

Mayor and Council

30th Special Session and Work Session

December 3, 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."*

"He who does not prevent a crime when he can, encourages it." Seneca, Roman philosopher

2:00 p.m. - Joint Meeting With Washington County Delegation - Hagerstown Community College, Career Programs Building, Rooms 211/213 11400 Robinwood Drive, Hagerstown, Maryland

SPECIAL SESSION

- 4:00 PM** 1. 30th Special Session - Economic Analysis and Implementation Plan for Hagerstown's Sustainable Community Plan

4:20 PM WORK SESSION

1. Proclamation - Houses of Worship Tour
- 4:25 PM** 2. Community Coalition Lobbyist
- 4:35 PM** 3. Enterprise Fund Dividend Transfer Policy
- 4:55 PM** 4. Hagerstown Light Department Wholesale Power Contract
- 5:05 PM** 5. Noise Ordinance Update
- 5:20 PM** 6. Ice Rink Operating Agreement Extension with Hagerstown Youth Hockey Association (HYHA)
- 5:35 PM** 7. Police Residency Program
- 5:50 PM** 8. Crime Free Housing

CITY ADMINISTRATOR'S COMMENTS

MAYOR AND COUNCIL COMMENTS

ADJOURN

6:30 p.m.

REQUIRED MOTION

MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

Topic:

30th Special Session - Economic Analysis and Implementation Plan for Hagerstown's Sustainable Community Plan

Mayor and City Council Action Requested:

Award of contract to the selected consultant team at a special meeting on December 3rd.

Staff will be present at the December 3rd work session to answer any questions about the selection process and the planned project to develop a strategic implementation plan for Hagerstown's Sustainable Community Plan. This project will be 100% grant funded.

Discussion:

Planned Project

The City will hire a consultant with a deep portfolio in downtown revitalization planning and in conducting economic analyses of downtown catalyst projects to assist the City in developing a strategic implementation plan for the objectives in Hagerstown's 2012 Sustainable Community Plan.

The scope of work for the project includes not only an economic analysis of Hagerstown's 2012 Sustainable Community Plan, but also a community engagement exercise. This exercise will further develop tactics and strategies to implement the plan's objectives and build community support for our downtown vision and projects intended to catalyze revitalization. As a result of their analysis and the community engagement process, the consultant will prepare a cost benefit analysis of identified catalyst projects to spark revitalization of Hagerstown's City Center and an implementation plan to achieve our vision for downtown. Our budget is the \$100,000 DBED grant. We anticipate starting the project in mid-December with project completion by the end of June 2014.

Review of Consultant Proposals

The City posted the RFP for this project on a number of web sites likely to draw the attention of planning and economic firms. We received a very good response with 14 proposals. A committee of City Planning and Economic Development staff reviewed and ranked the proposals based on experience of the team and their proposed approach for our project. As a result of this process, the committee selected a short list of six consultant teams for interviews. The ranking of the proposals was further refined following the interviews and the committee decided, as a result, to narrow the selection process down to three preferred consultant teams. Each preferred team demonstrated a deep portfolio of relevant work history for our project, had a dynamic team put together, and outlined an intriguing approach to our project. We opened the price proposals from those three teams and then deliberated on which team we felt would mesh best with Hagerstown, bring forward an achievable action plan to implement our Sustainable Community Plan, and build interest for the downtown through community engagement. After narrowing the firms down to one recommended

team, staff contacted references for our recommended team to determine if their experiences would reinforce our impressions of the recommended team.

Staff Recommendation

Staff recommend that the City award the contract to Urban Partners for their price proposal of \$79,910.

The Urban Partners proposal was not only the low bid, but the consultant team was the Committee's preferred team based on their experience, the individuals involved in the interview process, and their approach for our project. Staff contacted representatives from six communities with prior experience working with Urban Partners and their sub-consultant, Brown & Keener. Of the five who returned our calls, each had glowing comments about their experiences with Urban Partners and Brown & Keener. They all said they would work with these consultants again, and, in fact, many of them have worked with them on multiple projects. One particular long association is Urban Partners' 20 year relationship with the City of Savannah, GA. Representatives indicated that Jim Hartling, the founding partner of Urban Partners, is quite skilled at combining ambitious ideas with pragmatism and bringing people together in formulating strategic action plans to turn around or enhance downtown economies. Mr. Hartling has both public and private sector experience in economic development, has undertaken development projects in addition to assisting clients to assess the financial feasibility of undertaking catalyst projects, serves on the board of a number of Philadelphia non-profits related to economic and community development, and teaches on this topic at the University of Pennsylvania.

We believe Urban Partners with their sub-consultant, Brown & Keener, is qualified to meet the requirements of this project and their price proposal is within budget. In fact, given the fact that the project came in under budget, there is the potential to expand the scope of work to gain additional work from the consultants, if so approved by the Mayor and City Council and our granting agency.

Financial Impact:

This project is 100% funded by a \$100,000 grant from the Maryland Department of Business & Economic Development.

Recommendation:

Award of contract to the low bidder, Urban Partners of Philadelphia, for their bid of \$79,910 for the project to prepare an economic analysis and develop an implementation plan for Hagerstown's Sustainable Community Plan.

Motion:

Action Dates:

M&CC Discussion: August 13, 2013, September 17, 2013, December 3, 2013

M&CC Authorization to Accept Grant: September 24, 2013

M&CC Award of Contract: December 3, 2013 Special Session

ATTACHMENTS:

Name:

Description:

- 📄 [Urban Partners Proposal.pdf](#)
- 📄 [Econ Analysis Implem Plan M CC memo 11 26 13.pdf](#)
- 📄 [Special Session 12 3 13.pdf](#)

Economic Analysis and Implementation Plan for HSCP

Economic Analysis and Implementation Plan for HSCP

30th Special Session

URBAN PARTNERS

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COMMUNITY & ECONOMIC DEVELOPMENT / HOUSING / POLICY RESEARCH

www.urbanpartners.us

October 30, 2013

Office of the City Clerk
City Hall
1 East Franklin Street
Hagerstown, MD 21740

Dear Sir/Madam:

Urban Partners, with the Brown & Keener division of RBA, is pleased to submit the enclosed proposal for services related to the Economic Analysis and Implementation Plan for Hagerstown's Sustainable Community Plan. We have reviewed the Sustainable Community Plan and are impressed with this thoughtful and thorough assessment of your community's downtown and adjacent residential neighborhoods and the detailed consideration of actions required to sustain and strengthen these areas in the future.

The Urban Partners team is well suited to assist you in facilitating the implementation of a desirable and feasible revitalization program for the Sustainable Community Area – one that relates to the characteristics of the area and the needs of the Hagerstown community while optimizing public infrastructure expenditure and catalyzing private investment.

Urban Partners' primary focus is on the implementation of development projects — our goal to produce visible results in the form of completed real estate projects and supportive programs. This attitude toward implementation influences all of our work, including our work in the area of policy and program evaluation. Because of Urban Partners' broad knowledge of urban development issues and mechanisms, we often undertake specialized development strategies for unusual properties or policy issues. Much of our work is oriented toward the revitalization of downtown areas. The firm has been active in the creation of revitalization strategies for downtown commercial areas and often arranges financing to implement our recommended plans. Our experience suggests that a successful downtown development plan requires careful consideration of market issues, management issues, physical needs and economic strategies that involve a combination of public and private resources.

Urban Partners' approach to downtown revitalization projects emphasizes our firm belief that actors who will be ultimately responsible for carrying out the development plan must be involved from the start. Downtown merchants, property owners, residents, local developers, cultural arts groups, elected officials and key public staff are all encouraged to participate in the shaping and implementation of the downtown revitalization strategy. As a result of this involvement, it is not uncommon for individual development projects to begin even before the planning process is completed.

Urban Partners will be supported in this effort by **Brown & Keener**, a Philadelphia-based division of **RBA**. Brown & Keener is an urban design firm with experience in all facets of site planning and design. The firm has extensive experience in developing conceptual design plans that are sympathetic to the scale and character of a site and its surroundings, that create linkages with other area resources and that are consistent with financial realities. Our firms work frequently together on complex projects similar in nature to that proposed for Hagerstown's Sustainable Community area.

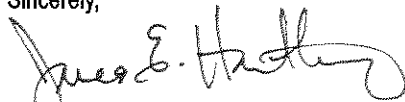
Areas of Urban Partners' team expertise that we believe to be specifically relevant to the successful completion of an Economic Analysis and Implementation Plan for Hagerstown's Sustainable Community Plan include:

- Ability to perform market and financial feasibility analysis for a broad array of retail, commercial, entertainment, cultural, residential and institutional development activities that could be priority Sustainable Community Plan elements;
- Ability to develop business plans establishing operating requirements of selected uses, at specific locations if known;
- Ability to analyze the economic and fiscal impacts of specific actions as means of evaluating alternative opportunities and priorities;
- Ability to assess potential locations for specific activities and recommend optimal locations based on development/rehabilitation costs, market characteristics, circulation and connectivity concerns;
- Ability to create illustrative site plans and schematic renderings that demonstrate how proposed development activities exist within and best connect to their surrounding uses;
- Ability to convene key stakeholders and develop community consensus for action, and
- Ability to aggregate the above analysis into a cohesive implementation strategy that establishes priorities, details critical next steps, identifies stakeholder responsibilities and provides the information necessary to engage potential additional investor interest in the area.

Our proposal contains three parts. Part One provides general background information about Urban Partners and Brown & Keener/RBA and our qualifications for this effort and includes examples of prior downtown revitalization projects, identifies project management and staffing for this project and provides client references. Part Two outlines our proposed scope of services and Part Three outlines our anticipated project schedule. An Appendix to this proposal provides more detailed project descriptions of our firms' downtown revitalization experience and full resumes of participating staff. As requested, our price proposal is provided under separate cover.

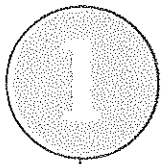
Please let me know if you have any questions about the Urban Partners team or our approach to this project. I can be reached directly at (215) 829-1902 or jhartling@urbanpartners.us.

Sincerely,



James E. Hartling
Partner

Enclosure



Project Team

Consultant Team Qualifications

Urban Partners

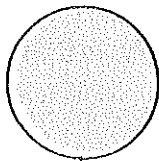
Urban Partners is a professional consulting firm that advances the planning and implementation of feasible development and revitalization activities. We provide sound real estate market analysis to identify the realm of alternatives available and undertake detailed fiscal and economic analysis to establish the long-term financial requirements of project development *and* operation. Grounded by our attention to market and economic realities, Urban Partners' clients have completed an extensive portfolio of restoration, revitalization and development projects as well as a broad array of social service, educational and cultural programs that have remained sustainable over time.

We have significant experience in planning for commercial and mixed-use districts, cultural districts, residential communities, educational/institutional areas and recreational and entertainment uses and in developing financing and implementation strategies to carry out the development priorities of our clients. Our primary focus areas, discussed in more detail in the **Appendix**, include:

- Downtown Revitalization
- Site Development Strategies
- Retail Market Analysis
- Commercial District Revitalization
- Housing Market Analysis
- Historic Site Reuse
- Cultural Heritage Economics
- Neighborhood Planning
- Smart Growth/Regional Planning

Relevant recent projects undertaken by Urban Partners include:

- A market-based economic development strategy for the **East End Communities of Pittsburgh**, for which we evaluated market opportunities, prioritized potential projects, identified sources of funding for project implementation and produced project summaries for use in marketing the effort;
- **Downtown Erie Master Plan (and subsequent market analysis update)**, including an emphasis on the identification of residential demand for upper floor spaces and the successful conversion of the Mercantile Building as supportive housing;
- The **Montclair Town Center Development Strategy**, for which we identified development opportunities, facilitated community consensus around priority actions and provided economic and cost benefit analysis for key development activities;
- Market analysis, strategy formation and implementation assistance for the **Swarthmore Town Center**, which included the development of an expanded cooperative grocery store and construction of a Col-



- lege-sponsored Inn, currently in development; and
- Identification of market opportunities and provision of economic and fiscal impact analysis for **Storrs Center**, a 15-acre new town center in Mansfield, CT whose first phase of mixed-use development was completed and tenanted in Fall 2012.

