

WORK SESSION – June 14, 2005

Mayor Richard F. Trump called this Work Session of the Mayor and City Council to order at 4:00 p.m., Tuesday, June 14, 2005 in the Council Chambers at the City Hall. Mayor Trump opened the meeting with a prayer. Present was Mayor Trump, 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.

Police Department Accreditation Announcement

Jim Robey, retired Police Chief from Montgomery County, presented a Commission of Accreditation to the Hagerstown Police Department. This is the fourth accreditation received by the Department. There are only a few police departments in the nation that are accredited.

Preliminary Agenda Review

**Light Property and Crumrine Property Annexation Public Hearings**

Two annexation public hearings will be held. Stuart Bass, Comprehensive Planner, stated the Light property is approximately 30 acres in size and the proposed zoning is commercial. There are no development plans for the Crumrine property at this time.

Councilmember Aleshire stated there is an extensive amount of one of the properties is in the flood plain. He stated he hopes the forest regulations would be met on site. He stated the Planning Commission did not recommend the requested zoning of AT (Agriculture Transitional), but instead recommended a commercial classification. He expressed his concern that the Planning Commission would recommend a zoning classification that would allow development when the owner did not request that type of classification.

**City Code Update**

General Code Publishers submitted a price of \$ 14,600.00 to update the City Code. This amount includes updating the on-line version of the Code. It was the general consensus to accept the proposal.

**2005 Jeep Liberty**

A 2005 Jeep Liberty is available through the State contract from Hertich Fleet Services, Inc. for \$ 18,049.00. The purchase of this vehicle would be a replacement of a 1992 Ford Tempo in the Community Development Department.

Councilmember Cromer asked if a smaller vehicle could be used, since the price of gas is high. She also expressed her concern about what seems to be a high cost. Lauren Bayer, Director of Community Development, stated they need a vehicle that seats three people and has room for various equipment. A larger vehicle will provide the flexibility for the tools and equipment needed by the housing construction specialist. This purchase would be funded through the Community Development Block Grant fund, not the general fund.

### **Substation Battery Systems**

Carber-Rambo Associates submitted the low bid, in the amount of \$ 13,402.96, for a battery system that will provide emergency backup power for Mitchell and Plant Substations. It was the general consensus of the Mayor and City Council to accept the low bid.

### **Muffin Monster**

The sole source provider for the Muffin Monster is Watermark Environment Systems. The price for a wall mounted Muffin Monster is \$ 24,612.00. This will be installed at Pumping Station #9 to improve pump reliability and efficiency. It was the general consensus of the Mayor and City Council to accept the proposal.

### **Wastewater Treatment Plant (WWTP) Blending Study Agreement**

Black and Veatch submitted a proposal in the amount of \$ 9,570.00 for the engineering services for a blending study at the Wastewater Treatment Plant. It was the general consensus of the Mayor and City Council to accept the proposal.

### **Locating and Marking Services**

UtiliQuest submitted a proposal to extend the original contract, with a 2.6% increase, for locating and marking services in the Water Distribution and Sewer Collection System. The cost of the contract from June 4, 2005 through June 3, 2006 will be \$ 52,000.00. It was the general consensus of the Mayor and City Council to approve the extension of the contract.

### **Lagoon Cleaning at the R. C. Willson Water Plant**

Synagro submitted a proposal in the amount of \$ 54,900.00 to remove and dispose of the sludge from the lagoon at the R. C. Willson Water Plant. This price is through a piggyback agreement with the City of Frederick. It was the general consensus of the Mayor and City Council to accept the proposal.

### **Demolition of 15/17 Elizabeth Street**

Rodney Tissue, City Engineer, stated this contract will be for the removal of a public nuisance at 15/17 Elizabeth Street. Bids are due June 15, 2005. In order to expediently remove this hazard, the awarding of the contract will be included on the June 21, 2005 agenda. The owner will be charged for the contract price. If the owner does not pay, a lien will be placed on the property. The City would receive some reimbursement when the property is sold. Mr. Tissue stated this demolition is the right thing to do.

