

EXECUTIVE SESSION – February 21, 2006

City Clerk Donna K. Spickler called the meeting to order. On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember K. S. Cromer, the City Council unanimously agreed by voice vote to meet in closed session at 3:32 p.m. in accordance with the provisions of the annotated Code of Maryland, State Government Article, Section 10-508(a) #8 to consult with staff, consultants, or other individuals about pending or potential litigation and #1 to consider the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction. The Council also agreed that Councilmember L. C. Metzner would act as Chairperson of this Executive Session and the Work Session. No formal action was taken at the session. The meeting was held in the Mayor's Office, 2nd floor at the City Hall. The meeting was adjourned at 4:16 p.m.

WORK SESSION – February 21, 2006

Councilmember L. C. Metzner called this Work Session of the Mayor and City Council to order at 4:35 p.m., Tuesday, February 21, 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 William Nairn and City Clerk D. K. Spickler.

Preliminary Agenda Review

There will be a Budget Retreat Work Session held on Friday, February 24, 2006 at 9:00 a.m. in the Council Chamber. It was the general consensus of the Council to televise the Budget Retreat.

A Public Hearing will be held on February 28, 2006 to hear testimony on a proposed Planned Unit Development for Deerfield Knolls, ZM-2005-05.

Consent Agenda

The following purchases are included on the consent agenda:

- A. Police Department: Police Building Renovation – Continuing On-Going Replacement and Repair of Heating System – Johnson Controls (Sparks, Maryland) \$ 12,465.00
- B. Water and Sewer Department: Instrument Air Compressor for Oxygen Building – M2T Technologies Lotepro Group (Peeksville, New York) \$

18,500.00

C. Finance/Information Technology: Unattended Backup/Storage Area Network Solution – MASI/Left Hand Networks (Hagerstown, Maryland) \$ 83,770.00

D. Public Information: Design Services for Market House HVAC System – Eric Deike, Public Works Manager, and Karen Giffin, Public Information Manager, were present to discuss the design services for the Market House. Mr. Deike indicated this proposal is for the design work only. The anticipated cost of the project is \$ 150,000.00. The project will take a period of time to complete and air conditioning may not be installed until August, 2006. Councilmember Nigh asked that fans be placed in the Market House to help control the heat. It was the general consensus to approve the proposal submitted by Les S. Grim for the design-build contract. The amount of the proposal is \$ 13,600.00.

E. Parks and Recreation: Concession Stand Operations for City Park and Pool. Karen Giffin, Public Information Manager, and Junior Mason, Parks Superintendent, were present to discuss the bids. The highest bidder with a five-year option was J&L Concession. The bid was \$ 12,002.10 for 2006, \$ 12,200.00 for 2007, \$ 12,200 for 2008, \$ 12,300.00 for 2009, \$ 12,300.00 for 2010 and \$ 12,350.00 for 2011. After review of financials, City staff concluded that it would be better to bid out the Claude M. Potterfield Pool Concession Stand, which has been run by pool staff the last two years. City staff asked J&L Concessions to add the pool concession stand to their bids. J&L Concession is proposing to pay the City \$ 1,200.00 for 2006, \$ 1,250.00 for 2007, \$ 1,250.00 for 2008, \$ 1,300.00 for 2009, \$ 1,300.00 for 2010 and \$ 1,300.00 for 2011. It was the general consensus to accept the bid submitted by J&L Concession.

Adoption of an Ordinance: Strategic Resources, LLC (Harrison Property)

Councilmember Aleshire and Councilmember Nigh indicated they are not in favor, at this point, are opposed to approving this rezoning request.

Bruce Zimmerman, City Administrator, stated there is an ordinance in the meeting packet for approval of the rezoning request. If the Council denies the request, the ordinance may have to be revised due to questions for findings of fact. Councilmember Metzner indicated if the ordinance is not approved, there would be no need for findings of fact.

Resolution: Vickie Drive and Merrbaugh Circle Re-Naming of Streets

Rodney Tissue, City Engineer, stated Vickie Drive and Merrbaugh Circler were developed in the 1990's as two dead-end streets. With the Gateway subdivision, these roads were re-designed to be part of a through road to MD 144 and called Merrbaugh Drive. This has created a situation where the street name for Vickie Drive and Merrbaugh Circle must be changed to Merrbaugh Drive. Staff recommends the street name change. Both the Fire department and the Planning Commission have recommended the change. There will be administrative headaches for the 11 property owners. Staff will assist them by obtaining change of address cards forms from the Post Office and Pennrose (the developer of Gateway) offered to assist them up to \$ 50.00 each to facilitate the change. Pennrose has notified the property owners of the impending change. If the City Council approves the name change, the City Attorney will prepare a resolution for Council to pass. The actual name change will be effective around May 1, 2006 to give residents time to change their addresses.