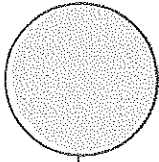
Brown & Keener/RBA Group

Urban Partners is pleased to team with Brown & Keener, a division of RBA, on this project. Brown & Keener is a talented urban design firm with extensive experience in site planning, design and placemaking in urban environments. The firm's ability to provide realistic illustrative renderings of possible development activities -- that help depict the impact such development will have on its surroundings -- is invaluable in assisting its clients evaluate alternative actions and to provide prospective investors with compelling information about development opportunities. Brown & Keener's affiliation with RBA, a recognized leader in multi-disciplinary planning and engineering, provides us in-house access to a broad range of specialty skills that might provide value to this effort -- whether that be an informative conversation among colleagues or, if circumstances merit, the shifting of project resources to address transportation, engineering or environmental issues found to be critical to Plan implementation.

Relevant recent projects undertaken by the Brown & Keener division of RBA include:

- The **Girard Avenue Economic Development Plan** in Philadelphia (with Urban Partners) for which the firm created a series of fact sheets illustrating distinct real estate development opportunities, in order to recruit development of the appropriate use and scale.
- The **Asbury Park Downtown/Main Street Redevelopment Plan** (with Urban Partners), for which the firm created concept illustrations to clearly communicate the redevelopment objectives and visual impacts to potential investors.
- Feasibility analysis for the **Salisbury, MD City Market**, for which the firm evaluated potential sites, estimated development costs and created schematic representations of the completed project for use in soliciting project financing and support.

More detailed information about our firms and our prior relevant projects is included in the **Appendix** to this proposal.



Project Management/Staffing

Firm Responsibilities

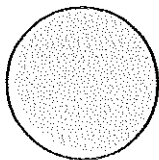
Urban Partners will serve as lead consultant on this project and will be responsible for all market, financial feasibility and cost/benefit analysis as well client communication, public engagement, strategy development and report production. Brown & Keener will assess physical conditions in the downtown Hagerstown study area, explore linkages to surrounding neighborhoods and produce illustrative renderings for the eight catalyst projects.

Project Staffing

Since our founding in 1980, Urban Partners has remained an intentionally-small firm to assure the involvement of principals in all of our projects. Today, Urban Partners has a professional staff of four. If selected by the City of Hagerstown to complete the Economic Analysis and Implementation Plan for Hagerstown's Sustainable Community Plan, Urban Partners' work will be directed by **James E. Hartling**, Principal, with assistance from **Chris Lankenau**, AICP, Senior Associate, who will serve as Project Manager and assume responsibility for day-to-day communication with the City.

James E. Hartling is a founding principal of Urban Partners and is responsible for most of the firm's work involving downtown revitalization, economic/fiscal analysis and implementation assistance in a wide variety of communities, including downtown efforts in Hartford, CT; Augusta and Savannah, GA; Asbury Park, Atlantic City, Montclair and Trenton, NJ; Durham, NC; and Allentown, Erie, Harrisburg, Philadelphia, Pittsburgh and Swarthmore, PA and neighborhood commercial district efforts in many cities along the Eastern seaboard. He has completed market, economic and fiscal analysis for the adaptive reuse of many notable historic industrial, institutional and military facilities, including the Greystone Psychiatric Hospital in Morris County, NJ, the Haverford State Hospital in Delaware County, PA the Hoboken, NJ Waterfront and the Bayonne, NJ Military Ocean Terminal as well as new town centers, including the Storrs Center in Mansfield, CT currently in development.

Chris Lankenau has served as Project Manager and directed comprehensive real estate market analysis and evaluated economic and fiscal impacts of development programs for numerous downtown and neighborhood commercial districts, including recent projects in Asbury Park, NJ and Allentown, Erie and Pittsburgh, PA. He has also participated in a range of diverse site development projects, including the Marcus Hook, PA Transit Revitalization Investment District and the Neuweiller Brewery Reuse Plan and served as the owner's representative during the recent acquisition and facility development project of the Asian Arts Initiative's Facility Development.



Mark Keener, Principal, will coordinate Brown & Keener's work on this project. Mr. Keener has considerable experience in all facets of architectural, urban design and planning projects. Mr. Keener has assessed physical conditions, circulatory patterns and public space amenities for a wide range of commercial districts and assisted clients identify revitalization improvements that will most impact the visitor experience and increase foot traffic in these areas. He also has significant experience in designing development controls and guidelines which help manage development and improve the physical appearance of a community.

Mr. Keener will be assisted by **Michael Tweed**, Principal Urban Designer. Mr. Tweed is a highly skilled graphic illustrator, who can develop compelling renderings and photo simulations of alternative development opportunities and related public realm and infrastructure improvements.

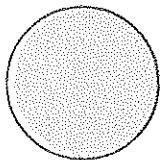
Full resumes of the staff members identified above are included in the **Appendix**.

Client References

Mr. Andrew Frishkoff
Executive Director, Philadelphia LISC
718 Arch Street, Suite 500 S
Philadelphia, PA 19106
(215) 923-3801
afrishkoff@lisc.org
(Girard Avenue Development Strategy – UP & B&K)

Mr. Terry Reidy
City Manager, City of Asbury Park, NJ
One Municipal Plaza
Asbury Park, NJ 07712
(732) 502-5722
terrence.reidy@cityofasburypark.com
(Asbury Park Projects – UP and B&K)

Ms. Ellen Harris, Cultural Resource and Planning Manager
Chatham County - Savannah Metropolitan Planning Commission
110 East State Street, PO Box 8246
Savannah, GA 31401
(912) 651-1482
harrise@thempc.org
(Downtown Savannah Master Plan -- UP)



Mr. Rob Stephany
Program Director (formerly of the Pittsburgh Urban Redevelopment Authority)
The Heinz Endowments
625 Liberty Avenue
Pittsburgh, PA 15222
(412) 281-5777
rstephany@heinz.org

(East End Market-Based Development Strategy – UP)

Ms. Jane Billings
Borough Manager
Borough of Swarthmore
121 Park Avenue
Swarthmore, PA 19081
(610) 543-4599
Borough_manager@comcast.net

(Swarthmore Town Center Revitalization Strategy - UP)

Ms. Cynthia van Zelm
Executive Director
Manfield Downtown Partnership, Inc.
4 South Eagleville Road
Storrs, CT 06268
(860) 429-2740
vanZelmCA@mansfield.org

(Downtown Mansfield Municipal Development Plan - UP)

2 Approach

Scope of Services

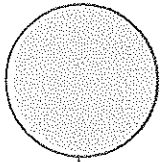
The Urban Partners team will create an Economic Analysis and Implementation Plan for the City of Hagerstown that: 1.) assesses the actions identified in the Sustainable Community Plan, 2.) provides market, economic and fiscal impact analysis to evaluate and further prioritize key actions the implementation of which will help catalyze other private investment in the area, and 3.) involves and builds consensus among local stakeholders – including property owners, business proprietors, residents, developers, area institutions, etc. – in the formation of strategies to implement the Sustainable Community Plan. Our past experience suggests that a stakeholder base that is involved in the shaping of a revitalization strategy and which understands the catalytic impact of priority actions become champions of the effort. As a result of this involvement, it is not uncommon for individual development projects and supportive activities to begin even before the planning process is completed and, more importantly, for the entities involved to commit to responsibility for specific actions identified.

Task One: Project Start Meeting/Initial Review with Project Committee

A meeting will be held between the Urban Partners team and a Project Committee selected by the City of Hagerstown to discuss our plan of work and to outline the projected role of the Committee in this project. While this City has not indicated the structure of client-consultant communications for this project and may elect to limit participation on this committee to municipal representatives, we would recommend also including potential implementation partners for the reasons discussed above.

With the Committee's assistance, we will review the Sustainable Community Action Plan and any recent actions that may update this document as well as discuss other development activities that are underway in the Hagerstown region that may impact implementation of the Plan. The purpose of this review is to assure that we understand all objectives and priorities for future development and revitalization activities within the Sustainable Community area and are aware of any conditions that might impact our recommendations for the area. We will ask the Committee's assistance in clarifying the geographic focus of this effort – we have written our scope to focus primarily on Hagerstown's City Center with attention given to linkages throughout the Sustainable Community area and beyond, but will require assistance in determining appropriate boundaries.

At this initial meeting, we will also seek the Committee's assistance in creating a list of resources (individuals, organizations, etc.) which Project Committee members believe would be useful for us to contact during the market analysis. Additionally, Urban Partners will question Committee members about their views of the real estate market for various uses in the City of Hagerstown and the Sustainable Community area specifically - particular strengths, areas of decline, geographic nodes of activity that should be further developed, capacity/effectiveness of merchant support programs, character of surrounding public infrastructure (parking, streetscape, pedestrian experience), etc. This conversation will be useful in supplementing our understanding of the priorities articulated in the Sustainable Community Action Plan and in



identifying any additional issues that may require consideration in the prioritization of revitalization efforts that occurs during this project.

Finally, we will coordinate with the Project Committee at this time to schedule future Committee meetings and to identify an appropriate location and date for the public meetings that will be held during our work. Due to the relatively short timeframe of this effort, we believe it will be critical to establish the dates of committee and public meetings and for the delivery of consultant team products at the onset.

Task Two: Real Estate Market Analysis

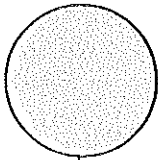
The Sustainable Community Action Plan identifies a broad array of development objectives for the greater downtown Hagerstown area that involve retail, commercial, residential, institutional, educational, cultural, tourism and infrastructural/public facilities development. In order to best assess the market conditions and economic viability of these desired future uses, Urban Partners will conduct targeted real estate market analysis in these areas. Our real estate market analysis will include:

A. Retail Market Assessment

In order to determine the range of potentially viable retail uses for downtown Hagerstown, both for specifically targeted properties, and as a component of the broader retail and reuse of vacant/blighted properties goals of the Sustainable Community Plan, Urban Partners will conduct a market assessment of supply and demand of retail uses that would be physically and thematically appropriate for development within the greater Downtown. We anticipate that this assessment will involve both local-serving retail uses and more destination-oriented retail uses that, taking advantage of the site's regional accessibility and role as a cultural, historic and governmental hub, serve a larger consumer trade area.

We will prepare an inventory of all retailers located within designated trade areas for those categories of retailing deemed appropriate for consideration. Based on national retail trends and typical sales volumes and sizes of various types of stores, we will determine how well the existing supply of retailers in each of these trade areas is satisfying existing area demand. We will identify those categories of retailing in which sufficient excess demand exists that might be met within the study area and that would positively contribute to the character of downtown Hagerstown.

In addition to examining existing current demand, we will identify those opportunities that may exist for retail development supportive of other uses being considered for the downtown Hagerstown area. For example, convenience uses such as grocery stores, dry cleaners, drug stores, etc. will be examined as possible complements to any significant residential development determined to be feasible in the area.



B. Residential Market Assessment

Demographic and transaction data will be analyzed to determine the characteristics of the current residential market in downtown Hagerstown and surrounding Sustainable Community Area neighborhoods. Both rental and sales residential development in the area will be examined to determine the supply and character of the area's existing housing stock, pricing and supply characteristics and the absorption rate of this residential development. Interviews will be held with representatives of residential developers that have been active in your community to discuss the pricing and absorption rate of new housing in the immediate area.

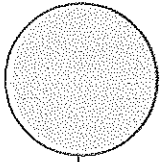
We will examine the Maryland State Data Center's regional growth projections for the next ten years (supplemented with interviews with representatives of the Washington County Department of Planning and Zoning) and the attractiveness of this area for future residential expansion to identify appropriate residential pricing and unit mix. A wide range of residential products will be examined, including homeownership and rental housing, single and multifamily dwellings, market and affordable units, age-restricted and other niche market segments, including live/work space for artists. Additionally, we will discuss with City representatives what mix of unit/development type is envisioned to achieve any stated housing policy goals for the community.

Preliminary recommendations will be prepared suggesting the range of residential development opportunities appropriate for consideration within downtown Hagerstown in terms of type of unit, size, pricing strategy, target renters and buyers, total build-out potential, and likely pace of absorption/development. We will derive estimates of the percentage of certain market segments that might be attracted to the area and determine the competitive pricing structure that will be necessary to attract these segments.

As stated above, if residential development opportunities are significant, we will revisit our retail market analysis to determine whether additional retail development might be supported by such residential development.

C. Office Market Assessment

Opportunities for office and institutional development — such as medical, legal, real estate, high tech offices, educational facilities, etc. — will be examined. A survey will be conducted of the type of commercial uses currently located within downtown Hagerstown. Interviews will be held with commercial developers and realtors to gain an understanding of the economics of this portion of the Washington County commercial market and to elicit their input on opportunities appropriate for this area. We will also discuss with appropriate City staff what scale and type of city functions are envisioned for relocation into the downtown area, as prioritized in the Sustainable Community Action Plan and determine if the City plans to lease or purchase such space. Additionally, regional medical and educational institutions that may find a satellite location within downtown



Hagerstown attractive will be interviewed to determine their interest in potential development within the area.

