

EXECUTIVE SESSION AND 27TH REGULAR SESSION – October 22, 2013

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Councilmember L. C. Metzner made a motion to meet in closed session to conduct collective bargaining negotiations or consider matters that relate to the negotiations, #9 (Section 10-508(a)), administrative function, #15 (Section 10-508(a)), and to discuss the discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, #1 (Section 10-508(a)), at 5:03 p.m. in Room 407, 4th Floor, City Hall, Hagerstown, Maryland. Councilmember D. F. Munson seconded the motion.

Motion carried, 4-1 with Councilmember K. B. Aleshire voting no for Item #2.

The following people were in attendance: Mayor D. S. Gysberts, Councilmember K. B. Aleshire, Councilmember M. E. Brubaker, Councilmember L. C. Metzner, Councilmember D. F. Munson, Councilmember P. M. Nigh, City Administrator Bruce Zimmerman, Karen Paulson, Director of Human Resources, Scott Nicewarner, Director of Information and Support Services, Michelle Hepburn, Acting Finance Director, Rodney Tissue, City Engineer, and Donna K. Spickler, City Clerk. The meeting was held to discuss collective bargaining updates, a management agreement for the ice rink and a contract for the City Attorney. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the meeting was adjourned at 6:47 p.m.

27th REGULAR SESSION – October 22, 2013

Mayor D. S. Gysberts called this 27th Regular Session of the Mayor and City Council to order at 7:03 p.m., Tuesday, October 22, 2013 in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, M. E. Brubaker, L. C. Metzner, D. F. Munson, P. M. Nigh; City Administrator Bruce Zimmerman, City Attorney William Nairn and D. K. Spickler, City Clerk.

The invocation was offered by Councilmember Donald F. Munson. The pledge of allegiance was recited.

ANNOUNCEMENTS

Mayor Gysberts announced the Rules of Procedure for this meeting will be followed as adopted September 24, 2013. It was announced that the use of cell phones and electronic devices during meetings is restricted and that 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.

The next scheduled meetings are: No meeting on Tuesday, October 29, 2013, Work Sessions beginning at 4:00 p.m. on Tuesday, November 5, 2013, Tuesday, November 12, 2013, Tuesday, November 19, 2013 and the Regular Session on Tuesday, November 26, 2013 at 7:00 p.m.

CITIZEN COMMENTS

Leonard Cooper, 19603 Marigold Drive, Hagerstown, Maryland, is concerned about the number of young men going to jail for failing to pay child support. He stated it is not right that only one person be held responsible for having a child. Both parents should have to provide for the child. He has been circulating a petition for signatures of people who agree that both parents should be responsible to pay for the child.

Mayor Gysberts advised Mr. Cooper the State of Maryland regulates child support laws and he should speak to Senators and House of Delegates members.

Tom Bartles, Hagerstown Police Department (HPD), President of AFSCME # 3373 Union, stated the police officers have remained committed to the City of Hagerstown and the residents and they stand united to protect citizens and property. HPD has experienced some difficult manpower issues due to retirements and officers leaving for other employment. The administration has been trying to address the manpower shortage, with 20 new officers being hired this year. There is still a shortage of manpower. Implementing longevity step increases would help with retention of good, hard working officers. He asked the Mayor and Council for their support of step increases.

Tim Rossiter, HPD, is a 24 year police veteran. He still has not reached the top of the pay scale. He asked the Mayor and Council to consider restoration of steps.

Paul Sweeny, Hagerstown, Maryland, represents a group of ice rink users, who feel they can take the operation in a much more positive direction. The group is willing to answer questions the Mayor and Council may have.

Christopher Watt, HPD, is one of the officers considering leaving for a better opportunity. One of the opportunities is higher pay. He understood the freeze in steps several years ago, but the steps have not been reinstated as the economy improved. He stated there is a problem when loyal officers look elsewhere.

John Lippy, HPD, is a 2 year police veteran. He wants to dedicate 25 or more years to the City as a police officer to fulfill his dream. He is concerned he won't be able to stay with the City for financial reasons.

Thomas Cox, HPD, is a 4 year police veteran and plans to spend his career in Hagerstown. He is concerned other officers are leaving the department. The union has proposed a plan that will strengthen the department that he asked be considered.

John Murray, Hagerstown Fire Department, stated union members met with the Mayor and Council in June and asked that contracts be extended for all bargaining groups. Employees in public safety are aware of their mission to protect citizens. Employees are also aware of the economic challenges faced by the City and its residents. The fire department donated coats to poor students earlier today. In the last 8 years, IAFF has donated \$ 2.2 million to the community. The fire department is understaffed. They only have one or two people on the fire

trucks, where other departments have four or five. Firefighters' pay is well below other departments in the region. He hopes the Mayor and Council do not think IAFF representatives have not been negotiating with the negotiating team. He stated they are waiting to hear from the team. The employees are looking for a plan toward restoration of steps.

