

Mayor and Council

30th Special Session, Work Session, and Executive Session

December 12, 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."*

Help others without any reason and give without the expectation of receiving anything in return. Roy T. Bennett

3:30 PM Executive Session

4:00 PM SPECIAL SESSION

1. Appointment of Councilmember Shelley McIntire

4:00 PM WORK SESSION

- 4:10 PM** 1. Preliminary Agenda Review
- 4:20 PM** 2. Land Management Code Text Amendments - Revision to Cluster Subdivision Requirement - *Stephen Bockmiller, Zoning Administrator*
- 4:30 PM** 3. Program Open Space (POS) Annual Program - *Rodney Tissue, City Engineer, and Mark Haddock, Parks and Recreation Manager*
- 4:40 PM** 4. Indoor Sports Complex: Financial and Market Feasibility Study - *Rodney Tissue, City Engineer*
- 5:10 PM** 5. Update on Garden Plaza Hotel Inspections - *Kathleen Maher, Director of Planning and Code Administration, Police Chief Victor Brito, and Fire Chief Steven Lohr*

CITY ADMINISTRATOR'S COMMENTS

MAYOR AND COUNCIL COMMENTS

ADJOURN

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

Topic:

Executive Session

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

December_12__2017_Executive_Session_Agenda.pdf

Description

Agenda



EXECUTIVE SESSION

MAYOR & CITY COUNCIL

DECEMBER 12, 2017

AGENDA

3:30 p.m. EXECUTIVE SESSION – *Council Chamber, 2nd floor, City Hall*

1. To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; #4
**Business Proposal*
2. To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; #1
**Hagerstown Loan Review Authority and Board of Zoning Appeals*

***AUTHORITY: Annotated Code of Maryland, General Provisions Article: Section 3-305(b)**
(Subsection is noted in parentheses)

CITY OF HAGERSTOWN, MARYLAND

PUBLIC BODY: Mayor & City Council

DATE: December 12, 2017

PLACE: Council Chamber, 2nd floor, City Hall

TIME: 3:30 p.m.

AUTHORITY: **ANNOTATED CODE OF MARYLAND, GENERAL PROVISIONS ARTICLE: Section 3-305(b) :**

1. To discuss:
 - ☒ (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or
 - ☐ (ii) any other personnel matter that affects 1 or more specific individuals;
- ☐ 2. To protect the privacy or reputation of individuals with respect to a matter that is not related to public business;
- ☐ 3. To consider the acquisition of real property for a public purpose and matters directly related thereto;
- ☒ 4. To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- ☐ 5. To consider the investment of public funds;
- ☐ 6. To consider the marketing of public securities;
- ☐ 7. To consult with counsel to obtain legal advice;
- ☐ 8. To consult with staff, consultants, or other individuals about pending or potential litigation;
- ☐ 9. To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- ☐ 10. To discuss public security, if the public body determines that public discussions would constitute a risk to the public or public security, including:
 - (i) the deployment of fire and police services and staff; and
 - (ii) the development and implementation of emergency plans;
- ☐ 11. To prepare, administer or grade a scholastic, licensing, or qualifying examination;
- ☐ 12. To conduct or discuss an investigative proceeding on actual or possible criminal conduct; or
- ☐ 13. To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; or
- ☐ 14. Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.
- ☐ 15. Administrative Function

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

Topic:

Appointment of Councilmember Shelley McIntire

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Motion.Councilmember_McIntire_appointment.pdf

Description

Motion

REQUIRED MOTION

MAYOR AND CITY COUNCIL HAGERSTOWN, MARYLAND

Date: December 12, 2017

TOPIC: **Appointment of Councilmember Shelley McIntire**

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

MOTION: I hereby move for Mayor and Council to appoint Shelley McIntire as Councilmember, effective December 19, 2017.

Councilmember McIntire is being appointed to fill the vacancy and complete the remaining term created by the resignation of Councilmember Donald F. Munson. Councilmember Munson's resignation was effective November 10, 2017 and the Mayor and City Council do hereby accept said resignation.