As with the retail market analysis, we will consider the potential demand for service-oriented office uses that may be created and supported by any new residential or other development within the area.

D. Entertainment and Cultural Facilities Market Assessment

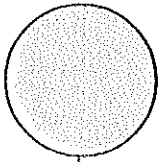
An examination will be made of opportunities to expand the region's cultural, entertainment and recreational offerings within downtown Hagerstown. Potentially available buildings and parcels of land in the study area could be attractive to developers of music venues, movie theaters, restaurants, for-profit and non-profit athletic/fitness complexes, or other specialized entertainment types. Information will be collected about the pattern and location of entertainment-oriented facilities within the retail trade area and interviews will be held with key regional operators of these facilities to identify the potential for expansion or relocation into this area. Specific attention will be given to determining the specific needs and constraints of potential cultural and entertainment expansions identified in the Sustainable Community Plan.

E. Lodging Market Assessment

If desired, an examination will be made of opportunities for a hotel or small-scale lodging development, such as an inn or bed and breakfast. The market characteristics of the surrounding area's lodging offerings will be examined to determine whether any niche opportunities for development within the study area exist. There do not appear to be any currently operating hotels in the City Center area and we will explore whether adequate regional demand and local niche demand – given the area's role as a cultural and governmental center, as well as host to special events such as the Western Maryland Blues Fest – exists to support such development.

Task Three: Physical Analysis of Study Area

The Urban Partners team will undertake a physical analysis of the downtown Hagerstown study area to evaluate current building and lot usage, vacant and underutilized space, building conditions, availability of public space amenities, general streetscape conditions, parking resources, pedestrian, bicycle and auto circulation patterns, etc. Additionally, we will examine the neighborhoods surrounding the downtown core to understand how well the areas relate to one another – visually, thematically and physically. We will coordinate this effort with City staff to assure that we make best use of available data that the City has already collected about the area. Field research will be supplemented by a review of available property ownership and tax delinquency information to inform us of potential opportunities for acquisition/assembly of potentially priority development sites.



Task Four: Market and Physical Analysis Summary Report

Urban Partners will produce a draft report that summarizes the above analyses and identifies market potential for development within the downtown Hagerstown study area. Our analysis will identify the types of uses for which adequate demand exists to support new development within the study area and the scale of development appropriate. Residential development recommendations will include an assessment of market types, pricing, and likely pace of absorption. Specific retail development opportunities will be identified and the relationship of these retail development opportunities to other non-retail development will be detailed.

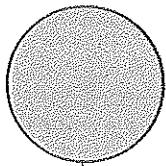
The report will also summarize our physical analysis of the City Center and surrounding area, identifying properties and zones where reinvestment would be most impactful; infrastructural, circulation and public space amenity upgrades that may require priority consideration in order to attract private investment to the area, and recommending opportunities to better link the downtown to surrounding neighborhoods that support the revitalization of the overall area.

Task Five: Relative Feasibility of Options Memorandum

Using our analysis from the task above, the Urban Partners team will produce a memorandum that classifies the relative market feasibility of the array of activities identified in the Sustainable Community Action Plan. The memorandum will also identify opportunities identified in our market and physical analysis that were not included in the initial Sustainable Community Action Plan effort but that might be desirable components of the downtown Hagerstown revitalization effort.

Task Six: Review of Market and Physical Analysis/Feasibility of Options with Project Committee

The Urban Partners team will meet with the Project Committee to review the findings from our Market and Physical Analysis and to assess the impact of these findings as identified in the Feasibility of Options Memorandum. We will discuss with the Committee how our financial feasibility analysis, the physical characteristics of the downtown area, properties available for redevelopment and the opportunities that exist to develop better connections between the City Center and surrounding neighborhood amenities begin to point toward the prioritization of specific Sustainable Community Action Plan elements. Conversely, we will identify whether certain elements might be phased in at a later date when market conditions may be more favorable. We will also discuss with the Committee whether there are any Sustainable Community Action Plan elements that we have found to be financially infeasible in the current market but for which such strong support exists that we should continue to consider – understanding that subsidization from other actions undertaken will be required. At the conclusion of this meeting, we will have worked through with the Project Committee the list of Sustainable Community Action Plan elements and other potentially feasible actions identified in our analysis and developed a modified list of activities for potential future consideration.



Given the extent of information to be covered and the decision-making required by the Project Committee at this time, we propose that this meeting be structured as a half day workshop session.

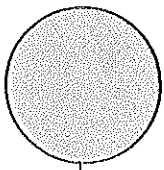
Task Seven: Public Input Workshop

The Urban Partners team will conduct a public input workshop designed to allow various City of Hagerstown stakeholders and their constituencies to participate in the planning process. Area residents, business owners, property holders and elected officials will be invited to participate in a seminar-styled workshop intended to allow participants to articulate their perspective on the chief needs and opportunities for the study area as a whole and to identify the types of activities they believe to be of greatest priority to the community.

At this meeting, we will provide participants an overview of our physical and market analysis and discuss with them how these findings affect the ability to complete the proposed activities detailed in the Sustainable Community Action Plan. At the conclusion of the meeting, participants will be asked to indicate their opinions about the key projects that should be included in the slate of priority actions that they believe best support the community's objectives to reinvigorate downtown Hagerstown as a regional arts, culture, entertainment and educational destination. This can be done either by ballot or using a "dot" system, where participants are given a certain number of stickers that they apply to display boards detailing alternative opportunities. In either method, participants receive multiple votes, which they can allocate among several activities or apply to a single activity that is of particular priority.

Task Eight: Prioritization of Catalyst Projects

Based on our market and physical analysis findings, the Project Committee discussion during our review of this analysis and the priorities expressed by participants in the Public Input Workshop, Urban Partners will develop a draft list of catalyst projects for consideration by the Project Committee. Depending on how easily high priority opportunities shake out from overall list of possible actions, it may be necessary to complete another round of balloting of Project Committee members to clarify which actions we should examine in greater detail as catalyst priorities. Given the fairly tight project schedule, and to minimize project expenses, we propose to initialize this project with the Project Committee remotely. We will share this draft list with Project Committee members via email and proceed via conference call and individual balloting, similar to that utilized in the Public Input Workshop. If roadblocks present themselves, we will suggest additional evaluative criteria – tax benefits, impact on immediately adjacent uses, connectivity to adjacent neighborhoods, etc. for Committee members too use in prioritizing actions.



Task Nine: Selection of Catalyst Projects

Depending on how much refinement is required for the Project Committee to agree on priority projects, the Urban Partners team will again meet with the Committee to select the final list of projects for further consideration.

Task Ten: Detailed Analysis of Catalyst Projects

Urban Partners will prepare detailed development packages for up to eight key sites for the purpose of detailing the actions necessary to implement these key strategy elements. Each package will include a project rendering that depicts the scale and context of development to adjacent uses. Development packages will be formulated from the point of view of a tenant or developer and can be used by the City to engage the interest of potential developers and investors in these projects. We will produce a pro forma analysis for each project that details the characteristics of each development component (SF, segment of market served, amenity level, etc.) as well as establishes, based on regional market characteristics, the financing requirements of development, the on-going operational requirements of each development component and details the sales and rental pricing levels of each development component.

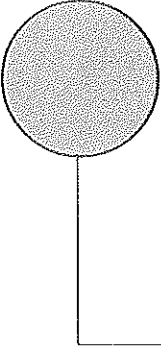
For each catalyst project, the Urban Partners team will also examine associated fiscal impacts and the public benefits that will result from such development to offset any net public costs. We presume that the benefits to be assessed will include local tax revenues and employment growth, with assumptions about real estate valuations made based on existing market characteristics and trends as well as the provision of additional community services and the spillover benefits resulting from development to the adjacent downtown area.

Task Eleven: Review/Refinement of Catalyst Projects

The Urban Partners team will review the details of the Catalyst Projects with the Project Committee and begin to identify any know implementation and phasing requirements associated with full project development.

Task Twelve: Draft Implementation Plan

The Urban Partners team will produce a Draft Implementation Strategy for review by the Project Committee. This Implementation Strategy will detail all catalyst projects identified that respond to the goals and objectives as stated in the Sustainable Community Plan. For each activity identified, the Implementation Strategy will provide the detailed sequence of steps necessary for implementation, the list of necessary participants/participant type and their responsibilities and the identification of potential sources of funding for development and/or operation. Because of our strong belief that implementation considerations must be an on-going part of the planning process, implementation issues associated with each alternative will



be identified at this time. These issues will be presented in the form of a preliminary implementation outline and a list of the public and private actions necessary to implement each strategy, making it possible to understand the commitments required and difficulties associated with each approach considered. The Urban Partners team will identify opportunities for developer or business participation as well as potential foundation and other civic funding. Such private and civic investment is very valuable to overall project funding in that it helps to leverage public sector funding and makes applications for public funding much more competitive.

Additionally, the Draft Implementation Strategy will provide a proposed project timetable and phasing plan for the projects as a collective whole. Given the types of activities identified, it is possible that individual projects may be competing among themselves for the same funding support. In such cases, we would want to consider the relative strength of each project's funding request and suggest a timetable for these requests. Additionally, it is likely that certain projects – especially those related to public space and infrastructure improvements that create a more hospitable downtown environment, will be valuable selling points in attracting the private investment necessary to carry out other desired actions and should, therefore, receive immediate priority. The Strategy will detail a preferred timetable and phasing schedule, but will also address contingency plans should any given catalyst project encounter unexpected problems that result in its delay.

Task Thirteen: Review Draft Implementation Strategy

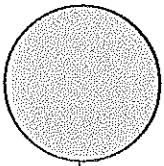
The Urban Partners team will meet with the Project Committee to review and receive comments on the Draft Implementation Strategy.

Task Fourteen: Final Economic Analysis and Implementation Plan for Hagerstown's Sustainable Community Plan

Based on input received from the Project Committee, the Urban Partners team will revise its draft document and produce a Final Economic Analysis and Implementation Plan for Hagerstown's Sustainable Community that can be shared with potential investors. The Plan will include 1-2 page fact sheets that detail each catalyst project (similar to those prepared by Brown & Keener for the Girard Avenue project -- see Appendix).

Task Fifteen: Public Forum to Present Economic Analysis and Implementation Plan

The Urban Partners team will conduct a second public forum to present the Economic Analysis and Implementation Plan for Hagerstown's Sustainable Community Plan. We envision this to be a reporting session at which we provide the community with an overview of the economics of the priority projects, explain how the selected projects collectively support the recommendations of the Sustainable Community Plan/cata-



lyze the downtown area's revitalization, detail the costs and spillover benefits associated with each and discuss the implementation strategy. We will discuss with the Project Committee in advance how detailed our presentation should be, given the potentially confidential nature of some of the project specifics involving privately-held properties.

Part Three: Proposed Project Schedule

The Urban Partners team anticipates no difficulty in completing this project within the desired six month time frame. In order to meet this fairly tight schedule, we would expect to meet with the Project Committee within two weeks of notice-to-proceed and to map out the dates of all Committee and public meetings, as well as the dates for delivery of interim and final reports, at this first meeting.

Our proposed project deliverable schedule is as follows:

Early December 2013	Project Start Meeting
February 3, 2014	Complete Market and Physical Analysis
Mid February 2014	Meet with Project Committee – ½ Day Session
Late February 2014	Hold Public Input Session
March 14, 2014	Selection of Catalyst Projects Completed
April 17, 2014	Complete Cost Benefit Analysis of Catalyst Projects
Late April 2014	Meet with Project Committee
May 13, 2014	Complete Draft Implementation Strategy
Week of May 19, 2014	Meet with Project Committee
Mid-June 2014	Prepare Final Economic Analysis/Implementation Strategy
Mid-June 2014	Convene Public Informational Session



CITY OF HAGERSTOWN, MARYLAND

Department of Community and Economic Development

Planning and Code Administration Division

M E M O R A N D U M

TO: Bruce Zimmerman, City Administrator

FROM: Kathleen A. Maher, Planning Director
Jill Estavillo, Economic Development Manager

DATE: November 26, 2013

SUBJECT: Consultant Selection for Economic Analysis and Implementation Plan for Hagerstown's Sustainable Community Plan

Mayor and Council Action Requested

Award of contract to the selected consultant team at a special meeting on December 3rd.

