

Mayor and Council Work Session and Executive Session June 13, 2017 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."*

"We ought to encourage, build and strengthen one another."

Lailah Gifty Akita

4:00 PM WORK SESSION

1. Proclamation: Flag Day Recognition - June 14, 2017
- 4:05 PM** 2. Preliminary Agenda Review
- 4:20 PM** 3. Hager 5, LLC - Proposed Development Plan for 43/53 West Washington Street -
Jonathan Kerns, Community Development Manager; Greg Snook, Hager 5, LLC
- 4:40 PM** 4. Action Report: Update on Implementation of the Community's City Center Plan - *Jill Frick, Director of Community and Economic Development; Kathleen Maher, Director of Planning and Code Administration*
- 5:15 PM** 5. FEMA/MDE Required Updates to the Floodplain Management Ordinance - *Stephen Bockmiller, Development Review Planner/Zoning Administrator*
- 5:25 PM** 6. Hagerstown Police Department Operational Update - *Chief Victor Brito*
(Discussion - no packet material)

CITY ADMINISTRATOR'S COMMENTS

MAYOR AND COUNCIL COMMENTS

ADJOURN

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

Topic:

Proclamation: Flag Day Recognition - June 14, 2017

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

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

Topic:

Preliminary Agenda Review

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

REQUIRED MOTION MAYOR AND CITY COUNCIL HAGERSTOWN, MARYLAND

Topic:

Hager 5, LLC - Proposed Development Plan for 43/53 West Washington Street - *Jonathan Kerns, Community Development Manager; Greg Snook, Hager 5, LLC*

Mayor and City Council Action Required:

Staff request Mayor & City Council approval of the Hager 5, LLC Development Plan for 43-53 West Washington Street in order to continue the sale process for disposition of the property. With approval of the development plan, settlement for the property is scheduled to occur on or before July 31, 2017.

Discussion:

Background

In November of 2016, the Mayor & City Council approved a resolution authorizing the sale of City-owned property located at 43-53 West Washington Street. The contract of sale was contingent upon the buyer, Hager 5, LLC, submitting a final development plan to be approved by the Mayor & City Council. As required per the contract documents, Hager 5, LLC submitted a final Development Plan to City staff prior to the April 30, 2017 deadline.

Project Update

The Hager 5, LLC Development Plan was reviewed and approved by the cross-department Staff Review Committee lead by DCED. Based upon the staff review, it is clear the concepts shown in the Development Plan for 43-53 West Washington Street depict a major redevelopment project with numerous aspects that will positively impact Downtown Hagerstown. In collaboration with the Urban Improvement Project, the proposed plans for 43-53 West Washington Street provide an opportunity to expand USMH student housing opportunities, attract more businesses and increase foot traffic in the Downtown. The proposed renovations of the existing four-story building and proposed new construction of a commercial three-story building would *significantly* enhance the property's assessed value while complementing existing amenities such as USMH, University Plaza, and the Cultural Trail.

Highlights of the Development Plan proposed by Hager 5, LLC include:

- Projected private investment of approximately \$1.5 million to \$2 million.
- 43-53 West Washington Street to be redeveloped in concert with the Urban Improvement Project (UIP).
- Full demolition of the vacant three-story structure located at 43-47 West Washington Street.
- New building construction to occur at 43-47 West Washington Street. Concept plan includes indoor pedestrian walkway connecting to rear plaza/cultural trail for pedestrian access to West Washington Street and University Plaza. New commercial spaces on the first floor will be included for retail occupancies adjacent to the indoor pedestrian walkway. Indoor walkway to likely include various types of art work and/or pictures illustrating history

of the previous building. Upper floors to also include new commercial space available for lease.

- Full rehabilitation of 51-53 West Washington Street upper floors (four-story structure currently occupied by the Potomac Bead Company). Proposed uses include commercial/business occupancy on the second floor and residential student apartments on the third and fourth floors all available for lease. Potomac Bead Company will remain in the first floor space with plans to expand operations within the building.

Hager 5, LLC continues to work with all parties involved in the Urban Improvement Project to finalize the project plans for 43-53 West Washington Street. The final plans for the UIP will ultimately impact the final plans for 43-53 West Washington Street and this work is ongoing. Although these plans are fluid, staff feel the concepts proposed by Hager 5, LLC align with the City's original vision for the property when it was acquired for the purpose of resale in order to stimulate private sector development. Hager 5, LLC plans to complete more detailed architectural and construction documents after settlement.

During the June 13th work session, staff will be joined by representatives of Hager 5, LLC to discuss the proposed Development Plan (attached). Staff recommend approval of the Development Plan to keep settlement on schedule for July of 2017 and demolition/reconstruction work on schedule for 2018-2019.

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

MMC_memo_43-
53_W_Wash_Street_updated_development_Plan.pdf
Hager_5_LLC_06072017.pdf

Description

Memo
Hager 5 LLC Update



CITY OF HAGERSTOWN, MARYLAND

Department of Community and Economic Development

To: Valerie Means, City Administrator

From: Jonathan Kerns, Community Development Manager

Date: June 7, 2017

RE: Hager 5, LLC- Proposed Development Plan for 43/53 West Washington Street

Mayor & Council Action Requested

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- Full rehabilitation of 51-53 West Washington Street upper floors (four-story structure currently occupied by the Potomac Bead Company). Proposed uses include commercial/business occupancy on the second floor and residential student apartments on the third and fourth floors all available for lease. Potomac Bead Company will remain in the first floor space with plans to expand operations within the building.

Hager 5, LLC continues to work with all parties involved in the Urban Improvement Project to finalize the project plans for 43-53 West Washington Street. The final plans for the UIP will ultimately impact the final plans for 43-53 West Washington Street and this work is ongoing. Although these plans are fluid, staff feel the concepts proposed by Hager 5, LLC align with the City's original vision for the property when it was acquired for the purpose of resale in order to stimulate private sector development. Hager 5, LLC plans to complete more detailed architectural and construction documents after settlement.

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Attachments: 43/53 West Washington Street Development Plan

- c. Jill Frick, Director DCED
Cross-Department Review Committee

Hager 5 LLC's Public Private Partnership with the City of Hagerstown for 43-47 & 49-53 W. Washington St.

Updated 4/24/17

Statement

Is to purchase and redevelop 43-53 W. Washington property for mixed-use development including commercial office space, retail space, and student apartments. This redevelopment project will complement USMH and BIFSA project at 55 W. Washington Street. The rear of the properties and the interior of 43-47 W. Washington Street will connect to the City Cultural Trail allowing trail users to access Washington Street and University Plaza. The project will further downtown revitalization by assisting with USMH expansion through creation of student housing options, new retail space, and select retail and commercial office space for these types of businesses. All of the above will help create/retain private sector business opportunities along with boosting foot traffic in the downtown.