### **Fiberoptic Cable to Parks and Recreation**

High Performance Cabling submitted the low bid of \$ 13,332.00 for running fiber optic cable from City Hall to Fairgrounds Park to facilitate the Parks and Recreation Department's move and to integrate the Fairgrounds site into the City network. It was the general consensus of the Mayor and City Council to accept the bid.

### **Administration of Claims**

In order to offer the self-insured insurance program, it is necessary to contract for claims processing with one of only two sources. National Capital Administrative Services (NCAS) processes claims for the City of Hagerstown. NCAS claim processing fees are approximately 20% less than the same service from BlueCross BlueShield, the only other vendor for this service. The cost for claim processing is projected at \$ 353,352.00. It was the general consensus to accept the proposal from NCAS.

### **Aggregate Stop Loss Insurance**

Aggregate and Specific Stop Loss Insurance provides coverage when claims exceed a specific dollar amount. The lowest price for this insurance is \$ 19,932.00 from United Health Care. This is a decrease from the current year cost. United Health Care is also the lowest price for Specific Stop Loss insurance at \$ 241,732.00. The total cost from United Health Care for both insurances will be \$ 261,664.00. It was the general consensus of the Mayor and City Council to accept the bid price from United Health Care.

### **Dental Insurance**

The cost for dental insurance, from BlueCross BlueShield (BCBS) Dental, will be \$ 358,685.00. This plan is a continuation of the plans with BCBS though a self funded approach, with BCBS providing the administration function of claims processing. It was the general consensus of the Mayor and City Council to accept the proposal from BCBS.

### **Employee Assistant Program**

The City of Hagerstown uses the Behavioral Health Services of Washington County Health

System, a division of the Washington County Hospital, for the Employee Assistance Program. The annual cost of \$ 11,648.00 has remained unchanged for the past ten years and 2005-06 will be the second of a two year contract at the same rate. It was the general consensus to continue the contract with Behavioral Health Services.

### **Worker's Compensation Insurance Renewal**

The Injured Workers Insurance Fund (IWIF) has issued a premium quotation in the amount of \$ 673,098.00. This quotation is the fourth straight reduction in the City's Worker's Compensation premium. It was the general consensus of the Mayor and City Council to accept the proposal from IWIF.

Donna Messina, Human Resources Director, thanked Sherry Alton, Fred Nuice, Tommy Cline and Ray Foltz (members of the Health Care Committee) for their work. She also thanked Kevin DeHaven, Safety Coordinator, who, with City employee's assistance, provides safety training.

### **Acquisition of 441 Jonathan Street**

The Community Development Department is requesting that the Mayor and City Council introduce an ordinance for the acquisition, rehabilitation, and resale of 441 Jonathan Street as part of the Single Family Homeownership Program. The City has entered into a Contract of Sale for the purchase of said property for the sum of Thirty-one Thousand Dollars (\$ 31,000.00).

It was the general consensus of the Mayor and City Council to introduce the ordinance.

Councilmember Metzner stated he is frustrated with the order of the agenda. He feels the most important issues are near the end of the meeting and Councilmember Aleshire has to leave. He suggested discussing the Sewer Capacity Allocation Program before Councilmember Aleshire leaves.

Councilmember Metzner stated the decision to begin work sessions with an invocation should not be made by one person. Those types of decisions should be made by the whole body of the Mayor and City Council.

### **Green Annexation, A-2005-04**

An Introduction of the Resolution to annex the Green property located at 1031 Mt. Aetna Road will be presented for the Mayor and City Council's consideration.

### **Faison Annexation, A-2005-05**

An Introduction of the Resolution to annex the Faison property, located adjacent to and east of

Potomac Avenue/Maryland Route 60 (across from Long Meadow Shopping Center), will be presented for the Mayor and City Council's consideration.

### **License Agreement for 1007 Rose Hill Avenue**

It was the general consensus of the Mayor and City Council to grant a license agreement with the trustees of the First Church of God of Hagerstown for the existing dwelling at 1007 Rose Hill Avenue, a portion of which encroaches upon the public right-of-way. No new structures or permanent facilities shall be constructed at this address that will result in additional encroachments into the public right-of-way, and the existing structure shall not be modified to increase the extent of encroachment into the public right-of-way.

