

WORK SESSION – June 10, 2008

Mayor R. E. Bruchey, II called this Work Session of the Mayor and City Council to order at 3:35 p.m., Tuesday, June 10, 2008, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. S. Cromer, L. C. Metzner, P. M. Nigh and A Parson-McBean; City Administrator Bruce Zimmerman, City Attorney John Uner, City Attorney William Nairn and D. K. Spickler, City Clerk. Councilmember M. E. Brubaker was not present.

County Commissioner members present were President John Barr, Vice President Terry Baker, Kristin Aleshire, James Kercheval and William Wivell. County Administrator Greg Murray was also present.

Joint Meeting with Washington County Commissioners

**Consolidated Emergency Communications Project Update**

Police Chief Arthur Smith, Sheriff Douglas Mullendore and Kevin Lewis, Acting Director of Washington County Division of Fire and Emergency Services, were present to provide information regarding the Consolidation of Public Safety Communications in the City of Hagerstown and Washington County, Maryland.

The combined center includes the Sheriff's Department, City Police Department and Fire and Rescue Operations. The consolidation will enhance command and coordination efforts and will reduce overall operating costs. Resources will be shared, especially in emergency situations.

The Board of County Commissioners and the Mayor and City Council previously provided conditional approval/authorization for consolidation. It is expected the Hagerstown Police Department communications will be consolidated into the Elliott Parkway Facility by July, 2009.

Once the operations are consolidated the creation and amendment of existing protocols must be coordinated with the primary agencies. The agencies have agreed to create a governing board consisting of the City of Hagerstown – Chief of Police, Sheriff for Washington County and the Director of Fire & Emergency Services for Washington County. These individuals shall review and approve operational protocols for adoption.

A truly consolidated center will include frontline employees who are cross trained in both fire/EMS and law enforcement operations. Initially, it is unrealistic to implement the consolidation with the expectation that all employees will be cross trained. During the interim it may be necessary to create a wage and benefit program scaled around four employee levels.

Current City employees will be County employees at the consolidated center. A Human Resources Subcommittee has completed a benefit package comparison. Mr.

Lewis indicated the Subcommittee is recommending utilizing the County's policy for holiday pay. A one time payment will be provided to City dispatchers for vacation accrued.

Councilmember Cromer stated it seems most of the recommended benefits are the County's. Chief Smith stated most of the County benefits are better for employees. Councilmember Cromer asked if the dispatchers would be losing a week's vacation. Chief Smith stated the County reaches three weeks of vacation sooner than the City, then the rate of earned vacation slows. City employees will be offered a one time payment to compensate for the slower earned rate of vacation. Councilmember Cromer thinks the City employees should receive their full vacation time.

Mayor Bruchey indicated the consolidated center will be a cost saving operation for the City. Councilmember Cromer is concerned the City dispatchers have earned this time and doesn't feel it is fair they have to start over with accruing vacation.

Commissioner Wivell pointed out the City dispatchers would be gaining three personal days as County employees.

Mr. Lewis stated a valuation is needed for the pension plan in order to determine the exact cost of the transfers. He provided a chart comparing City benefits and County benefits.

Commissioner Aleshire stated it is difficult to review the entire list. He thinks it would be beneficial to have employees state which two or three items they are most concerned about.

Councilmember Cromer will not be able to make a decision until she talks to the City dispatchers who will be affected by the changes.

Councilmember Parson-McBean stated the governing bodies have to look at how to make the transition smooth and have employees who are comfortable with the changes.

Councilmember Metzner indicated it appears the Mayor and Council need to decide if they want the joint communication center to move forward. Under this plan, the City dispatchers will not be City employees. The proposal is making an effort to make one time payments to compensate for the "losses."

There are no employees on the Subcommittee. Councilmember Nigh has been involved with the Consolidation Committee since the beginning. She is concerned that the details cannot be worked out with the joint center. She stated Chief Smith addressed her concerns and she thought the issues have been resolved.

Councilmember Parson-McBean stated it is only fair that employees be aware of the changes before the center is completed.

Mr. Lewis stated the Committee understands retirement and health benefits are a concern for employees.

Councilmember Parson-McBean asked if members of the audience could voice their concerns. Mayor Bruchey indicated the concerns would be heard when joint employee meetings are held. Jim Bestpitch, AFSCME 3373 Representative, stated the vacation has not been satisfactorily addressed.

Mayor Bruchey stated solutions that are acceptable need to be determined between now and January, 2009, when the consolidation is implemented. The main concerns need to be addressed and still achieve the goal of providing better service to the citizens through the consolidation.