Staff will be present at the December 3rd work session to answer any questions about the selection process and the planned project to develop a strategic implementation plan for Hagerstown's Sustainable Community Plan. This project will be 100% grant funded.

Planned Project

The City will hire a consultant with a deep portfolio in downtown revitalization planning and in conducting economic analyses of downtown catalyst projects to assist the City in developing a strategic implementation plan for the objectives in Hagerstown's 2012 Sustainable Community Plan.

The scope of work for the project includes not only an economic analysis of Hagerstown's 2012 Sustainable Community Plan, but also a community engagement exercise. This exercise will further develop tactics and strategies to implement the plan's objectives and build community support for our downtown vision and projects intended to catalyze revitalization. As a result of their analysis and the community engagement process, the consultant will prepare a cost benefit analysis of identified catalyst projects to spark revitalization of Hagerstown's City Center and an implementation plan to achieve our vision for downtown. Our budget is the \$100,000 DBED grant. We anticipate starting the project in mid-December with project completion by the end of June 2014.

Review of Consultant Proposals

The City posted the RFP for this project on a number of web sites likely to draw the attention of planning and economic firms. We received a very good response with 14 proposals. A

Consultant Selection for Economic Analysis and Implementation Plan for Hagerstown's
Sustainable Community Plan
November 26, 2013

committee of City Planning and Economic Development staff reviewed and ranked the proposals based on experience of the team and their proposed approach for our project. As a result of this process, the committee selected a short list of six consultant teams for interviews. The ranking of the proposals was further refined following the interviews and the committee decided, as a result, to narrow the selection process down to three preferred consultant teams. Each preferred team demonstrated a deep portfolio of relevant work history for our project, had a dynamic team put together, and outlined an intriguing approach to our project. We opened the price proposals from those three teams and then deliberated on which team we felt would mesh best with Hagerstown, bring forward an achievable action plan to implement our Sustainable Community Plan, and build interest for the downtown through community engagement. After narrowing the firms down to one recommended team, staff contacted references for our recommended team to determine if their experiences would reinforce our impressions of the recommended team.

Staff Recommendation

Staff recommend that the City award the contract to Urban Partners for their price proposal of \$79,910.

The Urban Partners proposal was not only the low bid, but the consultant team was the Committee's preferred team based on their experience, the individuals involved in the interview process, and their approach for our project. Staff contacted representatives from six communities with prior experience working with Urban Partners and their sub-consultant, Brown & Keener. Each had glowing comments about their experiences with Urban Partners and Brown & Keener. They all said they would work with these consultants again, and, in fact, many of them have worked with them on multiple projects. One particular long association is Urban Partners' 20 year relationship with the City of Savannah, GA. Representatives indicated that Jim Hartling, the founding partner of Urban Partners, is quite skilled at combining ambitious ideas with pragmatism and bringing people together in formulating strategic action plans to turn around or enhance downtown economies. Mr. Hartling has both public and private sector experience in economic development, has undertaken development projects in addition to assisting clients to assess the financial feasibility of undertaking catalyst projects, serves on the board of a number of Philadelphia non-profits related to economic and community development, and teaches on this topic at the University of Pennsylvania.

We believe Urban Partners with their sub-consultant, Brown & Keener, is qualified to meet the requirements of this project and their price proposal is within budget. In fact, given the fact that the project came in under budget, there is the potential to expand the scope of work to gain additional work from the consultants, if so approved by the Mayor and City Council and our granting agency.

Attached is the Consent Agenda form indicating the preferred firms, their price proposals, and the recommendation for award of the contract. In addition, attached is their proposed approach for our project.

Consultant Selection for Economic Analysis and Implementation Plan for Hagerstown's
Sustainable Community Plan
November 26, 2013

Attachments

c: John Lestitian, Department of Community & Economic Development
Andrew Sargent, Downtown Manager
Alex Rohrbaugh, Planner

REQUIRED MOTION

MAYOR AND CITY COUNCIL HAGERSTOWN, MARYLAND

Date: December 3, 2013

TOPIC: **Consultant Services for Economic Analysis and Implementation Plan
for Hagerstown's Sustainable Community Plan**

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

MOTION: I hereby move for Mayor and Council approval of the proposal to provide consulting services from Urban Partners out of Philadelphia, Pennsylvania, to prepare an economic analysis and implementation plan for Hagerstown's Sustainable Community Plan. The firm's cost proposal is \$ 79,910.00. Funding for this project is a \$ 100,000 grant from the Maryland Department of Business and Economic Development (DBED). The project budget will allow for expansion of the scope of services with this consultant as a not to exceed amount of \$ 100,000, if so approved by the Mayor and Council and DBED.

DATE OF INTRODUCTION: N/A
DATE OF PASSAGE: 12/03/2013
EFFECTIVE DATE: 12/03/2013

**City of Hagerstown
Mayor and Council
Purchase / Contract Information
Meeting of 12/3/13**

Do Not Complete This Section
Approved Consent Agenda: _____
New Business: _____

Originating Department: DCED By: John Lestitian, Director DCED
Account Number: 1609001-5305 Account / Project Name: Economic Analysis and Implementation Plan for Hagerstown's Sustainable Community Plan
Budget Amount: 0 Account Balance: 0 Year: 13/14 CIP Control No. N/A
Unbudgeted \$: \$100,000 Source of Funds: \$100,000 Grant from MD DBED

Quantity	Description	Value
1 each	Consultant Services for Economic Analysis and Implementation Plan for Hagerstown's Sustainable Community Plan	\$79,910

TOTAL VALUE OF PROJECT: \$79,910

ABOVE TO BE USED FOR:

Consultant services to prepare an economic analysis and develop an action oriented implementation plan for Hagerstown's Sustainable Community Plan.

Staff committee recommends Urban Partners of Philadelphia to undertake the project because of their wealth of experience undertaking such projects in urban centers, the dynamic team assembled for the project, their reality based approach to our project, positive references from past clients, and the value of their quote – which was low bid. *The project budget would allow for an expansion of the scope of services with this consultant as a NTE amount, if so approved by the Mayor and City Council and the granting agency.*

Recommended Vendor:

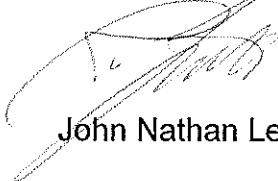
Business Name: Urban Partners
Address: 829 Spruce Street, Suite 204
City, State: Philadelphia, PA 19107
Bid/Proposal/Quote No.: P1553.14

OTHER VENDORS: *Opened the bids of the three preferred vendors*

Firm	City/State	Total Amount
Camoin Associates	Saratoga Springs, NY	\$99,920
Econsult Solutions	Philadelphia, PA	\$133,000

(1) Department Manager:

A staff committee comprised of the Planner Director, Economic Development Manager, the Downtown Manager and the Planner carefully reviewed all submittals and interviewed the top six firms. The interviews reduced the initial top six to the top three proposals. Based on the review, interviews, reference checks and investigation staff are confident that the recommended consultant is the best selection for this project. This project is 100% funded by a grant from the Maryland Department of Business and Economic Development. The recommended consultant's bid is the low bid and is below the project budget of \$100,000. This allows for the possibility of an expansion of the scope of services to gain additional work from the consultant that furthers our efforts to gain community support and to implement positive actions towards the revitalization of Hagerstown's City Center. Any expansion of the scope would be not-to-exceed the \$100,000 budget. I concur with staff's recommendation.

 11-25-13
John Nathan Lestitian, Director DCED

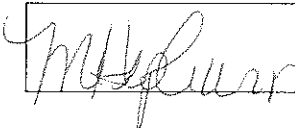
(2) Purchasing Agent:

Recommend Approval.

 11.26.13
(Erica M. Brunk) Signature / Date

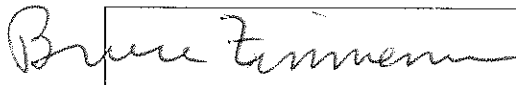
(3) Finance Manager:

Recommend approval. 100% funding provided by grants with a total not to exceed \$100,000

 11/26/13
Signature / Date

(4) City Administrator's Recommendation:

Recommend Approval

 11/27/13
Signature / Date

REQUIRED MOTION

MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

Topic:

Proclamation - Houses of Worship Tour

Mayor and City Council Action Requested:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

Name:

Description:

No Attachments Available

REQUIRED MOTION

**MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Community Coalition Lobbyist

Mayor and City Council Action Requested:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

Name:

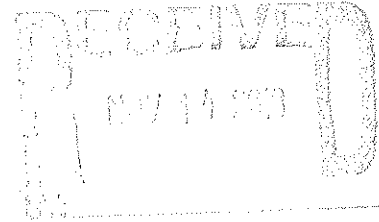
 [Chamber.pdf](#)

Description:

Community Coalition Lobbyist

November 11, 2013

Mr. Bruce Zimmerman, City Administrator
City of Hagerstown
1 East Franklin Street
Hagerstown, MD 21740



Dear Mr. Zimmerman:

Bruce

The Washington County Community Coalition would like to invite the City of Hagerstown to once again participate in our lobbying efforts in Annapolis. Since 2005, the Chamber of Commerce has joined with like-minded community stakeholders to help advance Washington County's interests at the state level. Other members of the Coalition include Washington County, CHIEF (the Industrial Foundation), the Greater Hagerstown Committee, Washington County Public Schools, the Washington County Free Library, and the Convention and Visitors Bureau.

As our community grows, the Coalition partners increasingly see the need to supplement the work of our delegation and help promote Washington County in Annapolis. Power and influence are unevenly distributed in Maryland because of geography, economic heft, and the structure of local government. No matter the strength of our local delegation, Washington County will always need a concerted effort to be heard along side larger, more urban areas. The Coalition is focused on helping overcome this disadvantage in Annapolis.

As in the past, the Coalition will hire a lobbyist to push our state-level agenda during the 2014 General Assembly session. The program will also keep you posted on issues of concern throughout the year, serving as an "early warning system" for anything in Annapolis that may affect Hagerstown or Washington County.

The lobbying process starts in the summer when the Coalition partners decide on the list of community priorities; we hope you will join us in crafting that agenda. Again this year, we will ask the partners to participate financially, and the Chamber will manage the program. The Coalition is asking the City to contribute \$5,000.

Working together, we leverage our collective voice and strengthen our case with decision makers. We hope that you will consider our invitation to participate in the Coalition and that you will work with us to include the City's priorities in the overall legislative agenda. If you have any questions please do not hesitate to contact me.

Sincerely,

Brien Poffenberger, President

REQUIRED MOTION

MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

Topic:

Enterprise Fund Dividend Transfer Policy

Mayor and City Council Action Requested:

Per the October 8, 2013 request of the Mayor and Council regarding Utility Dividend Transfers to the General Fund, Staff has developed a draft Enterprise Fund Dividend Transfer Policy for review and discussion. The proposed policy has incorporated the evaluation process required to ensure the financial health of the funds and the language contained within the Community Betterment Fund Policy into one definitive document.

Staff will be available at the December 3rd Work Session for discussion.

Discussion:

As part of its year end annual financial evaluation process, the City will consider whether it is appropriate and prudent to transfer a portion of the unused retained earnings of an Enterprise Fund. Uses of the fund will include non-recurring capital expenditures for city neighborhoods, downtown redevelopment, economic development projects, park improvements and special one-time projects.

This transfer payment cannot be considered a normal cost of Enterprise Fund operations recoverable through the rate base. Rather, it is to be paid out of the annual net profits of the prior year just as a private investor owned utility would pay their shareholders a dividend from these sources.

The following controls will be utilized to ensure that the payment of dividends by an Enterprise Fund does not jeopardize the financial health of the Fund.

- On an annual

basis after the prior fiscal year end audited financial statements are presented, an updated financial projection analysis of the Enterprise Funds will be done. The analysis will include all expected sources and uses of funds for the current year as well as funding approved through the current approved budget.

- Adequate funds
within the Enterprise Funds must be provided for debt interest, principal repayments and any debt coverage requirements. A minimum working capital reserve level equal to two months of operating costs must be maintained at all times. Operating cost is defined as total operating expenses less depreciation and interest expense. Additionally, for those Enterprise Funds utilizing a 3R Reserve, 1% of the cost of replacement of the total asset must be maintained in a restricted cash account.
- Capital
expenditures on average during the projection period must be at a level at least equal to the average depreciation expense during the projection period. (This control is intended to prevent underfunding replacement capital expenditures to allow for dividend transfers).
- Payment will be
made after reviewing the prior year's audited financial statements, and preparation of an updated financial projection analysis for an Enterprise Fund.
- Mayor and
Council shall act on staff recommendation and declare a dividend if appropriate and in compliance with this policy through an approval of a Motion.