PHASE 1

- ♦ Our plan is to continue towards settlement with the city per the agreement. (July 31, 2017).
- ♦ We have secured a verbal agreement on a lease with the first floor tenant at 49-53. Sign documents prior/conjunction with settlement of property along with an option for the tenant to purchase a single floor of the building after 3 years.
- ♦ We have completed some renderings of the exterior and have submitted them to city staff & MHT.
- ♦ Completed one concept of the interior walkway and future retail/office on the first floor of 43-47 (new building).

PHASE 2

- ♦ Plan to submit to the city for demolition of the current 43-47 building by mid year 2018. Demo of the building by or around July of 2019.
- ♦ Continue structural and engineering reviews of the 49-53, on the 2nd, 3rd, 4th floor to determine what the floor loads are. This evaluation will determine final use of this building but our thoughts are for office/education use on the 2nd floor with dorms/apartments on 3rd & 4th floor. This evaluation should be complete by the end of 2018.
- ♦ Once the USMH project is complete, our plan is to meet with USMH officials and strategize on future dorm space in the 49-53 building (3rd & 4th floors), possible building a model.

- ♦ Estimated cost of work to 43-47 is about \$300,000.00 for the demolition and to stabilize the property.
- ♦ Estimated cost of improvements for 49-53 (Bead Building) is \$750,000.00. That is just for the stairwell, elevator, sprinklers, possible asbestos removal and Alta survey.
- ♦ Estimated cost of interior improvements are around \$300,000.00 - \$500,000.00 per floor.

PHASE 3

- ♦ Construct new building on the 43-47 lot for future business
- ♦ Work with city and county staff on development of rear plaza area for the Urban Improvement Project (UIP).

PEDESTRIAN WALKWAY SUMMARY

Hager 5 LLC visions the cultural trail walkway to seamlessly connect to the rear plaza and welcome foot traffic from both the front and rear of the building. This walkway will provide access to retail stores within the space. We could possibly use some local art work or historic pictures to document the history of the building. The walkway will be open during the day and evening hours for the businesses along with special events. The doors will be programmed to lock overnight.



