

EXECUTIVE SESSION – January 24, 2006

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. S. Cromer, the Mayor and City Council unanimously agreed by voice vote to meet in closed session at 3:40 p.m. to consult with counsel to obtain legal advice, #7, to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, #4 and to consider the acquisition of real property for a public purpose and matters directly related thereto, #3. No formal action was taken at the session. The meeting was held in the Mayor's Office, 2<sup>nd</sup> floor at the City Hall. The meeting was adjourned at 4:26 p.m.

WORK SESSION – January 24, 2006

Mayor Richard F. Trump called this Work Session and Executive Session of the Mayor and City Council to order at 4:38 p.m., Tuesday, January 24, 2006 in the Council Chambers at the City Hall. Present were City Council Members K. B. Aleshire, K. S. Cromer, L. C. Metzner, P. M. Nigh and A. Parson-McBean, City Administrator Bruce Zimmerman, City Attorney John Urner, City Attorney Mark Boyer, and City Clerk D. K. Spickler.

Mayor's Report

Mayor Trump reminded everyone that Ed McMahon, Renowned City Planner, will be speaking at the St. James Fine Arts Center on Thursday, January 26, 2006. He stated Mr. McMahon has an "out of the box" outlook and we should look at his ideas as we plan our community. Demcore Development will be announcing plans for the Shindle Rohrer building on Friday, January 27, 2005. He stated he was asked to work on workforce housing. Larry Bayer, Community Development Manager, presented ideas for increasing workforce housing at last week's work session. He asked the Council to consider the idea of workforce housing for City employees. The plans presented for the area at Potomac Street and Memorial Boulevard will be an exciting way for the City to lead in workforce housing. A meeting is being planned for Monday, February 13, 2006 so that community organizations, such as the City Council, Greater Hagerstown, the Chamber of Commerce, planning boards, engineering boards and the Neighborhood Development Partnership, can share ideas and plans. He is trying to build relationships and provide understanding for everyone.

Request for Carnival

The Funkstown Rod and Gun Club, Inc. and the Downsville Ruritan Club have submitted a request to use the vacant lot at the corner of Potomac Street and Memorial Boulevard for their annual carnival.

Both groups are non-profit organizations and the carnival at this location has been an asset to their fund raising efforts. The dates for the carnival are April 26 through May 6, 2006. Set up

would begin on Sunday, April 23, 2006 and clean up would be completed by Sunday, May 7, 2006.

The City's dumpster program will be held during the week of April 17-22, 2006. Eric Deike, Public Works Manager, has indicated there would not be a conflict, as long as no equipment is moved in for the carnival until Sunday, April 23, 2006. The final clean up for the dumpster program will occur on Monday, April 24, 2006.

Mr. Zimmerman stated this event was held last year in the same location. Councilmember Metzner stated he would not participate in the discussion because of a conflict of interest. There were no questions. Formal approval of the request will be scheduled for the Regular Session.

#### Preliminary Agenda Review

The preliminary agenda was then reviewed. The following purchases are being considered:

##### A. Engineering:

1. Staley Park Stream Restoration - Meadville Land Service, Inc. (Meadville, Pennsylvania) \$ 72,754.84
  2. Geographic Information System Aerial Photography & Aerial Survey for the City - Keddal Aerial Mapping (Pittsburgh, Pennsylvania) \$ 33,950.00
  3. Reconstruction of City Park South Parking Lot - Fayetteville Contractors, Inc. (Fayetteville, Pennsylvania) \$ 129,158.20
- 1.