These needs must be anticipated and adequately provided for in the Enterprise Funds.

Financial Impact:

To be Determined

Recommendation:

Motion:

Action Dates:

December 3, 2013 Work Session

ATTACHMENTS:

Name:

- 📎 [Memo for Enterprise Fund Dividend Policy 120313.doc](#)
- 📎 [Enterprise Fund Dividend Transfer Policy Rev 112513.doc](#)

Description:

Memo for Enterprise Fund Dividend Policy 120313

Enterprise Fund Dividend Transfer Policy



City of Hagerstown



Department of Utilities

425 East Baltimore Street
Hagerstown, MD 21740-6105

1 Clean Water Circle
Hagerstown, MD 21740-6848

51 West Memorial Blvd
Hagerstown, MD 21740-6848

December 3, 2013

TO: Bruce Zimmerman, City Administrator

FROM: Michael S. Spiker, Director of Utilities *MSSpiker*

SUBJECT: Enterprise Fund Dividend Transfer Policy

ACTION: Discussion / No action required

Per the October 8, 2013 request of the Mayor and Council regarding Utility Dividend Transfers to the General Fund, Staff has developed a draft Enterprise Fund Dividend Transfer Policy for review and discussion. The proposed policy has incorporated the evaluation process required to ensure the financial health of the funds and the language contained within the Community Betterment Fund Policy into one definitive document.

Staff will be available at the December 3rd Work Session for discussion.

Enterprise Fund Dividend Transfer Policy

As part of its year end annual financial evaluation process, the City will consider whether it is appropriate and prudent to transfer a portion of the unused retained earnings of an Enterprise Fund. Uses of the fund will include non-recurring capital expenditures for city neighborhoods, downtown redevelopment, economic development projects, park improvements and special one-time projects.

This transfer payment cannot be considered a normal cost of Enterprise Fund operations recoverable through the rate base. Rather, it is to be paid out of the annual net profits of the prior year just as a private investor owned utility would pay their shareholders a dividend from these sources.

The following controls will be utilized to ensure that the payment of dividends by an Enterprise Fund does not jeopardize the financial health of the Fund.

- On an annual basis after the prior fiscal year end audited financial statements are presented, an updated financial projection analysis of the Enterprise Funds will be done. The analysis will include all expected sources and uses of funds for the current year as well as funding approved through the current approved budget.
- Adequate funds within the Enterprise Funds must be provided for debt interest, principal repayments and any debt coverage requirements. A minimum working capital reserve level equal to two months of operating costs must be maintained at all times. Operating cost is defined as total operating expenses less depreciation and interest expense. Additionally, for those Enterprise Funds utilizing a 3R Reserve, 1% of the cost of replacement of the total asset must be maintained in a restricted cash account.
- Capital expenditures on average during the projection period must be at a level at least equal to the average depreciation expense during the projection period. (This control is intended to prevent underfunding replacement capital expenditures to allow for dividend transfers).
- Payment will be made after reviewing the prior year's audited financial statements, and preparation of an updated financial projection analysis for an Enterprise Fund.
- Mayor and Council shall act on staff recommendation and declare a dividend if appropriate and in compliance with this policy through an approval of a Motion.

These needs must be anticipated and adequately provided for in the Enterprise Funds.

Revision date November 25, 2013

REQUIRED MOTION

MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

Topic:

Hagerstown Light Department Wholesale Power Contract

Mayor and City Council Action Requested:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

Name:

📎 [Wholesale Power Contract.pdf](#)

Description:

Hagerstown Light Department Wholesale Power Contract

City of Hagerstown



Department of Utilities

425 East Baltimore Street
Hagerstown, MD 21740-6105

1 Clean Water Circle
Hagerstown, MD 21740-6848

December 3, 2013

TO: Bruce Zimmerman, City Administrator

FROM: Michael S. Spiker, Director of Utilities
Nathan Fridinger, Electric Operations Manager

MSSpiker

SUBJECT: City of Hagerstown Wholesale Power Supply Contract

ACTION: Discussion/Permission to secure pricing

The Wholesale Power Supply Contracts that are currently in place with Allegheny Energy Supply/First Energy Solutions will expire on May 31, 2015. In order to satisfy the provisions of the Planning Period within PJM, any new contract or contract extension must be consummated by the fall of 2014. The process required for the RFP is time consuming (typically 9 to 12 months) and expensive, requiring the HLD to spend \$150,486.47 in legal fees and consulting fees during the 2005 contract negotiations. The numerous changes within the industry and the complexity of the process, combined with increases in consulting and legal fees within the past eight years, may well raise future RFP expenditures in excess of \$200,000.

RECOMMENDATION:

An option is to enter into another contract extension with Allegheny Energy Supply/First Energy Solutions, where the existing contract terms remain the same and we negotiate a new price per megawatt-hour for our load. We have been receiving pricing from First Energy Solutions and comparing it with the market pricing. Their last three extensions with us entail one or two year contract terms. Our first term, a two year extension, brought the price down from \$71.89/MWh to \$64.85/MWh. The 2011 approved one year extension, expiring on May 31, 2014, was accepted at \$54.36/MWh. The 2013 approved one year extension expires on May 31, 2015 and was accepted at \$53.90. We have also supplied load information to other suppliers and are using their pricing quotes to gauge the offers we receive from First Energy Solutions.

As done in the past, I request permission to lock in at a rate that appears to be at the bottom of market pricing and then bring the contract extension documentation to the Mayor and Council for approval.

OTHER OPTIONS:

Staff has continued to explore opportunities regarding options for purchasing our bulk electric needs. The complexities are immense but they basically revolve around market risk versus our typical conservative approach. The risk venue would entail the City becoming our own Load Serving Entity (LSE) within PJM whereas we would assume the responsibility of scheduling our own load. This can be done on a daily basis in the day ahead market or blocks of load can be purchased for extended periods of time.

The risk involves playing the market pricing, scheduling the daily electric load and the fluctuations that occur with power costs. This could cause a great fluctuation in our monthly bills, either good or bad depending on the point of view, and cause great concern with our customers who are used to budgeting for our services.

The next option is to enter into the RFP process and request pricing that is variably dependent on the length of the contract, assuming smaller amounts of risk, or blending the aforementioned process as an LSE into our operation.

The third option would be to enter into the RFP process using the conservative approach by continuing our current practice of requesting a full requirements contract, where we have a set price for the duration of the term, the risk of purchase is on the supplier, and everyone knows what to expect for the term of the deal.

The intricacies of these options and the operations of each of the affected entities are immense. I would hereby request that we continue on our present conservative course, utilizing extensions of the existing contract at pricing below our existing rates if it is available.

Staff will be present at the December 3rd work session to discuss.

REQUIRED MOTION

MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

Topic:

Noise Ordinance Update

Mayor and City Council Action Requested:

Per comments raised at the September 24th meeting of the Mayor and City Council, staff reconsidered certain provisions of the proposed update to the Noise Ordinance, Chapter 155 of the City Code, and have drafted revisions for the Mayor and City Council's consideration. Introduction of an Ordinance on December 17, 2013 to repeal Chapter 155, Noise, and replace it with Chapter 155, Noise Control. (The ordinance introduced on September 24th was allowed to expire, so that the new provisions could be contemplated.)

Discussion:

The City Attorney has participated in the discussions on these revisions and preparation of the variance provisions, and has determined that he is comfortable that the proposed ordinance passes legal muster.

The Police Chief and his staff have also participated in these discussions and they have determined that the proposed ordinance is a reasonable approach to address protection from excessive noise. The proposed update would provide a good tool to complement the other disturbing the peace codes available to HPD.

Proposed Revisions

The attached draft ordinance incorporates the following revisions in response to concerns raised by members of the Mayor and City Council at the September 24th meeting:

1. The test for determining a violation of the Noise Ordinance will be measured in decibels, rather than a "plainly audible" test as exists in the current ordinance. This means of detection is consistent with other ordinances in Maryland. The decibel maximums cited for daytime and nighttime match the Annapolis and Frederick ordinances and are very similar to the Bowie and Montgomery County ordinances. Decibel readings will be taken at the following distances/locations:
 - a. when the noise source is on private property, the decibel reading is measured at or outside the property boundary or at any point within any other property affected by the noise;
 - b. when the noise source is in the public right-of-way or other public space, the decibel reading is measured at least 100 feet from the noise source;
 - c. when the noise source is located inside a multi-unit residential structure, the decibel reading is measured from common areas or from other dwelling units in the structure.

2. The technical data related to the decibel definition and the equipment and techniques employed in the measurement of noise levels matches language in the Frederick and Bowie ordinances.
3. The Special Permits section has been changed to a Variance section that allows granting approval for sounds exceeding the noise ordinance standards under certain circumstances. The variances would be granted or denied by the City Clerk. Appeals of the City Clerk's decision would be heard by the Appeals Board established in section 95-2 of the City Code.

Financial Impact:

Recommendation:

Introduction of the ordinance to repeal existing Chapter 155, Noise, and adopt new Chapter 155, Noise Control.

Motion:

Action Dates:

M&CC Discussion: September 3, 2013

Introduction of Ordinance: September 24, 2013 (allowed to expire to provide time for further exploration by staff of issues raised at the meeting)

M&CC Discussion: December 3, 2013

Introduction of Ordinance (if ready): December 17, 2013

Adoption of Ordinance: January 28, 2014

ATTACHMENTS:

Name:

Description:

 [Noise Ordinance Update - Cover Memo and Draft Ordinance 12 3 13.pdf](#)

Noise Ordinance Update



CITY OF HAGERSTOWN, MARYLAND

Department of Community and Economic Development
Planning and Code Administration Division

MEMORANDUM

TO: Bruce Zimmerman, City Administrator

FROM: Kathleen A. Maher, Planning Director

DATE: November 22, 2013

SUBJECT: Noise Ordinance Update

Per comments raised at the September 24th meeting of the Mayor and City Council, staff reconsidered certain provisions of the proposed update to the Noise Ordinance, Chapter 155 of the City Code, and have drafted revisions for the Mayor and City Council's consideration.

The City Attorney has participated in the discussions on these revisions and preparation of the variance provisions, and has determined that he is comfortable that the proposed ordinance passes legal muster.

The Police Chief and his staff have also participated in these discussions and they have determined that the proposed ordinance is a reasonable approach to address protection from excessive noise. The proposed update would provide a good tool to complement the other disturbing the peace codes available to HPD.

Proposed Revisions

The attached draft ordinance incorporates the following revisions in response to concerns raised by members of the Mayor and City Council at the September 24th meeting:

1. The test for determining a violation of the Noise Ordinance will be measured in decibels, rather than a "plainly audible" test as exists in the current ordinance. This means of detection is consistent with other ordinances in Maryland. The decibel maximums cited for daytime and nighttime match the Annapolis and Frederick ordinances and are very similar to the Bowie and Montgomery County ordinances. Decibel readings will be taken at the following distances/locations:
 - a. when the noise source is on private property, the decibel reading is measured at or outside the property boundary or at any point within any other property affected by the noise;

- b. when the noise source is in the public right-of-way or other public space, the decibel reading is measured at least 100 feet from the noise source;
 - c. when the noise source is located inside a multi-unit residential structure, the decibel reading is measured from common areas or from other dwelling units in the structure.
- 2. The technical data related to the decibel definition and the equipment and techniques employed in the measurement of noise levels matches language in the Frederick and Bowie ordinances.
- 3. The Special Permits section has been changed to a Variance section that allows granting approval for sounds exceeding the noise ordinance standards under certain circumstances. The variances would be granted or denied by the City Clerk. Appeals of the City Clerk's decision would be heard by the Appeals Board established in section 95-2 of the City Code.

Mayor and City Council Action Requested

Introduction of an Ordinance on December 17, 2013 to repeal Chapter 155, Noise, and replace it with Chapter 155, Noise Control. (The ordinance introduced on September 24th was allowed to expire, so that the new provisions could be contemplated.)

Attachment

- c: Bill Nairn, City Attorney
Mark Holtzman, Police Chief
Captain Paul Kifer, HPD
John Lestitian, Department of Community & Economic Development
Paul Fulk, Inspections Manager

DRAFT

Chapter 155

DRAFT

Noise Control

[Draft of September 24, 2013, **with additions for decibel measurement and new variance process in red; minor tweaks in blue in 155-5**, to repeal previous ordinance adopted by Mayor and City Council in 1996, which repealed prior ordinance of 1967.]