Front



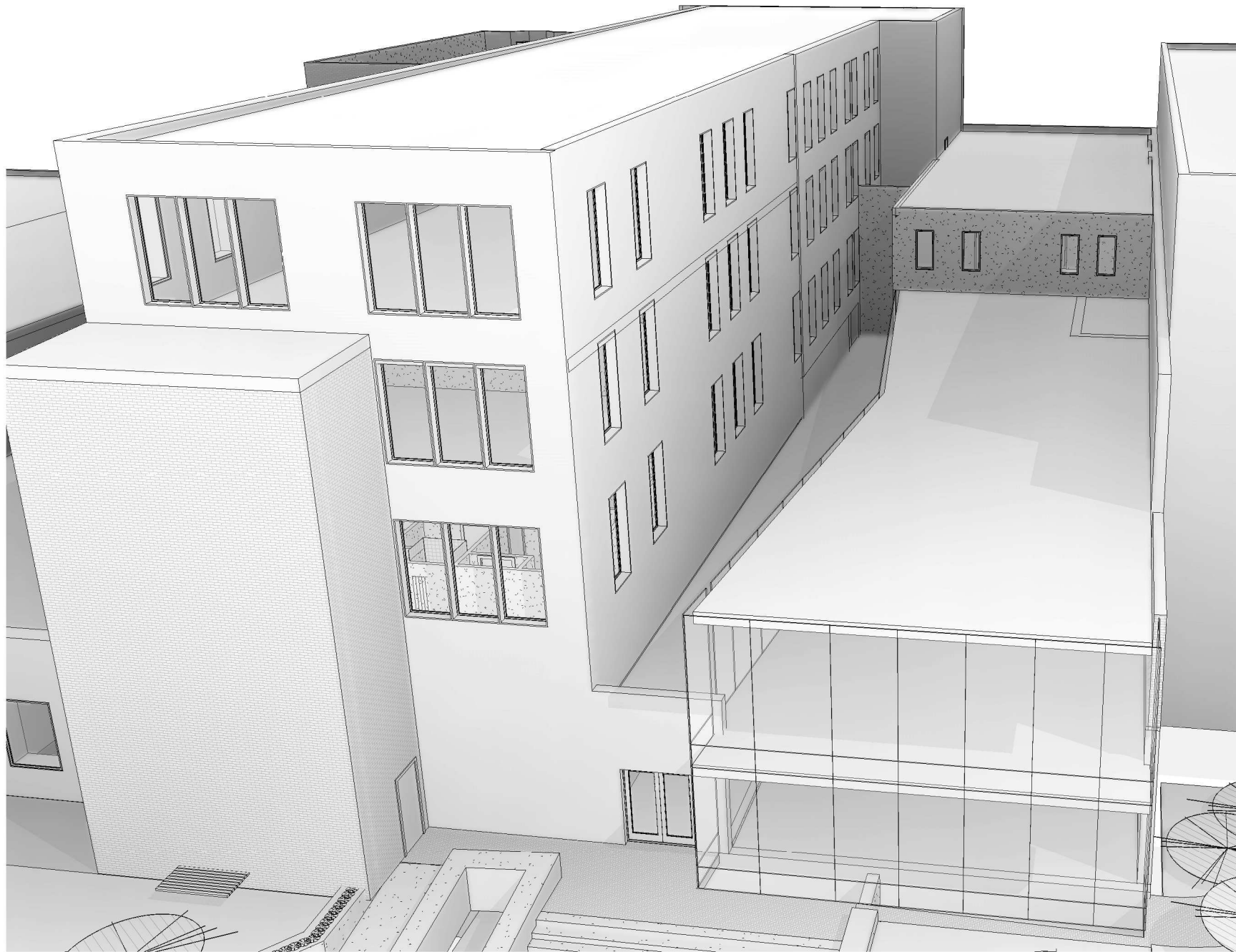
Back



Front

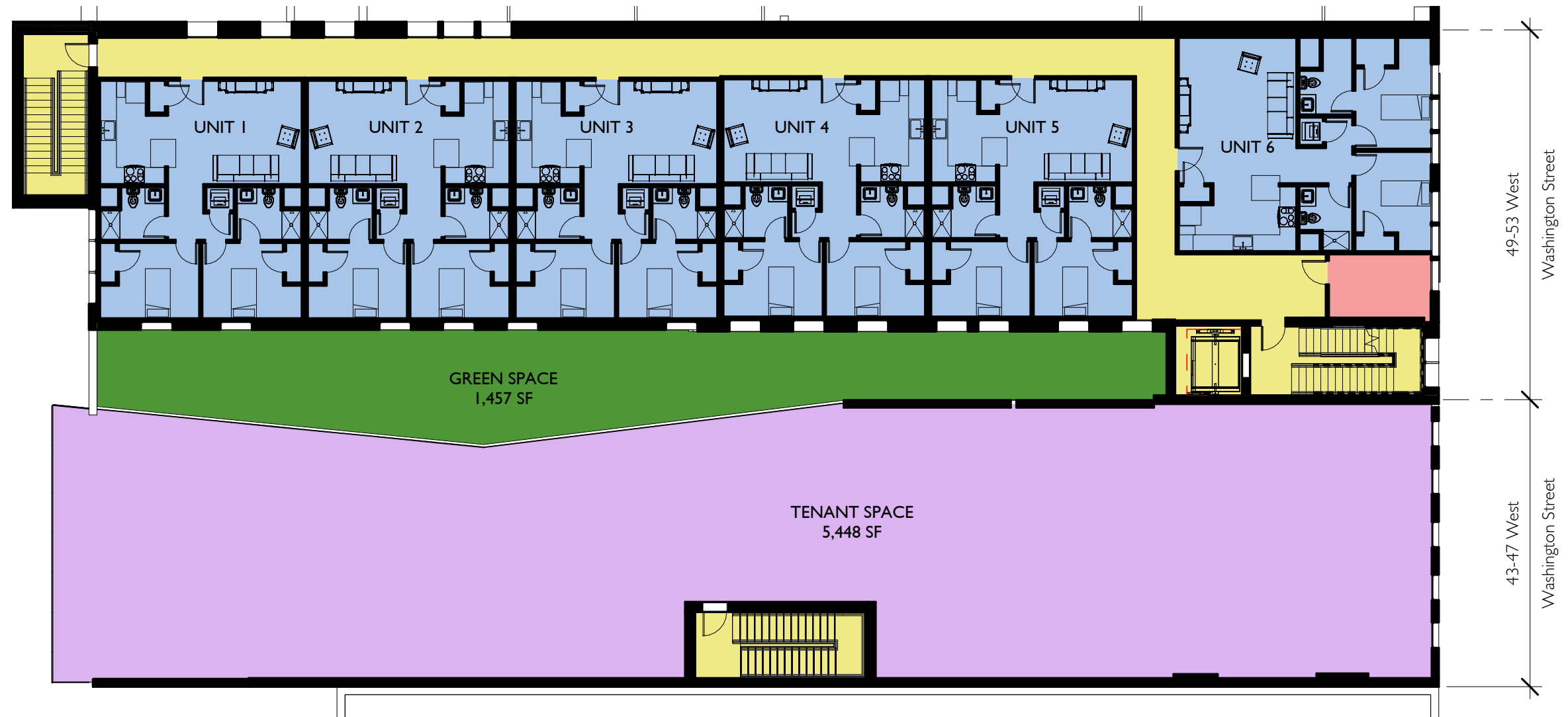


Back



SCHEME A - ARTISTIC RENDERING
43-53 West Washington Street

02/15/16



SCHEME A - SECOND FLOOR PLAN
43-53 West Washington Street
2/15/2016

KEY

- 2 BEDROOM APARTMENT
- BUSINESS
- CIRCULATION
- STORAGE

0' 8' 16'
FEET

msb
ARCHITECTS



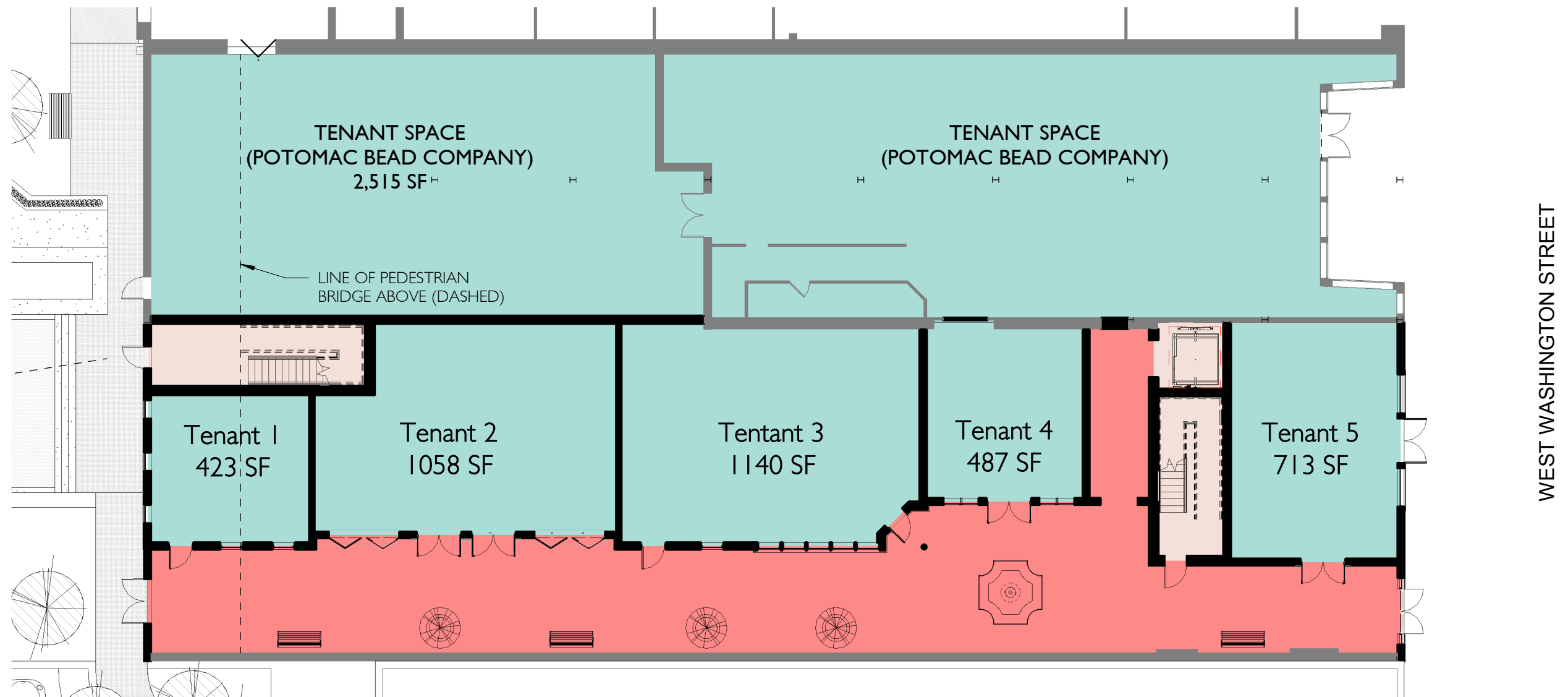
SCHEME A - THIRD FLOOR
43-53 West Washington Street
2/15/2016

KEY

- 1 BEDROOM APARTMENT
- 2 BEDROOM APARTMENT
- CIRCULATION

0' 8' 16'
FEET

msb
ARCHITECTS



Interior Plaza - Scheme C
43-53 West Washington Street
March 14, 2017

KEY

- Tenant Space
- Public Walk
- Circulation

0' 8' 16'
FEET

msb
ARCHITECTS

REQUIRED MOTION MAYOR AND CITY COUNCIL HAGERSTOWN, MARYLAND

Topic:

Action Report: Update on Implementation of the Community's City Center Plan - *Jill Frick, Director of Community and Economic Development; Kathleen Maher, Director of Planning and Code Administration*

Mayor and City Council Action Required:

Discussion:

At the June 13, 2017 Mayor and City Council Work Session, staff will provide an update on the progress of implementing the Community's City Center Plan.