This completed the review of the preliminary agenda.

### **Request for Use of Central Parking Lot for Yard Sale to Benefit Holly Place**

A group of residents at the Alexander House have submitted a request to hold a yard sale to benefit Holly Place in the Central Parking Lot in Hagerstown. All proceeds would be given to Holly Place.

They are requesting the use of the lot on Saturday, July 23, 2005. No City services are being requested in connection with this event. Staff is supportive of their efforts on behalf of Holly Place. The Mayor and City Council would need to grant the permission to utilize the Central Parking Lot. If the request is approved, Staff will work with the group to secure the necessary hold harmless agreement and insurance requirements.

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

### **AFSCME 1540 and AFSCME 3373 Negotiation Ground Rules**

Ray Foltz, Assistant Finance Director, presented the ground rules under which the City will negotiate contracts for the AFSCME local union numbers 1540 and 3373.

It was the general consensus of the Mayor and City Council to approve these ground rules as presented.

### **Washington Gardens Request for Letter of Support for State Loan**

In October 2004, Preservation of Affordable Housing, Inc. (POAH) purchased Washington Gardens Apartments. Since then, they have been working with Vicki Hastings from the Office of Code Compliance to identify and plan for the correction of numerous code violations present at the complex and representatives of the Hagerstown Police Department (HPD) on security issues.

The cost to make the required short-term repairs is estimated at \$ 164,000. The long-term upgrades to the complex will be approximately \$ 2.5 million. Among the major elements of the initial repair program are extensive repairs to the roof, installation of additional parking area lighting and replacement and repair of building entry stairs. Among the major planned improvements are: improved site lighting and signage, security cameras in parking areas, complete replacement of all roofing, gutters and downspouts, replacement of all windows, upgrades to the electrical system, remodeling of all kitchens and baths, replacement of all carpeting and flooring and repair and replacement of all major HVAC system components.

POAH will be working with the Maryland Department of Housing and Community Development's Community Development Administration to secure tax-exempt bond financing for the project. In order to begin the process with the state, CDA requires a letter of support for the project from the City. At the time of settlement, a resolution of support for the project must be adopted by the Mayor and City Council.

Councilmember Cromer asked why the City needs to send a letter of support. Lauren Bayer, Community Development Director, stated a letter of support is a requirement to secure the tax-exempt bond financing. Councilmember Metzner stated the renovated facilities will be much nicer for the neighborhood, but the Mayor and City Council are being asked to support a project, which research indicates is not the type of public housing that is good for the community. He stated there would be no financial obligation on the part of the City for the support of the project.

Councilmember Aleshire asked if the housing complex received some type of assistance when it was originally built.

Rodger Brown, POAH, stated the current owner acquired the property in October, 2004. The new owners have been working diligently to address the problems that were there. He stated he understands the relationship with the police department is better than it has been in the last twenty years.

Councilmember Nigh stated that when this same request was made in 2003, the owners indicated the project would not move forward without the support of the City. However, work has been done to the property.

Mayor Trump stated Staff is supportive of this project and the request for the letter of support. He stated the Mayor and City Council should have a policy to follow Staff's recommendation. Councilmember Metzner and Councilmember Nigh disagreed. The support would be coming from the Mayor and City Council, not Staff, and it will be decided by this body.

Captain Charles Summers, HPD, indicated the number of police calls to Washington Gardens has decreased significantly since October, 2004.

Councilmember Parson-McBean stated this is an example of gentrification taking place. She asked what experience POAH has to reduce the existence of gentrification.

Mr. Brown stated POAH is a national organization that works with municipalities and they try to increase people's quality of life. Councilmember Parson-McBean asked how the housing is kept affordable.

Councilmember Aleshire pointed out the Hope VI project is an attempt to undo the process of centralized Section 8 housing. Councilmember Parson-McBean stated the situation has not been alleviated, it has been relocated.

