

EXECUTIVE SESSION – September 13, 2005

On a motion duly made by Councilmember K. C. Aleshire and seconded by Councilmember K. S. Cromer, the Mayor and City Council unanimously agreed by voice vote to meet in closed session at 3:30 p.m. in accordance with the provisions of the annotated Code of Maryland, State Government Article, Section 10-508(a) #1 to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction and #4 to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State. No formal action was taken at the session. The meeting was held in the Mayor's Office, 2<sup>nd</sup> floor at the City Hall. The meeting was adjourned at 4:32 p.m.

WORK SESSION – September 13, 2005

Mayor Richard F. Trump called this Work Session of the Mayor and City Council to order at 4:35 p.m., Tuesday, September 13, 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, City Attorney John Urner and City Clerk D. K. Spickler.

Mayor's Report

Two casual days were recently held at the City of Hagerstown. The employees who participated raised \$ 104.00 for the Children in Need program and \$ 622.00 for the relief efforts for the Hurricane Katrina victim efforts.

Washington County Leadership Development Program

Ross Rhodes and Jim Hartsock were present to discuss a Washington County Leadership Development Program.

For many years, the Chamber of Commerce Foundation has provided the community a Leadership Hagerstown Program, whereby class members attend a series of monthly programs to learn more about governmental, business, and community issues. The goal is to provide opportunities for local residents and employees to become better informed and skilled citizens so that they can add to the quality of life in the community.

A new structure for a Washington County Leadership Development Program is being proposed in order to meet the County's need for a unified, expanded and improved leadership development program. Through a special partnership between business, the Chamber of Commerce, the United Way, the Community Foundation, the Community College and other

organizations develop a model leadership program that would substantially increase the number of persons receiving community leadership training and accepting leadership roles on non-profit boards, governmental boards, community development organizations, as well as developing better informed citizens and local business and political leaders. The intent is to establish a four part model which focuses on basic/introductory leadership followed by a more intense/accelerated program. Three other components of the model include a curriculum for basic boardmanship, a junior leadership program, and an alumni program for those who complete the program. The anticipated budget for the program is \$ 150,000 which will include an executive director and staff support along with curriculum and program expenses.

In order to expand and update the program to better fit the needs of the community, they are looking for a long term financial commitment from Washington County and the City of Hagerstown. It was stated that the County will be providing \$ 20,000.00 per year. Mayor Trump indicated the group is asking for \$ 20,000.00 from the City as an initial start up fee and an ongoing donation of \$ 10,000.00 per year after that.

Councilmember Metzner stated he doesn't think the Council is interested in making a contribution to this program. He stated the City is in need of 19 additional firefighters and funding will need to be provided for them. He asked what the benefit for the City would be to contribute to the program. He pointed out that the County's contribution of \$ 20,000.00 is also from City taxpayers.

Councilmember Nigh agreed with Councilmember Metzner.

Councilmember Aleshire stated he had some questions, but if there is not a majority interest in pursuing this, he will not ask them.

Mayor Trump stated there are a number of non-profit organizations that are of value to the community and the citizenry and we need to do what we can to assist them. He asked that Council allow staff to look into how to include this in the budget. He asked if there was other information the Council would need to help make a decision to help the community.

Councilmember Aleshire asked what happens if the revenue assumptions fall short of the projection. Mr. Rhodes stated the Chamber of Commerce has funded Leadership Hagerstown for 19 years. This is a move to make the program self sustained. The director will be paid a salary of \$ 35,000.00.

Councilmember Aleshire asked why it is necessary to obtain a new 501c (3). Mr. Rhodes stated they feel this should be a separate entity. Councilmember Aleshire asked if there had been any consideration to create a partnership with the Neighborhood College program. Mr. Rhodes stated they would be willing to review the information being presented.

Mayor Trump asked if there was support from the Council for this program. There was none.  
Appalachian Trail Easement Proposal

The City has received a proposal from the United States Department of the Interior to obtain an easement through the City's watershed property for the Appalachian Trail. They have offered a one-time payment of \$ 800,000.00 to the City of Hagerstown for these easement rights. This matter was reviewed in 2004 with the prior Mayor and Council who expressed interest in further consideration of this proposal. At that time the Mayor and Council asked City Attorney, John Urner, to hold discussions with representatives of the Department of the Interior regarding the amount of the payment, the quality of the title, and other issues.

Mr. Urner stated the Department of the Interior is standing firm on the \$ 800,000.00 payment, based on their appraisal. They have removed the terms from the agreement which the City found objectionable. Mr. Urner stated he is confident the language preserves the status quo of the agreement. The City retains ownership, control of the land and the ability to maintain the status quo so that it remains as it is currently.

Councilmember Metzner stated the agreement should be accepted. He suggested setting the money aside in a stand alone fund and it should be earmarked for further land purchases in the watershed and for maintenance and protection of the watershed.

Councilmember Aleshire agreed.

Councilmember Nigh stated people will want to know why the Federal Government wants this easement. She is concerned about who will monitor the Appalachian Trail.

Councilmember Metzner stated the City has been meticulous custodians of the watershed and the Federal Government is paying for an agreement that doesn't allow any development in that area. The only right the City is giving up is the capability to develop the land. This is what the City has been doing with the property all along.

It was the general consensus of the Mayor and City Council to finalize the agreement.

#### Fourth of July Fireworks

Karen Giffin, Public Information Manager, stated City staff would like permission to begin planning the 2006 Fireworks at Fairgrounds Park Event which is slated for Tuesday, July 4, 2006. The event would feature entertainment at 6:00 p.m. and a large fireworks display at 9:30 p.m. If the Mayor and City Council would like to continue the event in 2006, City staff would need approval for the following from the Public Functions Budget:

- A. Options for fireworks:
  - 1. Same display as last year for \$ 14,000 (\$ 1,000 more than 2005)
  - 2. A little smaller display than last year for \$ 13,000 (same as 2005)
  - 3. A three year contract of the same display for \$ 14,000 each year
- B. \$ 6,000 for entertainment
- C. \$ 5,700 for advertising, trolley, entertainers' lodging, children's acts and other miscellaneous items (The entertainment and miscellaneous are the same request as 2005)
- D. Approval for the following from the Fairgrounds Budget: \$ 12,828 for City Services (Police, Equipment, Public Works, sani-pots, and materials, etc.)

Councilmember Metzner thanked Ted Bodnar for his help in planning this event. Mr. Bodnar has been able to secure the same price from the fireworks company for the next three years.

It was the general consensus of the Mayor and City Council to approve the budgeted amounts for the July 4, 2006 fireworks event and to secure a three year contract with the fireworks company.

#### Destination Hagerstown Harvest Festival

Destination Hagerstown, a group of Downtown businesses and community members, is requesting permission to have a *Harvest Festival* on Public Square and in University Plaza on October 22, 2005.

The group has met with City staff to determine the needs for the event. The first is security, at a cost of \$ 200.00. The request is to have the Mayor and City Council underwrite this cost.

Destination Hagerstown has been organizing *1<sup>st</sup> Friday's Open Market Festival* since June 3, 2005. Since that event is limited in scope and only includes a limited number of vendors in one location, the requirement for a certificate from the organizing body naming the City as an added insured has been waived. As *Harvest Festival* will be larger and include more, different activities and venues, that insurance would be required. Therefore, the second need would be for the event to be classified as a City event so that it can be covered under the City's insurance policy.

The Economic Development Department is sponsoring the hayrides and the trolley for the Historic Churches tour for the event in the amount of \$ 800.00 out of the Economic Development Budget. Other events include entertainment, which includes inspirational contemporary, blue grass and country music, children's activities, and a window display decorating contest.

Councilmember Metzner stated he has read through the information provided and realizes the music planned is Christian music. Wesley Weese, Beautiful Sky Gifts, stated Destination Hagerstown thought the music would be a good addition for the people who would be touring the churches.

Councilmember Metzner stated this is a great concern to him because it appears to be nothing more than a plan to have the City contribute money and sponsor an event bringing religious groups downtown. He stated he is not supportive of using city funds for religious events. He does not see this as an economic development event. He stated the City has no business participating in or sponsoring an event that is purely a religious event. He stated a harvest festival is a great idea, but that is not what this event is.

Mayor Trump asked Councilmember Metzner if he would be in favor of the event if the music was not blue grass gospel music and the language of revivalism was not used.

Councilmember Metzner stated a harvest festival that would include tours of churches would be acceptable. In the past, the local synagogue has been included in historic church tours.

Mayor Trump stated there is a music and language issue. He stated it appeared there would be support if the changes were made. He thanked the business owners for building their businesses and for giving people another reason to come downtown.

It was the general consensus of the Mayor and City Council to support the event, as long as it is a harvest festival and not a religious festival.

Mr. Weese asked if one Christian group could be included. Councilmember Metzner stated he would not support City sponsorship of the event if a Christian group is included. He does not have an objection to them using the facilities, but not with City funding. He suggested the churches raise the money so they can have the type of music they want. Karen Giffin, Public Information Manager, noted there would be an insurance requirement for them to use the facility.

Councilmember Parson-McBean asked if there can be any religious music at a City sponsored event. Councilmember Metzner responded with an answer of no. Councilmember Parson-McBean asked if a mix of different music would be acceptable.

Councilmember Cromer suggested that, in order to be consistent, there should be no religious music for City sponsored events.

Deborah Everhart, Economic Development Director, stated a representative of Destination Hagerstown just asked if the City would be inclined to provide a small amount of additional funding in order to hire a different band.