Two major partnership efforts support multiple catalyst projects:

- **1 Gigabit Downtown** – The City and Antietam Cable are working in public-private partnership to create a 1 Gigabit Downtown which will support business retention, expansion and attraction. This initiative is supportive of several of the Catalyst Projects.
- **The Urban Improvement Project** – The City is working in partnership with Washington County, the Board of Education/Barbara Ingram School for the Arts, the Maryland Theatre, the University System of Maryland at Hagerstown (USMH), other community partners and private developers on the \$30-\$37 million Downtown Improvement Project. This initiative is supportive of several of the Catalyst Projects.

Work has been progressing on most of the 8 catalyst projects identified in the Community's City Center Plan, and staff will review with the Mayor and City Council the attached 2017 Half-Year Report of actions completed.

Action Reports are distributed to businesses and community stakeholders through email and are also available on the City's website at www.HagerstownMD.org/CityCenterPlan.

Background

The Community's City Center Plan was released in July of 2014. The plan is a 10-year roadmap for eight catalyst projects that will spur development in City Center. The Community's City Center Plan is the result of broad community input, with the consultants spending more than 130 hours collecting feedback from the community.

The plan includes detailed steps for making the project concepts a reality, bringing an anticipated \$125 million in new investment to downtown over 10 years. This is a public-private partnership, where 75% of the investment will come from the private sector, and the balance from all levels of public resources.

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

061317_MCC_Packet_City_Center_Plan_Report.pdf

Description

Update City Center Plan



CITY OF HAGERSTOWN, MARYLAND

Department of Community & Economic Development

MEMORANDUM

TO: Valerie Means, City Administrator

FROM: Jill Frick, Director of Community and Economic Development
Kathleen A. Maher, Director of Planning and Code Administration

DATE: June 8, 2017

SUBJECT: Action Report: Update on Implementation of the Community's City Center Plan

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ATTACHMENT**Action Report – 2017 2nd Quarter Report**

c: DCED Team
PCAD Leadership Team
Erin Wolfe, Communications Manager
Department Managers
Dave Cotton, Maryland Department of Planning
Kevin Baynes, Maryland Department of Housing & Community Development

Community's City Center Plan

2017 – Half Year Report

ACTIONS COMPLETED:

Two major partnership efforts support multiple catalyst projects:

1. **1 Gigabit Downtown** - created innovative public/private partnership with Antietam Cable to create a 1 Gigabit Downtown which will support business retention, expansion and attraction. This initiative is supportive of several of the Catalyst Projects.
 - Main Street Hagerstown is working on the development of the branding and marketing of the “GigaHubCity” with a logo and website: www.gigahubcity.com
 - Two (2) downtown public “Gigabit Hotspots” are available at Jerry’s Sports Bar and 28 South Restaurant.
 - A committee of City and County staff are working on joint marketing efforts of the 1 Gigabit service tied to investment promotion.
 - 1 Gigabit Service is being offered by both Antietam Cable and New Frontier Solutions
2. **The Urban Improvement Project** – The City is working in partnership with Washington County, the Board of Education/Barbara Ingram School for the Arts, the Maryland Theatre, the University System of Maryland at Hagerstown (USMH), other community partners and private developers on the \$30-\$37 million Downtown Improvement Project. The project includes the expansion and renovation of the Maryland Theatre (\$11M), expansion of an educational complex to support Washington County Public Schools and USMH (\$14M for BISFA expansion), and an outdoor plaza and bridge connection (\$3M). In December 2016, Maryland Governor Larry Hogan pledged \$7 million towards this project over 5 years. This initiative is supportive of several of the Catalyst Projects.

Catalyst Project #1 – Office Development and Recruitment:

GOALS: To position downtown to compete for new office development using portions of Central Parking Lot to build 154,000 sf across three buildings.

1. **Class A Office Development on Central Parking Lot** - The City and Bowman Development are in the exploratory phase on the Class A Office Building project.

Catalyst Project #2 – Maryland Theatre Expansion Project:

GOALS: Expand and improve the facility, and grow from 150 to 225 performance days per year, increasing the audience by 60,000 annually.

1. **Back of the House Upgrades** – Theatre was awarded \$175,000 in State Bond Bill funding and it was matched with local Hotel Tax Funding in March 2017. The final

phase of rigging work will occur in August 2017. This funding will also fund rehabilitation needed on the backstage grid as well as a laundry room in the dressing rooms and transforming the old boiler room to a maintenance and storage area. The new fire alarm system was completed in January and training took place for all staff and volunteers. (Maryland Theatre)

2. **Expansion of Facility** – Theatre Board contracted with Grimm & Parker Architects to design the expansion project. Theatre officials expect design to be complete by end of the summer. Initial estimates have come in at \$13 million (including \$1 million design, \$1 million FFE and construction contingency). Connectivity and shared space are being coordinated with the WCPS officials. (Maryland Theatre)
3. **Support for Expansion of Facility** – the Washington County Board of Commissioners and the Mayor and City Council of Hagerstown both approved providing \$500,000 by each entity towards the architectural services for the expansion of the theatre facility. \$5 million of the Governor’s Allocation for the Urban Improvement Project has been earmarked by the County Commissioners for the Maryland Theatre expansion project. The Theatre has hired a fund-raising consultant to help them raise the private funding for the project. CCS Fundraising has been contracted for six months of fundraising services. The research and planning phase is 8 weeks long and underway.

Catalyst Project #3 – USMH Expansion Support:

GOALS: Support USMH growth from 500 to 750 students through the addition of new program offerings, and capture student housing opportunities with three (3) upper-floor renovation projects. The three (3) upper-floor renovation projects are planned to be implemented separately, in sequence to each other and throughout the 10 year plan.