##### B. Water and Sewer Department:

1. Replacement of WWTP Superintendents Office Roof - Bonded Applicators of Md., Inc. (Hagerstown, Maryland) \$ 10,100.00
2. Water Main Construction Project - Frederick Street - Henson & Son, Inc. (Hagerstown, Maryland) \$ 210,500.00
3. Utility Patching Contract - Henson & Sons, Inc. (Hagerstown, Maryland) \$ 302,790.25
4. ABB Service/Software Contract Renewal - ABB (Warminster, Pennsylvania) \$ 17,000.00
5. Pump Bowl Replacement for High Service Pump #4 - Geiger Pump & Equipment (Baltimore, Maryland) \$ 17,909.00
6. Overhaul of #4 HSP Motor - AR&E (Hagerstown, Maryland) \$ 12,430.00

##### C. Public Works: LED Signal Lights - J. O. Herbert, Inc. (Midlothian, Virginia) \$ 17,010.74

##### D. Parks and Recreation: Stadium Improvements: Fencing - Abel Fence LLC (Leola,

Pennsylvania) \$ 13,583.00

Councilmember Aleshire discussed the purchase for stadium improvements of \$ 13,583.00. He pointed out that some groups have questioned the City's commitment to the stadium and the team. The City has spent more than \$ 60,000.00 for improvements in the last two years and other organizations have not made any contributions.

There were no other questions regarding the consent agenda.

### **Introduction of an Ordinance: Howell Road Rezoning**

Councilmember Metzner stated the Council may want to discuss the Howell Road Rezoning again. He indicated there had been a tentative 3-2 approval of the rezoning but that may have changed. Councilmember Aleshire indicated this is an introduction of an ordinance and it could change prior to final approval.

### **Approval of Customer Service Additional Staff**

Councilmember Nigh stated she has questions concerning additional staff that she will discuss with Alfred Martin, Finance Director. She is not comfortable with the whole process and is concerned that a union job was taken away. She asked if the number of calls and the amount of foot traffic has been tracked for the department. She feels this is being completed too quickly and she is concerned where the funding is coming from.

### **Approval of Sale of Easement to the U.S. Department of the Interior for Appalachian Trail**

Councilmember Metzner congratulated counsel who developed a very good agreement with the U.S. Department of the Interior. He asked where the payment will go and if it will be placed into a separate fund for watershed acquisitions. Mr. Zimmerman stated the payment would go to the Water/Sewer Department and staff will seek further direction from the Council. Councilmember Metzner stated the City would be receiving an \$ 800,000.00 payment for what they have been doing and will continue doing – preserving the watershed.

There were no questions about the following items:

Resolution: Approval of User Agreement - YMCA  
Resolution: Approval of Lease Renewal for Property Known as Hagerstown Home  
Store,  
21-23 Franklin Street  
Approval of License Agreement for Joint Use of Elevator

A Budget Retreat has been scheduled for Friday, February 24, 2006 at 9:00 a.m. Mr. Urner left the meeting at 4:55 p.m.

This completed the preliminary agenda review.

#### Little Heiskell Bobblehead

With the recent popularity of bobbleheads, Staff would like to add Little Heiskell to the Hagerstown series of characters. This bobblehead would be given away at a Hagerstown Suns game in July with a literature piece to help promote Hager Craft Days and other events.

The approximate cost of the bobbleheads is \$ 3,000. The cost could be covered with \$ 1,500 in the current Public Information budget and then \$ 1,500 in the next fiscal year budget (2006/07). Staff will make sure there are no licensing concerns.

Karen Giffin, Public Information Manager, and Junior Mason, Parks Superintendent, were also present. Ms. Giffin stated another way to fund the bobblehead would be to seek a sponsor. Mr. Zimmerman stated the Suns are trying to keep the bobblehead collection somewhat community based.

Councilmember Metzner stated Chaz Rittenhouse, who portrays Little Heiskell, asked the City for money to purchase a new outfit. He asked if the request had been approved. No one was sure if the request had been approved. Councilmember Metzner stated he would like to discuss Mr. Rittenhouse's request.

Councilmember Metzner asked if all the bobbleheads would be given away at a Hagerstown Suns game. Ms. Giffin stated there would be a few available for the City to give out. She stated it is anticipated that the bobbleheads would be given out near the time of Hager Craft Days.

Councilmember Parson-McBean and Councilmember Aleshire stated they would like to discuss Mr. Rittenhouse's request with him before making a decision about the bobbleheads. Mr. Rittenhouse will be invited to attend a meeting with the Mayor and City Council.

