

7th Special Session, Work Session and Executive Session
Mayor & City Council
Hagerstown, Maryland

September 6, 2005

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Mayor Richard F. Trump called this 7th Special Session and Work Session of the Mayor and City Council to order at 4:00 p.m., Tuesday, September 6, 2005 in the Council Chambers at the City Hall. 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, and City Clerk D. K. Spickler.

Mayor Trump asked everyone to pray for the victims of Hurricane Katrina. The Pledge of Allegiance was then recited.

Donna Messina, Director of Human Resources, thanked the members of the Coordinating Committee for the Total Compensation Study for their work in reviewing the bids received for the Study. The committee members include: Tommy Kline, President of AFSCME 1540, Wayne Hose, President of AFSCME 3373, Todd Paylor, President of IBEW, Todd Grimes, President of IAFF, and Caroline Twigg, non-union representative.

After reviewing the proposals, the committee has recommended awarding the bid to Springsted, Inc., an organization in Richmond, Virginia for the project.

Approval of Contractual Services to Perform Full Compensation Study

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. S. Cromer, the Mayor and City Council unanimously agreed to award a consulting services contract for \$ 58,750.00 to Springsted, Inc., of Richmond, VA. In accordance with the City's Request for Proposals, the firm will conduct a Total Compensation Study for the City. We anticipate the completion of this project by the end of the calendar year.

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. S. Cromer, the special session was adjourned at 4:11 p.m.

Work Session – September 6, 2005

Mayor's Report

Mayor Trump stated there are many people wanting to volunteer and get involved in the hurricane relief efforts in Louisiana and Mississippi. He suggested contacting the American Red Cross and the Salvation Army to offer assistance.

He stated the at the goal setting session, most of the input was heard from Staff. He stated the Council, as five individual people, need to come together and lead the city and move it forward in a progressive, organized way. He asked each councilmember individually if they were ready to lead and work with everyone else and work on everyone else's agenda.

Councilmember Cromer stated she does work with everyone else.

Councilmember Nigh stated she has done this for the past four years.

Councilmember Parson-McBean stated she is here to serve her city and working with this team is an honor for her.

Councilmember Aleshire asked the Mayor if there is a single item he would like the Council to work on. Mayor Trump stated there is, but he is just asking a simple question.

Councilmember Metzner stated he has been working with this Council and with past Councils. He stated he doesn't need a pep talk to do what he has been doing.

Mayor Trump stated items are defeated that would be good for the City.

Councilmember Metzner stated votes of 3-2 or 4-1 are not signs of an unhealthy way to do business. He stated he takes offense at the Mayor's question. Three of the current council members were here before the Mayor was elected. He stated the implication that good discussion and disagreement is negative for the city is not correct. He stated the question asked by the Mayor implies that he hasn't been ready to lead over the last four terms. He stated he doesn't need to start, it has been an ongoing process.

Mayor Trump asked if he could have a hug later.

Proclamation – Union Label Week

Mayor Trump read a proclamation designating the week of September 5-10, 2005 as Union Label Week. Bobby Fouche was present to receive the proclamation. Mayor Trump thanked Mr. Fouche for the unions' support during the election.

2005 Citizen Recognition Award/Board and Commissions Luncheon

Karen Giffin, Public Information Manager, stated the Annual Boards and Commissions Luncheon is held to thank those individuals who serve as appointed volunteers on various City committees. This event helps to recognize volunteers as well as build community pride.

Staff recommends that the luncheon be held at the Washington County Museum of Fine Arts at 12:00 p.m. on Friday, November 18, 2005.

It was the general consensus of the Mayor and City Council to hold the luncheon on November 18, 2005.

Hagerstown Fire Department – Recipient of FEMA Grant

Chief Gary Hawbaker, Hagerstown Fire Department, stated in April of this year Fire Department Staff applied for a grant through the 2005 U.S. Department of Homeland Security's Assistance to Firefighters Grant Program which is administered by the U. S. Fire Administration division of the Federal Emergency Management Agency (FEMA). The amount of \$ 230,720 was requested through the Operations and Firefighter Safety activities part of the grant. After reviewing the request, FEMA reduced the approved amount to \$ 222,920.

This grant will not only assist the department in improving firefighter safety with the SCBA's, the hose and change to National Standard Thread will greatly increase our fire suppression capabilities.