DATE OF PASSAGE: 12/12/2017

**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:

ATTACHMENTS:

File Name

Dec_19_2017_Prelim_Agenda.pdf

Description

Agenda



**31ST REGULAR SESSION
MAYOR & CITY COUNCIL
DECEMBER 19, 2017
AGENDA**

Preliminary Agenda

7:00 p.m. REGULAR SESSION – Council Chamber, 2nd floor, City Hall

- I. CALL TO ORDER** - Mayor Robert E. Bruchey, II
- II. INVOCATION** - Mayor Robert E. Bruchey, II
- III. PLEDGE TO THE FLAG**
- IV. ANNOUNCEMENTS**
 - A. Rules of Procedure – *Adopted December 20, 2016*
 - B. Use of cell phones during meetings is restricted.
 - C. All correspondence for distribution to Elected Officials should be provided to the City Clerk and should include a copy for the City Clerk for inclusion in the official record.
 - D. Meeting Schedule
 - 1. Tuesday, January 2, 2018 – No Meeting Scheduled
 - 2. Tuesday, January 9, 2018 - Work Session at 4:00 p.m.
 - 3. Tuesday, January 16, 2018 – Work Session at 4:00 p.m.
 - 4. Tuesday, January 23, 2018 – Work Session at 4:00 p.m.
 - 5. Tuesday, January 30, 2018 - Regular Session at 7:00 p.m.
- V. OATH OF OFFICE TO COUNCILMEMBER SHELLEY MCINTIRE**
- VI. CITIZEN COMMENTS**
- VII. CITY ADMINISTRATOR COMMENTS**
- VIII. MAYOR & COUNCIL COMMENTS**
- IX. MINUTES**
(November 7, 2017, November 14, 2017, November 21, 2017, and November 28, 2017)
- X. CONSENT AGENDA**
 - A. Parks and Engineering:
 - 1. Pool Management Contract for 2018 – Community Pool Service (Rockville, MD) \$ 92,800.00
 - 2. Program Open Space Application
 - B. Utilities:
 - 1. Arista Contract for Utility Bill Mailing– Postage Change Order – Arista Information Systems (Duluth, GA) \$ 135,432.00
- XI. UNFINISHED BUSINESS**
 - ✓ A. Approval of an Ordinance: Land Management Code Amendments – Revision to Cluster Subdivision Requirements of Article 4, Section D (Residential Districts)

XII. NEW BUSINESS

- ✓ A. Approval of a Resolution: Hagerstown Revolving Loan Fund Guidelines
- B. Approval of Residential Lease for 36-40 N. Potomac Street – Unit 2

XIII. ADJOURN

✓ *Items that have been discussed and reviewed previously or are of a routine nature and, therefore, additional information may not be attached to this agenda.*

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

Topic:

Land Management Code Text Amendments - Revision to Cluster Subdivision Requirement -
Stephen Bockmiller, Zoning Administrator

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Land_Management_Code_Amendment_-_Cluster_Subdivision_Standards_Revisions.pdf

Description

LMC Text Amendments -
Cluster Regulations



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

SUBJECT: Land Management Code Amendment – ZT-2017-04
Cluster Subdivision Standards Revisions

DATE: December 8, 2017

ACTION: Mayor and Council Discussion of Proposed Zoning Ordinance Amendment
Scheduled for December 12

A public hearing was held on this proposed text amendment on November 28. No public testimony was received. The record was held open for 10 days. No additional materials were received.

This proposal is scheduled for a vote to adopt the ordinance at the Mayor and Council's meeting on December 19.

The following is a bullet-point summary of the primary elements of the proposal:

1. Reverses a prior amendment adopted a few years ago that limited cluster developments to only the RMOD (Residential Moderate Density) Zoning District. Historically, cluster developments were permitted in all four residential districts, and this amendment would reinstate that standard.
2. Requires all single family homes, semi-detached homes, two family dwelling structures, triplex dwelling units, quadraplex dwelling units and townhouses to be on fee-simple lots in cluster subdivisions.
3. Revises the bulk requirements chart for cluster subdivisions to be more conducive to smaller lot development. The cluster provision allows for the reduction in lot sizes if the reduced area is added to open space in the development, however it is difficult to design effective lots if the permitted reduction in lot area is not partnered with corresponding reductions in setbacks. The existing regulations made little in the way of accommodation for reducing setbacks to correspond with the reduced lot areas.

Since lot yield is calculated based on the district's standard lot area requirement, this amendment will not affect lot yield of any development. A cluster development can only produce as many lots or dwelling units as if it were not being developed as a cluster subdivision.

If you have any questions, please contact me at your convenience.

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

Topic:

Program Open Space (POS) Annual Program - *Rodney Tissue, City Engineer, and Mark Haddock, Parks and Recreation Manager*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Program_Open_Space_(POS)_Annual_Program.pdf
Concept_Plan_-_Option_B.pdf

Description

Memo - POS Annual
Program
Concept Plan - Option B



CITY OF HAGERSTOWN, MARYLAND

Department of Parks and Engineering

December 6, 2017

TO: Valerie Means, City Administrator

FROM: Rodney Tissue, Director, Parks and Engineering *Rt*

RE: Program Open Space (POS)
Annual Program

Attached you will find our recommendation for the Program Open Space funds for FY 2019 and beyond. We request that Council review the list, especially the FY 2019 portion, and provide comments. At the December 19th Regular Session, staff will request that Mayor & Council approve the priority list for FY 2019. We need to send our list to Washington County by January 5, 2018.