Ms. Giffin reminded everyone that the Western Maryland BluesFest will be held on June 2, 3 and 4, 2006.

#### Plan to Fill Vacant Recreation Superintendent Position

Members of the Mayor and Council have requested that staff provide information regarding plans to fill the vacancy created by the resignation of the Recreation Superintendent. Mr. Zimmerman has discussed filling this position with both Junior Mason, Parks Superintendent, and Karen Giffin, Public Information Manager. Both believe that filling this position is

important and support the recommendation outlined in this memorandum.

This is an existing position, with a combination of operational and supervisory responsibilities, which is funded in the current year budget. This is not a request for a new position or any additional funding to fill this vacancy.

In the discussions, it became clear that filling this position is important for a number of reasons. Filling this vacancy will avoid adding further workload to the Parks Superintendent position. Junior Mason has absorbed much of the work responsibilities from the previously eliminated Golf Course Greenskeeper position and the frozen Director of Administrative Services position. Filling this vacancy will continue to provide a staff member to oversee the pool operations. It is not unusual for the City to have 400 people at the pool, with 200 or more in the water at one time. With the City's reliance on part-time pool managers and lifeguards, the young age of many of the pool patrons, and the City's safety and liability issues associated with operating a pool, it is beneficial to have a full-time city employee with responsibility for pool oversight. Staff believes this position strengthens programs, events and facilities for the community.

In discussions, Staff has grown to believe that it would serve the community and organization best to restructure this vacancy as a Facility Coordinator position, reporting to Karen Giffin, the Public Information Manager. This will allow Junior Mason to focus on the maintenance and improvement of the parks and golf course.

This will provide Karen Giffin a full time position that will hold responsibilities for the pool, parks and facilities user group agreements, and support for the public's use of the bandshell, University Plaza, Fairgrounds Park stables, the Grandstand Building, Skatepark, and Farmers' Market. This position will serve as the City's liaison to the Ice Rink, and will assist with projects and events at the Hager House and Engine #202. This position will help with the efforts to raise additional revenues through sponsorships and advertising at the Golf Course and Ice Rink. As large City events such as the Blues Fest, Augustoberfest, and Fourth of July at Fairgrounds Park continue to grow, this position will also provide Ms. Giffin with additional staff resources.

Councilmember Cromer asked if the salary for this position would be the same as the former superintendent. Mr. Zimmerman stated the position has been graded one grade lower, with a range of \$ 37,000.00 to \$ 54,000.00 per year.

Councilmember Metzner stated he supports staff's request. Councilmember Nigh stated she thinks the position is graded too high. She stated the bulk of the work from the vacancies had been picked up by Junior Mason and Cathy Beach, and now Karen Giffin is picking up extra work. She doesn't feel the original position was handled the way it should have been. She feels that Mr. Mason should have been upgraded before now. She also thinks Ms. Giffin's position

should be upgraded. Position upgrades should be considered for Ms. Giffin, Ms. Beach and Mr. Mason. She feels the grade for the new position should be lower. Mr. Zimmerman stated these positions are part of the Springsted compensation study that is being completed.

Councilmember Cromer and Councilmember Nigh expressed concern that employees have had to do more work due to the vacancies. Ms. Giffin indicated there are a number of things on hold at this time due to the vacancies. Mr. Mason indicated that hiring of pool personnel is currently on hold.

Councilmember Aleshire, Councilmember Cromer and Councilmember Parson-McBean stated they also support staff's recommendation. Mr. Zimmerman stated the positions will be upgraded per the compensation study. This will ensure the positions are consistent with other positions.

Councilmember Nigh expressed her concern that the recommendation is being implemented but compensation won't be upgraded until the study is complete. Councilmember Cromer stated the position needs to be filled and the study could show that some positions are too highly compensated.

Councilmember Parson-McBean asked if the grade is based on a national scale. Donna Messina, Director of Human Resources, stated every available resource is used when grading a position. The Springsted study will compare the City to 15 organizations. Councilmember Parson-McBean stated the grading should be consistent.