155-1. Declaration of Findings and Policy.

It is the intent of the Mayor and City Council to ensure its citizens an environment free from such excessive noise as may jeopardize their health, welfare, and safety, or degrade their quality of life. It is therefore the policy of the City and the purpose of this chapter to prevent such excessive noise.

155-2. Definitions.

Bio acoustic bird dispersal systems – electronic devices or recordings utilizing bio acoustics to disperse birds and combat the nuisance and health hazard caused by uncontrolled roosting in urban environments.

***dBA* – the abbreviation for the sound level in decibels determined by the A-weighting network of a sound level meter or by calculation from octave band or one-third (1/3) octave band data.**

Emergency – any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

Emergency vehicle – a motor vehicle belonging to a fire department or fire company, an ambulance, or a motor vehicle belonging to a federal, state, county, or municipal law enforcement agency, provided such vehicles are in use as emergency vehicles by one authorized to use such vehicles for that purpose.

Emergency work – any work for the purpose of preventing or alleviating the physical trauma damage threatened or caused by an emergency.

Excessive noise – the presence of noise of sufficient loudness, character, and/or duration which disturbs the peace and is, or may be predicted with reasonable certainty to be, injurious to health or which unreasonably interferes with the proper enjoyment of ones place of residence, work or entertainment.

Day time on Weekdays – 7:00 a.m. to 10:00 p.m., weekday evening begins on Sunday.

Day time on Weekends – 9:00 a.m. to 11:00 p.m., weekend evening begins on Friday.

Day time on Holidays – 9:00 a.m. to 11:00 p.m., holiday evening begins the night before and normal evening hours begin at the end of the day on the holiday.

Person – an individual or group of individuals, corporation, partnership, association, or any other entity.

Plainly audible – any sound that can be clearly heard or understood by a person using his or her own normal hearing faculties at a distance of 100 feet or more from its source or through partitions common to attached dwelling units or between units within a single building.

Public right-of-way – any street, avenue, boulevard, highway, sidewalk, alley or similar place normally accessible to the public which is owned or controlled by a governmental entity.

Public space – any real property or structures thereon owned by a governmental entity and normally accessible to the public, including but not limited to parks and other public recreational areas.

Noise source – the location or person generating the noise which is affecting other persons.

Receiving area – the area occupied by persons which is affected by noise generated in another area or property.

155-3. Specific Prohibitions.

- A. The following are prohibited at any time in the city:
1. Sounding of *horns or other auditory sounding devices* on or in any motor vehicle on any public right-of-way or public property in the city, except as a warning of danger, as governed by the Maryland State Transportation Code.
 2. *Security alarms* which fail to cease emitting an audible sound within 15 minutes of activation or activates more than once in an eight hour period following the first activation incident.

155-4. Noise Exceeding Measurable Standards (bold language moved from 155-7)

- A. Except as otherwise specified in this chapter, a person must not cause or permit excessive noise that exceed the following at distances specified in the sub-sections below:

Maximum Allowable Noise Levels (dBA) for Receiving Areas

	Daytime	Nighttime
Residential Area	65	55
Commercial Area	67	62
Industrial Area	75	75

- B. When the noise source is located on private property, the noise is measured at or outside the property boundary of the noise source or at any point within any other property affected by the noise.**
- C. When the noise source is located in a public right-of-way or other public space, the noise is measured at least 100 feet from the noise source.**
- D. When the noise source is located within a structure containing more than one dwelling unit, the noise is measured from common areas within or outside the structure or from other dwelling units within the structure, when requested to do so by the owner or tenant in possession and control thereof. The noise shall be measured at a point at least four feet from the wall, ceiling or floor nearest the noise source, with the doors to the receiving area closed and windows in the normal position for the season.**

155-5. Exemptions. (Re-ordered the list to put like situations together)

- A. Activities undertaken by municipal, county, state, or federal governmental agencies or their contractors to promote or protect the public health, safety or general welfare. This includes noise generated at public-serving utility plants and facilities.**
- B. Emergency work permitted by the City of Hagerstown.**
- C. Radios, sirens, horns, and bells on emergency vehicles.**
- D. Lawful discharge of firearms.**
- E. Bio acoustic bird dispersal systems.**
- F. Trains and aircraft.**
- G. The striking of clocks and church bells.**
- H. Air conditioning or heat pump equipment used to cool or heat buildings.**
- I. Activities on or in municipal, county, state, or federal properties and facilities, including school athletic facilities, municipal stadiums, and parks, and subject to the rules and regulations for use of those facilities.**
- J. Noise caused by construction activities during normal daytime hours and starting at 7:00 a.m. on Saturdays, and, during the summer, starting at 6:00 a.m. on weekdays and Saturdays.**
- K. Noise created by lawn and yard care equipment during daytime hours.**
- L. Activities which have gained a special permit from the City of Hagerstown under Section 155-6 of this chapter.**
- M. Parades, fireworks displays, festivals, and other special events, subject to the terms of approval or permits by the City of Hagerstown.**
- N. Noises caused by or from motor vehicles operating on a roadway, when regulated by State law. This does not include noise caused by stereos, radios, or other similar devices located within or on motor vehicles.**

155-6. Special Permits.

~~Any person desiring relief from the provisions of this chapter shall apply for a special permit to cause or create noise which would otherwise be in violation of this chapter at least 5 days prior to the date for which the relief is requested. Application shall be made in writing to the City Clerk's Office. The applicant must demonstrate the following in the application:~~

- ~~A. The activity, operation or noise source cannot be done in a manner that would comply with the provisions of this chapter without causing some other adverse impact to the public health, welfare and safety; or~~
- ~~B. The provisions of the chapter would cause undue hardship for the applicant or the applicant's client;~~
- ~~C. The failure to grant a special permit would unreasonably burden the exercise of the applicant's constitutional right of free speech or other constitutional rights; and~~
- ~~C. No reasonable alternative is available to the applicant.~~

~~Any permit granted pursuant to this chapter shall contain thereon all conditions upon which the permit has been granted, including but not limited to the effective date, time of day, location and equipment limitation. Any special permit granted pursuant to this section may be renewed upon application to the City Clerk's Office upon a showing that the reasons for which the permit was granted still exist or may be re-evaluated periodically by the City to determine whether the activity under the permit is still deemed appropriate for an exception from the provisions of this chapter.~~

155-6. Variances.

Any person desiring relief from the provisions of this chapter shall apply for a variance to cause or create noise which would otherwise be in violation of this chapter at least 30 days prior to the date for which the relief is requested. Application shall be made in writing to the City Clerk's Office. The applicant must demonstrate the following in the application:

- A. The activity, operation or noise source cannot be done in a manner that would comply with the provisions of this chapter;
- B. The provisions of the chapter would cause undue hardship for the applicant or the applicant's client; or
- C. The failure to grant a variance would unreasonably burden the exercise of the applicant's constitutional right of free speech or other constitutional right; and
- D. No reasonable alternative is available to the applicant.

In determining whether to grant or deny the application for the variance the City Clerk shall consider the hardship to the applicant, the community, or other persons of not granting the variance against the adverse impact on the health and welfare of persons affected, the adverse effect on the property affected or any other adverse impact. The decision of the City Clerk may

be appealed to the Board created under Chapter 95 of the City Code pursuant to Section 95-6 thereof.

Any variance granted pursuant to this chapter shall contain all conditions upon which the variance has been granted, including but not limited to the effective date, time of day, location and equipment limitations. Any variance granted pursuant to this section may be renewed upon application to the City Clerk's Office upon a showing that the reasons for which the variance was granted still exist or may be re-evaluated periodically by the City to determine whether the activity under the variance is still deemed appropriate for an exception from the provisions of this chapter.

155-7. Determination of Violation.

Police officers, or other duly appointed and authorized city officials, shall be responsible for enforcement of the provisions of this chapter and for determining if a sound **is excessive noise which** violates the provision of this chapter. A sound is ~~determined to be excessive noise, and as such in violation of this chapter, if it is~~ **determined to be excessive noise that is** plainly audible to a person using his or her own normal hearing faculties across distances and/or at times specified in this chapter, unless otherwise exempted from the provisions of this chapter, **and reaches or exceeds sound levels outlined in Section 155-4.** ~~The primary means of detection shall be by the enforcement officer's ordinary auditory senses, as long as his or her hearing is not enhanced by any mechanical device, such as a hearing aid.~~ **The equipment and techniques employed in the measurement of noise levels may be those recommended by the Maryland State Department of the Environment, which may, but need not, refer to currently accepted standards or recognized organizations including, but not limited to, the American National Standards Institute (ANSI), American Society for Testing and Materials (ASTM), Society of Automotive Engineers (SAE), and the United States Environmental Protection Agency (EPA).**

155-8. Violations and Penalties.

Any violation of the provisions of this chapter shall be deemed a municipal infraction and shall be punishable by a fine of up to \$500 for the first offense, and up to \$1,000 for additional offenses within a 12-month period. Each violation of any section of this chapter shall be considered a separate and distinct violation, punishable as prescribed herein. Each day the violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

155-9. Severability.

Should any section, subsection, sentence, clause or phrase of this chapter be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the chapter in its entirety or of any part thereof other than that portion declared to be invalid.

CITY OF HAGERSTOWN, MARYLAND

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF HAGERSTOWN BY
DELETING AND REPEALING
CHAPTER 155 THEREOF, *NOISE*,
AND BY REPLACING IT WITH A NEW CHAPTER 155, TO BE ENTITLED
NOISE CONTROL,
WHICH CHAPTER IMPOSES CERTAIN RESTRICTIONS AND PROHIBITIONS
UPON THE CREATION OF EXCESSIVE NOISE, ESTABLISHES A PERMITTING
PROCESS FOR SPECIAL APPROVALS OF EVENTS AND ACTIVITIES WHICH
MIGHT OTHERWISE VIOLATE THE PROVISIONS OF THE ORDINANCE, AND
PROVIDES PENALTIES FOR VIOLATIONS**

RECITALS

WHEREAS, the City of Hagerstown has previously enacted Ordinances to regulate the behavior of individuals and use of properties located within the City in order to preserve, protect and promote the quality of life and public health, safety, and welfare of the citizens of Hagerstown, and to prevent behavior and activities which jeopardize this quality of life within the corporate limits of the City of Hagerstown; and

WHEREAS, the City of Hagerstown desires to regulate, restrict, and under certain circumstances prohibit the creation of excessive noise which jeopardizes the quality of life and public health, safety and welfare of the citizens of Hagerstown; and

WHEREAS, the Mayor and Council find it to be in the best interests of the citizens of the City of Hagerstown to do so;

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

SECTION 1. The Code of the City of Hagerstown be and is hereby amended by deleting and repealing Chapter 155, *Noise*.

SECTION 2. The Code of the City of Hagerstown be and is hereby amended by adding thereto a new chapter, to replace Chapter 155 hereinabove repealed, to be Chapter 155, *Noise Control*, to read as follows:

(SEE ATTACHED TEXT OF CHAPTER 155)

SECTION 3. Effective Date. This Ordinance entitled Chapter 155, *Noise Control*, shall become effective immediately upon the effective date of this Enacting Ordinance.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Enacting Ordinance shall become effective at the expiration of thirty calendar days following its approval.

WITNESS AND ATTEST
AS TO CORPORATE SEAL

MAYOR AND COUNCIL OF THE CITY
OF HAGERSTOWN, MARYLAND

Donna Spickler, City Clerk

By: _____
David S. Gysberts, Mayor

Date of Introduction: December 17, 2013
Date of Passage: January 28, 2014
Effective Date: February 25, 2014

REQUIRED MOTION

**MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Ice Rink Operating Agreement Extension with Hagerstown Youth Hockey Association (HYHA)

Mayor and City Council Action Requested:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

Name:

Description:

📎 [Ice Rink operating agreement.pdf](#)

Ice Rink Operating Agreement Extension with Hagerstown Youth Hockey Association (HYHA)



CITY OF HAGERSTOWN, MARYLAND

Department of Parks and Engineering

November 25, 2013

TO: Bruce Zimmerman, City Administrator
FROM: Rodney Tissue, City Engineer *RT*
RE: Hagerstown Ice and Sports Complex Operating Agreement

1. Background

As you know, the Hagerstown Youth Hockey Association (HYHA) has operated the rink for over six years. Through numerous recent discussions between all the User Groups, the consensus of the groups is that a new operating body be formed to operate the group. The group with a *working* name of the "HISC Consortium" (HISCC) would be comprised of all the Users as shown in the attached and would enter into an Operating Agreement with the City to operate the rink.