1. **USMH Programming Expansion** – USMH is continuing work on development of three new programs: Hospitality Management, Nurse Practitioners, and Physician’s Assistant. The B.S. in Hospitality Management and Tourism through UMES is scheduled to begin at USMH with the Fall 2017 semester. The former BB&T Building, 59 W. Washington Street, is to be renovated by the owner for lease by USMH for the hospitality management program on the first floor and wet labs on the second floor. The interior demolition is complete, USMH’s lease with the developer has been finalized, and agreements are being finalized with the Board of Education for joint use of the BB&T Building for the future Hospitality Management space. The intended new program offerings at USMH are outlined in the following chart:

Date	Program	Students per year over 2 years	Full Enrollment	Date	Anticipated Housing Demand
Fall 2017	BS in Hospitality Management and Tourism from UMEC	15-18	30	Fall 2017	6-7 units (12-14 students)
Fall 2018 - tentative	MS in Nurse Practitioner from FSU	20	40	Fall 2019	6-7 units (additional)
Fall 2019 - tentative	MS in Physician's Assistant from UMB and FSU	35	70	Spring 2021	6-7 units (additional)

2. **Student Housing** – The first student housing project at Patterson Hall was completed in 2015 and the apartments are fully leased with eight students. The City was awarded \$200,000 in Community Legacy grant funds in late 2016 to assist with development of a second Student Housing project in 2017/2018. City staff will work on the Request for Proposals for the developer partner for the second phase of the project for Mayor and City Council review in mid 2017.

Catalyst Project #4 – Hotel/Conference Center and Heritage Center/Commemorative Park:

GOALS: Construct 200-room “Upper Upscale” hotel (ie: Sheraton, Wyndham, Hilton). Programmed with adjacent 20,000 square-foot conference center. Establish Civil War Heritage Center and Commemorative Park.

1. Exploratory conversations to date.
2. Project is much more long-term in nature.

Catalyst Project #5 – Linking City Park/The Washington County Museum of Fine Arts and A&E District with Trail and New Housing:

GOALS: Construct multi-use trail linking City Park/WCMFA with the Arts & Entertainment District, and add 31 new townhomes along trail and rehab buildings to create 85 loft apartments (in 10 years).

Hagerstown Cultural Trail

Trail Construction

- Construction of Phase I of the trail began in April 2016 and was substantially complete by November. The project was completed within budget, allowing addition of irrigation in Herald Mail park and the Housing Authority park.
- Trash cans, a couple of benches, and dog mitt stations are ordered.
- Utilizing a grant from the Maryland Heritage Area Authority, entrance signs were installed in December and the wayfinding signs were installed this spring.
- Granite insets in the walkway were installed in early spring.
- This spring, the City will install interactive history displays, etc.
- The grand opening and ribbon cutting is scheduled for Saturday, June 17, 2017.

Art Installation

- The Mural of Unusual Size – the mural is complete except for some punch work items and clear coating which will occur in June.
- Shade structures – three artistic shade structures are being installed in the Herald Mail plaza and they will be complete by the grand opening.

- Large sculpture – the Artist Selection Committee selected Adam Curtis, a local artist, to build a large metal sculpture for installation in the oval at the Herald Mail plaza. This sculpture should be complete by the grand opening.
- “Faces of Hagerstown” photo murals – 400 pictures were submitted to the Arts Council by local photographers and 35 were selected by a jury and the Artist Selection Committee for 3 foot by 3 foot displays at the Herald Mail fence and the Chic’s wall on Lee Street. They will be installed by the grand opening.
- Water Feature – a water feature that looks like water bubbling out of a rock formation has been installed near the Housing Authority.
- Butterfly Garden – this has been installed near the Housing Authority and will be maintained by the Lions Club.
- Organic Sculpture – the Artist Selection Committee selected Allison Sigethy, another local artist, to design a sculpture for the Butterfly Garden area that looks like plants and flowers in metal. The sculpture will be complete by the grand opening.
- Decorative Fence – a laser cut metal fence is being installed along the Ellsworth property. This is a partnership with Ellsworth and they are paying about half the cost. The artistic fence was designed by Vicki Scuri. This will be completed by the end of the summer.
- POD – the small plaza for POD at City Park is being constructed. Aaron Peteranecz donated his design and created a very nice stone covered plaza that will have seating overlooking the lake. Trees and landscaping will be installed behind the plaza after POD is installed in July.

Catalyst Project #6 – Expanded Downtown Arts/Events Programming:

GOALS: Leverage resources to produce more frequent events and build upon atmosphere created by popular downtown events.

Events

- Wind Down Fridays – Five events have been scheduled for the remainder of the summer (June 9, July 14, August 11, September 29 and October 6).
- Second Saturday series – Second Saturdays in 2017 include January New Year, Frozen in February, March Saint Patrick’s Day, April Showers, May Mother’s Day, and June Sweep Up.
- St. Patrick’s Day Fun Run – Over 800 racers participated in this annual St. Patrick’s Day themed race in distances ranging from a one mile walk to a half marathon. This year the Community Free Clinic partnered with several downtown venues to host a community after party for runners.
- Downtown Summer Slide Festival – Scheduled for August 19th this event will now be sponsored by the Herald Mail.
- Event Guidelines – staff presented to Mayor and City Council a preliminary table of contents for a forthcoming event guidebook. This guidebook will serve as a resource to event organizers and create more event opportunities for Hagerstown.

Main Street Projects

- *Main Street Work Groups* – Currently more than 50 volunteers are supporting Main Street Hagerstown through five (5) Work Groups on projects and initiatives intended to attract and retain businesses, investors, and property owners.
 - The Organization Work Group has developed a web site to complement the City's and to help visitors, residents, and business owners quickly find information about the downtown, produced e-newsletters distributed to over 600 subscribers, developed volunteer and sponsorship forms, are fundraising to support Main Street projects, and held a volunteer recruitment and appreciation event.
 - The Design Work Group developed more window scrims for vacant storefronts, had a Main Street Logo sign created and installed on the side of 53-55 N. Potomac Street, and is working long-range on a set of design guidelines for continuity in the downtown such as storefront signage, sidewalk displays, and approved paint schemes to be developed into a guidebook for the Main Street area.
 - The Clean, Safe and Green Work Group worked on ways to beautify and clean up city blocks by organizing a spring planting day along East Franklin Street and planning a downtown clean-up for June. Additionally, Clean Safe and Green is looking at adding benches to the square, updating the lighting to LED lights on some cobra-head street lights, adding flowers to Public Square, and initiating an anti-litter and bi-annual beautification projects as part of a \$5,000 Keep Maryland Beautiful grant awarded in May 2017.
 - The Promotions Work Group re-established the Second Saturdays monthly event series. Promotions also developed a marketing strategy that will be used in promoting the work of Main Street and has been building a social media presence on Facebook, Twitter and Instagram.
 - The Business Relations Work Group sends members of the ambassadorial committee to welcome new businesses to the Main Street area, is working with City staff to implement grants awarded for code analysis and pop-up ready retail spaces in the Main Street area, and is also working with City staff to brand and promote the 1GB internet fiber opportunity in the downtown as a business recruitment marketing strategy.
- *Façade Grant Program* – The City was awarded a \$25,000 Community Legacy grant in late 2016 to replenish the Façade Grant Program for Commercial and Mixed-use Buildings in the Main Street area. The grant agreements with the State were finalized April 3, 2017. (City and the State)
- *Engine Room Art Space* – Open Thursday through Sunday with fresh exhibits opening regularly. Continues to grow and flourish with new and alternative exhibits. Gallery Coordinator is creating momentum through the use of exhibit space and creating opportunities for the community to interact with the art themselves. (City)

Catalyst Project #7 – Expanded Operations of the City Farmers' Market:

GOALS: Expand operations from 7 to 35 hours per week. Implement private management approach. Make necessary capital improvements. Re-brand. Recruit additional tenants.