Staff will be present to review the proposal with Mayor & Council.

Attachments: * County request letter
* Proposed FY 19-24 Plan

c: Cathy Beach
Mark Haddock



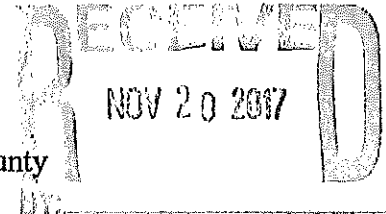
Washington County

M A R Y L A N D

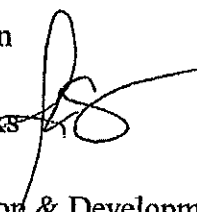
DIVISION OF PUBLIC WORKS

HAGERSTOWN REGIONAL AIRPORT | HIGHWAYS | PARKS & FACILITIES | TRANSIT

MEMO



TO: Mayors of Municipal Corporations in Washington County
Hagerstown Community College
Washington County Board of Education

FROM: James L. Sterling, Director Public Works 

RE: Annual Program Open Space-Acquisition & Development Program FY 2019

DATE: November 1, 2017

The Program Open Space Annual Program for Acquisition and Development Projects for FY 2019 are required to be submitted to the State Department of Natural Resources by July 1, 2018. As in past years, projects will be reviewed by the Washington County Recreation and Parks Advisory Board prior to a recommendation being made to the Board of County Commissioners for adoption of the annual program.

Please submit by Friday, January 6, 2018, requests for acquisition or development project funding in the FY 2018 Annual Program to the Washington County Department of Public Works, 100 West Washington Street, Hagerstown, Maryland, 21740. A completed application is required for each project, along with a map showing the location of the project. If no projects are submitted by January 6, 2018 then it will be assumed that you do not have any projects for consideration for the 2019 fiscal year. Please attempt to use realistic estimates when determining project costs and please do not submit more projects than may reasonably be expected to be completed in a fiscal year.

As with last year's submittal, we are also requesting with the submission of projects for the annual program, a list of projects for which you may be considering requesting POS funding in FY 2019 – FY 2023 (next 5 years).

The list should include the following information preferably in the following format if possible. See following examples:

Year	Project	Location	Est. Cost	POS Funds Requested
FY 2019	Pavilion	Snook Park	\$20,000	\$18,000
FY 2020	Land Acquisition	Regional Park	\$100,000	\$100,000

We would like this list whether or not you intend to submit for project funding in FY 2019. The list will help with long range recreation planning and will assist in developing a picture of the long term funding needs for recreation and how the amount of funding available each year could be best utilized to address future requests. Not listing a project would not eliminate it from future consideration. The annual program will still be developed on a yearly basis as required by law. We understand that priorities change from year to year and that new projects not conceived today will become high priorities in the future. If you do not have any future projects identified at this time, that is fine or if you would like the County staff to work with you to develop a list of projects, we will be happy to assist you.

After all applications are received, a time will be assigned to you to make your presentations to the Recreation and Parks Board. Presentations should be limited to 10 - 15 minutes. It is anticipated that presentations will take place during the February and March meetings of the Recreation and Parks Board.

Once presentations are completed, the Recreation and Parks Advisory Board will recommend an annual program to the County Commissioners. This program will be reviewed and adopted subject to additions, deletions or changes approved by the Board of County Commissioners.

After action is taken by the Board of County Commissioners, you will be notified as to what projects have been approved for funding and the copies of the submitted applications will be returned.

Thank you for your past cooperation and support in development of the annual POS program and we look forward to working with you in the future. If you have any questions regarding these changes or the POS program, please contact me at 240-313-2252.