Councilmember Metzner asked if this funding is a loan or a grant. Mr. Brown stated they are asking for approval to apply for a loan. This property is privately owned.

Councilmember Nigh asked how many tenants have Section 8 vouchers. Pam Black, Manager, stated each apartment has a voucher, as an individual unit. Councilmember Nigh expressed her concern that people who are not local are using a Hagerstown address. Ms. Black stated they want to be able to serve Hagerstown residents.

Mayor Trump stated there would be one more minute of discussion. Councilmember Metzner stated the Mayor was out of order and only the body can end debate, according to Roberts Rules of Order. He also stated that the Chair cannot enter the debate. There was considerable discussion about Roberts Rules of Order.

Councilmember Cromer asked if the management changed when the property changed hands. Mr. Brown indicated it did change. Ms. Black stated they are evicting drug activity.

Councilmember Metzner stated one of two things will happen. The first is that Washington Gardens will exist as they have been, without the funding and the amenities. The second is the Mayor and City Council could support the request for funding, and improvements will be made.

Councilmember Parson-McBean stated the Mayor and City Council has to think of the tenants who live at Washington Gardens. The Mayor and City Council has to make sure they are safe. She stated when one place is closed; the problems relocate to another place. This has happened at Washington Gardens.

Approval of the letter of support will be placed on the agenda for the June 21, 2005 meeting.

#### Haven Road Annexation

Krista McGowan, Miles and Stockbridge, Ken Jordan, owner, and Stuart Bass,

Comprehensive Planner, were present to discuss the revised petition for annexation.

Ms. McGowan reviewed the petition for annexation. She stated when the original petition was submitted, they were not aware of the Adequate Public Facilities Ordinance (APFO) and sewer allocation issues. They were expecting to be able to come in and start developing and start paying taxes. They are now asking that the taxes be deferred until development occurs. John Urner, City Attorney, stated the typical number of years taxes are deferred is five.

She stated they will be asking for allocation under the APFO of 50 lots per year. The development would still be subject to sewer allocation limits. If there is not an APFO, they would not expect any limitations, other than the sewer allocation. She stated the development would not be completed for 15 years, if they are limited to 25 lots per year. This will require a substantial initial investment for removing the rock.

Ms. McGowan stated they have been working diligently with the City for many months and they don't want to jeopardize the progress that has been made.

Mr. Urner indicated the Mayor and City Council could grant this request.

Councilmember Aleshire suggested a five year time to defer the payment of taxes. He stated it will be difficult to approve anything with the APFO since it has not been finalized.

Mr. Jordan indicated the City of Frederick granted him a phase-in schedule and he was allowed to accumulate allocation. By doing this, he was able to wait until he had enough allocation to develop more lots. A 15 year build out will have a tremendous impact on the community.

Councilmember Aleshire expressed his concern that without using Crestwood Drive and Kensington Drive for egress and ingress, access to the neighborhood will be limited. He suggested adding language to the petition indicating Crestwood Drive, Kensington Drive and Haven Road will be the access roads. It was agreed this would be written into the petition.

Councilmember Aleshire stated part of the forest conservation requirements are addressed within the 35' buffer. The petition stated at least fifteen percent (15%) of the total gross site area of the property will be reserved in Forest Easement/reforestation plantings. He asked if the forestry area will be more than 15%.

Councilmember Cromer stated she has received telephone calls from residents in Woodlands North who are concerned about the blasting that will be necessary. She stated she received a correspondence from someone who has been in the insurance industry. The writer indicated many insurance policies now exclude blasting coverage.

Mr. Jordan stated the requirements and regulations for blasting and blasting permits are



extensive. Mr. Urner stated there are three regulatory agencies that oversee blasting operations. There are very strict regulations.

Councilmember Parson-McBean stated the Mayor and City Council need to address the letter all the Council members received. Mr. Jordan stated he would discuss the blasting requirements with anyone who has questions.

Councilmember Nigh asked if utility lines would be affected by blasting. Lines are encased in sand and allow for movement.

