisance property.

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§95-4 Chronic Nuisance Property List.

The Department shall maintain a list of those properties currently deemed chronic nuisance properties by street address and property owner.

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§95-5 Violation/Assessment.

The Department shall issue against a property, written notice of an assessment of \$100.00 for a first offense, \$250.00 for a second offense, and \$500 for a third or subsequent offense, for each qualifying call arising out of conduct at or about the property, which occurs while the property is deemed a chronic nuisance property. Written notice of any such assessment shall be made to any owner of said property. Each qualifying call shall constitute a separate and distinct offense and shall give rise to a separate assessment. The assessment may be collected in the same manner as municipal taxes are collected pursuant to Chapter 223-11 hereof.

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In addition to the assessments contained herein, the Crime Free Housing Operator's License issued to the owner, landlord or designated agent pursuant to Chapter _____ is subject to denial, suspension or revocation for a violation of this Chapter.

§95-6 Appeal.

A. Any owner of property which is deemed a chronic nuisance property, or against which an assessment is made pursuant to Section 95-5 above, shall have thirty (30) days from the date upon which notice is issued to file an appeal in writing with the Board, stating why the chronic nuisance property designation, or a subsequent assessment is invalid or incorrect in whole or in part. The appeal shall be filed on the form provided by the Department and must be accompanied by an appeal fee of \$50.00. Failure to file such an appeal within the time frame required shall render the determination of the Department final. Upon a proper and timely appeal, the Board shall schedule the matter for a hearing within 45 days of the filing of said appeal. The Appellant shall be entitled to present evidence to the Board at such hearing and shall have the burden of proving that the chronic nuisance property designation, and/or subsequent assessment is invalid or incorrect, in whole or in part. At the conclusion of the hearing, the Board shall issue a final written decision on the validity of the chronic nuisance property designation, and/or subsequent assessment, including such order which may allow for a reduction in the assessment for good cause shown. Any aggrieved party may appeal the decision of the Board to the Circuit Court for Washington County within thirty (30) days after the date upon which a final written decision is issued.

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REQUIRED MOTION

MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

Topic:

Mayor and City Council Action Requested:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

Name:

Description:

No Attachments Available

REQUIRED MOTION

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No Attachments Available

REQUIRED MOTION

MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

Topic:

7:45 p.m.

Mayor and City Council Action Requested:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

Name:

Description:

No Attachments Available