

WORK SESSION AND EXECUTIVE SESSION – JULY 17, 2007

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Mayor R. E. Bruchey, II called this Work Session and Executive Session of the Mayor and City Council to order at 4:00 p.m., Tuesday, July 17, 2007, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers 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 D. K. Spickler, City Clerk.

City Gatherings

Donna Messina, Director of Human Resources, was present to discuss annual City gatherings. Similar to many employers, the City of Hagerstown holds an Employee and Retiree Picnic each year. This event is held to show appreciation for the dedicated employees and retirees who currently, or in the past, spend their careers serving the citizens of Hagerstown. This employee recognition has been in place for at least 20 years.

The picnic is typically held in September and is attended by approximately 400 employees and retirees each year. The event includes a catered picnic, door prizes and use of the recreational activities available at the facility. Each year, the City receives positive feedback from the employees and retirees in attendance. This year the event has been tentatively scheduled for Saturday, September 8, 2007.

Many city employees voluntarily participate in the Flexible Healthcare Spending Program, understanding the federal guidelines that dictate any funds remaining each year can not be returned to the individual. A portion of those remaining funds are used for the annual City Employee and Retiree Picnic. Therefore, there is no cost to the taxpayers for this event.

April is designated as Municipal Government Month by the Maryland Municipal League. In recognition of that month, a luncheon is provided for employees at the City museum. Approximately 150 – 200 employees use their lunch period to visit the museum and enjoy a variety of food prepared and provided by Councilwoman Nigh and volunteers. City Department Managers and Council members are present to serve the luncheon.

Food is provided by Councilwoman Nigh. Cakes and paper products are added at a cost of approximately \$ 300.00 out of the Community Affairs budget.

Councilmember Metzner asked if the holiday gathering held after the last meeting of the year should also be discussed. He was not aware this event was paid for with general fund money. He asked what the money would be used for from the Flexible Spending account if not for the picnic. Ms. Messina stated there are specific criteria for the use of the money. Councilmember Metzner stated the Mayor and City Council should make a

decision about whether or not to have a Christmas party next year. He asked if other municipalities have get togethers at Christmas. Ms. Messina will research this and provide further information in September.

Request for Grant Funded Crime Analyst Position C-SAFE Enhancement

The Hagerstown Police Department has been notified by the Governor's Office of Crime Control and Prevention (GOCCP) that their request has been approved for continued funding for this fiscal year at levels comparable to prior years with two notable additions. Police Chief Arthur Smith was present to discuss this funding.

One of the additions is funding at the level of \$50,700 (salary and benefits) for a Hagerstown Police Department (HPD) employee to perform the duties of a Crime Analyst. This individual will be tasked with using our new computerized systems as the various functions and capabilities come on line to perform a variety of crime mapping, crime trend analysis and other duties as to make our enforcement efforts more effective. This will enable HPD to benefit from many of the technological capabilities from the program known as Com-Stat. A major addition to this program was written into our application to further take advantage of the anticipated approval for Washington County of a Community Prosecutor. This process will involve the tracking of currently operating criminals as well as new prison releases into our community – to include newly released gang members – for the purpose of identification of a list of the most violence prone individuals. This would be accomplished with a combination of interviews with investigators, informants, crime victims and criminal records checks. In concert with the new prosecutor, strategies would be formulated, proactively, to attempt to charge these individuals with new criminal activity, parole violations etc. so as to lessen the likelihood that they will engage in acts of violence in our community.

The other significant enhancement is the Community Prosecutor mentioned above. The GOCCP has funded this position at the level of \$76,168 (salary and benefits). This prosecutor would be an addition to the staff of the Washington County State's Attorney's office and as such will require the approval of the Washington County Commissioners. This prosecutor will focus on community involvement in the C-SAFE area as well as the most violence prone offenders focus noted above.

There are no matching funds requirements nor are there any retention requirements for either position. They are subject to year-to-year grant renewal – as are all C-SAFE programs. Permission is requested to hire an individual to perform the above noted crime analysis functions.

If the grant ends, it is anticipated the position will end. The after school programs have proven to be successful at keeping kids from getting into trouble. Councilmember Parson-McBean asked that CSAFE provide information about their programs and how they are reaching the kids. If she asks the governor for additional funding, she needs details.

It was the general consensus to approve the hiring of a person to perform crime analysis functions.