Bruce Zimmerman, City Administrator, stated the City Fire Marshall's office also oversees blasting operations within the City limits.

Approval of the annexation resolution will be added to the agenda for June 21, 2005. A revised petition is expected by noon on Friday, June 17, 2005.

#### Sewer Capacity Allocation Program

The City of Hagerstown is required to submit a Sewer Capacity Allocation Program (SCAP) by July 11, 2005 to the Maryland Department of the Environment (MDE) for review and approval. The requirement is part of the Judicial Consent Judgment with the State of Maryland regarding management of the City's sewer system.

The Consent Judgment places a limit on the amount of allocation which the City may distribute for new development projects to no more than 120,000 gpd per year until the improvements are made to the City's sewer plant and collection systems.

A resolution for the Mayor and City Council's approval is being presented. The resolution would indicate the document was the City's proposed SCAP for MDE review and approval. After approval by MDE, staff anticipates the Mayor and City Council would adopt a second resolution which enacts the SCAP as the City's official program to manage the City's remaining sewer capacity. The Consent Judgment stipulates that within 30 days of approval by MDE, the City will begin using the SCAP.

Councilmember Metzner stated one issue he is concerned about is an inter-connector agreement with Washington County. He has been told that failure to include the inter-connector in the SCAP will end all inter-connector agreements. He stated by definition of new development, the hospital in a new location would be considered new development, which is limited to 15,000 gpd. He stated this SCAP will definitely affect the hospital. He stated he thinks there should be a statement included about an inter-connector. He stated County Commissioner James Kercheval has suggested language that indicates any allocation gained through an inter-connector should go to the County. He stated he doesn't not want to damage the

relationship with the County.

David Shindle, Water and Sewer Department Manager, stated the resolution being presented is not to enact the SCAP, it is to obtain approval to submit the draft plan to MDE. Changes can be made to the SCAP, even after it is submitted to MDE. He stated the existing Flow Transfer Agreement with the County has a termination date. If the Mayor and City Council wish to make changes to the Flow Transfer Agreement, it could be discussed at that time.

Kathleen Maher, Planning Director, stated because there is a termination date for the Flow Transfer Agreement, the City may have to take the flow back into the system. This could create a problem for the City.

Mr. Shindle stated the MDE has indicated submission of the draft plan satisfies the requirement issued by MDE.

Councilmember Metzner stated the Mayor and City Council need to enact something to replace the Interim SCAP. He thinks it would be good to ask developers for their input about what will happen between the end of the interim policy and the implementation of the new policy.

John Urner, City Attorney, stated the consent judgment is binding on the City and the MDE. MDE is required to either approve or deny the plan. He stated it is a good plan to adopt something subject to MDE's approval. He stated that doesn't mean the inter-connector could not be made a part of the policy at some other time. If it is included at this time, it will require more time for the MDE to analyze it. He suggested submitting the draft plan to MDE and moving forward. The draft plan does not include language about an inter-connector.

The Mayor and City Council expressed concern that the County Commissioners would not feel this is adequate.

Councilmember Aleshire stated he feels redevelopment projects should be higher on the Discretionary Reserve Allocation list. He stated the County is concerned that they cannot gain allocation from Inflow and Infiltration projects. Ms. Maher stated the formula in the General Services Agreement stated the City keeps 75% of the allocation and gives the County 25%. Mr. Shindle indicated he understands from MDE that there will not be additional allocation for I/I projects.

Councilmember Aleshire stated he doesn't agree with the policy for regaining customers' unused allocation. Mr. Shindle stated residential usage stays constant and the average doesn't change by any significant amount. Non-residential customers are an uncontrolled entity and we need to have an allocation increase for the non-residential customers. Councilmember Aleshire stated he would feel more comfortable if there was a "reserve" amount for services for new businesses. Councilmember Aleshire left the meeting at this time.

The SCAP will be in effect for seven years. The existing draft plan does not include the capability to accumulate allocation. The developer for Haven Road has asked to be allowed to accumulate allocation. Councilmember Metzner suggested staff work with the developer for Haven Road on this matter. No change is anticipated for the draft SCAP in regard to this issue.