1. **Partnerships** – The Farmers’ Market has entered into a two-year partnership with the Valley Co-op for usage of the backroom of the market. The Valley Co-op is a member based cooperative that specializes in providing the community access to over 35 local suppliers’ products including fresh produce, meats, and dairy products. (City)
2. **Private Management Approach** – Staff are continuing to work on drafting a modified Request for Proposals and reposting the RFP for private management of the Farmers’ Market with modification based on feedback. Modifying the RFP to receive proposals on a rolling basis until a viable private operator is identified is one possible option. (City)

Catalyst Project #8 – Expanded and Targeted Home-Ownership Support:

GOALS: Market home ownership incentives and support Neighborhood 1st programs. Establish annual rental licensing inspections, and continue excessive nuisance enforcement programs.

1. **Rental Registration Program** – annual exterior inspections to provide additional support to protect neighborhoods. In 2016, 9,102 units were registered in 3,468 properties. (City)
2. **Vacant Structures Program** – In 2016, there were 554 vacant properties in the program. Inspections of licensed vacant structures are ongoing to ensure protection of our neighborhoods and first responders from exterior blight and unsafe interior conditions. (City)
3. **Home-Ownership Program** – The City was awarded a \$150,000 Community Legacy grant in FY 2016 to assist with our acquisition/renovation efforts to create home-ownership opportunities. Acquisition opportunities with this funding are currently being pursued. Architectural work is underway for creation of two condo units for home-ownership at City-owned, CDBG-funded project at 261 S. Prospect Street. Initial demolition and rehabilitation activities are underway and full rehabilitation is expected to start in the summer of 2017. Renovations at City-owned 64 E. Franklin Street are now complete and the property is being marketed for sale for home-ownership. Assessment ongoing of other opportunities for this program in the three target neighborhoods. (City and State)
4. **City Center Residency Initiative** – The City was awarded a \$50,000 Community Legacy grant in late 2016 to replenish the Down Payment Assistance program. The City received the grant agreements from the State last month and the total of \$100,000 (\$50,000 City Economic Redevelopment match) for the Down Payment assistance is projected to be available in the fall of 2017. (City and State)

June 13, 2017

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

Topic:

FEMA/MDE Required Updates to the Floodplain Management Ordinance - *Stephen Bockmiller, Development Review Planner/Zoning Administrator*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Description

FEMA_MDE_Required_Updates_to_the_Floodplain_Management_Ordinance.pdf	Ordinance Updates
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CITY OF HAGERSTOWN, MARYLAND

Planning and Code Administration Department

Memorandum

TO: Valerie Means, City Administrator

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

DATE: June 8, 2017

SUBJECT: FEMA/MDE Required Updates to the Floodplain Management Ordinance

MAYOR AND CITY COUNCIL ACTION REQUESTED:

On June 13, staff will brief the Mayor and City Council on the package of mostly minor and administrative amendments to the Floodplain Management Ordinance (Land Management Code, Article 6 and related definitions in Article 3) which are enumerated in this memo.

DISCUSSION:

The following (mostly) minor amendments to the Floodplain Management Ordinance (Article 6, Land Management Code, and related definitions in Article 3) will be presented to the Mayor and City Council on June 13 for introduction on June 20 and approval in July, to be effective with the effective date of the new FEMA floodplain maps (August 15, 2017). FEMA has adopted the newly revised and long-pending floodplain maps effective that date and the amendments need to be put in place to coincide with that adoption because one of the amendments refers to the pending effective date of the maps.

The Floodplain Management Ordinance does not require a Planning Commission public hearing or recommendation. However, we presented this package to the Commission for its review and comment. One item – item #8 on page 6, was presented by FEMA as an option. Both Planning Staff and the Planning Commission recommend that this proposed change be omitted from the ordinance amendment, allowing maximum flexibility and the lack of need of addressing an issue that has not been a problem in Hagerstown. Staff will highlight the few substantive amendments at the meeting.

FINANCIAL IMPACT:

No direct impact to City budget. However, in order for City property owners to participate in and benefit from the National Flood Insurance Program (NFIP), the City is required to adopt and maintain a floodplain management ordinance that meets the expectation of Federal regulators.

STAFF RECOMMENDATION:

Adopt the following amendments to the Floodplain Management Ordinance (Article 6, Land Management Code), and related definitions, minus Article 6 change #8)

ACTION DATES:

Introduction: June 20

Approval: July 11 (Special Meeting)

Effective: August 15.

Material to be removed is in ~~strikeout~~. Material to be added is in red.

ARTICLE 3 – Definitions.

The Maryland Department of the Environment requests that one new definition, two expansions of existing definitions and five minor adjustments and corrections be made to definitions governing the Floodplain Management Ordinance, as follows:

Change #1: FEMA changed the form number it uses for elevation certificate. This amendment makes the reference generic, so that if the form number changes again in the future, no future amendment will be necessary.

ELEVATION CERTIFICATE – FEMA ~~form Form 81-31~~, on which surveyed elevations and other data pertinent to a property and a building are identified and which shall be completed by a licensed professional land surveyor or a licensed professional engineer, as specified by the Floodplain (Zoning) Administrator. When used to document the height above grade of buildings in special flood hazard areas for which base flood elevation data are not available, the Elevation Certificate shall be completed in accordance with the instructions issued by FEMA. (*Floodplain*)

Change #2: FEMA’s Regional office requested two sentences be combined into one with clauses separated by a semi-colon.

FLOOD OPENING – A flood opening (non-engineered) is an opening that is used to meet the prescriptive requirement of one square inch of net open area for every square foot of enclosed area. An engineered flood opening is an opening that is designed and certified by a licensed professional engineer, or licensed architect, as meeting certain performance characteristics, including providing automatic entry and exit of floodwaters. ~~The ;~~ **this** certification requirement may be satisfied by an individual certification or issuance of an Evaluation Report by the ICC Evaluation Service, Inc. (*Floodplain*)

Change #3: FEMA changed the form number it uses for flood proofing certificates. This amendment makes the reference generic, so that if the form number changes again in the future, no future amendment will be necessary.

