

50<sup>th</sup> SPECIAL SESSION – MAY 1, 2007

Mayor Robert E. Bruchey, II called this 50<sup>th</sup> Special Session, Work Session and Executive Session of the Mayor and City Council to order at 4:06 p.m., Tuesday, May 1, 2007 in the Council Chambers at the City Hall. Present with the Mayor were City Council Members M. E. Brubaker, K. S. Cromer, L. C. Metzner, P. M. Nigh and A. Parson-McBean, City Administrator Bruce Zimmerman, City Attorney Mark Boyer, and City Clerk D. K. Spickler.

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 meet in Special Session.

**Approval of an Ordinance: Approval of Lease Agreement with James Harsh, t/a The Mulch Man, For 931 Eldridge Drive, Hagerstown, Maryland**

**Action:** On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance authorizing the execution of a Lease Agreement with James Harsh for 931 Eldridge Drive, Hagerstown, Maryland.

The special session was then closed.

WORK SESSION – May 1, 2007

Proclamation and Status Report – Teen Pregnancy Prevention Task Force

In February 2005, Washington County's Health Officer made a presentation to the County Commissioners about the County's alarming teen birth rate being the fourth highest in Maryland distinguishing the County by being above both the national and state rate for births to teens ages 15 to 19. This presentation to the County Commissioners, as well as others made by the Health Officer in various forums, initiated a community consciousness awakening.

Since being convened in March, 2005, the Washington County Teen Pregnancy Prevention Task Force has continued to meet on a consistent basis bringing together concerned parents and youth and individuals from the business, education, faith, medical, social service and non-profit communities to create and implement strategies to impact the County's high teen birth rate.

A Teen Advisory Group (TAG) was organized to encourage youth guidance on Task Force activities. The TAG members represent many schools in the County. TAG activities include serving as Teen Judges for the Media Awards Competition, planning and facilitating the awards ceremony, and developing morning announcements regarding the on line quiz day.

The mission of the Washington County Teen Pregnancy Prevention Coalition is to reduce teen pregnancies and sexually transmitted infections by educating youth to make healthy choices.

The Coalition is partnering with the Washington County Health System to offer educational events for Mothers and Daughters on May 10, 2007 and one for Fathers and Sons on June 14, 2007. The events will include presentations by local physicians about teen pregnancy prevention and offering assistance to families in talking about sex. A meal and fun activities for the youth will also be part of the two events.

Mayor Bruchey presented a proclamation to the Coalition recognizing May, 2007 as Washington County Teen Pregnancy Prevention Month.

#### Rain Insurance – 2007 Western Maryland Blues Fest

Carl Disque, Chairman, and Karen Giffin, Director of Community Affairs, were present to discuss the possibility of purchasing rain insurance. As in previous years, the Executive Committee of the Western Maryland Blues Fest would like authorization from the Mayor and City Council to purchase rain insurance for Friday, June 1, 2007 and Saturday, June 2, 2007. After reviewing many options, the Western Maryland Blues Fest Executive Committee would like to recommend the purchase of rain insurance as follows:

The rain insurance policy for Friday, June 1, 2007 is for \$ 15,000 and will cost \$ 2,205. The policy will cover the hours of 3 p.m. to 8 p.m. (5 hours) and it must rain ¼” or more in order to collect on the policy. Five percent of the \$ 15,000 will go to the Washington County Arts Council for their risk of the beer and wine sales.

The rain insurance policy for Saturday, June 2, 2007 would cover the hours of 11 a.m. to 6 p.m. (7 hours) and it must rain ¼” or more in order to collect on the policy. The cost would be \$ 7,850. Five percent of the rain insurance proceeds would go to the Washington County Arts Council for their risk of the beer and wine sales.

Both policies must be purchased by May 17, 2007. The total cost of \$ 9,875 would come out of the Blues Fest budget which was approved by the Mayor and City Council in November, 2006. The rain insurance policy will not cover the entire festival liability; however, buying the rain insurance policy is a balance between the price of the insurance versus the risk of loss.

It was the general consensus of the Mayor and City Council to purchase the rain insurance as requested by the Executive Committee.