Mayor Gysberts stated the Council appreciates all the work that City employees do, especially those that are charged with protecting life and family.

CITY ADMINSTRATOR COMMENTS

Bruce Zimmerman, City Administrator, stated there is no question that City employees have made sacrifices over the last four years. The most recent contract proposals were presented to the Mayor and City Council earlier today during an executive session.

MAYOR AND COUNCIL COMMENTS

Councilmember P. M. Nigh had no additional comments.

Councilmember D. F. Munson had no additional comments.

Councilmember L. C. Metzner mentioned Andy Hartman was named Firefighter of the Year by the Exchange Club. The Exchange Club will be naming a Police Officer of the Year in the next two weeks. He hopes the police and fire departments recognize his past and continued support of compensation and the Springsted study. He cautioned the representatives to avoid the slippery slope of negotiating in public. It is not accurate for IAFF representatives to say they have not heard anything from the negotiating team. No one in the public or private sector has been made whole after the recent difficult economic situation. He would support and call for a tax increase to cover compensation. He thanked the speakers for their professionalism during this meeting.

Councilmember M. E. Brubaker attended the MML Fall Conference last week. The groups discussed economic development tools, ethics and open meetings regulations. The Legislative Committee of the MML has agreed to appoint a group to work with Counties to increase awareness of the impact of double taxation on municipalities. The City may still experience a decrease in revenue due to lower assessments for real estate. The Mayor and Council appreciate the efforts of police officers, firefighters and all employees for their work. He wondered what would happen to revenues if the tax base keeps businesses from locating in Hagerstown.

Councilmember K. B. Aleshire thanked staff for organizing the Par Fore Breast Cancer Awareness golf tournament. The golf course needs to be as self supporting as possible. He would like to discuss the need for regulatory guidelines for businesses like the hookah lounges. There are other entities operating in the City's core that have a negative influence on the perception of downtown. An example of this type of entity would be the REACH shelter. These operations need to be completed in a responsible way. He will attend the Greater Hagerstown meeting on October 25, 2013. He did not vote for the Springsted study. He would not have supported the 12.5 % reduction in the tax rate when the County changed the way the double

taxation rebate was distributed. He thanked the police employees for their comments. He would prefer all discussions by the Mayor and Council be held in open session. The City tax payers are entitled to hear the discussions that take place. He mentioned the Mayor and Council have started to review the budget in preparation for the next budget year. Early review is part of a broader plan for the City. He wants to remove urban blight, burned out or old light plants and reduce the number of vacant homes. The budget does not include any large ticket items like a stadium.

Mayor D. S. Gysberts recognized it is Crime Prevention Month. He urged everyone to contact the police if they see something suspicious. Bickle's Snow, Skate and Surf held a grand opening on October 18, 2013. A special event was held in City Park earlier today to recognize the smoking ban in City parks. The annual Alsatia Mummies parade will be held on Saturday, October 26, 2013. The first Howloween dog costume parade will be held at the dog park on Saturday, October 26, 2013.

MINUTES

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to approve the minutes, as presented, for the Mayor and Council meetings held on September 3, 2013, September 6, 2013, September 10, 2013 and September 24, 2013.

CONSENT AGENDA

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote to approve the consent agenda as follows:

- A. Public Works: Ford F-550 Truck – McCafferty Ford (Mechanicsburg, PA)
\$ 88,187.00

- B. Department of Utilities:
 - 1. Wastewater – Clarifier Covers –NEFCO, Incorporated (Palm Beach Garden, FL)
\$ 69,500.00
 - 2. Water – RC Willson Flash Mix Motor Repair – Apparatus Repair and Engineering, Inc. (Hagerstown, MD) \$ 24,443.00
 - 3. Light – Transformers – National Transformer Sales (Raleigh, NC) \$ 37,934.00

- C.. Police:
 - 1. Electronic Document Imaging of Police Records – HMS Technologies, Inc. (Martinsburg, WV) \$ 71,064.00
 - 2. Renovations to First Floor of HPD Building – Milton Stamper (Hagerstown, MD) \$ 28,124.00
 - 3. Police Uniforms – Lawmen Supply (Pennsauken, NJ) \$ 32,175.00
 - 4. Wireless Access Fee for Speed Cameras – Verizon Wireless (Laurel, MD)
\$ 10,801.00

UNFINISHED BUSINESS

A. Approval of an Ordinance: Transfer of Land 21-23 North Locust Street – Burkett’s Deli

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance authorizing the transfer of land adjacent to 21-23 North Locust Street. The property will be conveyed to CB Properties, LLC to be used by Burkett’s Deli as an outdoor café.