CITY OF HAGERSTOWN
5-YR POS PROPOSED PLAN FY19-24 (Listed By Priority)
Last Revised 11/27/17

FY	CIP #	Project	Location/Description	Total Project Cost	POS Fund Request	City Match
2019	C0140	Urban Improvement Project	Funds for developing the open space behind the Maryland Theater, BISFA, and USMH projects	\$2, 150,000	\$300,000	\$1,150,000
FY 2019 Priority				*\$1,950,000	\$300,000	\$1,150,000
2020	C0140	Hagerstown Cultural Trail	Funds for developing triangle park near Park Circle or funds for work near City Center to support downtown project	\$200,000	\$180,000	\$20,000
2020	C0439	Amenities for Train Museum	City Park Train Museum: for a new pavilion, purchase train themed amenities such as benches, tables, trash receptacles, etc	\$20,000	\$18,000	\$2,000
2021	C0825	The Greens at Hamilton Run Improvements	Course improvements such as cart paths, tee box and green improvements	\$100,000	\$90,000	\$10,000
2021	C0822	Replace Pool Whitecoat	Potterfield Pool: replace whitecoat in deep end of main pool	\$50,000	\$45,000	\$5,000
2021	None	BMX Lights	Fairgrounds Park: Lights around perimeter of track for night races	\$40,000	\$36,000	\$4,000
2022	C0522	Parking Improvements	City Park: upper lot by tennis court, pavilion and softball fields	\$310,000	\$279,000	\$31,000
2021	C0522	Parking	City Park: Upper lot near	\$250,000	\$225,000	\$25,000

CITY OF HAGERSTOWN
5-YR POS PROPOSED PLAN FY19-24 (Listed By Priority)
Last Revised 11/27/17

FY	CIP #	Project	Location/Description	Total Project Cost	POS Fund Request	City Match
		Improvements.	Mansion House			
2023	C0626	Parking Improvements.	Fairgrounds Park: Rear lot below BMX	\$250,000	\$175,000	\$25,000
2023	C0626	Soccer Field Lights	Fairgrounds Park: add lights to soccer field for evening use	\$170,000	\$63,000	\$107,000 by others
2024	C0548	Gatekeeper's House Renovation	Fairgrounds Park	\$500,000	\$450,000	\$50,000

*Estimate per the County's funding matrix. Sources of funds are as follows:

- City \$1,150,000
- State Strategic Demolition Fund \$300,000
- State Community Parks and Playgrounds \$200,000
- State Program Open Space \$300,000
- Costs over the \$1,950,000 amount will be non-City funds

CONCEPT PLAN - OPTION B



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

Topic:

Indoor Sports Complex: Financial and Market Feasibility Study - *Rodney Tissue, City Engineer*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

indoor_sports_complex.2017.pdf

Description

Indoor Sports Complex:
Financial and Market
Feasibility Study



CITY OF HAGERSTOWN, MARYLAND

Department of Parks and Engineering

December 12, 2017

TO: Valerie Means, City Administrator
FROM: Rodney Tissue, City Engineer *RT*
RE: Indoor Sports Complex: Financial and Market Feasibility Study

1. Background

During recent goal-setting discussions and also based on input received from the community, there is a significant level of interest for an indoor soccer/sports complex in Hagerstown. We understand this would ultimately be a public/private partnership to construct and operate. In order to assess and generate public interest and support, staff recommends that the first step toward making this a reality would be to issue a Request for Proposal for a two-phased consultant study on the financial viability and development of the facility. Then (using the analysis from this study), we would be well positioned to issue a Request for Proposal soliciting private partner(s)/developers to construct and operate the facility.

2. Mayor & Council Action Requested

Provide direction to staff on the next steps, if any, to take on this project.

3. Recommendation

If the majority of the Mayor & Council wish to proceed with this project, staff recommends the first step is a Financial & Market Feasibility Study to gauge the opportunities, operating costs, and revenue potential of such a facility. A detailed Request for Proposal will be issued but generally we suggest it would contain the following:

Phase I: Financial Viability

A. A *market analysis* to evaluate the economic conditions and demographics that could impact the projected use and marketability of the indoor sports complex including evaluation of the market of various sports, review of existing competitive facilities, and identify community needs and quality of life opportunities.

A *demand analysis* that identifies demand potential and estimates programmed uses such as leagues, clubs, clinics, classes, and rentals including participation projections. Evaluate what sports could successfully be programmed in the facility to maximize the use.

Consider demand for a tournament-level facility with sports tourism potential (such as

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

multiple fields and a gallery for spectators).

- B. Develop a five-year pro forma revenue and expense projection analysis to determine the overall financial viability of the complex:
 - a. Identify rental, league and programming opportunities and overall demand.
 - b. Develop estimate for the annual expenses of operating the sports complex
 - c. Project operating and sponsorship revenue
- C. Develop a recommendation on what the facility should include and possibly a concept floor plan drawing to include the complex size, field type and sizes, how they could be used.