2. Mayor & Council Action Requested

Staff recommends that we execute an extension for the HYHA to operate the rink until the new HISCC group takes over. Key members of the user groups will attend the work session on December 3 to state their intent. At the next Regular Session, the City Council can then extend the current HYHA agreement through June 2014. When the new group meets the requirements below, the City Council can vote to approve a five –year operating agreement with the HISCC and terminate the one with HYHA.

3. Next Steps

- The HISCC group will file Articles of Incorporation with the State and begin the year-long process to gain non-profit status for the new organization
- The City can contract with the HISCC once the new group is incorporated and once their new board adopts 1) their by-laws and 2) adopts by resolution their intention to enter in agreement with the City. The non-profit status does not need to be completed to contract with the City as long as it is in process.
- Mark Boyer, as the City Attorney, will write the necessary legal documents for the City Council to both extend the *current* HYHA agreement (attached) and the agreement with the HISCC. The HISCC will have to hire an attorney to do the incorporation and by-laws and an accountant to file for non-profit status.

The City Council should extend the current HYHA agreement through June 2014. When the new group meets the requirements of bullet #2 above, the City Council can vote to approve a five –year operating agreement with the HISCC and terminate the one with HYHA.

Staff will attend the new work session along with members of the user groups.

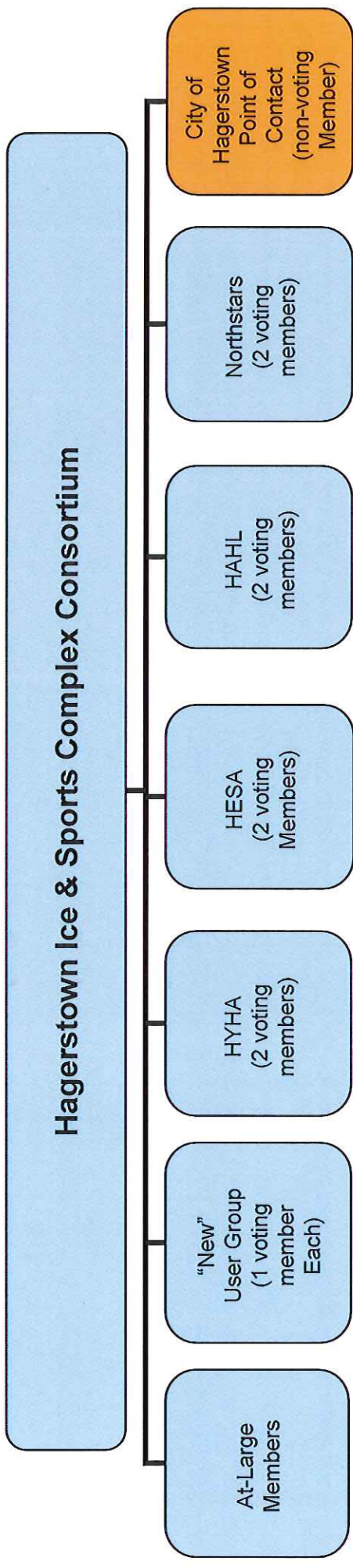
Attachments: * Proposed organizational chart
* Resolution
* Amendment to Operating Agreement
c: User Group Representatives

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

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

Hagerstown Ice & Sports Complex

Governance Structure



CITY OF HAGERSTOWN, MARYLAND

**A RESOLUTION AUTHORIZING THE EXTENSION OF
THE OPERATING AGREEMENT FOR CITY ICE RINK
WITH THE HAGERSTOWN YOUTH HOCKEY ASSOCIATION, INC.**

RECITALS

WHEREAS, The City of Hagerstown owns the Hagerstown Ice and Sports Complex located at 580 Security Road (the "Ice Rink") and;

WHEREAS, The Hagerstown Youth Hockey Association, Inc. (the "HYHA") has provided operating and management services at the Ice Rink pursuant to a five (5) year Operating Agreement for City Ice Rink (the "Agreement"), which was to expire on June 30, 2013, but which has been extended; and

WHEREAS, The Parties desire to extend the term of the Agreement through June 30, 2014; and

WHEREAS, the Mayor and Council of the City of Hagerstown find it to be in the best interests of the citizens of the City to do so;

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

1. That the foregoing recitals be and are hereby incorporated by reference as if restated herein verbatim.

2. That the Mayor be and is hereby authorized to execute and deliver to the Hagerstown Youth Hockey Association, Inc. the Amendment to Operating Agreement, a copy of which is attached hereto and incorporated herein by reference.

3. That the Mayor be and is hereby authorized to execute and deliver any other documentation that may be necessary to effectuate the purposes of this Resolution.

BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon its approval.

WITNESS AND ATTEST
AS TO CORPORATE SEAL

MAYOR AND COUNCIL OF THE
CITY OF HAGERSTOWN, MARYLAND

Donna Spickler, City Clerk

By: _____
David S. Gysberts, Mayor

Date of Introduction: December 17, 2013
Date of Passage: December 17, 2013
Effective Date: December 17, 2013

PREPARED BY:
NAIRN & BOYER, LLC
City Attorneys

**AMENDMENT
TO
OPERATING AGREEMENT**

THIS AMENDMENT TO OPERATING AGREEMENT (this "Amendment"), dated this ____ day of _____, 2013, is made and entered into by and between the City of Hagerstown Maryland, a municipal corporation existing under and by virtue of the laws of the State of Maryland ("City"), and the Hagerstown Youth Hockey Association, Inc. ("HYHA").

WHEREAS, City and HYHA are parties to that certain Operating Agreement for City Ice Rink, dated December 15, 2008, (the "Agreement"); and

WHEREAS, the current term of the Agreement expired on June 30, 2013; and

WHEREAS, City and HYHA desire to amend the Agreement on the terms and subject to the conditions set forth in this Amendment;

NOW, THEREFORE, for good, fair and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties hereto, Lessor and Lessee agree that the Agreement shall be amended as follows:

1. EXTENSION OF TERM.

The Agreement is hereby amended by amending Provision 1 thereof to extend the term of the Agreement through June 30, 2014.

2. AGREEMENT IN EFFECT.

Except as hereby amended, the remaining terms of the Agreement shall remain in full force and effect, except as inconsistent herewith.

IN WITNESS WHEREOF, this Amendment to Agreement has been executed as of the date first written above.

**WITNESS AND ATTEST
AS TO CORPORATE SEAL:**

CITY OF HAGERTOWN, MARYLAND

Donna Spickler, City Clerk

By: _____
David S. Gysberts, Mayor

ATTEST:

**HAGERSTOWN YOUTH HOCKEY
ASSOCIATION, INC.**

, Secretary

By: _____
, President

REQUIRED MOTION

**MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Police Residency Program

Mayor and City Council Action Requested:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

Name:

📎 [Police Residency Program.pdf](#)

Description:

Police Residency Program



CITY OF HAGERSTOWN, MARYLAND

Bruce J. Zimmerman
City Administrator

November 27, 2013

To: Mayor and City Council

From: Bruce Zimmerman, City Administrator *BZ*

SUBJECT: POLICE OFFICER RESIDENCY PROGRAM

The December 3, 2013 Work Session agenda includes the opportunity for Mayor and Council to review and discuss the City's Residency Program for Hagerstown police officers and possible enhancements to the program.

Attached is information provided by Councilmember Aleshire to assist with this discussion. In addition, the following information may assist Mayor and Council:

Police Officer Housing Allowance

The City's current program was approved by Mayor and Council in August, 2012. The Program provides a \$100 per month housing allowance from the City for sworn officers whom reside within the City limits. This funding can be applied to either monthly rent or mortgage payments. Currently there are 15 officers participating in this program. At the time of the program's adoption it was reported that seven sworn personnel resided within the City. Attached is the August 28, 2012 motion approved by Mayor and Council.

Take Home Vehicles

In addition to the housing allowance, police officers residing within the City are able to utilize a take home vehicle. This incentive has been in place for a number of years.

In addition to the above incentive programs which apply specifically to sworn police officers, the City offers the additional housing incentives that would also be available to these members of the Hagerstown Police Department:

Downtown Residency Initiative

Several years ago the City established a Downtown Residency Initiative to assist with the revitalization of downtown by attracting a higher income population. The Program initially provided financial incentives for both renters and homebuyers. The geographic area served by the Program included the area bounded by Cannon Avenue to the east, Prospect Street to the West, Baltimore Street to the South, and Randolph Avenue to the North. This program was modified in 2008 to provide \$150 per month in rental assistance for a period of one year and required recipients to live within the program area for two years. Police Officers would be eligible to receive this rental assistance in addition to the above Housing Allowance if they choose to live within this program's boundary area.

Updated Guidelines to the City Center Residency Initiative Program–Down Payment Component

On October 22, 2013 Mayor and Council approved a motion providing \$100,000 for the City Center Residency Initiative Program. The revised guideline replaced the original down payment assistance amounts with a new incentive of \$10,000 per eligible application. These funds may be used for down payment, rehabilitation, or a combination of both. Eligible applicants for the program include recent college graduates, active military, USMH employees or students, government employees, degree-holding professionals, or households with income exceeding 80% of the area median.

City-Wide Down Payment/Rehabilitation Assistance Program

In addition to the above City Center Program, Mayor and Council also approved an October 22, 2013 motion to provide \$150,000 for a City-Wide Down Payment/Rehabilitation Assistance Program. This Program has no income restrictions and will provide a loan to grant of up to \$7,500 for homebuyers purchasing a home in the City that has been vacant for at least 12 months and built prior to 1960.

Police officers are eligible for both of these down payment assistance programs. It should also be noted that someone qualifying for the \$10,000 incentive under the City Center Residency Program is also eligible to receive the additional \$7,500 incentive through the City-wide Program if the home they purchase, meets program guidelines. This makes it possible for someone to receive a total of \$17,500 in assistance.

Staff will be available Tuesday to assist Mayor and Council in considering the City's Police Officer Residency Program.

Attachments

Donna Spickler

From: Bruce Zimmerman
Sent: Monday, November 18, 2013 9:09 AM
To: Kristin Aleshire
Cc: Donna Spickler
Subject: FW: Police Officer residency
Attachments: Police Officer residency 63 E Ant St 7-16-13.pdf

Councilmember:

We have this scheduled for the work session agenda on December 5th. If it is okay with you we will include your e-mail and the attachment in the meeting packet along with the August, 2012 motion that approved the current \$100 per month housing allowance for sworn police officers residing in the City.

From: Kristin Aleshire
Sent: Wednesday, November 06, 2013 3:48 PM
To: Don Munson; David Gysberts; Lewis Metzner; Martin Brubaker; Penny Nigh
Cc: Bruce Zimmerman; John Lestitian; Holtzman, Mark
Subject: FW: Police Officer residency

Attached is copy of the proposal I referred to last night about an incentive program for rental of property downtown by City public safety employees. While this may not be a feasible option, I think it is very important that we compliment the roll of regulatory measures to address declining residential conditions with incentive programs that aid in that same effort. While I would prefer this approach occur in some type of package deal, we appear to be rolling the items out as we get them far enough in the process to present to M&C and this in my opinion may be one of them to consider.

Another one that was brought up in conversation was the diea of assisting the Landlords Association with a process they currently have which assists with reference checks of prospective tenants. Some times in the case of these single unit apts (not the big box type) a tenant provides references that are less than truthful and in the landlord's check gets a false impression of the prospective tenant who left the last place on less than appropriate terms. it appears the Association has some rudamentary process to cross reference this now with fellow landlords if the info can be gained, but there are still many instances where contact with a previous landlord isn't provided. I am not certain there are programs out there in other jurisdictions that aid in the process, but it would help prevent the landlord from falling into a scenario even after taking reasonable precautionary steps to avoid it.

Just my two cents to strike some balance.

Kristin

From: CES Properties [mstanford@cesproperties.com]
Sent: Monday, July 29, 2013 1:50 PM
To: Kristin Aleshire
Subject: Police Officer residency

I have attached a copy of the offer I have forwarded to the Chief of Police

Have a great day!