Approval of the resolution authorizing submission of the draft plan will be included on the agenda for June 21, 2005.

Excise Tax/Adequate Public Facilities Ordinance (APFO)

The County Commissioners reviewed their draft excise tax implementation ordinance on June 7, 2005. A couple of decisions and discussion items are of note to the City:

1. The proposal to exempt the Hagerstown Revitalization Area was not viewed favorably. The Commissioners seemed to reach a consensus to grant an exemption for non-residential development in the Enterprise Zones in the County but could not agree on an exemption area for residential development to facilitate revitalization efforts. The Commission will look to the EDC's Intergovernmental Sub-Committee for a recommendation on the matter.
2. The 2% administration fee which the municipalities may retain shall only be on the amount of tax which is forwarded to the County (not on 100% of the tax).
3. The Commissioners could not agree on the amount of tax to be charged for residential development over 25 units in size and so directed staff to bring a recommendation to the June 14, 2005 meeting.

The County Commissioners will discuss the excise tax ordinance again on June 14. The County's public hearing on the excise tax ordinance is scheduled for June 21 at 11:00 a.m. The City's proposed excise tax retention ordinance will need to be modified to reflect any changes which the County makes to their excise tax implementation ordinance.

Bruce Zimmerman, City Administrator, stated the first step for implementation through the City's process is to introduce the ordinance. Approval of the ordinance would then be required and it would become effective 30 days after approval. Changes could be made to the ordinance prior to approval. A public hearing would also be held. Mr. Zimmerman stated there is no deadline for adopting the ordinance. State legislation takes affect July 1, 2005, but the City does not have a deadline. He suggested adopting the ordinance as quickly as possible to get close to the July 1 date.

Mr. Zimmerman stated the Mayor and City Council need to decide if they want to implement

an APFO. The City does not have any flexibility with the Excise Tax, but they do have flexibility in the APFO.

Mr. Urner indicated the excise collection tax ordinance will reflect the County's final excise tax and will authorize the City to collect the same. The City will not set or make rate determinations. The second ordinance will be an ordinance that establishes the APFO and sets forth rules and regulations in respect only to the school section of a typical APFO. It will include the school adequacy test under the enabling legislation. This will be in concurrence with what the County is doing and will be different in some instances.

Councilmember Nigh asked if this will give the City some control on the school capacity problem. Ms. Maher indicated it would not.

Councilmember Metzner stated this will stop all development in the city. The only development that will be allowed to move forward is development that had been approved prior to a certain date.

Mayor Trump recommended meeting with the Board of Education, the County Commissioners, City Planning Department, and the County Planning Department to discuss this issue. He stated we don't want to give the impression that growth is going to stop.

Councilmember Cromer asked if the City exempts a development from the APFO and the County does not, are they subject to the County APFO. Ms. Maher stated they would not be, since there is only one school test.

Councilmember Metzner indicated the largest limiting factor will be the sewer allocation that is available.

#### Water and Sewer Benefit and Other Charges

A public hearing will be held on June 21, 2005 to accept public comment on the water and sewer rate consultant's recommended changes to the water and sewer benefit fees and other charges.

Benefit charges are designed to cover the capital cost of providing water and sewer system capacity for new customers. The benefit charge is calculated per gallons of capacity per day used. All new system users should pay benefit charges to avoid having current system users having to pay to provide or expand system capacity for the new users. The recommended benefit charges for a new residential account would increase from \$ 900 to \$ 2,500 for water both inside and outside the City. Sewer would increase from \$ 1,200 to \$ 4,400 inside the City. Outside the City, per the terms of the City/County Flow Transfer Agreement the City benefit charge of \$ 1,800 would increase to \$ 5,000. In addition, the agreement stipulates that the City will collect

a County Connection Charge of \$ 1,800 and a Construction Reserve Charge of \$ 300 for each customer based on 200 gallons per day equivalent usage. The total outside City cost for City and County sewer benefit or allocation fees will increase from the current \$ 3,900 to \$ 7,100 per equivalent domestic unit.