Once phase I work is completed by the consultant and reviewed by the Mayor, Council and City staff, the City will determine if the consultant is authorized to complete Phase II

Phase II: Project Site Analysis and Development Recommendations

- A. An analysis and assessment of construction on an existing City property, to accommodate use as a recreational facility. Evaluate construction costs for the building and the project site that meets all applicable codes and standards for public occupancy and use.
- B. Provide conceptual site development plan that integrates the Phase I facility recommendations with the proposed site(s).
- C. A presentation on possible construction funding sources, partnerships and sponsorships.
- D. Recommendations on public/private partnership arrangements regarding:
 - a. The construction of the facility
 - b. The entity that should carry out and oversee the operations of the facility.

Staff will be available on Tuesday at the work session to discuss this exciting opportunity.

Cc: Jim Bender
Mark Haddock
Amy Riley

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

Topic:

Update on Garden Plaza Hotel Inspections - *Kathleen Maher, Director of Planning and Code Administration, Police Chief Victor Brito, and Fire Chief Steven Lohr*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Garden_Plaza_Hotel_Update_12_7_17.pdf

Garden_Plaza_Hotel_Notices_of_Violation.pdf

Description

Update on Garden Plaza
Hotel Inspections

Notices of Violation_Garden
Plaza Hotel



CITY OF HAGERSTOWN, MARYLAND

Planning and Code Administration Department

MEMORANDUM

TO: Valerie Means, City Administrator

FROM: Kathleen A. Maher, Director of Planning & Code Administration
Victor Brito, Police Chief
Steve Lohr, Fire Chief

DATE: December 7, 2017

SUBJECT: Update on Garden Plaza Hotel Inspections

Staff from the Police Department, Fire Department, and Planning & Code Administration Department will be present at the December 12th Mayor and City Council meeting to provide an update on the inspections results of the Garden Plaza Hotel.

Background on the Hotel

The Garden Plaza Hotel is located at 901 Dual Highway. It contains 200 rooms (147 in the two-story hotel and 53 in the rear tower) and is adjacent to the Hager Hall convention facility, the Barefoot Bernie's restaurant, and the Cancun Cantina West night club. In the past, this hotel has operated under the chain brands of the Ramada Inn (pre-1975 to circa 2003), the Clarion Hotel, and Rodeway Inn. A google search does not reveal chain branding of the Garden Plaza Hotel. At present, per recent inspections, the rear tower is used exclusively for extended stay and the two-story hotel is a mix of transient and extended stay. According to the County Treasurer, the hotel has not been in good standing on payment of the County hotel tax since March 1, 2016. The arrears have been lienied against the property tax bill.

Per SDAT, ownership has changed as follows:

- Turner Development Co Inc. sold the complex in 1999 to Hagerstown Hotel Associates LLC.
- Millennium Hospitality Holdings LLC acquired the hotel in 2007 and the meeting facility in 2008.
- Hager Hall Associates LLC acquired the restaurant and bar in 2008.

City Inspections of the Property

In August, the Planning & Code Administration Department received a complaint from a convention attendee of concerning conditions at the Garden Plaza Hotel. The presence of drug

paraphernalia in the building and an overdosing person in the parking lot were reported to the Hagerstown Police Department (HPD) by this same convention attendee. On September 11th, HPD handled a homicide at the hotel. On September 21st the Fire Department conducted a safety inspection of the hotel with the assistance of HPD, Washington County Narcotics Taskforce, and the Planning & Code Administration. The following is a report on the results of these inspections and the level of compliance achieved to date.

Police Department

On September 21st members of the Hagerstown Police Department & Washington County Narcotics Task Force assisted the Hagerstown Fire Department with room inspections at the Garden Plaza Hotel. The Hagerstown Police Department was asked to assist with this investigation and wanted to assist due to recent events at the hotel. On September 11th, 2017 the Police Department handled a homicide at the hotel. This homicide was found to be related to prostitution and drug activity that needed to be addressed. During the inspection by the Hagerstown Fire Department, Officers stood by while each room was checked to ensure safety and to look for any criminal violations. No violations were located, but the Hagerstown Police Department was thankful for the help the Hagerstown Fire Department has given to ensure this hotel is safe for any and all guests.

Fire Department

The Hagerstown Fire Department's (HFD) inspections have been limited to the Garden Plaza Hotel. Currently, all tenant areas of the former Ramada Inn carry the same street address. HFD recommends that each tenant area be assigned a separate and distinct address to facilitate public safety. Specifically, we recommend a distinct address for Barefoot Bernies, Cancun Cantina West, Hager Hall, the two-story portion of the motel and finally, the tower portion of the hotel.

The HFD is allowed to legally access buildings based upon the need to conduct fire inspections. Further, the HFD has the right to inspect anytime, based upon NFPA 1, The Fire Code, and NFPA 101, The Life Safety Code. Finally, the HFD may engage in response to any citizen complaint for suspected violations.