Michael Stanford, Agent, GRI
CES Properties, LLC.
PO Box 355, Smithsburg MD 21783-0355
Office: 301-733-5388
www.cesproperties.com
MD Real Estate Agent Lic #: 3695471



Property Management Services

City & State Rental Preparation

Lead Paint Abatement Management

Date: July 16, 2013

To: Whom it may concern

From: Michael Stanford, Agent

MEMO

Subject: Police Officer residency program at 63 East Antietam St

Several months ago during a council session, the 1st block of East Antietam street was discussed as a target block to try and uplift. I feel a police presence will go a long way to help this. A police officer can receive \$100 a month incentive for living in the city limits along with a take home police car. There is also an incentive to live downtown for \$150.00 per month for a 12 month period. I would suggest the city could make the \$150 downtown incentive permanent for a police officer and/or increase it. The city could also stack these incentives. I will match the \$150 live downtown incentive, if the city increases the live downtown incentive, I will match the increase. There was a parking spot in front of my building that was removed several years ago when the street was re-lined. I would suggest we could put this space back and make it a City Police parking spot that the officer can park his take home car. Just think of the positive impact that would have on the neighborhood

I have 2 second floor apartments available in that building; one for \$735 and 1 for \$695 per month. Heat, Hot Water, Water, Sewer, and Trash is included in the rent. The only thing the tenant has to pay is their electric bill. Additional information and pictures can be found on my website at www.cesproperties.com

Current Rent:	\$695.00	\$735
Police Incentive:	-\$100.00	-\$100.00
Live Downtown Incentive:	-\$150.00	-\$150.00
Owner Matching (With the live downtown incentive, we will match any increase the city makes)	-\$150.00	-\$150.00

Officer's Net Monthly Rent	\$295.00	\$335.00
----------------------------	----------	----------

Additional Items available

Onsite Washer and Dryer – Unlimited Use \$40.00 per month added to monthly lease

Garage at rear of property - \$45.00 per month for a tenant.



P.O. Box 355 Smithsburg, MD 21783-0355 • 301-733-5388

MDE Lead Paint M&R Certificate #: 10810 • Licensed MD Real Estate Agent

REQUIRED MOTION

MAYOR AND CITY COUCIL HAGERSTOWN, MARYLAND

DATE: 08/28/2012

TOPIC: Approval of Police Hiring & Retention Incentives

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

MOTION: I hereby move for the approval of the following Police Officer recruitment and retention incentives to include: expansion of the current \$5,000 hiring incentive to new hires under the COPS grant, employee referral bonus increased to \$1500, a housing allowance of \$100 per month for sworn police officers who reside within city limits, and a bilingual bonus of \$1000 payable in one installment at date of hire.

DATE OF INTRODUCTION: 08/28/12

DATE OF PASSAGE: 08/28/12

EFFECTIVE DATE: 09/01/12

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](#)

Description:

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

November 14, 2013

To: Bruce Zimmerman
City Administrator

From: Chief Mark Holtzman 

CC: John Lestitian
Director of Comm. Economic Development

Re: Revisions to Crime Free Housing proposal and Chapter 95 of the City Code.

The below revisions have been made to the proposed Crime Free Housing ordinance and Excessive Use of Police Services (Chapter 95) following the discussion with Mayor and Council on November 5th. Additionally, a new definition for an Apartment Complex was added to differentiate high-rise apartment buildings and apartment complexes from a more traditional multi-unit structure.

Crime Free Housing Revisions

1. Added a definition of a Rooming House Facility and Rooming Unit
2. Clarification for exemption of non-profit temporary shelters or treatment facilities

Chapter 95 Revisions

3. Added a definition of Apartment Complex and modified the definition of Multi-Unit Residential Property to permit the two definitions to mesh.
4. Updated the Chronic Nuisance Property calls for service threshold.

Type of Property	Minimum # Qualifying Calls
Commercial	8
Residential	3, or 2 if one is a felony
Mult-Unit Residential	4
Apartment Complex	8

5. Included "on, at or in" language at both Sections 95-3.E. and 95-5.
6. Included the annual publishing requirement in Section 95-4.

Chapter 197 – No changes



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

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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. As used in this Chapter, a rental unit shall include a rooming unit contained in a rooming house facility. For purposes of this Chapter, a rental unit shall not include a unit actually being used for traditional hotel, motel, bed and breakfast, non-profit temporary shelter or treatment facility, nursing home or hospital purposes, or a rental facility where any portion of the premises is owner-occupied and said premises contains no more than one (1) rental unit.

ROOMING HOUSE FACILITY – A rental facility which consists of rental units that are not equipped with individual bathroom and kitchen facilities, but share common bathroom and kitchen facilities within the rental facility.

ROOMING UNIT – A room intended for living and sleeping purposes within a rooming house facility.

§__-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.

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- 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 or otherwise loses licensed status, 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.

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- 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 ~~reasonable regular~~ inspections ~~by the Landlord 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.

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§____-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 ~~after receiving notice that to an extent that said location~~ has been deemed 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.

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CHAPTER 95 EXCESSIVE USE OF POLICE SERVICES

§95-2 Definitions.

APARTMENT COMPLEX – A single structure that consists of fifty (50) or more separate units used for residence or domicile purposes. Apartment complex shall also include two (2) or more multi-unit residential structures under common ownership and located on the same premises.

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;

~~Littering;~~

Loud noise complaint;

Loitering;

Prostitution;

Public urination or indecent exposure; ~~or~~

Undesirable, intoxicated or suspicious person; or

Any conduct which constitutes a felony under Maryland law.

MULTI-UNIT RESIDENTIAL ~~STRUCTURE PROPERTY~~ – A ~~structure property~~ that is maintained, at least in part, as a residence or domicile. For purposes of this Chapter a multi-unit residential ~~structure property~~ shall not include a property that has less than ~~340~~ separate units used for residence or domicile purposes, nor shall it include a property which qualifies as an apartment complex hereunder.

~~CHRONIC NUISANCE PROPERTY~~ PROBATIONARY NUISANCE STATUS - For purposes of this Chapter ~~chronic nuisance property~~ probationary nuisance status shall ~~be apply to~~ 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 six~~ month period:

Type of Property

Minimum # of Qualifying Calls

Commercial Property

~~20~~ 8

Residential Property

~~10~~ 3, or 2 if at least one of which
constitutes a felony under Maryland
law.

Multi-Unit Residential ~~Structure~~ Property

~~25~~ 4

Apartment Complex

8

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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 ~~340~~ or more separate units used for residence or domicile purposes.

§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~~placed on probationary nuisance status~~ for the assessment of charges pursuant to this Chapter for excessive police calls.
- D. That the property shall remain deemed a chronic nuisance property~~on probationary nuisance status~~ 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 on, at or in the property while the property is deemed a chronic nuisance property~~on probationary nuisance status~~. 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~~in probationary nuisance status~~.

§95-4 Chronic Nuisance Property List~~Probationary Nuisance List~~.

The Department shall maintain and annually publish a list of those properties currently deemed chronic nuisance properties~~on active probationary nuisance status~~ by street address and property owner.

§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 on, at or in ~~about~~ the property, which occurs while the property is deemed a chronic nuisance property~~on probationary nuisance status~~. Written notice

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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.

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 ~~against which~~ is deemed a chronic nuisance property, ~~probationary nuisance status is noted,~~ 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 ~~probationary nuisance status,~~ 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 ~~probationary nuisance status,~~ 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 ~~probationary nuisance status,~~ 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.

The first part of the paper discusses the importance of the data and the methods used to collect it. The second part of the paper discusses the results of the data and the methods used to analyze it. The third part of the paper discusses the conclusions of the data and the methods used to draw them. The fourth part of the paper discusses the implications of the data and the methods used to draw them. The fifth part of the paper discusses the future of the data and the methods used to draw them.

Chapter 197

RENTAL FACILITIES

- | | |
|--|--|
| § 197-1. Purpose. | § 197-6. Inspection. |
| § 197-2. Definitions. | § 197-7. Issuance of license; renewal. |
| § 197-3. Rental facility license required. | § 197-8. Denial; revocation or suspension. |
| § 197-4. Application; license fee. | § 197-9. Severability. |
| § 197-5. Tenant turnover. | § 197-10. Violations and penalties. |

[HISTORY: Adopted by the Mayor and Council of the City of Hagerstown 5-25-2010 by Ord. No. O-10-08. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 64.	Recycling and refuse collection — See Ch. 117.
Adoption of property maintenance standards — See Ch. 64, Art. III.	Land management — See Ch. 140.
Property maintenance habitual offender — See Ch. 65.	Property maintenance — See Ch. 184.
	Sanitation — Ch. 200.

§ 197-1. Purpose.

The purpose of this chapter is to assure compliance with all laws, ordinances and regulations applicable to residential housing facilities in the City of Hagerstown. A further purpose of this chapter is to promote and assure safety, health and habitability in the housing conditions in rental facilities in the City, to prevent deterioration of rental facilities in the City, to support property values, and to encourage responsible management and use of rental facilities through licensing and inspection.

§ 197-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CITY — City of Hagerstown, Maryland.

DEPARTMENT — The Engineering and Code Administration Department of the City.

EXEMPT TENANT — A tenant of a single unit rental facility who is related to an owner of said facility as grandparent, parent, sibling, child, or grandchild, whether naturally, step or in-law.

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.

OWNER-OCCUPIED — When any owner actually resides on a regular permanent basis, and has his/her sole primary residence in or at a premises which includes a rental unit.

PREMISES — Any single parcel or lot of real property in the City, including the land and all improvements or structures, upon which a rental facility is located.

RENTAL FACILITY —

- A. A structure containing one or more rental units.
- B. As used in this chapter, "rental facility" shall not include:
 - (1) A newly constructed rental facility, for the four-year period immediately following the issuance of the use and occupancy permit for said rental facility.
 - (2) A rental facility where any portion of the premises is owner-occupied, and said premises contains no more than one rental unit.
 - (3) 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 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.

ROOMING HOUSE FACILITY — A rental facility which consists of rental units that are not equipped with individual bathroom and kitchen facilities, but share common bathroom and kitchen facilities within the rental facility.

ROOMING UNIT — A room intended for living and sleeping purposes within a rooming house facility.

§ 197-3. Rental facility license required.

It shall be unlawful for the owner(s) of any rental facility to permit occupancy of any rental unit by another unless said rental unit is currently licensed by the City, and said license has not been denied, revoked or suspended.

§ 197-4. Application; license fee.

In addition to the inspection requirements of § 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 and telephone number 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. 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.
- G. The applicant shall be required to update the information provided pursuant to Subsections C, D, and E of this section, if said information shall change after the issuance of a license.

§ 197-5. Tenant turnover.

The applicant shall notify the Department when any rental unit of a licensed rental facility becomes vacant, if the applicant intends to offer the unit for rent and the unit has not been inspected in the preceding 48 months. The Department shall notify the applicant of required interior inspections of all rooming-house facilities and rooming units.

§ 197-6. Inspection.

- A. In connection with the application requirements contained in § 197-4 of this chapter, the rental facility shall be subject to an initial inspection of the exterior and biennially thereafter; if, however, an exterior inspection reveals no violations, the subsequent exterior inspection shall be quadrennial.
 - (1) The interior of each rental unit, except for a single unit rental facility to be occupied by an exempt tenant, shall be inspected at tenant turnover prior to being occupied by a new tenant, but never more frequently than 48 months from the most recent interior inspection conducted pursuant to this section. Interior rental unit inspections shall be conducted within three full business days of receipt by the Department of the notice required in § 197-5. Failure of the Department to offer the inspection within three full business days or to conduct said inspection when scheduled shall be deemed to be a waiver of the inspection requirement for said rental unit. The Department may accept an interior inspection performed by the Hagerstown Housing Authority as part of the Tenant-based Section 8 Inspection Program in lieu of the City-required interior inspection.

- (2) The interior of every rooming unit shall be inspected once every 48 months. A minimum of seven calendar days prior to the scheduled inspection the owner is required to give written notice of the scheduled inspection to all current occupants of the rooming-house facility and the Department is required to post a notice of scheduled inspections at the rooming-house facility.
- B. All inspections conducted hereunder shall be conducted by the Department and shall be performed pursuant to the standards of the property maintenance code then currently adopted by the City. The applicant shall make the rental facility and/or each rental unit, as the case may be, available for inspection by the Department on the scheduled inspection date. The Department shall provide reasonable advance notice of inspection to the applicant, and the applicant shall have the right to be present at the inspection.

§ 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. 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 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. Denial, revocation or suspension of a rental facility license shall be in addition to, and not in substitution of the penalties provided for in § 197-10 of this chapter. A license shall be denied, revoked or suspended only for the rental unit(s) in which a violation exists.
- 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 of Technical Appeals.

§ 197-9. 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.

§ 197-10. 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. Any such violation shall be cited as a prepayable fine in the amount of \$500.

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

MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

Topic:

6:30 p.m.

Mayor and City Council Action Requested:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

Name:

Description:

No Attachments Available