The monthly user fees are not being changed at this time.

Councilmember Cromer stated the increases seemed rather exorbitant. Since the benefit charges have not been increased since the last cost of service studies were done 10 to 15 years ago, the recommended increases are significantly more than the user charges that have been adjusted annually.

It was the general consensus of the Mayor and City Council to hold a public hearing and schedule the ordinance for introduction.

#### Water Allocation Limitation Policy

David Shindle, Water and Sewer Department Manager, stated there are not any policies in place to limit the number of applications for water allocation. Because water capacity comfortably exceeds the sewer capacity, this has not been a major concern. However, when changes are made to the benefit charge amount, the increase in cost typically leads to developers applying for water permits in bulk to avoid fee increases.

The following policy is suggested:

The City of Hagerstown will limit the number of gallons of water allocation as follows:

1. For residential dwellings, each developer, development, or property owner will be limited to twenty (25) dwelling units for which building permits have not yet been applied for.
2. For non-residential applications, any allocation requests associated with a new structure in excess of 50,000 gallons will require approval of the Mayor and Council. Allocation requests less than 50,000 gallons may be approved by the Water and Sewer Department.

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

#### City Administrator's Comments

*Bruce Zimmerman, City Administrator*, stated it is not easy when you find out mid-afternoon that the air conditioning in the meeting room is not working. He thanked Jason Rogers and the

Public Works Department for their efforts to make sure air conditioning was available for this meeting.

It was the general consensus of the Mayor and City Council to cancel the meeting scheduled for July 5, 2005. Work Sessions will be held on July 12, 2005 and July 19, 2005. The Regular Session will be held on July 26, 2005.

#### Mayor and Council Comments

*Councilmember L. C. Metzner* stated this is week number three for the new administration. The group is continuing to move forward. He stated all Council members received a copy of a letter indicating there was Mayor and City Council support of an organization. He suggested that the Mayor check with the Council members before stating they all support an organization.

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

*Councilmember P. M. Nigh* asked that a meeting be scheduled between the County and the City in order to discuss the 911 communication systems. Both groups need to discuss this and develop a funding plan. She is also very concerned that Central Booking is still two years away.

*Councilmember K. S. Cromer* stated someone had asked what happened to HagerFest. She stated she understands the person who was responsible for planning the event's job was phased out. She suggested it may be worth looking into holding this event again. She stated she was approached by a group of craft vendors who want to hold an annual craft weekend. They were told they could not use City Park. She asked that the request be considered.

Councilmember Cromer stated she promised she would bring up the subject of the wording on the proposed veterans memorial. She stated the wording has been changed and she believes this will satisfy the concerns expressed to her.

Mayor Trump stated he spoke to Ron Hovis and his concern was that all veterans be honored, not just fallen veterans. Councilmember Nigh stated she approached the Joint Veterans Council and they approved the proposed wording. She is tired of being attacked about this issue. This memorial is something that should have been done for the veterans in 1921. She stated it needs to be done for **all** veterans.

Councilmember Cromer stated she thinks the Mayor and City Council need to review the fireworks schedule at Municipal Stadium. She is receiving calls from residents who are concerned about the late start time for the fireworks displays. The legislation enacted by the Mayor and City Council does not address time. Mark Boyer, City Attorney, stated the legislation is not an ordinance for a fireworks permit. The permit is issued by the State. He stated the

Work Session and Executive Session  
Mayor & City Council

June 14, 2005  
Hagerstown, Maryland

Mayor and City Council have enacted an amendment to the noise ordinance and placed an exemption in the noise ordinance for fireworks that were previously approved and permitted by the Mayor and Council. Fireworks are not addressed in the lease with the Hagerstown Suns.

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember A. Parson-McBean, the Mayor and City Council unanimously agreed by voice vote to meet in closed session at 7:47 p.m. in accordance with the provisions of the annotated Code of Maryland, State Government Article, Section 10-508(a) #7 to consult with counsel to obtain legal advice and #8 to consult with staff, consultants, or other individuals about pending or potential litigation. 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 8:48 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: