

57<sup>TH</sup> SPECIAL SESSION, WORK SESSION AND EXECUTIVE SESSION –  
NOVEMBER 8, 2011

Mayor R. E. Bruchey, II called this 57<sup>th</sup> Special Session, Work Session and Executive Session of the Mayor and City Council to order at 4:07 p.m., Tuesday, November 8, 2011, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers W. M. Breichner, M. E. Brubaker, F. W. Easton, A. C. Haywood, L. C. Metzner; City Administrator Bruce Zimmerman, City Attorney William Nairn and City Clerk D. K. Spickler.

57<sup>TH</sup> SPECIAL SESSION – November 8, 2011

On a motion duly made by Councilmember W. M. Breichner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to meet in Special Session at 4:08 p.m.

John Lestitian, Director of the Department of Community and Economic Development, reported City staff along with volunteers from the community and the Elizabethtowne East Neighborhood's 1<sup>st</sup> Group had undertaken a planning exercise several years ago for the Northeast Quadrant. The three main findings of this effort were 1) the need for increased parking, 2) the development of green space and 3) the development of a safe area for children to play. In an effort to further address these needs staff recommend the acquisition of 101 East Avenue for the development of a pocket park.

The acquisition and demolition of this vacant structure will allow for the creation of a visible and impactful project which addresses the needs identified above. While no parking will be created, the elimination of the five residential units in this one-time single family home will lessen the demand for parking. The creation of the pocket park will create green space and a safe place for children to play.

This project will be funded from the reprogrammed bond funds and will be completed within the timeliness standard for use of these funds. Staff has negotiated an acquisition price of \$ 68,700 with the current owner, Vanderbilt Mortgage and Finance. Additionally, staff recently met with representatives of the Elizabethtowne East Neighborhood's 1<sup>st</sup> Group to discuss this plan. The current concept for the development of the park includes the construction of a wall to shield neighboring properties, the creation of a tot lot fenced play area and the creation of green space with a landscaped area.

William Nairn, City Attorney, noted the language in the agreement clarifies the settlement date to be 30 days after the effective date of the ordinance.

Councilmember Breichner asked if taxes have been paid. Mr. Lestitian stated the present owner would be required to have all taxes and utilities current prior to settlement.

Settlement would be held before the end of the year, if the Mayor and City Council approve the ordinance at the November 22, 2011 meeting.

### **Introduction of an Ordinance: Authorizing the Purchase of 101 East Avenue**

**Action:** On a motion duly made by Councilmember W. M. Breichner and seconded by Councilmember A. C. Haywood, the Mayor and City Council unanimously agreed by voice to introduce an ordinance authorizing the City of Hagerstown to enter into a Contract of Sale for the purchase of 101 East Avenue, Hagerstown, Maryland. The purchase price is \$ 68,700.00. This acquisition is for the development of a pocket park to address neighborhood needs. The funding for this acquisition and the project is from the reprogrammed bond funds.

### WORK SESSION – November 8, 2011

#### Citizens Police Academy Certificates

The following people completed the recent Citizens Police Academy: Sara Abood, Betty Bell, Walter Bell, Derek Bish, Frank Emma, Lara Foster, Carol Hann, Vincent Herold, Dorothy Higgins, Laural Kahn, Betty Kerlin, Carrie Kerlin, George Knode, Donna Long, Lois MacCumbee, Brenda Moore, Catalina Morell, Tina Smith, Cody Swope, Joseph (Tony) Valentine and Michaela Whitaker. Each participant was presented with a certificate by Mayor Bruchey, Chief Arthur Smith, Officer Gerard Kendle and Verna Brown, Washington County Emergency Management Coordinator.

#### 2013 Civil War Sesquicentennial Special Event Update

Karen Giffin, Community Affairs Manager, and Stephen Bockmiller, Development Review Planner/Zoning Administrator, were present to provide an update on the progress of planning for the 2013 Civil War sesquicentennial event and to seek consent on a major element that is to be included in the program before an invitation is officially extended to the desired keynote speaker.

In 2010, an outline for the City's observance of the 150<sup>th</sup> Anniversary of the Civil War was presented to the Mayor and City Council. This involved three special events in 2012, 2013 and 2014 and encouraging/motivating City businesses and institutions to create their own observances. The 2012 event will be held on the weekend of June 16-17 at City Park. Staff was directed by the Mayor and Council to ensure that the observances were balanced in their focus. Earlier this year, staff received the Mayor and Council's endorsement to invite the Hon. John Roberts, Chief Justice of the Supreme Court of the United States to be the keynote speaker at the 2013 event, which will take place in Rose Hill Cemetery.

The Director and President of Rose Hill Cemetery support this event and are eager to assist in making it a success.

Staff has identified a means by which to honor the Mayor and Council's direction to emphasize fairness and equal billing. Staff discovered that there is a stone speaker's stand located in the middle of Rose Hill Cemetery that is dedicated as a memorial to Hagerstown's Union veterans in Post 4 of the Grand Army of the Republic (GAR). Therefore, there is a monument to each side in Rose Hill and the mandate to keep the event balanced is quite achievable. However, some of Hagerstown's veterans are not represented, and a plan has been developed to incorporate this into the program and make the event even more inclusive.

Staff proposes to include in the event the dedication of a memorial to Lyon Post #31 of the GAR. It would be placed next to the Reno Post #4 memorial speaker's stand as part of the 2013 ceremony. The memorial will be approximately the size of the speaker's lectern in the City Council Chambers and will cost approximately \$ 3,500.00. This will be paid for by donors and outside sponsors and will not be paid for with city funds.

Rose Hill Cemetery is on board with this concept. The official invitation has not been sent to the Chief Justice to determine whether the Mayor and Council are agreeable to this proposal, so it can be mentioned specifically in the invitation.

Mr. Bockmiller indicated the 2013 Hagerstown event would include identical memorial services in the Confederate and Union sections of the cemetery.

It was the general consensus of the Mayor and City Council to issue an invitation to the Chief Justice. Mr. Bockmiller stated Rose Hill Cemetery will underwrite a Civil War walking tour for downtown and the cemetery during these events.

#### Non-Partisan Election Ballot Question

The Mayor and City Council discussed non-partisan City Elections on August 16, 2011. At the conclusion of the discussion, it was the general consensus to include a non-binding question on the ballot in November, 2012, asking if voters want non-partisan elections.

William Nairn, City Attorney, drafted the following for this ballot question:

#### Change to Non-Partisan City Elections

Should Article V Section 503 of the Charter of the City of Hagerstown be amended by the Hagerstown City Council to provide for a non-partisan primary in which the ten persons with the highest votes without regard to political party shall become candidates for City Council in the general election and the two persons with the highest number of votes without regard to political party shall become candidates for Mayor in the general election?

This would be a non-binding question on the ballot.

Councilmember Haywood stated the wording is okay. She wondered if party affiliations would appear on the ballot and where City candidates would be listed.

Councilmember Brubaker stated most municipal elections are non-partisan. The questions raised by Councilmember Haywood could be included in the implementation process if City elections are changed to non-partisan and would be completed by the next administration.

Councilmember Haywood stated she believes voters will ask and the answers need to be determined prior to the election. She expressed concern that in-depth discussions would not be held before the question is asked of voters, especially if the intent of a non-partisan election is to increase participation.

Staff will obtain answers to Councilmember Haywood's questions.

Councilmember Brubaker stated he thinks the candidate has the option to indicate on the filing certificate their party affiliation, if any.

Councilmember Metzner stated non-partisan is just that, no party affiliation. He doesn't understand the intent of this discussion. He stated the ballot question should be as concise as possible.

Mayor Bruchey asked that information about the placement of City candidates on the ballot be presented at a future work session.

#### Police Text Message Program

Captain Mark Holtzman, Hagerstown Police Department, discussed a new initiative that allows citizens to report information by text. A text can be sent directly to the police department by texting REPORT and the tip to 847411. This service should not be used for emergency communications. As a safeguard, all messages received are screened for emergencies at the 911 Center. This service is designed as an easy way to share information.

Councilmember Metzner asked if it would be appropriate to report a crime, for example, if his car was broken into. Captain Holtzman stated online police reporting is being reviewed but not in place at this time. The text program is more for providing information of who may have broken into the car.

Councilmember Easton asked if numbers are monitored to prevent abuse. Captain Holtzman indicated each person is given an individual PIN through a third party.

Mr. Nairn asked if the program has the ability to identify who is sending the text. Captain Holtzman stated it does not. Messages can be sent back and forth to determine the validity of the message and to determine a course of action.

Police Service in the Downtown

Chief Arthur Smith, Captain Mark Holtzman and Lt. Paul Kifer were present to provide an overview of police services and support initiatives currently taking place in the Downtown. Topics included the Police Downtown Squad, CSAFE officers, overtime initiatives and Auxiliary Police efforts along with planned projects and improvements to existing crime prevention initiatives.

Chief Smith stated the Department is smaller than in the past and crime has decreased, but it needs to be lower. Empty store fronts cause fewer people to be in the downtown and makes suspicious people stand out more. He indicated the police department is setting the stage for when things turn around and to respond to the economic downturn. Taxpayers are experiencing a lot of stress. The initiatives that have been implemented have not cost the taxpayers.

Lt. Kifer introduced the members of the Downtown Squad. They responded to 2,700 calls last year. They try to support special functions and events downtown during regular working hours. Lt. Kifer stated there is a level of comfort when officers are present. Overtime costs have been reduced by streamlining services for events. The Fire Department has provided personnel for coverage during the annual Mummer's Parade, which significantly reduced overtime costs. Lt. Kifer stated the Downtown Squad members are ambassadors for visitors to Hagerstown. The Auxiliary Police group has also been assisting with events and presence in Downtown.

Funding is supplemented by several grants. The Bureau of Justice Assistance Grant includes prostitution details, high visibility traffic details and drug enforcement details. These details provide police presence in different locations. A new initiative is the DDACTS. This program uses data from crime and accident reports data and shows the intensity of the combined data. Officers can then focus on the zones with the highest numbers. This program is designed to increase visibility and reduce crime.

On Sundays, Mondays and Tuesdays, foot patrols are increased downtown during specific times. Lt. Kifer stated the department is considering adding a second police substation downtown. One identified location would be on Franklin Street, which is a gateway to Hagerstown. There is a blue light panic station at the University System of Maryland – Hagerstown. More stations may be considered. Lt. Kifer stated, to his knowledge, the panic station has never been activated.

Officer Gerard Kendle has assumed the CSAFE director duties. Grant funding from the CSAFE program was used to add another officer. Officer Tom Kelly will be completing the duties previously done by Officer Kendle. Officer Kelly will be stationed downtown. The Fire Department has agreed to monitor downtown cameras from fire stations and provide additional "eyes" downtown. Officer Kendle and Officer Kelly will be working the areas east of Franklin Street. The Downtown Squad will continue to cover the Arts and Entertainment District.

Captain Holtzman then introduced the members of the Auxiliary Police force. They will be walking around downtown throughout the day and evening. They have radios and can report suspicious activity to police officers. They will also assist visitors downtown, which will include handing out restaurant guides and other information. They are being paid from BIAG grants funds. This additional uniformed presence downtown will help people feel comfortable to visit downtown. The idea is to have a safety person visible in every block.

The fire stations were ordered to keep garage doors down and locked following September 11, 2011. The stations in Hagerstown will now have open doors. There will be radio communication between the police officers and firefighters. Captain Holtzman stated they are reviewing types of transportation for safety personnel downtown, i.e. golf cart, Segway, etc.

Councilmember Breichner indicated Annapolis officers use segways, which seems to be effective. He stated the police presence at events at the Maryland Theatre is satisfying; however he would like them to stay at the Theatre longer. He stated Officer Kendle is respected by the people in the Jonathan Street neighborhood. He suggested the civilian safety employees have a uniform that looks more like a police officer.

Councilmember Haywood stated the presence downtown is good. She is pleased with the response time to calls. She indicated there is a police presence on weekends.

Chief Smith stated staff attended a recent meeting of the Downtown Alliance. The main issue of the businesses is the homeless using their facilities. Hagerstown and Washington County offers a variety of services to the disadvantaged, which attracts many people. The cold weather shelter closes from 7:00 a.m. to 7:00 p.m. During this time, the homeless look for other places to spend the day, such as the library. He stated a day shelter may be worth considering and it would solve several issues.