Sheriff Mullendore stated the technical and policy issues need to be settled within the next three months in order to remain on schedule.

Funding for the facility is over \$ 2.8 million. Councilmember Metzner pointed out the City will save \$ 1.5 million with the completion of the consolidation and the City should thank the County for this. Chief Smith stated the consolidation will also provide additional opportunities for grant funding.

It was the general consensus of the Mayor and City Council to obtain actuarial information, at a cost of \$ 2,000 to each primary agency, in order to determine the retirement benefit costs. The Council members are unanimously in favor of the concept.

Mayor Bruchey stated the consolidation would be discussed again, perhaps on July 8, 2008 at 3:00 p.m. Councilmember Nigh stated the issues need to be resolved prior to that meeting.

Chief Smith stated the City's commitment will be for 85% of the cost for existing City employees. The payment of \$ 202,000 per year will last as long as former City employees are working at the 911 Center.

Councilmember Cromer and Commissioner Wivell will review the numbers before making a decision about the commitment. The other members of the Mayor and City Council and Board of County Commissioners agreed to this commitment.

### **Status of Central Booking**

Sheriff Mullendore stated bids are due to County Purchasing in late July, 2008. Construction of the facility should be completed by the end of September, 2009. It will be operational within 30 days after construction.

Councilmember Metzner asked for the County's participation in providing a veteran's trip in November. He stated the City would provide the first bus and take care of all the logistics. It was the consensus to support the trip.

### **Eastern Boulevard**

Mayor Bruchey and Commissioner Barr have discussed the importance of including funding in both the City and the County budget for the Eastern Boulevard project.

Councilmember Metzner hopes The Ferguson Group, federal lobbyist, will be able to secure some funding for the project.

Commissioner Kercheval doesn't think the Eastern Boulevard connection is likely with the current economic status.

Mayor Bruchey stated the project needs to be a priority in order to open 220 acres for development.

Commissioner Aleshire stated the acres are accessible. He doesn't think taxpayer money should be used to supply a bridge when it was decided years ago that a bridge was not necessary.

A fifteen minute recess was taken.

### **Washington County Housing Conditions Study**

Kathy Saxman, David Jordan, Executive Director of Washington County Community Action Council and Dr. Marvin Tossey, Salisbury University, were present to discuss a housing conditions study.

Dr. Tossey indicated a comprehensive study was completed of the housing stock in Washington County. A windshield inspection was performed of all single-family housing units within Washington County and the City of Hagerstown to identify substandard units by looking at the exterior condition of each housing unit.

Each housing unit was assigned a composite score based on the following scale: 1 (satisfactory), 2 (needs minor repairs), or 3 (poor).

Dr. Tossey stated Hagerstown was impressive compared to Cambridge, Maryland. There were three districts in Hagerstown that had no minor civil divisions. The City has made repairs to or demolished some of the buildings that were identified as being in need. He stated the Rental Licensing Program is working in Hagerstown.

Ms. Saxman stated funding for the project was from Community Development Block Grant, the City of Hagerstown and Washington County.

Councilmember Parson-McBean asked if Individual Development Accounts (IDA) can be used for housing improvements. Mr. Jordan indicated they are waiting for answer to the question.

Preliminary Agenda Review

**Consent Agenda**

- A. Police Department: Ballistic Shields – Atlantic Tactical (New Cumberland, PA)  
\$ 18,519.75
- B. Engineering:
  - 1. Emergency Purchase: Fence at MELP – Long Fence (Ijamsville, MD)  
\$ 22,471.00
  - 2. Maryland Avenue Sidewalk Installation – Concrete Central, LLC  
(Hagerstown, MD) \$ 158,894.00
  - 3. Downsville Road Sidewalk Installation – Henson & Son, Inc. (Hagerstown,  
MD) \$ 67,504/00
  - 4. Curb and Sidewalk Installation – Henson & Son, Inc. (Hagerstown, MD)  
\$ 61,880.00
  - 5. Staley Parkway Storm Drain – Henson & Son, Inc. (Hagerstown, MD)  
\$ 25,374.00
- C. Human Resources:
  - 1. Workers Compensation Insurance – Injured Workers’ Insurance Fund  
(Towson, MD) \$ 796,804.00
  - 2. Administration of Medical Claims – National Capital Administrative Services  
(NCAS) (Owings Mills, MD) \$ 390,380.00
  - 3. Aggregate Stop loss Insurance and Specific Stop Loss Insurance – Highmark  
Life Insurance (Pittsburgh, PA) \$ 201,645.00
  - 4. Dental Insurance – Administration – National Capital Administrative Services  
(NCAS) (Hagerstown, MD) \$ 33,216.00
  - 5. Employee Assistance Program – Behavioral Health Services (Hagerstown,  
MD) \$ 12,870.00
- D. Wastewater Department: Roof Replacement at Wastewater Administration  
Building – Carson Roofing, Inc. (Hagerstown, MD) \$ 75,625.00
- E. Information Technology – Novell to Microsoft Migration – Mid Atlantic System  
Integrators (Hagerstown, MD) \$ 62,730.24

**Introduction of a Resolution: Annexation – PER CCC LLC, Lot 182, Harwood Road, CASE No. A-2008-04 and Approval of Annexation Plan**

This rear of this property abuts the City boundary on Harwood Road. The property owners are petitioning the City for water service and the annexation policy applies.

Take Home Vehicles Discussion

The Mayor and Council were scheduled to discuss the City's use of take home vehicles during this meeting.

Councilmember Cromer stated she had asked that this item be removed from the agenda. She has not received all the information she requested and she found discrepancies in the information she has. She stated it should not be this difficult to get information.

Bruce Zimmerman, City Administrator, asked what information, in addition to home addresses and insurance information, is being requested. The home addresses have been provided to the Mayor but not to the Council.

Mayor Bruchey stated the mileage to an employee's home is listed on the chart provided in the packet memo.

Councilmember Metzner asked why the exact mileage is in question if a policy is being discussed. Councilmember Cromer stated all the items needs to be discussed at the same time.

Councilmember Metzner stated police officers expressed their concern to him about giving out home addresses. He does not want the home addresses. Councilmember Parson-McBean does not either.

Councilmember Cromer has received some home addresses but she doesn't know if they are correct and she does not trust that the information she has been given is accurate.

If three Council members request the addresses, Mayor Bruchey will provide them. Councilmember Parson-McBean understands people not wanting their addresses being given out but Councilmember Cromer's investigation should not be impeded.

Councilmember Cromer suggested reviewing the addresses with Mayor Bruchey. She stated again she had asked this be removed from the agenda.

Mr. Zimmerman asked if there is information that has not been provided to please let him know. A memo was hand delivered to Council members on June 3, 2008 providing updated information.

Councilmember Cromer mentioned she had asked for information from the Gas Boy system. The information she received was not what she asked for. She has not received insurance information either.

Forest Conservation at Lowe's Distribution Center

Stephen Bockmiller, Development Review Planner/Zoning Administrator, provided information regarding the appearance of the front of the Lowe's Distribution Center. This is a forest conservation area and not a landscaped buffer.

Efforts have been made by Lowe's to ensure its forest conservation plantings take hold and thrive. It appears that weather, soil conditions and other factors have played a role in diminishing the potential success of the forest area along the front of the site.

The State Department of Natural Resources has provided some leeway to plant trees that are not native species. Mr. Bockmiller stated Lowe's may ask the Planning Commission for a waiver from the forest conservation act and pay into the fund. The area along the front of the site is compliant with the forest conservation standards.

Councilmember Nigh stated the tree tubes around the City need to be checked. It does not appear trees are growing in them.

Request by Demcore Entertainment, LLC for Downtown Live

R. Michael Deming of The Demcore Companies has submitted a request to host a music festival entitled, Downtown Live, on South Potomac street on October 25, 2008 from 2:00 p.m. to 10:00 p.m. This is the third year of the festival.

Karen Giffin, Director of Community Affairs, reported representatives of a number of departments including Police, Fire, Community Affairs, and Light met with Mr. Deming to discuss plans for the event.

Mr. Deming would like the Mayor and City Council to approve use of North Potomac Street, South Potomac Street, West Washington Street and East Washington Street for the festival and to exempt the festival from the Open Containers Law for the day. Mr. Deming is willing to pay for all City services needed, and he will sign an application/permit and have the required insurance for the event, similar to the procedures for other events.

Mr. Deming stated last year the event began at 11:00 a.m., was sparsely populated until the early afternoon, and ended at 10:00 p.m. In light of this, he would like to begin future festivals at 2:00 p.m. and run until 10:00 p.m. This allows more time for set up and reduces the number of hours that alcohol will be served. They will do all they can to ensure the safety and security of attendees, which includes tighter security to help enforce individuals' drinking limitations.

One of the primary concerns raised concerned the genre of music that was selected. They recognize that the more heavy-metal type bands caused the crowd to become boisterous. They will not consider heavy-rock bands that notoriously bring disorderly fans.