#### Mayor and Council Professional Development Expense Account Policies

As requested by Councilmember Nigh and other members of the Mayor and Council, time is scheduled to discuss the current policies and limits on Mayor and Council expense reimbursements and several staff recommendations for possible changes. The Mayor and Council are currently governed by the same employee expense reimbursement procedures as other City employees. The City policies follow those of the IRS for deductibility of expenses as employee business expenses in carrying out the City's business. Full documentation and support is required for all expenditures including the date, type, amount and nature or purpose of the expenditure. Receipts or copies of paid bills must be provided for payment or to obtain reimbursements of City expenses.

Section 10-8 of the City Code currently limits the maximum expense account reimbursement for each Councilmember to \$ 1,000 per year and \$ 3,000 per year for the Mayor. These dollar limits have been in place for over 20 years and have not been adjusted for inflation during that time. The change in the consumer price index since 1982 would require that the limits should at least be doubled to \$ 2,000 to retain the same "buying power" as they had back then. Costs for

conferences, seminars and other professional development opportunities have increased significantly since these limits were established many years ago by a prior Mayor and Council.

We need to allow adequate resources for elected officials for professional development and for interacting and sharing experiences with other city officials to better serve the citizens they represent, just as we do for our other City staff and employees. We are a \$ 100 million organization and the Mayor and Council are the board of directors for it. When you consider the cost of conference registration fees, transportation by plane or car, a hotel room for several nights, meals and other incidental costs, the cost of attending just one conference can easily be over \$ 1,000. The existing dollar limit of \$ 1,000 no longer provides enough to fully cover the cost for a councilmember to attend even one conference per year like the Maryland Municipal League summer conference, let alone two or three. The cost of attending local municipal league dinners and other public and community functions must also be provided for.

Staff proposed that the Mayor and Council consider eliminating the current limitations for themselves as set forth in Section 10-8 of the City Code and annually adopt spending guidelines as part of the annual budgeting process as they currently do by department for all other City employees. This would eliminate the problem of the current or some future limit amount not keeping pace with increased costs. The annual Mayor and Council budget process could annually control and limit the amount for Mayor and Council professional development and other expenses. This would provide the greatest flexibility to the Mayor and Council to annually determine and adjust spending to meet organizational goals and needs.

An alternative to this would be to increase the current limits to at least double what they are now and then to provide for future automatic inflation adjustments based on changes to the consumer price index. This would be more complex to manage and track and might not provide adequately for changing organization goals and needs.

Unlike the Mayor and Council salaries, which the City Code and Charter state can not be changed until a new Mayor and Council take office, there does not appear to be such a limitation on making current changes to expense limits. The City Attorney has reviewed the Mayor and Council's ability to make changes to their benefit levels during their current term of office under both the City Charter and State and Federal regulations.

Mark Boyer, City Attorney, stated he understands the need to increase the expense account, however, there is an attorney general opinion that seems to indicate expenses do fall within the salary/benefit definition. He stated the City Charter addresses salary but not expenses for the Mayor and City Council. He needs to do more research.

Councilmember Metzner suggested amending the City Charter to say that an elected official shall be reimbursed for their expenses. He stated the ultimate control over what the Mayor and City Council spend is the electorate and the ultimate watchdog is the media. He stated the

Charter can be amended to remove the cap and address the expenses through the budget.

Mr. Boyer stated there has not been a court ruling regarding this. He stated they would also need to discuss potential ramifications for the City and the governing body itself if there is litigation.

Councilmember Aleshire asked if the Mayor and City Council could reduce the amount for each person. Mr. Boyer stated the amount cannot be changed by the sitting body, either up or down.

Councilmember Cromer stated Councilmember Nigh had asked if money not used during a previous budget could be rolled over to the new budget year. Mr. Martin stated that is not possible from an accounting standpoint.

Councilmember Aleshire stated he is opposed to removing the cap. He stated there was a decrease in the amount used during three of the last four years.