Even though the law permits the use of municipal citations (fines) to achieve compliance with code violations, the HFD and the Fire Marshal's staff have a proud history of always attempting to gain compliance through education and customer service prior to the utilization of fines, even though this is not always timely or completely effective. Clearly, there are instances when citations are required to guarantee the safety of the public. This is the case at the Garden Plaza Hotel.

During CY17, FD records indicate a total of 10 (ten) emergency responses to the motel & tower,

6 (six) in 2016, and 7 (seven) in 2015. These include high acuity EMS runs and or calls where staffing assistance was requested by CRS. We do not have access to CRS records. I would assume that they have the highest call demand of all agencies.

In the same three-year period, the FM's office logged 21 inspections, 12 investigations and several other consultations and referrals. The most serious of these incidents was a fire in the laundry room on July 21st. As a result of this fire, numerous violations regarding fire protection features within the facility were identified. Some of those violations remained open and uncorrected on September 11th the time of the police incident. Since then, the primary fire protection issues in the tower were corrected and certified.

During the multi-agency inspection, the Planning & Code Administration Department responded to the hotel to assist with power problems and bug infestations in certain portions of the facility. Rooms that did not pass inspection were posted as not permitted to be occupied. As a result, the facility Assembly permit has not been re-issued. The due date for the current violations is December 6th. Additional actions will occur if the requirements are not met.

The HFD will continue to address open violations.

Planning & Code Administration Department

The Planning and Code Administration Department was requested to inspect 7 rooms identified by the Fire Department during the September 21st inspection. The rooms inspected were 105 and 271 in the hotel and rooms 1002, 3003, 5008, 5009, and 1012 in the tower. The violations of the Property Maintenance Code can be seen on the notice dated September 22nd. Room 1012 of the tower portion of the property was an office for the hotel at one point in time and it was illegally converted into an apartment. This space is currently vacant and will remain vacant until proper permits are obtained to make the space City Code compliant.

A re-inspection of the property was conducted on November 15th and 8 items remained from the September 22nd notice and 2 additional safety items were identified on this inspection as a violation of City Code. Of the outstanding violations, we received the following:

- documentation from the exterminator and their extermination schedule;
- documentation from the electrician for the repairs to the 3 phase service that was inspected during the November 15th inspection. During the inspection of the electrical panels in the basement it was discovered that some knockouts were missing in the panel boxes.
- notification that the window replacements have been ordered and were to be delivered on 11/27.

Outstanding items include:

- a copy of a valid certification on the elevator;

Update on Garden Plaza Hotel Inspections

December 7, 2017

Page 4

- Room 105 violations - hotel management are in the process of acquiring the skilled tradesman;
- Room 271 violations – tenants caused the issues and they were to be evicted.

A request for a re-inspection of the outstanding items on the notice dated November 15th, with a deadline of November 30th was made on December 4th. Our office has since received the following:

- notification that the windows have been repaired;
- a copy of the current elevator certification;
- notification that Room 271 has been vacated by the tenants, the plumbing has been repaired in the unit, and the wall violation is in progress.

A re-inspection of the property is scheduled for Monday, December 11th.

Attachments

C: Jason Morton, City Attorney
Paul Fulk, Neighborhood Services Manager
Blaine Mowen, Chief Code Official
Doug Dehaven, Fire Marshal
Michelle Hepburn, Finance
Jill Frick Thompson, DCED
Scott Nicewarner, IT & Support Services
Todd Hershey, County Treasurer



CITY OF HAGERSTOWN, MARYLAND

Planning & Code Administration Department, 1E, Franklin St., Hagerstown, MD 21740
Phone: 301-739-8577 Fax: 301-791-2650

NOTICE OF INSPECTION RESULTS

September 22, 2017

Millennium Hospitality Holdings
Llc
901 Dual Hwy Ste 2
Hagerstown, MD 21740-5950

Case Number: 54565-131320

RE: 901 Dual Hwy

Dear Millennium Hospitality Holdings Llc:

The City of Hagerstown is committed to ensure the health, safety and welfare of all residents and visitors. Your Compliance with the City Code is required for the benefit of the entire community. If you have questions or desire to develop an approved plan to correct the violations noted in this form, please contact the issuing code official.

Please be advised that the inspection conducted at the above-referenced property revealed the following conditions which are in violation of the Property Maintenance Code of the City of Hagerstown:

PM-108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

Specifics: The existing business office in the rear tower on the first level is being used as an apartment or residential unit. There is no record of this change of use being approved by the Department.