He would like to increase the space and number of the visual artists in the “Artist’s Row” area on West Washington Street. This section was very popular to attendees last year, and it worked well to promote the Washington County Arts Council and their partners state-wide. They will strive to host only vendors from Hagerstown.

They realize that many attendees are parents and not only want to enjoy the event themselves; they would like their children to have fun and entertaining activities to do simultaneously. Ideally, they would like to bring in a “paint-it-yourself” ceramics stand, jugglers, magicians, comedians, storytellers and other hands-on activities for the children and their parents. A larger section of the festival will be devoted to children’s activities.

Fire Chief Gary Hawbaker submitted a letter stating the fire department could not fully support any activity that could delay the normal response time. This festival as proposed will result in the closing of the major east and south thoroughfares in the middle of the City thus causing EMS and fire equipment to find less desirable and slower routes. In addition it will require the closing and relocation of two fire stations, the First Hose Company (Engine 1) and the Pioneer Hook and Ladder Company (Truck 1 and Utility 3) and slow the response of the Shift Commander, who is located in the Market House.

Councilmember Cromer had suggested holding the event in the Central Parking Lot. She asked if this was considered for this year’s event.

Mr. Deming thought the improvements made last year were successful and he would like to keep the event in the same location.

Councilmember Cromer is concerned that the street will be closed. Councilmember Nigh expressed her concern also.

Ms. Giffin indicated the central lot is larger and the street would not have to be closed.

Police Chief Art Smith stated holding the event in the central lot would be simpler for security but the Police Department could deal with either location. There were more arrests last year than he would like to see.

Councilmember Parson-McBean expressed concern that another block being closed, even for one day, would be an additional convenience since Jonathan Street is closed.

The number of police officers needed will be determined after the location and entertainers are chosen.

The Council asked that Mr. Deming meet with Ms. Giffin to discuss the logistics for the Central Parking lot location and appear before the Council early in July. Councilmember Parson-McBean asked that the length of the event be shortened.

Stadium Grill and Tavern Parking Project

The owners of the Stadium Grill and Tavern located at 401 South Cannon Avenue have submitted a request for use of City property located adjacent to the Tavern.

The property is currently improved by a dirt and stoned parking area, utilized by patrons of the Tavern. The area is approximately ½ acre in size, and abuts the groundskeeper's office and electric substation adjacent to Hagerstown Municipal Stadium.

The Stadium Tavern proposes to improve the property, including sidewalks and curbs, blacktop paving, creating lined parking spaces, and landscaping. The estimated cost of work is \$ 70,000. They are requesting a twenty-five year lease term, due to the cost of construction involved. The Tavern would also be solely responsible for maintenance and upkeep of the property in a manner acceptable to the City. The parking spaces would be for the exclusive use of the Tavern and their patrons with the exception of the lined spaces adjacent to the groundskeeper's building and the electric substation, which would be reserved for City use.

Staff has reviewed this request and agreed that it would be mutually beneficial to the City and the Tavern to allow for this property to be improved. The improvements identified will greatly enhance the appearance of the property. Junior Mason and the Hagerstown Suns organization have indicated that they have no objection to this proposal. Engineering was planning to do sidewalk work this year, which has been identified as one of the improvements, saving the City approximately \$ 12,000. The City would also recommend a nominal rental fee. Additionally, the Tavern would be required to obtain additional insurance coverage listing the City of Hagerstown as an additional insured.

John Salvatore stated the owner will install sidewalks, curbs and line and maintain the lot. Tavern customers would utilize the lot and some spaces would be for the City's use.

Mr. Zimmerman indicated the lot would not be exclusively for Stadium Tavern customers, especially on Suns game days.

Mr. Salvatore stated he would not have vehicles towed from the lot.

Councilmember Nigh suggested installing enclosures around the dumpsters that are on the parking lot. Mr. Zimmerman stated Staff realizes the dumpsters need to be enclosed and emptied more often.

It was the general consensus of the Council to move forward on the proposal and work with the City Attorney to prepare a License/Lease Agreement between the City of Hagerstown and Stadium Grill and Tavern.

**CITY ADMINISTRATOR'S COMMENTS**

*Bruce Zimmerman, City Administrator*, had no additional comments.

**MAYOR AND CITY COUNCIL COMMENTS**

*Councilmember P. M. Nigh* had no additional comments.

*Councilmember L. C. Metzner* expressed condolences to Councilmember Brubaker's family.

*Councilmember A. Parson-McBean* had no additional comments.

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

*Mayor R. E. Bruchey, II* had no additional comments.

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 6:46 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: July 29, 2008