Mayor Trump suggested Destination Hagerstown proceed with planning the event. If they find they need extra money, they should make the request to the Mayor and City Council.

Councilmember Aleshire stated they recognize the difficulty in changing the lineup this close to the event.

Councilmember Metzner stated he would support a request for a minimal increase in the funding. Ms. Everhart stated there is some money available in the Economic Development budget. Councilmember Cromer stated she would like to know how much more they will need. Ms. Everhart will provide further information.

#### Alsatia Mummers' Parade

Karen Giffin, Public Information Manager, James McCleaf, Alsatia Club, and N. Linn Hendershot, Alsatia Club, stated the 81<sup>st</sup> Mummers Parade will be held on Saturday, October 29, 2005 at 7:00 p.m.

This year, the Alsatia Club needs help in raising funds for the cash prizes for the different award categories. The total needed is \$ 8,500.00. The Alsatia Club would like staff to help raise funds. The Alsatia Club would like to have permission for company banners to hang on the deck, list sponsors on Antietam Cable Channel Six, and list sponsors on the City of Hagerstown website.

Also, the Alsatia Club needs help with manpower the night of the parade. They are asking for help from the community and would like the City's Public Information Office to help promote the need for volunteers. A \$ 1,000 donation was made last year out of the Public Functions Budget and has been budgeted for this year in the Public Functions Budget.

It was the general consensus of the Mayor and City Council to allow the requests as made.

In order to generate funding to assure the continuation of the parade in Hagerstown, the Alsatia Club also requests that the City permit the Alsatia Club to require a special Alsatia Mummers Parade vending license for the event. This special Alsatia vendor's license would

permit the organization to control the vendors who desire to sell various types of food, souvenir items, etc. along the Alsatia Mummers Parade route. It was suggested that people who want to be a vendor for the parade be required to acquire a City vending license for the regular one-day price of \$ 15.00, but also be required to acquire a \$ 35.00 vendors license from the Alsatia Club. By permitting this special Alsatia Mummers Parade vendor's license, it will help create a much-needed revenue stream for the event and help better control the types of products that are being sold to our citizens.

Councilmember Metzner stated this parade is well known on the East coast and he wants to see it continue. He asked who would be policing the vendors to make sure they had the necessary permits. He expressed concern that the City would not be able to stop a vendor if they had a city license but not an Alsatia Club license.

The City could raise the parade fee and then donate the additional revenue to the Alsatia Club. City Attorney Mark Boyer had expressed previously that it would be more appropriate to have an arrangement similar to that for vendors for special events. The Alsatia Club would give permission to select vendors/peddlers and one of the requirements for the permission could be obtaining a peddler's permit from the City of Hagerstown. The Alsatia Club would charge their fee and the City would charge the normal fee. There was concern about who would enforce the license requirement if a vendor had a City permit but not an Alsatia permit.

Bruce Zimmerman, City Administrator, stated this would be discussed with Mr. Boyer.

#### Faison Annexation

Stuart Bass, Comprehensive Planner, presented a copy of the proposed lot annexation area for the annexation of the Flaherty, Jr., Shank, et al. property (to be commonly referred to as the Faison Annexation), located adjacent to and east of Potomac Avenue, Maryland Route 60 (across from Long Meadow Shopping Center). The property is approximately 30.293 acres. The property is proposed to be developed with a destination retail use. A zoning of C4 (Regional Shopping Center) is requested. The current County zoning is PB, Planned Business District (Shopping Centers). The current use is undeveloped farmland.

This annexation was introduced on June 21, 2005. A Public Hearing was held on August 23, 2005. Mr. Bass stated meetings have been held with the residents in the surrounding neighborhoods of this annexation. He indicated the primary concern is the connection to Cortland Drive and the increased traffic. He stated the meetings have been positive.

Councilmember Aleshire stated the chart included in the packet of information that shows recent zoning ordinance amendments to enhance the appearance of development projects is very

helpful. He stated it is important for the members of the Mayor and City Council to understand the impact of those amendments.

John Urner, City Attorney, asked if there were plans to have a street access at the back of the annexed property. Mr. Bass indicated it is proposed to be a private road.

Councilmember Aleshire and Councilmember Metzner stated that there will be a significant increase in the amount of traffic at the intersection at the former Sears store. They wondered when the bypass road will be built.

Mr. Urner stated there were no requirements for the land beyond Comar Drive as part of the preceding annexation.

It was the general consensus of the Mayor and City Council to include approval of the annexation resolution on the agenda for September 27, 2005. Councilmember Aleshire and Councilmember Nigh stated people should contact them with concerns about this annexation.

#### Green Annexation

Stuart Bass, Comprehensive Planner, stated the Green Annexation is a request for annexation as a condition for receiving water service, based on the City's Annexation Policy. The area proposed for annexation is .371 acres. This item was formally introduced on June 21, 2005.