Refuse Collection and License Agreement – Cortland Villas Condominium, Inc. and Cortland Manor Street Lights

Michael Spiker, Director of Utilities, and Rodney Tissue, City Engineer, discussed requests received from Cortland Villas Condominium, Inc.

Mr. Spiker stated a request was made by the Cortland Manor Homeowners' Association in regard to the operation and maintenance of the privately owned street light system which presently contains 16 street light fixtures and poles, and 800 feet of underground conductor. An additional 8 lights and the associated material will be added as build out as the development occurs. The street lights, poles, and conductor were specified to meet the Hagerstown Light Department standards at the time of installation. Therefore, the operation and maintenance of the private system would not cause any undue hardship upon the utility. The cost of the yearly electric usage, at the current Allegheny Power commercial lighting rate, is approximately \$ 1,875.00, and would be added to the General Fund's street light account. After full build out of the lighting system, the yearly funding would be approximately \$ 2,812.00.

It was the general consensus of the Mayor and City Council to approve a maintenance agreement to pay the monthly electric charges and allow the HLD to perform maintenance and repairs of all conduit, conductor, poles and fixtures on the street light system.

Mr. Tissue indicated a request was received for refuse and recycling collection from the private roads of the development. The City collection service is not available to private roads unless an agreement is approved by the local Home Owners Association and the Mayor and Council. The agreement basically gives the residents full access to the City's curbside trash and recycling collection program, provided they pay the current "collection fee" and indemnify the City and its contractor from pavement damage to the private roads.

It was the general consensus to approve an agreement and ordinance to allow refuse and recycling collection in the Cortland development.

Councilmember Metzner stated a request for snow removal was also made from the Home Owners Association. Mr. Tissue stated there is no protocol for snow removal from private roads. The roads in the development do not have concrete curbs and snow removal policies would need to be reviewed prior to providing this service.

Howard Gilbert, Home Owners Association, thanked the Mayor and City Council and City staff for their assistance.

Vicious and Dangerous Animals Ordinance

Chief Arthur Smith and City Attorney Mark Boyer were present to discuss a vicious and dangerous animal ordinance. Chief Smith suggested removing the provision for

animals that had previously been declared vicious and dangerous. A revised ordinance would only deal with animals deemed vicious and dangerous after it is approved.

Councilmember Cromer stated this was discussed during the 2+2 Committee meeting recently. The County Commissioner members expressed their concern that there is no process in place to provide notice to City officials of animals that have been deemed vicious and dangerous. She stated the County has asked the City to delay approving this ordinance for the time being. The County anticipated approving a revised Animal Control ordinance in the near future, after the budget is adopted. They indicated the revision would include a process to administer a City ordinance.

Councilmember Brubaker does not believe the Commissioners are anxious to move forward in revising the Animal Control ordinance and they have not reviewed a revision at this time.

Councilmember Nigh stated she understands from one Commissioner that the Animal Control ordinance will not be revised any time soon. She stated the City has to adopt an ordinance to protect its residents.

Councilmember Metzner indicated the suggestion made by Chief Smith addresses one of his concerns. He suggested that the City notify owners of animals deemed vicious and dangerous of the requirements of the City ordinance that such animal must be removed from the City limits. It has been discussed that an owner could appeal the designation in front of a City appointed board.

Councilmember Cromer asked who would send the notices. She also stated the board discussed earlier does not include a veterinarian or an attorney, which she feels would be necessary. Councilmember Metzner stated if the City does not receive notification of the designation, citizens would not be in jeopardy. Councilmember Cromer stated the County has indicated there is no process in place to notify the City.

Councilmember Metzner stated Councilmember Parson-McBean commented recently that she felt the City worried more about the animals than the people. He cares about the citizens and he understands how people feel about their animals. Councilmember Parson-McBean stated her comment was not that the City cared more about animals than people; it was that there have been many discussions about this issue but not about a public relations committee.

Councilmember Brubaker asked what function the Board mentioned by Chief Smith would provide. The Board would hear appeals of a vicious and dangerous designation, if that had not already occurred at the County level. Mr. Boyer stated this would change the hierarchy of the administrative appeal. He would need time to research this recommendation.