Property is condemned as of 09/25/2017

Building Permit Required

PM-302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of debris, rubbish, garbage, or implement and/or equipment or personal property of any kind whatsoever which is no longer usable for the purpose it was manufactured. Exterior storage of appliances is prohibited. Exterior storage of unused construction materials is prohibited. If any person allows such conditions to exist, he shall be guilty of a municipal infraction and a citation can be issued without prior notice of violation. Rubbish and garbage in approved containers placed at curbside for removal during established hours shall be exempt from the provisions of this code

Specifics: The exterior of the premises is littered with trash and rubbish, especially in the bushes, parking lots, and alcoves between the buildings on site.

Corrections must be completed by 10/01/2017

PM-304.13 Window, light and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

Specifics: There are several broken and/or damaged windows on the building. All windows will need to be repaired.

Corrections must be completed by 10/22/2017

PM-304.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.10.

Specifics: Unit 5009: The main entryway door has a damaged peephole, the glass is broken on the exterior hallway side of the door.

Corrections must be completed by 10/08/2017

PM-305.1 Interior General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

Specifics: Unit 271: The hallway and bathroom are cluttered with belongings and unclean dishes, trash and garbage. The unit shall be maintained in a sanitary manner and all egress pathways shall be maintained clear of obstructions.

Corrections must be completed by 10/08/2017

PM-308.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

Specifics: Unit 5008: The furniture and bedding is overturned and appear to be in the process of treatment with insecticide. Please provide documentation from a licensed pest control specialist that the room is pest free.

Corrections must be completed by 10/08/2017

PM-602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 15 to maintain a temperature of not less than 65 degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be at its full design capacity. The winter outdoor design temperature is 12° Fahrenheit.

Specifics: The HVAC units do not appear to have power due to electrical service issues in the following units: 1008, 1011, 2003, 2007, 2008, 2010, 3010, 4002, 4009, 4010, 5007, 5008, 5009, 5010, & 5011.

Corrections must be completed by 10/01/2017

PM-604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

Specifics: The main breakers for the electrical service to the building are water damaged & corroded, causing the breakers to not function properly. The 3-phase electrical service appears to have lost 1-phase of service due to the breakers malfunctioning.

Corrections must be completed by 10/01/2017

Electrical Permit Required

PM-305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

Specifics: Unit 105: There are holes in the wall covering behind the toilet in the bathroom, due to leak in wall.

Corrections must be completed by 10/08/2017

PM-305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

Specifics: Unit 271: The wall between the room and bathroom area is damaged and will need to be repaired.

Corrections must be completed by 10/08/2017

PM-602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 15 to maintain a temperature of not less than 65 degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be at its full design capacity. The winter outdoor design temperature is 12° Fahrenheit.

Specifics: Unit 3003: The HVAC unit is leaking inside the room, it is not functioning properly.

Corrections must be completed by 10/08/2017

PM-305.1 Interior General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

Specifics: Unit 3003: The HVAC unit is leaking inside the room and the carpeting is wet for more than 1/2 of the room.

Corrections must be completed by 10/08/2017

PM-305.1 Interior General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

Specifics: Unit 5008: The furniture and bedding is overturned and is blocking the egress pathway.

Corrections must be completed by 10/08/2017

PM-504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back-siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

Specifics: Unit 105: The tub and toilet are in disrepair, active water leak in wall behind same area, which may be causing foul odor in room.

Corrections must be completed by 10/01/2017

PM-602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 15 to maintain a temperature of not less than 65 degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be at its full design capacity. The winter outdoor design temperature is 12° Fahrenheit.

Specifics: Unit 105: The HVAC unit is wrapped in plastic and does not appear to be functioning.

Corrections must be completed by 10/08/2017

PM-305.1 Interior General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

Specifics: Unit 1002: The hallway of the unit is cluttered with belongings, all egress pathways shall be maintained clear of obstructions.

Corrections must be completed by 10/08/2017

Please be advised that a re-inspection needs to be conducted at the above referenced property to confirm all outstanding violations were corrected. Failure to provide a timely response to this notice may subject you to penalties as prescribed by City Code. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

You have the right to appeal the above before the Board of Technical Appeals. All appeals must be noted on the Request for Appeal form. A filing fee of fifty (\$50.00) must accompany the appeal form. Appeal forms must be received by the City Engineer at 1 East Franklin Street, Hagerstown, Maryland 21740 within twenty (20) calendar days of your receipt of this notice. Appeal forms are available at both the Department of Engineering and the Office of Code Compliance.