A single family detached dwelling exists on the property. The Land Use Plan, as described in the 2002 Washington County Comprehensive Plan, designates the property as Commercial. There is no further development being proposed at this time. The owner has requested that the property be given a zoning designation of C2 (Commercial General). The Planning Commission concurred. A public hearing was held on August 23, 2005.

It was the general consensus of the Mayor and City Council to include approval of the annexation resolution on the agenda for September 27, 2005.

#### Worker's Compensation Review FY 2005

Donna Messina, Human Resources Director, and Kevin DeHaven, Safety and Loss Control Coordinator, presented the Yearly Safety Review for FY 2005. Ms. Messina pointed out there has been a reduction in the premium of the Worker's Compensation Insurance every year since Mr. DeHaven has been safety director. This is due to the safe work habits of the employees.

Mr. DeHaven stated the Hagerstown Police Department is doing a good job to help control costs. Councilmember Nigh commended Mr. DeHaven for reinstating the safety program.



Mayor Trump pointed out that this is an example where staffing can make a significant difference in expenses. Councilmember Metzner stated the City is saving money, but more importantly, there are fewer injuries.

A total of 894,210 hours were worked by City employees during the Fiscal 2005 year. During FY 2005, there were 31 OSHA recordable incidents. For the third straight year, the City experienced a decrease in the Workers' Compensation premium in relation to the previous year. The savings over this three year period has resulted in a 32.5% reduction in the premium.

Based on the current insurance trends, the City renewed the policy with IWIF for FY 2006. The City continues to utilize an early return to work program and can continue to boast that each department participates in the program. This program reduces the City's experience and has reduced the premiums.

The City will continue to provide the training necessary to educate employees about the safety programs that directly affect their safety and health. The goal for FY 2006 is to continue the training opportunities that have been offered. This goal, as always, involves the direct input from each department. Personal safety is not the sole responsibility of the City alone; each of us shares in that responsibility. The key to a safe workplace is the employees and education of those employees provides the starting point to gauge our success.

#### City Administrator's Comments

*Bruce Zimmerman, City Administrator*, stated the Mayor and Council and Department Managers "field trip" to tour areas of the City has been tentatively scheduled for Tuesday, October 4, 2005. The tour would begin at 4:00 p.m. and would be considered the work session for that date. Councilmember Parson-McBean stated she would need to be back to City Hall by 6:00 p.m.

#### Mayor and Council Comments

*Councilmember K. B. Aleshire* stated some projects that are on the table have merit and should be considered.

He stated there still appears to be a disconnect with how the Planning Commission is moving with the Comprehensive Plan update.

He asked that the fuel conservation tips that were distributed by department managers be placed on Channel 6. He stated Mandalay baseball needs an answer from the Mayor and City Council about the stadium. He asked that this discussion be held soon.

Councilmember Aleshire pointed out that some of the problems created by private roads are that the Board of Education is not able to pick up students because it is a private road. This situation is occurring at Hager's Crossing.

*Councilmember L. C. Metzner* stated he attended the Board of Traffic and Parking meeting and found it to be interesting.

Councilmember Metzner and Councilmember Aleshire asked that a discussion of the 2+2 group be included on an agenda. They do not want to continue to meet weekly without having a discussion about the issues with the full Mayor and City Council. They asked to have this discussion scheduled very soon.

*Councilmember K. S. Cromer* stated the Salvation Army is in need of volunteers to ring bells for the Kettles at Christmas collection. She asked people to contact the Salvation Army.

*Councilmember P. M. Nigh* stated there was a recent story about a fire in the Robinwood area recently, which caused a major traffic jam. She stated this is why there should not be two medical facilities in the same location.

She stated empty buildings should be taxed. This may reduce the number of empty buildings in the city.

Councilmember Nigh stated the City does have an evacuation plan and an emergency operation plan. The City has been working with Verna Brown and Joe Kroboth and the plans are in place. The National Incident Management System (NIMS) has been issued to provide a national approach to incident management. More information will be provided about NIMS. She stated the public should know there are citizen's preparedness programs that are offered for everyone. She thanked Mayor Trump for attending the 9/11 dedication on September 9, 2005. The display case in the lobby is in honor of and in memory of the heroes of September 11, 2001.

*Councilmember A. Parson-McBean* stated she has received compliments about the City Clerk.

*Mayor R. F. Trump* thanked the residents of the City for the contributions they are making to the hurricane relief efforts.

There being no further business to come before the Mayor and City Council, on a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. B. Aleshire, the meeting was adjourned by unanimous vote at 6:37 p.m.

Respectfully submitted,

Work Session and Executive Session  
Mayor & City Council  
Hagerstown, Maryland

September 13, 2005

Donna K. Spickler, City Clerk

Approved: \_\_\_\_\_  
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