It was the general consensus to approve the street name change. A resolution will be drafted for approval at the regular session.

Approval of Raven Rock Stream Agreement

Chris Bordlemay, Water and Sewer Department Assistant Manager, and Michael Spiker, Director of Utilities, presented an updated Project Agreement with the State of Maryland Department of Natural Resources Fish Passage Program. In partnership with US Fish & Wildlife and MD DNR, the City desires to conduct a stream restoration project on Raven Rock Run in the City's Edgemont watershed. The project requires demolition of the existing intake structure and replacement with a series of stepped pools made of native rock. These stepped pools will allow the brook trout and other riverine species to access additional habitat for forage and spawning. The project will also reduce thermal pollution and increase the dissolved oxygen level.

The original agreement was presented in January, 2006, at which time the Council requested language changes related to restoring the existing appurtenances if the stream restoration were to ever fail. The City Attorney has reviewed the requested language changes and has offered approval of such modifications.

Councilmember Aleshire pointed out several sections of the agreement that indicate the City will be responsible for damage or alteration of the stream. One section indicates the DNR is not responsible for assistance if the project fails. He stated this agreement alleviates the DNR from any responsibility for damages due to the project. It was the general consensus to include approval of the agreement on the agenda for February 28, 2006.

Mr. Spiker thanked Mr. Bordlemay for his service to the City. His last day of employment will be February 24, 2006. He stated the Department will miss his expertise and everyone thanked him for his hard work.

Acquisition of 132 Clarkson Avenue

Larry Bayer, Manager of the Community Development Department, stated in December, staff met with Council to discuss 132 and 134 Clarkson Avenue. At that time, they explained that 132 Clarkson was vacant and in poor condition and sought Council approval to acquire this unit with the intent to demolish it at the same time as 134 Clarkson. Council agreed with the recommendation and directed staff to begin negotiations for acquisition. A purchase price of \$ 7,500.00 has been arrived at. Staff is seeking Council approval to sign the contract and move forward with acquisition.

It was the general consensus to place approval of the contract on the regular session agenda.

Approval of Letter of Agreement – Parkway Neuroscience & Rehabilitation Center, LLC

Michael Spiker, Director of Utilities, and Edward Norman, Water and Sewer Department Engineer, requested permission to enter into an agreement with Parkway Neuroscience and Rehabilitation Center, LLC, 17 Western MD Parkway, in the contribution of funding for a wastewater project that will provide the City with the opportunity to achieve the continual goal of eliminating pump stations as circumstances permit.

The wastewater facilities proposed for Parkway Neurosciences, if modified from the original approved design, can facilitate the abandonment of existing Wastewater Pump Station #12. The removal of Pump Station #12 and the subsequent gravity flow system, will provide savings of over \$ 5,000.00 per year in electricity costs from Allegheny Power, tens of thousands of dollars for future maintenance and replacement costs for the motors and pumps of the station, and the reduction in future man-hours required for the associated maintenance of the facility and equipment. The total City Water and Sewer Department cost would be \$ 174,274.00.

It was the general consensus of the Council to include approval of the agreement on the agenda for February 28, 2006.

Councilmember Aleshire asked that a letter be sent to the Washington County Delegation showing the City's participating in the House Keys 4 Employees program. This will show that the City has taken the cause of workforce housing seriously and are making recommendations to address the needs.

This completed the preliminary agenda review.

Fairgrounds Park, Pool and Golf Course Non-Alcoholic Beverage Bid

Karen Giffin, Public Information Manager, and Junior Mason, Parks Superintendent, were present to discuss the Fairgrounds Park, Pool, and Golf Course Non-Alcoholic Beverage Bid. In 2001, the City of Hagerstown entered into a five-year agreement with Coca-Cola to become the exclusive non-alcoholic beverage supplier of Fairgrounds Park. The agreement includes a license fee/commission, marketing assistance and service.

The contract for the non-alcoholic beverage supplier of Fairgrounds Park will expire in April of 2006. City staff would like the approval of Council to again send out Request for Proposals for a non-alcoholic beverage supplier at Fairgrounds Park. They would also like to include in this RFP the Claude M. Potterfield Pool and Hamilton Run at Hagerstown Greens. These two facilities would add to the proposal and would allow staff to have one contract for all three facilities.

It was the general consensus of the Council to send out an RFP for all three facilities.

Sanitary Sewer Evaluation Schedule (SSES)

Michael Spiker, Director of Utilities, Bijan Haghtalab, Project Coordinator, and George Fisher, Collection System Superintendent, were present to discuss the Sanitary Sewer Evaluation Schedule (SSES).

In January 2005, the City of Hagerstown entered into a Consent Judgment with the Maryland Department of Environment (MDE) due to violations of overflows from collection systems and partially treated overflows from the treatment plant. Under the Consent Judgment, the City agreed to undertake a system wide study to determine the sources of extraneous flow and implement remediation steps to either eliminate and/or reduce these flows. An infiltration/inflow (I/I) reduction program typically includes three phases; the I/I Analysis, the Sewer System Evaluation Survey (SSES) and the Rehabilitation. The I/I Analysis report identified 16 sewer districts out of 34 as the major contributors of infiltration and/or inflow within the wastewater collection system.

The Wastewater Staff has developed an aggressive plan to ensure completion of the tasks. Staff will attempt to complete all tasks in house, but built into the plan are triggers that will notify Staff of the need for external assistance. The most important component for the success of this endeavor is the purchase of another Close Circuit Television (CCTV) rig. Forty percent of the I/I issues are the result of lateral infiltration, which requires specialized equipment to effectively view. This is specialized sole source equipment that was unbudgeted for fiscal year

05/06. The current equipment which the City possesses is scheduled for a complete rebuild during fiscal year 06/07. The Collections Staff will be utilizing the existing CCTV equipment sixteen hours per day until the new equipment is received. Staff is exploring rent/lease to own options, state contract vehicle options, and financial arrangements in regard to long term payment plans. The aforementioned equipment will supply the long term needs as the I/I issues are addressed after the expiration of the Consent Judgment.

Councilmember Aleshire asked if the entire system was included in the I/I Study. Mr. Haghtalab stated the entire system was included and it was determined that 50% of the entire system needs immediate attention. Work will be completed for this half first.

Wholesale Water Supply Agreements Review

Michael Spiker, Director of Utilities, and Alfred Martin, Finance Director, stated as a continuation of process recommendations of the Water and Sewer Service Cost of Service Study, Individual Wholesale Water Supply Agreements have been prepared, reviewed by the City Attorney, and readied for submission to the Towns of Funkstown, Smithsburg, and Williamsport, Maryland. These agreements have been drafted to mirror the recently approved "Outside City" Water Rates. Additionally a wholesale water rate discount of 16%, which has been computed to equal the operational avoided costs in relation to the respective town's operation of their water distribution systems, is to be applied. Impending regulations in regard to the operation of consecutive water distribution systems, working within the agreed upon water allocations, and working through cost of service issues for their respective customers, will move the towns in the direction of operating and managing their water resource and distribution systems more effectively. Mr. Spiker stated they are requesting an extension of 60 days for completion of the aforementioned Wholesale Water Supply Agreements until May 1, 2006, so that the proposed agreements may be reviewed and approved by the respective towns.

It was the general consensus of the Council to extend the completion time for the agreements until May 1, 2006.

Adequate Public Facilities Ordinance

Kathleen Maher, Planning Director, was present to discuss a revised draft of the Adequate Public Facilities Ordinance (APFO) for the City Council's review. Changes were made to reflect the direction from the February 14, 2006 joint meeting with the County Commissioners, as well as a few others that occurred to staff that should be included for clarification in administration. The changes are as follows:

1. Page 4, Changed definition of minor subdivision from 25 or fewer lots to five or fewer

lots to match the County APFO

2. Page 6, Under administration of ordinance, added building permits which come under the provisions of the Ordinance as needing to be submitted to the Planning Commission. The definition of “new construction” makes it clear that building permit activity not just site plan or subdivision activity is subject to the APFO.
3. Page 6, Included building permits in the exemption statement at the end of the paragraph pertaining to work that involves minor additions to existing development.
4. Page 8, Deleted the three exemptions which differed from the County APFO pertaining to revitalization projects and “major” projects which develop at a pace of no more than 25 units per year.
5. Page 8, Changed date of exemptions for submitted plans to February 21, 2006 and approved plans to the effective date of the ordinance. The County’s date of June 2005 does not work for the City since they have been reviewing and approving site plans and subdivisions in the intervening time period when development was not subject to an APFO within the City. To apply an APFO now to already approved projects would be in total contradiction to the requirements of the APFO and would invite litigation.
6. Page 8, Added three new exemptions to help clarify things for administrative purposes: new development requiring only a building permit which will not result in additional dwelling units on the property; new development of single-family or two-family dwellings on existing lots of record which only need a building permit for approval; and developments requiring only a building permit for approval which had permits submitted prior to February 21, 2006 and which have construction underway no later than six months following the effective date of this Ordinance.
7. Page 9, as suggested by County Attorney, changed approval body for the pupil generation rates from the City of Hagerstown to the Board of County Commissioners to match the County APFO. Agree that it would not make sense for the City to adopt different pupil generation rates at the recommendation of the BOE than what is in play in the rest of the County.
8. Page 11, In the last sentence, added the following text: “Prior to entering any such agreement, the Mayor and City Council shall invite comment from the BOE and shall gain the approval of the Board of County Commissioners regarding same which approval shall not be unreasonably withheld.”
9. Page 11, Amended first sentence to read: “In its sole discretion, the Mayor and City

Council or its designee may approve a mitigation program, subject to the approval of the Board of County Commissioners which approval shall not be unreasonably withheld, that allows . . .”

Councilmember Metzner stated it was negotiated that the City would be entitled to the same number of lots exempted for the County in the same school district. City Attorney William Nairn asked if the information from the previous year would be used in this calculation. Councilmember Metzner stated he thinks there are too many exemptions being allowed. He suggested that a gross limit be placed on the number of students placed in overcrowded schools. Ms. Maher indicated the clause for lots of record not being counted as current projects may balance this out.

Councilmember Aleshire suggested using the date of March 1, 2006 instead of February 21, 2006 as the cut off date. It should be clear that anything that has development plan approval prior to March 1, 2006 is not subject to this ordinance. Councilmember Metzner suggested having the attorneys make the ordinance effective as soon as legally possible.

Ms. Maher stated Councilmember Aleshire has suggested reserving the right to rescind the ordinance if the Council finds it is not in their best interest, with the understanding the City would no longer retain the 28% of the fees collected. It was the general consensus to add this to the ordinance.

Councilmember Aleshire stated page 7 of the ordinance should state an appeal would be heard by the City’s Board of Zoning Appeals.

Mr. Nairn stated the process for approving the ordinance could be to introduce it at the regular session in February, 2006, with approval at the April, 2006 meeting. Ms. Maher indicated that a public hearing needs to be held.

Ms. Maher stated Staff would like the City Council to be aware that administration of a City APFO will add significant work load to the Planning Department which they would have a great deal of difficulty in handling effectively without the addition of more staff.

It was the general consensus of the Council to move forward with the introduction and approval of the APFO ordinance.

Initial Discussion: Mayor and Council Rules of Procedure, City’s Code of Ethics and City Charter

Councilmember Metzner asked if the Council wished to discuss the process for making changes in these three documents. Councilmember Aleshire stated he read through the Rules of

Procedure and didn't see anything structurally wrong with that document. He thinks this document addresses the code of conduct within the Council Chamber. He stated Staff presented each Mayor and Council member with a binder when they first took office. He stated it would be important to meet with members of the City Staff to talk through the points in the binder.

Councilmember Cromer stated she met with Bruce Zimmerman, City Administrator, to discuss the information in the binder. She stated the binder provides information about departments. She feels the binder should also address what is expected from the Mayor and Council and a professional code of conduct. She stated things to include would be that three Councilmembers need to agree to have Staff look into an issue or have an issue included on a work session agenda.

Councilmember Metzner stated it seems the way to handle those types of rules would be for the Council to discuss them because none of the Councilmembers would accept Staff telling them what needed to be done on this type of issue. He stated the requirement for three members to agree to discuss an issue was developed during a previous administration to prevent individual Councilmembers from going to Staff and asking that something be done.

Councilmember Metzner suggested adding a clause to the Rules of Procedure stating that any and all rules of the Mayor and City Council may be suspended at any time by unanimous vote of the Council. If they want to change their rules, they should be able to do so, by unanimous vote of all members present.

Councilmember Aleshire stated section 3.4 of the Rules of Procedure crosses over to the Ethics Code. He pointed out the City Attorney has strongly advised them why some issues need to be treated sensitively during executive sessions. Councilmember Cromer reminded the Council that what is discussed in executive session is to be kept confidential. Councilmember Nigh stated it is each Councilmember's right to determine if they discuss certain items in executive session or in public session.

Councilmember Metzner stated the Code of Ethics governs all elected officials across the State in terms of financial information. Councilmember Cromer stated she thinks the Code of Ethics governs benefits in any manner, not just monetary benefits.

Councilmember Parson-McBean stated if the Code of Ethics is viewed in a vacuum, then everything an elected official does will come under question. Councilmember Metzner stated it could be determined that everything is unethical.

Councilmember Cromer stated there are prohibited acts, but she doesn't understand what happens if the Code of Ethics is violated. Councilmember Metzner stated disciplinary action would be through the Ethics Commission. Councilmember Cromer asked if the Ethics

Commission takes on cases on their own. Mr. Nairn indicated that normally, a complaint is made to the Ethics Commission and an investigation is started. He speculated that the Commission could investigate a complaint on their own initiative.

Councilmember Parson-McBean asked what responsibilities the Ethics Commission has. Councilmember Metzner stated they resolve complaints. Councilmember Cromer asked what would be considered prohibited acts. Councilmember Metzner stated the acts are described in the Code of Ethics. Councilmember Cromer stated the document does not indicate what happens if a Councilmember is convicted of a misdemeanor or felony. Councilmember Parson-McBean stated it does not address how the Mayor and Council conduct themselves. Councilmember Cromer stated it should include a section on behavior. Councilmember Metzner stated the ultimate sanction is through removal from office. He stated, in order for that to happen, it would have to be put in the charter. Councilmember Cromer stated these things need to be included.

Councilmember Aleshire stated he thinks all members agree that things are not specific in the Code of Ethics. He believes they are looking for a document that provides detail on all the situations discussed. The Code of Ethics is a document that was developed from a template provided by the State of Maryland. The Rules of Procedure adopted by the Mayor and Council addresses the conduct in the Council Chamber.

Councilmember Metzner stated a good reason for not having Rules of Conduct is that the list could be exhaustive. Councilmember Cromer stated there should be some basic rules of conduct to deal with things like temporary absences and conduct that would be considered unbecoming for a Council member. Councilmember Metzner stated that would be addressed as part of the charter.

Councilmember Metzner stated if the Council is considering fundamental changes to the charter a Blue Ribbon committee should be appointed to make recommendations. Councilmember Aleshire stated he agrees the Charter would be the appropriate place to include rules of conduct. He would want to have a group review the charter that has knowledge of the City's administration and functions.

Councilmember Metzner suggested that the committee include at least one Council member. The Charter was created with recommendations by citizens and by committee. He stated recommendations may be made for things the Council has not considered. He thinks, as elected officials, they need to discuss the issues Councilmember Cromer raised. He stated he would be concerned about the determination of how to remove an elected official from office. He thinks they all agree that anyone convicted of a felony and incarcerated should be removed from office. He recommended considering carefully appointing a committee to review the Charter. He stated the Council needs to discuss how strictly the five members of the Council will be limited. He

stated they need to be cautious of how many limitations are placed on the people the citizens elected.

It was the general consensus to appoint a committee to review the charter and make recommendations for changes. Councilmember Parson-McBean stated the committee should be a diverse group of people. Councilmember Metzner suggested that the committee members be selected by the Council. Councilmember Metzner stated the committee would be discussing foundational operations. He asked how many people should be on the committee. Councilmember Nigh stated the members would have to have an open mind. Councilmember Parson Mc-Bean stated she is concerned that someone would be “watch dogging” the people who are making the policy and that three people could gang up on another one.

Councilmember Cromer suggested developing an orientation program for new council members. It was mentioned that there should be a tour of City facilities and buildings as part of an orientation program. Councilmember Metzner stated he thinks this is a good idea and he suggested discussing it further at a work session.

Some of the things the Council recommended having a committee review are:

1. Allowing a primary election to be held for one party if there are only five people running for office in that party
2. Should you be allowed to hold office if you have been convicted of certain crimes?
3. Length of time for being a member of a political party before running for office.

Councilmember Parson-McBean stated the guidelines should ensure that what is being done at the Council table is effective. She stated the Council never discussed the process for placing something on the agenda. Councilmember Nigh stated she was told that the Mayor sets the agenda and the City Administrator reviews the agenda with the Mayor.

Councilmember Parson-McBean stated it is up to this Council to determine what they will tolerate and what they won't. Councilmember Metzner stated he thinks there is agreement to discuss this at a work session. The Council wants to move away from being reactionary and have an external group look at what needs to be changed and what doesn't need to be changed.