The City's share of the grant is a required 10% cost share. The amount is \$ 22,292. This is an unbudgeted amount. It was the general consensus of the Mayor and City Council to approve the expenditure.

Chief Hawbaker recognized Captain Russ Grim, Firefighter's John Latimer and Glenn Fuscick for their work in obtaining this grant. Since 2003 these firefighters along with Public Educator Michael Weller have secured grants in the amount of \$ 668,246 for the Hagerstown Fire Department.

Councilmember Metzner stated the weekly status report indicated members of the fire department were participating in the Katrina relief efforts. Chief Hawbaker stated officials are evaluating the needs and the fire department will be sending people to help. He stated there is a large percentage of department members that want to go to Louisiana and/or Mississippi.

Designation as a Maryland Department of Housing and Community Development Self-Administering Jurisdiction

Larry Bayer, Community Development Department Manager, stated Hagerstown has been offered the opportunity to be designated a Level II Self-Administering Jurisdiction through the Maryland Department of Housing and Community Development. As such, City staff will be able to provide improved service to the low and moderate income residents of Hagerstown by having the authority to approve loans and grants made under the Maryland Housing

Rehabilitation Program; Lead Hazard Reduction Grant and Loan Program; Special Targeted Applicant Rehabilitation Program; and Indoor Plumbing Program.

With this designation, City staff will have the authority to approve loans and grants made through various DHCD programs. Representatives of DHCD monitored the City's activity and found that the Community Development staff possesses the experience and expertise necessary to meet the criteria for Level II designation.

It was the general consensus of the Mayor and City Council to move forward with the designation.

Proposed Transfer of Property on Noland Drive – Request from Boys & Girls Club

Rodney Tissue, City Engineer, stated in February 2002, the Mayor and City Council gave preliminary approval to convey a 2.963 acre parcel in Noland Village to the Hagerstown Housing Authority.

Since that time, several events have transpired. In May 2005, City Council rezoned the "Startzman" property to "residential." The initial concept plan for this newly rezoned property does not contemplate a road through this property. Access to the Startzman land will be provided via Sweeney Drive and Linwood Road. The Housing Authority no longer has interest in obtaining the land. The Boys & Girls Club of Washington County is now requesting that the City deed ownership of the parcel to them. They wish to build a multi-use recreational facility.

Councilmember Nigh stated she has no objection to the Boys and Girls Club request, but feels the City should retain ownership of the land. She suggested giving them permission to use the property for 99 years.

Jim Deaner, Executive Director of Boys and Girls Club, stated they would be able to apply for a \$ 100,000.00 matching grant if they owned the land. Merle Seville stated this is a substantial project.

Councilmember Metzner suggested conveying the land to the Boys and Girls Club with a fee simple deed, with a deed restriction. Mr. Tissue stated there is a deed restriction that the land would be used for a public park or public purpose.

Councilmember Nigh stated she is concerned that property that has been given to the City is being transferred to other entities and owners. This property was given to the city by the Rosen family. Councilmember Metzner stated they all have the same concerns. There needs to be a method to protect the donations but still allow use of the land. Mr. Tissue stated they would

attempt to meet the requirements imposed by the Rosens. If the Boys and Girls Club ceases to use the land, ownership would revert back to the City of Hagerstown.

It was the general consensus of the Mayor and City Council to proceed with transferring the land to the Boys and Girls Club.

Acceptance of Dedication Offer – Various Streets in Hager’s Crossing

Rodney Tissue, City Engineer, stated Staff is recommending that the Mayor and City Council accept the following streets in Hager’s Crossing: Bartow Drive, Shale Drive, Beachley Drive, Matric Court, Magma Court, Patterson Drive, Lava Court and Jubal Court.

The roads were designed and constructed per the Public Ways Construction Standards. The Engineering Department’s inspection staff monitored the construction. “As-built” drawings are on record and are acceptable.

Staff recommends Mayor and Council pass a resolution at the September 27, 2005 regular session to accept the offer of dedication of these eight (8) streets into the public road system conditioned on receiving a one-year maintenance surety per the subdivision Ordinance. City staff will begin maintenance of the roadway.

Councilmember Aleshire suggested prohibiting cul-de-sacs in future design regulations.

It was the general consensus of the Mayor and City Council to add the resolution to the agenda for September 27, 2005.

URS Corporation – License Agreement for Monitoring Wells

URS Corporation (URS) is an engineering and environmental services firm involved with the assessment and cleanup of the Central Chemical site on the north side of the City. As part of the investigation of conditions at the site, a series of groundwater monitoring wells were installed on the Central Chemical property in order to sample and identify potential groundwater contamination at the site. The Environmental Protection Agency (EPA) and the Maryland Department of the Environment (MDE) have now requested that additional groundwater monitoring wells be installed at locations beyond the Central Chemical property to allow for further sampling and testing of groundwater in the area.

Jim Bender, Assistant City Engineer, presented a proposal from URS to install off-site wells in the rights-of-way of Florida Avenue, West Irvin Avenue and Kasinof Avenue.

Mr. Bender stated that due to the essence of time for the project, URS would like to start

work next week. It was the general consensus of the Mayor and City Council to approve the license agreement now and formally approve it at the regular session on September 27, 2005.

Restructuring of Public Works

Eric Deike, Manager of Public Works, presented a plan for restructuring of the Public Works Department. Bruce Zimmerman, City Administrator, stated this is one of several areas of the city operations that staff has been reviewing. He realizes there are questions about whether or not the City can fund additional positions.

Public Works currently operates with thirty four (34) full time employees, three part time employees and nine seasonal employees with a budget of over \$2.6 million. Major functions of the department include the following: pothole repair, storm drain cleaning and repair; snow removal; mowing and landscaping, street tree management, fleet management, traffic signal repair, maintenance and installation; building maintenance and repair including custodial services; street sign replacements and installations; pavement markings; garbage collection; the bulk trash program; and street sweeping. Public Works provides the city's general services.

In 2003, the Assistant Manager of Public Works position was eliminated due to budget constraints. Staff is now recommending the addition of a supervisory position to strengthen the supervision and operations of Public Works. The current position of Traffic Control and Facilities Supervisor would be split allowing for one supervisor for traffic control and one supervisor for facilities.

The addition of this position will strengthen Public Works in the following ways:

1. It will better position the department for the future growth of the City.
2. Strengthens the on-call rotation and supervision for snow removal and special events.
3. Allows for a clearer focus on services for traffic control, facilities maintenance and streets. Allows for better direction and supervision of staff since supervisors could spend more time planning for a more manageable work force.
4. Quicker response to either our internal or external customers.
5. Provides for better coverage of departmental operations during the absence of management staff due to illness, vacation or other leave.

This position is an unfunded position for the current fiscal year with the projected cost being an estimated \$ 59,000.00, which includes pay and benefits. Funding for this position is available from the General Fund contingency fund and/or the community initiative funding.

Councilmember Cromer pointed out there are four supervisors now. She questioned why five people were needed to manage 34 employees.

Councilmember Nigh stated she doesn't understand why a proposal is being made to restructure the department when this was done recently. She stated when the Public Works and Parks and Recreation Department was combined, there was not an assistant manager of Public Works. There was one manager in Parks and Recreation and one manager in Public Works.

Mayor Trump stated the City should be concerned about services to the citizens.

Councilmember Nigh stated she cannot see any justification for the addition of this position. She would rather have more laborers than supervisors in the Department.

Councilmember Cromer stated there shouldn't be a problem for one person to supervise 18 people.

Mayor Trump asked what value there would be with additional supervision.

Mr. Deike stated at the beginning of the work day crews go to their respective work sites and individuals go to their respective job sites. The one supervisor has to go from job to job to check on the crews. This is not an efficient way to do business. He stated the concrete work cannot be done in-house with a staff level that is this lean.

Mayor Trump asked if supervisors would bring a level of higher education to the department. Councilmember Cromer asked if the Mayor was implying that the employees currently employed can't bring a level of higher education to the department. Mayor Trump stated it is not his job to micromanage the operation.

Councilmember Metzner stated he is more cautious now about how much money is spent. He is afraid of what is happening in the country. He stated the budget could be over spent in the middle of the year because of gasoline prices. He stated the Mayor and City Council need to discuss increasing the number of firefighters. He also stated the police department needs additional people. He ultimately thinks this is a budget discussion item. He stated he does not think there is support from the council for this position. He thinks a discussion should be held with each department. Three questions should be asked of all department managers. Those questions are, "What do you want? What do you need? and What are you willing to give up, if necessary?" He stated the parks look very good. He stated the work done by Public Works is very good.

Mayor Trump indicated he thought this suggestion was a good one.

Councilmember Parson-McBean stated the City needs to operate under a “Management that manages by objectives” so that when a supervisor is out for a week, others will know what is still expected.

Councilmember Nigh indicated there are team leaders who see that the jobs are done when a supervisor is out of the office.

Councilmember Parson-McBean stated she would support the restructure, if it can be justified.

Mr. Zimmerman, City Administrator, stated it is good for staff to hear what the Mayor and City Council’s objectives are. For the Public Works department this means increased storm drain work and increased maintenance of traffic islands.

Councilmember Aleshire asked if the supervisor of the Central Maintenance Garage (CMG) would be interested in moving to a different area. Mr. Deike stated CMG is a specialized division and it would not be feasible to move the supervisor.

Councilmember Nigh stated there used to be fewer workers and they seemed to get more done. She stated a supervisor needs to be tuned in to the workers. Mr. Deike stated he doesn’t think it is a matter of tuning in to the workers.

Mayor Trump thanked Mr. Deike for opening this discussion with the Council. She stated it is good to educate the Mayor and City Council so they are able to make good decisions. He stated the Mayor and City Council needs to know what the needs of the departments are.

Councilmember Nigh stated she has been educated. People have been calling her about the department.

Mayor Trump stated this will be included in a larger discussion on the budget.

Councilmember Nigh stated the weeds need to be sprayed. Mr. Deike stated the person who was spraying voluntarily took another job in the department. The job description for a sprayer needs to be reviewed and the position needs to be advertised. There are two people in the department that are going through the process to obtain their license. The process takes two years to complete.

Mayor Trump asked for a cost for outside contractors to perform this work.

City Administrator's Comments

Bruce Zimmerman, City Administrator, stated the Remembrance Display in the lobby of City Hall will be dedicated on Friday, September 9, 2005 at 2:00 p.m. The idea for the display was presented by Councilmember Nigh. Articles were donated by Bob Morgan, Bob Nigh, the Fire Department and the Police Department. The annual 9/11 ceremony will be held at City Park on September 10, 2005. He invited the public to join these ceremonies in remembrance of the events of September 11. There will also be activities for emergency preparedness.

Mayor Trump thanked Councilmember Nigh for bringing the idea forward.

Mayor and City Council Comments

Councilmember P. M. Nigh stated she has requested information on gasoline usage. She stated the more the City can conserve gasoline, the better it will be. Mr. Zimmerman stated this was discussed at a recent manager's meeting. Councilmember Nigh stated she realizes there are a number of vehicles that are take-home vehicles. She stated she doesn't believe there should be any take-home vehicles, unless the person is on call or they are needed for an emergency.

Mayor Trump asked if the Council is in agreement that this request should be followed through.

Councilmember Nigh thanked the Citizens on Patrol members who helped apprehend a robbery suspect at Hope VI. She thanked the people involved in programs to protect their community.

She asked that a table be placed under the Remembrance Display to hold pictures submitted by Cecil Bittinger. She asked if she could purchase a table with the funds in the budget for her to attend meetings. The cost would be \$ 89.00

Councilmember K. S. Cromer stated she received an email indicating that Sovereign Bank will match up to \$ 50,000.00 of donations received for the Hurricane Katrina relief efforts.

She asked what City Zoning District would allow a twelve person prisoner transition house. A request was made to the Planning Department asking this question. She wondered why the City is being considered. Mr. Zimmerman stated he will gather more information on this.

She thanked the Hagerstown Suns for the bobble heads they gave to the members of the Mayor and City Council.

Councilmember L. C. Metzner stated he joins with the community in wanting to help the

hurricane victims. He stated he believes everyone was shocked that these people could not rely on the government. It appears the country is no better at responding to disasters than it was four years ago. He realizes the City would be part of an evacuation plan for a terrorist attack on Washington, D.C. He stated it makes him realize there is, in actuality, no evacuation plan in place. He stated we have to take a proactive position. He suggested looking at Fort Ritchie. He can't comprehend that FEMA has not realized the potential of Fort Ritchie. He wants the City to be in touch with the Maryland Municipal League and the State Delegation to make them realize we need to take the initiatives to protect ourselves. The government has said to not depend on assistance for a least seven days. There is a need to be able to take care of yourself for seven days. Mr. Zimmerman stated there are currently things underway. A meeting was held recently to discuss NIMS. A regional emergency preparedness exercise is being planned. Councilmember Metzner stated he thought it would be a good idea for the Mayor to send a letter to the appropriate federal agencies and elected officials indicating the City is extremely concerned that we are not aware of the evacuation plan for Baltimore or Washington. He stated if there is not an evacuation plan, the government should explain to the citizens of the United States why we are not any more prepared than we were four years ago.