B. Approval of an Ordinance: Quit Claim 216 North Cleveland Avenue

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance to authorize the execution of a Quit Claim Deed for a strip of unimproved land at the rear of 517, 521, 523, and 525 Jefferson Street, as requested by Christ Lutheran Church. The strip of land is not needed for any public purpose.

C. Approval of an Ordinance: Accepting an Offer to Transfer Certain Property to the City Located at 19-21-23 West Antietam Street

Action: On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance accepting an offer to transfer real property known as 19-21-23 West Antietam Street to the City of Hagerstown. The property would be transferred to the City from the Bankruptcy Trustee in satisfaction of a City lien placed on the property. The lien amount is \$ 90,417.35. The lien is for the cost of City performed emergency work following a fire in February 2013. If the City does not intervene it is likely the property will simply continue to deteriorate and at a future time the City will once again be forced to take emergency measures. It is the intent of the City to have the demolition of the structure begin within 90 days following the property transfer.

NEW BUSINESS

A. Introduction of an Ordinance: Amendment to Property Maintenance Code for Smoke Detectors

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance to amend the Code of the City of Hagerstown, Chapter 64, Article III, Property Maintenance, to update the Smoke Alarm requirements to be compliant with State Law. These updates will establish standards for power sources in one and two family dwellings and a construction

date for required interconnection. This amendment will improve the safety of residents and first responders.

B. Introduction of an Ordinance: Amendment to Chapter 176, Peddlers and Transient Merchants

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to introduce an ordinance to replace Chapter 176, Peddlers and Transient Dealers, of the City Code with a new Chapter 176 to be titled Vendors, Peddlers and Transient Dealers. The new chapter establishes the requirements and procedures for the issuance of licenses, establishes fees, and provides for denial or revocation of licenses and penalties for violation of the chapter.

C. Approval of a Resolution: Extension of the Operating Agreement for the Hagerstown Youth Hockey Association, Inc. (HYHA)

This item was removed from the agenda.

D. Approval of a Resolution: University System of Maryland at Hagerstown – Police Services Memorandum of Understanding for University Plaza

This item was removed from the agenda.

E. Approval of a Resolution: Lease Agreement with James Harsh T/A The Mulch Man for Property Located at 931 Eldridge Drive

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve a resolution authorizing the execution and delivery of a lease between the City of Hagerstown and James Harsh, T/A The Mulch Man for property located at 931 Eldridge Drive. The lease will establish a one year term with annual rent of \$ 3,600 and the option to renew for one year.

F. Approval of a Resolution: Establishing the City’s Vision and Commitment for Housing and Neighborhoods Throughout the City of Hagerstown

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to approve a resolution establishing a City-wide Vision and Commitment to Housing and Neighborhoods. This Vision and Commitment Resolution emphasizes the importance of diversity, safety, community pride, investment, maintenance, and identity for housing and neighborhoods. Strong housing and neighborhoods are necessary for community development, economic development and quality of life. Staff will utilize this Resolution as a guide by

which all housing and neighborhood programs, initiatives and proposed legislation will be measured.

Discussion: Councilmember Aleshire stated this resolution deals directly with stabilization of neighborhoods. Mayor Gysberts stated this resolution is a precursor to legislation that will be presented by Staff for consideration in November.

G. Approval of a Resolution Designating the City of Hagerstown as a Character Counts! Community

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to approve a resolution designating the City of Hagerstown as a Character Counts! Community. Through this designation, the Mayor and City Council encourage all citizens to model the six pillars of character: Trustworthiness, Respect, Responsibility, Fairness, Caring and Citizenship. The City will work with the Character Counts! Coalition and other partners to incorporate Character Counts! principles both within the organization and throughout the community.

H. Approval of a City-wide Down Payment/Rehabilitation Assistance Program, part of INVEST Hagerstown

Action: On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve the City-wide Down Payment/Rehabilitation Assistance Program with a funding level of \$ 150,000. The purpose of this program is to strengthen and support City neighborhoods by incentivizing homeownership of structures that have been vacant for extended periods of time. The program will have no income restrictions and will provide a loan to grant of up to \$ 7,500 for homebuyers purchasing a vacant home in the City of Hagerstown. Program guidelines are included in the approval. Funding for this program will come from the General Fund reserve as approved in the FY14 budget.

I. Approval of Updated Guidelines to the City Center Residency Initiative Program – Down Payment Component

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember L. C. Metzner the Mayor and City Council unanimously agreed by voice vote to approve the revised guidelines to the down payment component of the City Center Residency Initiative Program with a funding level of \$ 100,000. The revised guideline will replace the original down payment assistance amounts with the new guidelines of \$ 10,000 per eligible application. Program funds may now be used for the existing program and offer more attractive incentives to encourage homeownership in the City Center. Funding for

this program will come from the General Fund reserve as approved in the FY14 budget.

Discussion: Councilmember Brubaker stated the last two items indicate the Mayor and Council are investing in multiple components of the community with limited funds.

J. Approval of Memorandum of Understanding (MOU) for the Safe Routes to School Grant

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to approve an MOU for the acceptance of a grant in the amount of \$ 233,000 for the construction of multi-use paths in the vicinity of Bester Elementary School.

K. Approval of Extension of City Administrator's Contract

Action: Councilmember L. C. Metzner made a motion to extend the City Administrator's employment contract as indicated in the proposed agreement. The term of the extension will be June 13, 2014 through June 12, 2015. Councilmember M. E. Brubaker seconded the motion.

Discussion: Councilmember Metzner thanked Mr. Zimmerman for his many years of service as City Administrator. He noted that Mr. Zimmerman had requested the contract be extended one year, rather than four years.

Councilmember Munson thanked Mr. Zimmerman for his many years of dedication and hard work. He stated Mr. Zimmerman has done a difficult job well. Progress has occurred under his leadership.

Mayor Gysberts stated he speaks for the citizens in thanking Mr. Zimmerman for his integrity and fiscal responsibility. He thanked him for shepherding the City through tough times.

Motion carried, 4-1 with Councilmember P. M. Nigh voting No.

L. Acceptance of COPS Hiring Grant

Action: On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve and accept the Community Oriented Policing Services (COPS) Hiring Program in the amount of \$ 250,000. This grant will fund two positions and will increase the Hagerstown Police Department's sworn officer positions from 105 to 107.

**M. Approval of Purchase: Four 2014 Ford Police Vehicles- Brekford (Hanover, MD)
\$ 173,498.00**

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to approve the purchase of four 2014 police vehicles. Funding for these purchases shall come from FY13 General Fund revenues. The vehicles will be purchased from Brekford (Hanover, MD) in the amount of \$ 173,498.00

N. Adoption of Vision and Mission Statement

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to adopt a new Vision and Mission statement as follows:
Vision: A diverse, business-friendly, and sustainable community with clean, safe and strong neighborhoods.
Mission: Providing the most efficient and highest-quality services as the municipal location of choice for all customers.

O. Approval of a License Agreement for URS Corporation (Central Chemical Groundwater Monitoring Well)

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to execute a license agreement between the City of Hagerstown and URS Corporation for the installation of a groundwater monitoring well on City-owned property at 730 West Franklin Street.

P. Approval of Exemption to Water and Wastewater Policy to Supply Water Service to Lots at Van Lear Manor

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to approve an exemption to the Water and Wastewater Policy under "Exemption 2. System Improvement" in order to supply water service for no more than 18 lots at Section 17 Van Lear Manor.

Q. Approval of Purchase of Time and Attendance Management System – Intellitime Systems Corporation (Santa Ana, CA) Not to Exceed \$ 203,663.05

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve of the purchase of time and attendance management software from Intellitime Systems Corporation (Santa Ana, CA) in the amount not to exceed \$ 203,663.05. This system would replace all manual time clocks in all City installations, as well as potentially all paper time reporting. The

recommended vendor is not the low bid due to the low bid not meeting a satisfactory comfort level with the committee on their ability to deal with the complexity of public safety time and attendance. Funding is included in the Technology Fund Balance of the Capital Improvement Fund of the FY 2013-2014 Budget.

R. Approval of City Center Holiday Parking Program

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve the recommended City Center holiday parking plan to allow two hours of free parking in the University District and Arts & Entertainment District parking decks on weekdays beginning Monday, November 25, 2013 through Wednesday January 1, 2014. Parking in the decks after 4:00 p.m. in the evenings and all day Saturday and Sunday will be free.

Parking in the City Center, central business district street and lot meters will continue to be free after 5:00 p.m. and all day Saturday and Sunday as it is normally throughout the year.

Parking enforcement of metered spaces along the streets and in city owned lots will be suspended during the city recognized holidays of Thanksgiving (November 28 and 29) and Christmas (December 24 and 25).

S. Approval of Funding Support for Washington County Historical Society

Action: On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to approve of \$ 2,000 in City funding support for repairs to The Miller House. The City's funding will come from the General Fund.

There being no further business to come before the Mayor and City Council, on a motion duly made, seconded and passed, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler, City Clerk

Approved: November 26, 2013