Request for Waiver of Noise Ordinance – Saturday, July 28, 2007 and Saturday, September 8, 2007

Mike Deming, DEMCORE, has requested that the Mayor and City Council grant a waiver from the City's Noise Ordinance for two events, which he proposes to be held on private property (owned by Mr. Deming) located near the Baltimore Street Car Wash.

Both events will involve live music aimed at a varied audience. The first event will feature a band contest involving local talent while the second will have more professional performers. Neither event will involve alcohol sales. Both events will end early enough in the day (7:00 p.m.) to avoid unduly disturbing the neighborhood. Mr. Deming has agreed to reimburse the City for an overtime officer or officers based on estimates of crowd size.

Mark Boyer, City Attorney, stated the City does not have a procedure to waive events from the noise ordinance. These activities are being brought to the attention of the Mayor and City Council. They are not necessarily in violation of the noise ordinance.

Bruce Zimmerman, City Administrator, stated the civil war re-enactment event was brought to the Mayor and City Council because it was a bit unusual. Most events held by organizations, i. e. churches, youth groups, etc., are not brought before the Mayor and City Council.

Councilmember Metzner suggested establishing a procedure to approve these type of events.

Mayor Bruchey thanked Mr. Deming for planning two events that are more family oriented.

Councilmember Parson-McBean stated other organizations host events that are free. Mr. Deming is being thanked for bringing new things to downtown Hagerstown.

Mr. Boyer left the meeting at this time.

Management of Street Cuts

In response to recent Mayor and Council questions regarding street cuts being excavated throughout the City, Rodney Tissue, City Engineer, and Alex Moyseenko, Construction Inspection Supervisor, briefed the Council on the related policies and procedures to manage street cuts in the City. No Council action is requested other than commenting on the current procedures.

Like many other communities, there is a significant challenge managing street cuts in City streets. This is considered a component of the overall “pavement management” program.

The Engineering Department approves and inspects all street openings throughout the public right-of-ways. Typically, Columbia Gas, the Water Department and the Sewer Department account for the majority of the street cuts, although cuts are also made by outside agencies such as electricians and plumbers. The Engineering Department has issued 200 permits per year for the last several years, and the revenue from street cuts typically is \$ 40,000 to \$ 60,000 annually.

Anyone who wishes to work within the City right-of-way must apply for a permit for Street Opening. Upon approval, the applicant receives a copy that serves as their permit and is the City’s monitoring device.

Once the work is complete, engineering staff will then visit the location of the cut to approve final repairs and to measure the size of the opening for billing purposes. The total fee includes a permit fee, a degradation fee, and a fee for pavement marking damage. The fee for cutting new pavement is higher than older street pavement.

In an effort to minimize the impact of street cuts, the following has been implemented:

1. It is the policy to deny permits in newly constructed streets or streets that have been resurfaced within the preceding five (5) years, unless an emergency exists.
2. Utilities are encouraged to perform any work or main line replacements prior to a street being resurfaced. This is done by:
  - (a) Notifying the respective utility two (2) years in advance of a street being resurfaced.
  - (b) Offer a 50% reduction in “degradation” portion of the street cut fee when utilities complete work prior to a planned street resurfacing.

Councilmember Brubaker asked what recourse is available if the subsurface fails at a later time. Mr. Moyseenko stated there have been several instances where the utility has been required to repair and patch the area properly.

Councilmember Cromer stated the workers should be considerate of the neighborhood. She has received reports of broken sidewalks, curbs and damaged pavements. Mr. Moyseenko stated the contractors are responsible for repairing any damage caused by the work being done.

The Jonathan Street project will be discussed in August.

Discussion of Lobbyist

Councilmember Parson-McBean stated many municipalities use the services of a lobbyist. The City of Hagerstown partnered with other groups to hire a lobbyist during the most recent legislative session. She stated a list has been compiled of things the Mayor and City Council would like for Hagerstown. She believes a lobbyist hired solely by the City would assist in obtaining funding for the items on the list.

Councilmember Brubaker would like to review the list and prioritize the needs. This will help determine if a different lobbyist would be needed for each item. He believes a combined effort, such as the partnership this session, is the most advantageous route.

Councilmember Parson-McBean expressed her concern that working with a lobbyist as part of a group may not help reach the goals of the City. Councilmember Cromer indicated the County Commissioners were pleased with the results provided by the lobbyist during the most recent session.

Councilmember Brubaker requested proposals be reviewed for costs. He stated he thought the Commissioners were pleased with the results, for the amount of money that was spent.

Councilmember Parson-McBean stated the goals on her list will require Federal support and a lobbyist would help ensure this.

Councilmember Cromer stated the State Delegation was impressed with the partnership formed to hire the lobbyist. She believes there are issues within the City that a lobbyist could provide assistance with that would not necessarily be part of the group objective. A separate lobbyist may be worthwhile, but she is not supportive of spending large amounts of money.

Councilmember Parson-McBean received a proposal from a lobbyist for informational purposes. The proposal could be customized for the City of Hagerstown.

Councilmember Metzner stated one problem is that the City and the Washington County Delegation meet too late in the year to discuss issues prior to the start of the legislative session. Meeting earlier will provide the opportunity to discuss City issues with the County Commissioners and Greater Hagerstown. He stated something needs to be done with Interstate 70. He suggested discussing parole issues with the Federal government.

Mayor Bruchey stated there is a need for affordable housing and a lobbyist could help secure funding. Councilmember Parson-McBean stated the Federal government funded 70% of projects in Illinois for affordable housing. The County Commissioners would have to be supportive of this.

Councilmember Cromer stated there are some issues that a lobbyist may be able to assist with that the Commissioners would not support. An example would be revenue sharing.

Mayor Bruchey indicated revenue sharing would affect all municipalities in Washington County. If the City hires a lobbyist, they would have to do it prior to start of the session.

Councilmember Parson-McBean stated she intended this discussion to be to determine if the Mayor and City Council would be interested in exploring hiring a lobbyist. Details would be discussed at a later date.

Councilmember Brubaker suggested developing a list of possible topics and discuss which to pursue and whether or not to hire a lobbyist to assist the City.

Mayor Bruchey suggested that everyone consider what projects may be eligible for federal funding. This will be discussed again at a work session in September.

There was some discussion about a goal session. Bruce Zimmerman, City Administrator, stated there was a list provided to the Mayor and City Council soon after they took office. This list will be provided again. The last goal setting session was held in August, 2005.

#### City Administrator's Comments

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

#### Mayor and City Council Comments

*Councilmember L. C. Metzner* stated progress is being made at Longmeadow Shopping Center.

*Councilmember K. S. Cromer* received a free training session from Local Government Insurance Trust and asked if anyone would be able to attend, when a date is set.

*Councilmember M. E. Brubaker* hopes to find some projects a lobbyist can assist with. As a community, funding is needed for transportation.

*Councilmember P. M. Nigh* stated National Night Out will be held on August 7, 2007 at Fairgrounds Park and the Memorial Recreation Center. The event will start at 6:00 p.m. She has received calls from people interested in helping with restoration of the Alms House. She expressed her concern that the issue with POS funding for the lighting project at Fairgrounds Park was dealt with too quickly. She is concerned that the projects moved in order to provide funding for this project will not be completed. These two projects would have benefited many city residents. She stated many Little League fields are improved through volunteer work of the parents of the players.

*Councilmember A. Parson-McBean* stated a Cleveland, Ohio newspaper reported that the effects of 23% to 26% of the housing market being reduced in Washington, DC is being felt in Hagerstown. She is concerned communities in Hagerstown will begin to decay if the City is not preparing for an influx of residents. The City needs to be prepared for when this occurs. The Potomac Youth Organization will be holding a family oriented event at Wheaton Park at 7:00 p.m. on July 18, 2007.

*Mayor R. E. Bruchey* mentioned the following events: Concerts in University Plaza and City Park; movies at University Plaza and events at the Hager House.

The Attorney General in Baltimore, Maryland understands the plight of the State and Washington County with released prisoners. A group discussed this with him last week. They asked that parolees on mandatory release, who were not sentenced in Washington County, be sent to the facility serving the area where they were sentenced. They would then be released from that facility. This will provide them with the first step back into society, instead of dropping them off at the bus stop.

Mayor Bruchey stated he received word the County Commissioners approved \$ 40,000 in funding for the lights at Fairgrounds Park. He stated the tournaments held by the softball league bring many people to Hagerstown.

#### EXECUTIVE SESSION – July 17, 2007

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. S. Cromer, the Mayor and City Council unanimously agreed by voice vote of all members present to meet in closed session at 5:31 p.m. to consult with counsel to obtain legal advice, #7. 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 6:31 p.m.

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Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: August 28, 2007