Councilmember Metzner believes if nothing is done, the brand new library will become the day shelter.

Councilmember Haywood agreed but pointed out that people should be helped through rehabilitation and moving them forward. A day shelter would just add one more place for them to linger during the day.

Lt. Kifer stated the staff at the cold weather shelter is aware of the problem.

Councilmember Haywood indicated another “babysitting” place is not needed. Rehabilitation is what is needed. As a downtown business owner, she stated it is difficult to deal with people you don’t want in the shop, but it can be done.

Councilmember Brubaker stated Councilmember Haywood’s comments indicated constructive activities are needed to break the cycle. He doesn’t understand how you could make certain people only go certain places.

Councilmember Breichner stated the Frederick library faces the same problem as Hagerstown. People there are sleeping on the floor.

Chief Smith stated rehabilitation is necessary, but it is a resistant society. Most are happy with their circumstance.

Councilmember Easton stated a day shelter would be a band aid to the situation. Everyone has to look at the driving force that brings these people to Hagerstown. He is supportive for Hagerstown homeless receiving services; however, many people are from outside the community. A day program may be viewed as an additional amenity.

Mayor Bruchey stated in 2007, the Homeless Task Force recommended an identification card for receiving services. Those not from the area and those who refused to register would not be able to receive services.

Councilmember Metzner stated this is a nationwide issue. If there was a public facility for them during the day they would not be using the library and businesses.

Mayor Bruchey suggested discussing this issue further and include partners in the community who may be willing to participate. Chief Smith suggested including a discussion of the services various organizations can offer.

Mr. Zimmerman complimented the police department for their caring about downtown. They are using “outside the box” initiatives to better serve the citizens and are devoting resources and attention to downtown.

Chief Smith indicated other initiatives are being considered and funding may be requested for some of those, such as additional alley lighting.

### **CITY ADMINISTRATOR’S COMMENTS**

*Bruce Zimmerman, City Administrator*, reported 64 people participated in the First Annual Little Heiskel Classic at the golf course.

### **MAYOR AND COUNCIL COMMENTS**

*Councilmember F. W. Easton* had no additional comments.

*Councilmember A. C. Haywood* had no additional comments.

*Councilmember L. C. Metzner* mentioned it would be good to see folks at the courthouse on Friday, November 11, 2011 to honor veterans.

*Councilmember W. M. Breichner* had no additional comments.

*Councilmember M. E. Brubaker* stated it was unfortunate the Mummer’s Parade had to be cancelled this year. It was the right thing to do, based on the weather conditions.

Next year is an anniversary year for the Alsatia Club and the City of Hagerstown. He encouraged making next year's parade extra special. Mr. Zimmerman pointed out the Alsatia Club cancelled the parade, not the City. He agreed it was the right decision.

*Mayor R. E. Bruchey, II* missed participating in the Mummer's Parade. He agreed the right decision was made. He attended the MML Fall Conference. Legislative issues were discussed. The only priority adopted by MML is to ask the State of Maryland to reinstate the highway user revenue and State Aid for Police Protection funding. He thinks the 157 municipalities should focus on other opportunities instead of something that is completely guided by the State.

EXECUTIVE SESSION – November 8, 2011

On a motion duly made by Councilmember A. C. Haywood and seconded by Councilmember F. W. Easton, the Mayor and City Council unanimously agreed by voice vote to meet in closed session to consider the acquisition of real property for a public purpose and matters directly related thereto, #3 at 5:57 p.m. in the Council Chamber, 2<sup>nd</sup> Floor, City Hall, Hagerstown, Maryland. The following people were in attendance: Mayor R. E. Bruchey, II, Councilmember W. M. Breichner, Councilmember M. E. Brubaker, Councilmember F. W. Easton, Councilmember A. C. Haywood, Councilmember L. C. Metzner, City Administrator Bruce Zimmerman, City Attorney William Nairn, Michael Spiker, Director of Utilities, John Lestitian, Department of Community and Economic Development Director, Michelle Burkner, Director of Finance, and Donna K. Spickler, City Clerk. The meeting was held to discuss acquisition of two properties. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the meeting was adjourned at 6:25 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: December 20, 2011