Mayor Bruchey stated an ordinance that complies with the law and excludes animals that have previously been deemed vicious and dangerous will be considered at the Regular Session on May 22, 2007.

Hagerstown Police Department Purchase – Forensic Digital Video System

The Hagerstown Department of Police is requesting permission to purchase a new forensic digital Video System for the Washington County Regional Crime Laboratory. The total cost of the system is \$ 11,496.00. Funding the entire amount could be completed by suing reallocated funds from the Cease Fire grant in the amount of \$ 8,760.00 and funding from the Washington County Narcotics Task Force confiscated funds in the amount of \$ 2,736.00.

This purchase will replace the current system which is six years old and has stopped functioning. Repair of that system is not an option because the company no longer supports the outdated hardware and software. The new system contains up-to-date technology.

It was the general consensus of the Mayor and City Council to approve the purchase of the system.

Budget Discussion – Capital Improvement Program (Section 4) and 5 Year Financial Projections (Section 10)

Since the proposed budget was drafted over one month ago, updated information has been received regarding several revenues and expenses that staff feels warrant modification of the budget before adoption by the Mayor and Council.

The most significant change came from the Maryland State Retirement System regarding the actual City contribution rates expected for the upcoming fiscal year based on their latest 2006 actuarial study. Rather than the continued small incremental increase in rates that was the experience each year, and which was included in the proposed budget, the actual base rate for the MSRS Employees' Pension System went up over 40% from 5.65% to 8.0% of base payroll. This program is the plan the majority of the City's non-police and fire employees are covered by. The impact of this higher than expected rate increase is estimated to be an increase in cost of \$ 242,091 for the General Fund and a total for all City funds of \$ 491,519. The City requested an explanation of the underlying reasons for such a large contribution rate increase for all participating local government agencies. The Executive Director, based on the City's inquiry, asked the State's actuary to review the data and assumptions they used and their calculations that resulted in the higher rates. It appears there may be an error in the data used. The actuary will be redoing the rate calculations. The review may not be complete before the budget adoption deadlines. Staff is recommending using the actual rates that have been given for now, since they do not know how much the rates may change from the actuary's study revisions.

To cover the increased cost of the State retirement contributions, other updated revenue and expense information and estimates have been identified. Good interest in being shown in the workers compensation insurance coverage renewal and it is expected that a cost increase can be reduced. Information has been received from the Maryland Municipal League that the State approved a \$ 150 increase in the per capita aid per sworn police officer from \$ 1,800 to \$ 1,950 per officer.

The CIP projects were then discussed. The pool will be white coated and a steam engine museum will be created. The funding for the steam engine museum is from the Estate of John Long. Councilmember Nigh suggested a fundraising program to assist the steam engine museum and the private museum.

A Pavement Preservation Program, which includes sealing and other preservation techniques, is included. Councilmember Brubaker stated the Edgewood Drive/US 40 improvements project will only raise the service level for a few years. The next time improvements are necessary, it will be difficult for the City and the County to provide the same level of financing. Other funding sources must be identified and those who benefit from the project area should be the ones to provide funding. He suggested discussing this with the State legislature. Councilmember Metzner stated the funding was in place until the hospital approached the State and indicated the relocation project would be abandoned if funding was not provided. The State chose to fund the smaller project for Edgewood Drive. Councilmember Nigh pointed out the hospital would only be responsible for providing funding of \$ 1,000,000 for road improvements.

Councilmember Brubaker recommended moving all funding for the Eastern Boulevard North extension to FY 08/09, with no plans for the project until the County Commissioners commit to the same timing for improvements. He stated the City should only be providing 10% of the funding, not 25%. He also feels the right of way should be two lanes, rather than four.

It was the general consensus to move funding for the possible Shaoool annexation to FY 08/09. This would be bond financing.

Councilmember Brubaker stated the Council needs to keep in mind projects that are transfers to the CIP fund, such as these, would have the largest impact on future years' budgets.

Councilmember Nigh asked if funding for the 000 block of South Potomac Street is the sidewalk widening. It is for this project. Councilmember Metzner stated the Council is not discussing expenditure of these funds but rather the potential expenditure of the funds.

Replacement of an emergency utility van and a fire engine is included in the Fire Department's CIP plan. Replacement of the City's financial software is included in the CIP budget.

The City received notification that one project submitted for funding to Community Parks and Playgrounds has been approved.

Funding is included for the library expansion. There is also funding included in the County's CIP for this project.

The two largest CIP expenditures in the Police Department are for replacement of radios and the Central Booking facility. It was noted that Central Booking does not include taxpayer money. K9 resources are also included in the CIP.

The Public Works CIP includes funding for replacing equipment at the City's gas station.

Councilmember Brubaker would like to keep water and sewer increases to a reasonable rate of 3% to 3.5% next year. The financial policies require the rates to be reviewed periodically by a rate consultant.

Councilmember Brubaker expressed concern that a \$ 1,200,000 deficit is projected for FY 08/09. He is concerned there would be no way to overcome the deficit if the Mayor and Council commit to large increases in public safety personnel. Future years may include tax increases or severe budget cuts. Councilmember Metzner stated City taxpayers would not see an increase larger than 5% in assessments because of the tax cap implemented by the City of Hagerstown. Without this cap, taxpayers would be experiencing significant increases in the tax bill.

Councilmember Metzner stated both the firefighter's union and the Fire Chief have indicated they are critically understaffed for many years. Growth within the City has provided increased tax revenues. It may be necessary to remove the tax cap or increase the tax rate in order to provide the necessary staffing for the fire department.

Mayor Bruchey stated the projections can change. Councilmember Brubaker has a right to be concerned and Councilmember Metzner is correct that the fire department is understaffed. This will be discussed again during the budget year. No firefighters are scheduled to be hired until February, 2008. Projections will be reviewed and discussed further.

Councilmember Nigh stated the community has grown and there are not enough public safety employees to cover the new sections. Public safety must be provided to the community.

Alfred Martin, Finance Director, stated that although every effort is made to be as realistic as possible, it is important to note that revenues and expenditures rarely proceed in a totally predictable manner. They are based on numerous assumptions and are subject to numerous uncertainties. They are based on the best information available to staff as of late March. They are not and should not in any way be construed as a multiyear budget. They are an important tool in decision making and policy setting.

A budget hearing will be held on May 16, 2007. Final adoption of the budget will be scheduled for May 22, 2007.

City Administrator Comments

*Bruce Zimmerman, City Administrator*, hopes the new format for CIP projects was helpful. He thanked Elaine Stookey and Michelle Higman for putting this together.

Mayor and City Council Comments

*Councilmember A. Parson-McBean* was not able to attend a memorial service at the AFL-CIO office. She was attending the final Rawlings Fellowship meeting. She has completed the program and a graduation ceremony will be held in July.

*Councilmember M. E. Brubaker* had no additional comments.

*Councilmember K. S. Cromer* had no additional comments.

*Councilmember L. C. Metzner* was on vacation last week and he urged everyone to preserve natural resources.

*Councilmember P. M. Nigh* stated she is concerned about the number of patches on the City's streets.

*Mayor R. E. Bruchey, II* announced the Community Yard Sale will be held on May 5, 2007 at Fairgrounds Park. The Pitch, Hit and Run contest will be held on May 6, 2007. He expressed condolences to the family of Jerry Hoak, who passed away on April 26, 2007. Mr. Hoak was very active with the Economic Development Commission. He also expressed condolences to the family of Frances Couchman, former finance employee. He stated public safety is paramount for the City of Hagerstown. Affording it is another issue.

EXECUTIVE SESSION – May 1, 2007

On a motion duly made by Councilmember K. S. Cromer and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to meet in closed session at 6:32 p.m. to consult with counsel to obtain legal advice, #7 and to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, #4. No formal action was taken at the session. The meeting was held in the Council Chamber, 2<sup>nd</sup> floor at the City Hall. The meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Approved:

Donna K. Spickler, City Clerk