If you should have any practical difficulties, or have questions concerning this notice, please contact me at (301) 739-8577. If you intend to correct the violations, but cannot meet the deadline, contact this office as soon as possible to propose a schedule and provide substantiation for the need for a reasonable extension of the deadline.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Harris', with a long horizontal flourish extending to the right.

Pamela Harris ext. 203
Code Official

NOTE: This inspection is a limited visual inspection of conditions in readily and easily accessible areas that exist at the time of the inspection. Any area which is not exposed to view, is concealed or is inaccessible is not included in this inspection. This inspection is not a warranty.



CITY OF HAGERSTOWN, MARYLAND

Planning & Code Administration Department, 1E. Franklin St., Hagerstown, MD 21740
Phone: 301-739-8577 Fax: 301-791-2650

EXTENSION NOTICE

November 15, 2017

Millennium Hospitality Holdings
Llc
901 Dual Hwy Ste 2
Hagerstown, MD 21740-5950

Case Number: 54,565-134418

RE: 901 Dual Hwy

Dear Millennium Hospitality Holdings Llc:

This letter is in response for failure to correct the following violations cited on 09/22/2017. Failure to abate these violation(s) may result in fines being issued.

PM-304.13 Window, light and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

Specifics: There are several broken and/or damaged windows on the building. All windows will need to be repaired. [Please provide confirmation of replacement of windows and schedule for replacement.]

Corrections must be completed by 11/30/2017.

PM-305.1 Interior General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

Specifics: Unit 271: The hallway and bathroom are cluttered with belongings and unclean dishes, trash and garbage. The unit shall be maintained in a sanitary manner and all egress pathways shall be maintained clear of obstructions.

Corrections must be completed by 11/30/2017.

PM-308.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

Specifics: Please provide documentation from a licensed pest control specialist that the rooms are pest free. [It is understood that Orkin is treating rooms on a rotating basis every 2 weeks, please provide this documentation for each room.]

Corrections must be completed by 11/30/2017.

PM-604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

Specifics: The 3-phase electrical service appears to have lost 1-phase of service due to the breakers malfunctioning. [Please provide documentation from the licensed electrician regarding the repairs that have taken place.]

Corrections must be completed by 11/30/2017.

PM-605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

Specifics: The electrical service panels L4 & H1 are missing knockout covers for breaker installation areas; install knockout covers in areas of the panels where the breakers are not installed. There is a missing cover panel on the service conduit raceway.

Corrections must be completed by 11/30/2017.

PM-606.1 General. Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.

Specifics: The elevator inspection certificate is expired; please provide up to date inspection certificates for the elevators.

Corrections must be completed by 11/30/2017.

PM-305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

Specifics: Unit 105: There are holes in the wall covering behind the toilet/ shower in the bathroom, due to leak in wall. [Unit is to remain vacant until repairs are rendered.]

Corrections must be completed by 12/15/2017.

PM-305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

Specifics: Unit 271: The wall between the room and bathroom area is damaged and will need to be repaired. [Repairs are in progress, remaining repairs and painting are still necessary.]

Corrections must be completed by 12/15/2017.

PM-504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back-siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

Specifics: Unit 105: The active water leak in wall behind the shower must be repaired. [Unit is to remain vacant until repairs are rendered.] Unit 271: Toilet is clogged and has overflowed onto the floor.

Corrections must be completed by 12/15/2017.

PM-602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 15 to maintain a temperature of not less than 65 degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be at its full design capacity. The winter outdoor design temperature is 12° Fahrenheit.

Specifics: Unit 105: The HVAC unit is wrapped in plastic and does not appear to be functioning. [Unit has been removed and it is understood it is being replaced, unit to remain vacant until repairs are rendered.]

Corrections must be completed by 12/15/2017.

City Code provides that in the event that the premise is not ready for the requested inspection or the premise is not accessible, a reinspection fee of \$50 may be imposed for each additional call for the same inspection. Inspectors will NOT accept payment in the field.

Failure to complete the required corrections can result in the issuance of fines. If you have any questions please contact me.

Sincerely,



Pamela Harris ext. 203
Code Official

NOTE: This inspection is a limited visual inspection of conditions in readily and easily accessible areas that exist at the time of the inspection. Any area which is not exposed to view, is concealed or is inaccessible is not included in this inspection. This inspection is not a warranty.

IMPORTANT NOTICE: To the owner, tenant, Lead Inspector, MDE personnel or other party of interest; the above described extension to complete the abatement of the City of Hagerstown Property Maintenance Code violation(s) is NOT Intended for nor is it valid as a waiver for the completion of any lead paint abatement work. This extension is NOT a seasonal waiver.