Mr. Boyer stated he will complete the research and return with further information.

#### City Administrator's Comments

*Bruce Zimmerman, City Administrator*, stated there are two memos from Staff to the Mayor and City Council in their mailboxes. The memos provide summary reports of projects and initiatives from the prior year and a list of projects and initiatives for the coming year. He stated the lists show that the Mayor and City Council are having an impact on the community.

#### Mayor and Council Comments

*Councilmember A. Parson-McBean* stated she made the newspaper twice this week. She thanked the Herald Mail for pointing out that she is human and does forget. She thanked Deborah Everhart, Economic Development Director, for her efforts in putting together the first Minority Business lunch that was held this week. There were 100 people in attendance. She stated the City should take great pride in starting this program. She stated she is proud the City now has a minority business program.

Councilmember Parson-McBean stated she did not think it would be a sinister move to get back to the business she was doing when stopped for expired tags on her vehicle. She stated her father said this will be the fertilizer that will make her grow stronger. She stated nothing real can be threatened and nothing unreal can exist.

*Councilmember K. B. Aleshire* stated the weekly report indicated significantly less funding is being provided from the Community Development Block Grant program. He stated the

Annexation Review Committee reviewed a request for a property well outside the Urban Growth Area. Part of the reason is because the City still does not have a strong water and sewer policy to go along with the annexation policy. He stated when the Water and Sewer Study is completed, this should be discussed. He stated he understands there will be a meeting to discuss extending the timeline for the Adequate Public Facilities Ordinance (APFO) adoption. He has repeatedly submitted his concerns about the APFO and what is not addressed in the APFO. He urged his fellow Councilmembers to not adopt something with such large holes in it.

Councilmember Aleshire stated Mr. Hamill, Washington County Health Care System, stated the group that filed an appeal of the zoning decision is a tactic to delay the project. He pointed out that minutes from September, 2002 show that Mr. Shaffer (Washington County Health Care System Attorney) recommended filing a text amendment request. An appeal was finally filed and heard, but not until December, 2005.

He stated a 25 unit development will be receiving city water. The units will have septic systems because there is no sewer close to serve the property. He stated this is an inadequacy that needs to be addressed. Even if the City policy is changed, the County has to stop permitting this type of development, with septic systems on one acre lots.

*Councilmember K. S. Cromer* welcomed a new business, My Pilates Place, to downtown. My Pilates Place is located at 16 W. Washington Street. She stated Jeff Cline, Williamsport Councilman would like to speak to the Mayor and City Council about the "If I Were Mayor" contest being conducted by the Maryland Municipal League. Mayor Trump stated he has been promoting the contest at individual schools. Councilmember Cromer stated the Washington County Municipal League is offering the annual Warren M. Seymour scholarship. Two scholarships of \$ 500.00 each will be awarded. More information can be obtained by contacting City Clerk Donna Spickler.

*Councilmember L. C. Metzner* stated the agreement with the Department of the Interior is very positive. He wants the City to use the payment to aggressively purchase more water shed property.

*Councilmember P. M. Nigh* stated donations are needed to boost the Warren M. Seymour scholarship program. She encouraged Mayor and City Council members to make a personal contribution.

Councilmember Nigh stated she is pleased that new plans are being made for the Shindle Rohrer building. This is to be completed by September 1, 2006. She wondered why the Delta Hosiery building hasn't been completed in seven years.

She stated she and Commissioner William Wivell have been discussing Central Booking. She stated they are discussing who will be funding the operational costs. She understands that

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the 2+2 Committee has discussed and agreed to an allocation for flow exchange. She stated there are five members of both governing bodies and everyone needs to be included. Councilmember Cromer stated she wasn't aware of this. Councilmember Aleshire stated this body authorized the 2+2 Committee members to move forward on this issue about six meetings ago. Councilmember Nigh stated she wants to know what is going on.

There being no further business to come before the Mayor and City Council, on a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. B. Aleshire, the meeting was adjourned at 5:50 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: \_\_\_\_\_