FLOOD PROOFING CERTIFICATE – FEMA ~~Form 81-65~~ **form** that is to be completed, signed and sealed by a licensed professional engineer or licensed architect to certify that the design of flood proofing and proposed methods of construction are in accordance with the applicable requirements of Article 6 of this Chapter. (*Floodplain*)

Change #4: FEMA Regional Office requested additional language to be inserted into sub-definition 3 of a “Letter of Map Change”. Subdefinition 3 describes a Conditional Letter of Map Revision (CLOMR).

3. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed *flood* protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. **A Conditional Letter of Map Revision on Fill (CLOMR-F) is a determination that a parcel of land or proposed structure that will be elevated by fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as proposed.** A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA, to revise the effective FIRM. (*Floodplain*)

Change #5: FEMA Regional Office requested a definition be added for “mixed use structure” as it applies to the Floodplain Management Ordinance.

MIXED USE STRUCTURE – Any structure that is used or intended for use for a mixture of nonresidential and residential uses in the same structure. *(Floodplain)*

Change #6: Minor corrections to the Floodplain Ordinance definition of “New Construction” (sub-definition #2). Fills in date where placeholder language existed in the Ordinance. This does not change any content.

2. As pertains to Article 6, **structures, including** additions and improvements, and the placement of manufactured homes, for which the start of construction commenced on or after ~~(initial FIRM effective date)~~ **April 17, 1978**, the initial effective date of the City of Hagerstown Flood Insurance Rate Map, including any subsequent improvements, alterations, modifications, and additions to such structures. *(Floodplain)*

Change #7: Minor adjustment to the description of how Maryland inventories historical properties was requested by FEMA’s Regional Office in the definition of “Structure, Historic”.

3. Individually listed on the Maryland ~~Inventory~~ **Register** of Historic **Places** Properties maintained by the Maryland Historical Trust; or

Change #8: Add a second criteria for defining the term “Substantial Improvement”.

SUBSTANTIAL IMPROVEMENT – As pertains to Article 6, any reconstruction, rehabilitation, addition or other improvement of a building or structure, the cost of which exceeds 50% percent of the market value of the building or structure before the start of construction of the improvement. The term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include **either**:

1. ~~A any project for improvement of a building or structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official prior to the submission of an application for a permit and which are the minimum necessary to assure safe living conditions:~~ **or**
2. **Any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.** *(Floodplain)*

ARTICLE 6 – Floodplain Management Ordinance.

The Maryland Department of the Environment provided the following 17 changes, of which three reflect two content changes, one codifies the adoption date of the new floodplain maps and thirteen are minor structural and reference adjustments and corrections. The content changes are reflected in changes numbered 7, 14 and 17. Change #8 is recommended, but not required and may be omitted by the Mayor and Council if they choose.

Change #1: Minor structural adjustments to A (General Provisions), subsections 1 (Findings) and 2 (Statutory Authorization).

- A. **General Provisions.**
 1. **Findings.**

The Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of Hagerstown. Special flood hazard areas are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. Structures that are inadequately elevated, improperly flood proofed, or otherwise unprotected from flood damage also contribute to flood losses.

The City of Hagerstown, by resolution, agreed to meet the requirements of the National Flood Insurance Program and was accepted for participation in the program on April 17, 1978. As of that date or as of the initial effective date of the City of Hagerstown Flood Insurance Rate Map (April 17, 1978), all development and new construction as defined herein, are to be compliant with these regulations.

2. Statutory Authorization.

The Maryland General Assembly, in **Md. Code Ann., Land Use Article, Title 4** the Land Use Article of the Annotated Code of Maryland, has established as policy of the state that the orderly development and use of land and structures requires comprehensive regulation through the implementation of planning and zoning control, and that planning and zoning controls shall be implemented by local government in order to, among other purposes, secure the public safety, promote health and general welfare, and promote the conservation of natural resources. Therefore, the Mayor and City Council of the City of Hagerstown does hereby adopt the following floodplain management regulations.

Change #2: Add a structural reference to the Code of Federal Regulations to Section A.3.n.

3. Statement of Purpose.

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- a. Protect human life, health and welfare; *(b through m omitted as unchanged)*
- n. Meet the community participation requirements of the National Flood Insurance Program, as set forth in the Code of Federal Regulations **(CFR)** at 44 CFR, Section 59.22.

Change #3: Adopt effective date of new FEMA floodplain maps. Change made to Section A.5.a.

5. Basis for Establishing Special Flood Hazard Areas and Base Flood Elevations.

- a. **Minimum Basis.** For the purposes of these regulations, the minimum basis for establishing special flood hazard areas and base flood elevations is the Flood Insurance Study for the City of Hagerstown, Maryland, Washington County, dated February 15, 1984, **Washington County, Maryland and Incorporated Areas dated August 15, 2017**, or the most recent revision thereof, and the accompanying Flood Insurance Rate Map(s) (FIRMs) and all subsequent amendments and revisions to the FIRMs. The FIS and FIRMs are retained on file and available to the public at the office of the Zoning Administrator, who shall serve as the Floodplain Ordinance Administrator.

Change #4: Minor adjustment to Section B.2 (Duties of the Floodplain Administrator), Subsections i and n:

- i. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the City of Hagerstown, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations **or boundaries**.
- n. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance (**ICC**) coverage under NFIP flood insurance policies.

Change #5: Minor adjustments to Section to Section B.3.e (Use and Interpretation of FIRMs.).

- e. If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:
 - (1) Upon the issuance of a Letter of Final Determination by FEMA, **if** the preliminary flood hazard data **is more restrictive than the effective data, it** shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
 - (2) Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Subsection A.5.c and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
 - (3) Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations ~~or floodway areas~~ **floodplain or floodway boundaries** exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

Change #6: Minor adjustments to Section to Section B.4.b (Permit Requirements).

- b. In addition to the permits required in Subsection a. above, applicants for permits in non-tidal waters of the state are advised to contact MDE. Unless waived by MDE, pursuant to Code of Maryland Regulations 26.17.04, Construction on Non-tidal Waters and Floodplains, MDE regulates the "100-year frequency floodplain of free-flowing waters," also referred to as non-tidal waters of the state. To determine the 100-year frequency floodplain, hydrologic calculations are based on the ultimate development of the watershed, assuming existing zoning. The resulting flood hazard areas delineated using the results of such calculations may be different than the special flood hazard areas established in Subsection A.5. of these regulations. **A permit from the City of Hagerstown is still required in addition to any State requirements.**

Change #7: FEMA now limits accessory buildings in the floodplain to no greater than 600 square feet in area. This adjusts Section B.5.a (Application Contents), item #10.

- (10) For accessory structures that are 300 square feet or larger in area (footprint) **but no larger than 600 square feet in area (footprint) and** that are below the base flood elevation, a Declaration of Land Restriction (Non-conversion Agreement) shall be recorded on the property deed prior to issuance of the Certificate of Occupancy.