City Administrator's Comments

Bruce Zimmerman, City Administrator, reported there was a fatal fire on South Prospect Street recently. This is a very difficult time for the family, as well as for the Fire Department.

Mayor and Council Comments

Councilmember A. Parson-McBean attended the Black History Program at the YMCA. She thanked everyone in the City who has participated in the Black History Month celebrations. The Council has received a letter from Kevin Weedon, thanking them for doing a good job. She stated there will be a Minority Business program on March 8, 2006 at the Venice Inn. This program provides opportunities for minority owned businesses and she is very proud of the program.

Councilmember K. B. Aleshire stated he thought it was odd that the Board of Zoning Appeals denied a request for a hobby shop at 635 Summit Avenue. He stated he doesn't think this is going to change from a business type of use in the future.

Councilmember Aleshire stated he thinks it is absurd that one applicant for Mayor had asked for a waiver in the residency requirement for the position of Mayor.

He stated he hopes the Council can see the benefits of moving forward on a proposed tax incentives program that City Staff and the Economic Development Commission have been working on. He would like to discuss this at a work session in the near future.

Councilmember K. S. Cromer stated the National League of Cities newspaper pointed out that budget cuts are likely in the President's Budget and that Community Development Block Grant funding may be reduced significantly. She stated there is also a substantial increase proposed for Section 8 housing.

She stated she attended her first Community Rescue Service meeting. She stated CRS will be submitting a funding request of \$ 175,000.00 to the Council. She stated she attended the Hagerstown Fire Department awards banquet and it was a very nice event.

Councilmember Cromer stated she would create a list of the boards and commissions that each council member serves on. She asked each member to provide her with this information. She also would like to know what boards and commissions the Mayor is expected to be a member of.

Councilmember Metzner stated he would be willing to be an alternate on the 2+2 Committee. Councilmember Cromer stated she would be willing to provide a written report of the discussions held by the 2+2 Committee. She asked for verbal reports from committees that do not have written reports.

Councilmember P. M. Nigh asked if there was anybody at the County Planning Commission

meeting about the hospital. She stated it was mentioned that construction at Edgewood Drive at Route 40 was scheduled to begin in 2008. County Commissioner James Kercheval indicated if the City of Hagerstown declined to pay 1/3 of the cost, he would have funds withheld from the City and then use those funds to pay for the construction. She stated she is concerned that Commissioner Kercheval is speaking for the City and that he is gathering this information from the 2+2 Committee. Councilmember Cromer stated that is not true. Councilmember Cromer stated Councilmember Nigh does know what is being discussed by the 2+2 Committee.

Councilmember Nigh asked who the Greater Hagerstown Committee is representing when they meet with the Washington County Delegation and ask for things. She is concerned that Greater Hagerstown is going to Annapolis to try to dictate what happens in Washington County and in the City of Hagerstown. She is concerned that the lobbyist chosen by the Greater Hagerstown Committee and others is one who is working with the hospital.

Councilmember L. C. Metzner stated a very esteemed member of the community and of the Hagerstown Police Department passed away this week. Harry House, who was a police officer for 35 years, passed away this week. Councilmember Metzner expressed sympathy to Mr. House's family. He stated the Council apologizes for not attending the visitation time. The Hagerstown Police Department provided an appropriate salute to Mr. House. He stated he had a personal relationship with Mr. House. Mr. House could stop a situation just by appearing, because people respected him. He apologized to the family and to the FOP for not being there for the funeral. He stated the Council will be asking City staff to make an appropriate notification on Channel 6.

EXECUTIVE SESSION

On a motion duly made by Councilmember K. S. Cromer and seconded by Councilmember P. M. Nigh, the City Council unanimously agreed by voice vote to meet in closed session at 6:49 p.m. in accordance with the provisions of the annotated Code of Maryland, State Government Article, Section 10-508(a) #1 to consider the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction.

Councilmember Aleshire stated the public is aware of why the Council is meeting in executive session. The reason is to discuss the applications received for the position of Mayor. He stated he has no interest in conducting interviews on Channel 6 with the applicants. He stated the Charter stated that the Council appoints someone and it should be done in a clear, concise manner. He stated the charter requires the Council to appoint the most qualified person.

No formal action was taken at the session. The meeting was held in the Mayor's Office, 2nd floor at the City Hall. The meeting was adjourned at 7:30 p.m.

Work Session and Executive Sessions
Mayor & City Council
Hagerstown, Maryland

February 21, 2006

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: _____