Mayor Trump stated he thought it would be good to send a letter and to contact the MML. He suggested providing time to during a work session to discuss the City's plan.

Councilmember Metzner expressed his sympathy to the family of June Wright. She was a great member of the community.

Councilmember K. B Aleshire asked for clarification about the reforestation of property owned by Brad Fulton. He stated he doesn't think the City has the ability to waive the assessment fee for non-compliance with the reforestation requirement.

He stated he thinks it would be a good idea for the City to assist the City of Bladensburg in finding people willing to adopt a family from the Gulf Coast region.

Councilmember Aleshire stated he doesn't think there should be any more Staff time spent on a proposal for 1200 apartment units near Interstate 70 and U.S. 40, until a petition for annexation is submitted. He stated a letter from Paul Bailey, Washington County Board of Education, to Commissioner Greg Snook shows what he has been saying for some time. The letter is in reference to the Adequate Public Facilities Ordinance (APFO), which basically puts all the development decisions in the hands of the Board of Education. He stated if the City adopts the County's version of the APFO, it would be the same for development in the City limits. For the past decade, the Board has sent the message to move forward with development and now, suddenly, they are saying all elementary schools are over capacity. The County needs to understand this also.

Councilmember A. Parson-McBean stated she appreciates everything that everyone is doing for our friends and family in the Gulf Coast area. Mr. Frazier is collecting items to take to the area. She wants everyone to know we are a team here and we feel human compassion for those who are in a state of disarray.

She stated she has had enough of the inappropriate questions and statements from the Mayor. She stated her religious beliefs are hers and are not to be questioned. We all deal with our own issues. She stated she takes great pride in the fact that she is the first African-American at this table. She does not take it lightly. She stated she doesn't scare easily and she will be here.

Mayor R. F. Trump stated the City has received a certificate of Excellence in Accounting practices. He wished the Hagerstown Suns well in the South Atlantic Playoff. There is a pep rally being held today.

Councilmember K. S. Cromer made a motion to meet in closed session at 5:20 p.m. in accordance with the provisions of the annotated Code of Maryland, State Government Article, Section 10-508(a) #4 to consider a matter that concerns the proposal for a business or industrial organization to locate, expand or remain in the State, and #8 to consult with staff, consultants, or other individuals about pending or potential litigation. Councilmember P. M. Nigh seconded the motion.

Councilmember Metzner stated he doesn't think item number 2 should be discussed in closed session. He suggested discussing the issue in open session so the owner will be aware of the Mayor and City Council's authorization.

Councilmember Cromer and Councilmember Nigh withdrew the motion.

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 to add item #2 to the public session.

For the last 18 months, the Planning Department has pursued a zoning violation at the garage located at 609 North Locust Street. This garage is a non-conforming or "grandfathered" use for a small automobile repair business. Mr. Doug Shumaker, owner of S & S Transportation has been using the site as a fleet maintenance facility for his cab and transportation fleet, including stacking up to as many as six cabs along the street at any one time. This is not a permitted use in the R-2 Zoning District, and not within the scope of the allowed nonconforming use.

The Planning Department requests that the Mayor and City Council authorize the City Attorney to initiate proceedings in court to obtain compliance, as is permitted by the Zoning Ordinance.

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It was the general consensus of the Mayor and City Council to authorize Staff to initiate court proceedings.

Councilmember L. C. Metzner made a motion to meet in closed session at 5:40 p.m. in accordance with the provisions of the annotated Code of Maryland, State Government Article, Section 10-508(a) #4 to consider a matter that concerns the proposal for a business or industrial organization to located, expand, or remain in the State. Councilmember K. S. Cromer seconded the motion.

Motion carried, 4-1 with Councilmember Aleshire voting No.

No formal action was taken at the session. The meeting was held in the Council Chamber, 2nd floor at the City Hall. The meeting was adjourned at 5:47 p.m.

Respectfully submitted,

Donna K. Spickler
City Clerk

Approved: _____ -