Change #8: FEMA recommends the following changes, but they are not required. This adjusts Section C (Requirements in All Special Flood Hazard Areas).

9. **Critical and Essential Facilities.**

Critical and essential facilities shall:

- a. **Not be located in floodways.**
- b. **If located in flood hazard areas other than floodways,** be elevated to the higher of elevation required by these regulations plus one foot, the elevation required by the building code, or the elevation of the 0.2 percent chance (500-year) flood.

Change #9: Minor change to Section D.3 a (Development in Designated Floodways).

- (3) If the analyses demonstrate that the proposed activities will result in an increase in the base flood elevation, the applicant has obtained a Conditional Letter of Map Revision or Letter of Map Revision from FEMA **upon completion of the project.** Submittal requirements and fees shall be the responsibility of the applicant.

Change #10: Minor change to Section D.3.c (Development in Areas with Base Flood Elevations but No Designated Floodways).

c. **Development in Areas with Base Flood Elevations but No Designated Floodways.**

For development in special flood hazard areas of non-tidal waters of the State with base flood elevations but no designated floodways:

- (1) The applicant shall develop hydrologic and hydraulic engineering analyses and technical data reflecting the proposed activity and shall submit such technical data to the Floodplain Administrator as required in Subsection B.5.a.(6). The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision **upon completion of the project.** Submittal requirements and fees shall be the responsibility of the applicant.

Change #11: Minor change to Section D.3.e (Alteration of a Watercourse).

e. **Alteration of a Watercourse.**

For any proposed development that involves alteration of a watercourse not subject to Subsection 3.c. above, unless waived by MDE, the applicant shall develop hydrologic and hydraulic engineering analyses and technical data reflecting such changes, including the floodway analysis required in Subsection B.5.a., and submit such technical data to the Floodplain Administrator and to FEMA. The analyses shall be prepared by a licensed professional engineer in a format required by MDE and by FEMA for a Conditional Letter of Map Revision ~~or~~ **and a** Letter of Map Revision

upon completion of the project. Submittal requirements and fees shall be the responsibility of the applicant.

Change #12: Correct title in Section D.4.c (Enclosures Below the Lowest Floor) that was incorrect in the State model we were provided when we adopted the updated ordinance in 2012.

- (3) Enclosures below the lowest floor shall be provided with flood openings which shall meet the following criteria: [Note: See NFIP Technical Bulletin #1, "Openings in Foundation Walls and Walls of Enclosures Below Elevated Buildings."]

Change #13: Additional item added to Section D.6 (Horizontal Additions).

6. Horizontal Additions.

- a. A horizontal addition proposed for a building or structure that was constructed after the date specified in Subsection A.1 shall comply with the applicable requirements of Subsection D.4 and this section. *(b, c and d omitted as unchanged)*
- e. A horizontal addition to a building or structure that is not substantial improvement, and is not located in nontidal waters of the State, is not required to comply with this section.

[Note: See "Substantial Improvement/Substantial Damage Desk Reference) (FEMA P-758).]

Change #14: Prohibits variances to permit accessory structures in floodplains to exceed a 600 square foot footprint.

E. Variances.

1. General.

The Board of Zoning Appeals shall have the power to consider and authorize or deny variances from the strict application of the requirements of these regulations. A variance shall be approved only if it is determined to not be contrary to the public interest and where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations, an unnecessary hardship would result.

Upon consideration of the purposes of these regulations, the individual circumstances, and the considerations and limitations of this section, the Board of Zoning Appeals may attach such conditions to variances as it deems necessary to further the purposes of these regulations.

No variance shall be granted for an accessory structure exceeding 600 square feet. A signed Declaration of Land Restriction (Nonconversion Agreement) is required as a condition of receiving the variance. The Agreement must be recorded with the Deed. If a variance is granted and the accessory structure is not elevated or dry flood proofed, the conditions in Subsection D.7 apply.

The Board of Zoning Appeals shall notify, in writing, any applicant to whom a variance is granted to construct or substantially improve a building or structure with its lowest floor below the elevation required by these regulations that the variance is to the floodplain management requirements of these regulations only, and that the cost of Federal flood insurance will be commensurate with the increased risk, with rates up to \$25 per \$100 of insurance coverage.

A record of all variance actions, including justification for issuance shall be maintained pursuant to Subsection B.2.j. of this Article.

Change #15: Remove reference to variances for historic structures. This was included in 2012 inadvertently. There are two means by which historic structures are addressed in the Ordinance – via definition and via variance. Ours is structured via definition, but this variance provision was inadvertently kept in the draft that was considered when this model ordinance was adopted in 2012. Staff knows of no historic buildings located within floodplains within the current boundaries of the City. See Section E.2.

2. Application for a Variance.

- a. The owner of property, or the owner's authorized agent, for which a variance is sought shall submit an application for a variance to the Floodplain Administrator. *(b and c omitted as unchanged)*
- d. ~~If the application is for a variance for a historic structure pursuant to Subsection C.6 of this Article, the application shall contain documentation that the proposed work does not preclude the structure's continued eligibility and designation as a historic structure. The documentation shall be obtained from a source that is authorized to make such determinations (see definition of "Historic Structure").~~

Change #16: Minor adjustment to one of the criteria for consideration of a variance found in Section E.3.

3. Considerations for Variances.

The Floodplain Administrator shall request comments on variance applications from MDE (NFIP State Coordinator) and shall provide such comments to the Board of Zoning Appeals.

In considering variance applications, the Board of Zoning Appeals shall consider and make findings of fact on all evaluations, all relevant factors, requirements specified in other sections of these regulations, and the following factors:

- a. The danger that materials may be swept onto other lands to the injury of others. *(b through g omitted as unchanged)*
- h. The relationship of the proposed use to the comprehensive plan **and hazard mitigation plan** for that area.

Change #17: Addition of text to Section E.4 (Limitations for Granting Variances).

4. Limitations for Granting Variances.

The Board of Zoning Appeals shall make an affirmative decision on a variance request only upon:

- a. A showing of good and sufficient cause. **Good and sufficient cause deals solely with the physical characteristics of the property and cannot be based on the character of the improvement, the personal characteristics of the owner/inhabitants, or local provision that regulate standards other than health or public safety.** *(b through f remain unchanged)*

Change #18: Minor labeling change to Section G.1 (Subsequent Amendments)

G. Subsequent Amendments and Effective Date.

1. Subsequent Amendments.

All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency. This ordinance shall be amended as required by the Federal Emergency Management Agency, **Title 44**, Code of Federal Regulations. All subsequent amendments to this ordinance are subject to the approval of the Federal Emergency Management Agency and the Maryland Department of the Environment.

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

Topic:

Hagerstown Police Department Operational Update - *Chief Victor Brito*
(Discussion - no packet material)

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates: