

WORK SESSION AND EXECUTIVE SESSION – NOVEMBER 13, 2007

WORK SESSION – November 13, 2007

Mayor R. E. Bruchey, II called this Work Session and Executive Session of the Mayor and City Council to order at 4:03 p.m., Tuesday, November 13, 2007, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers M. E. Brubaker, K. S. Cromer, L. C. Metzner, and P. M. Nigh; City Administrator Bruce Zimmerman, City Attorney Mark Boyer, City Attorney William Nairn and D. K. Spickler, City Clerk. Councilmember A. Parson-McBean was not present.

Winter Street School – Proposed Changes in Traffic Pattern

Rodney Tissue, City Engineer, provided a follow-up to the discussion in early October regarding the plan to address traffic issues at Winter Street School. Matt Semler, Principal at Winter Street Elementary School, was also present. There were two separate problems, specifically the congestion caused by the parent traffic picking up and dropping off school children, and the other was the excessive speeds of traffic on West Franklin Street and Washington Avenue.

Staff is presenting the findings of the study. If Council concurs with the findings, staff requests that Council authorize the Mayor to send a letter to the Maryland State Highway Administration requesting that they make specific changes to West Franklin Street and Washington Avenue as outlined herein.

During the pilot study, the left most lane was closed during a two-week period to evaluate the impact on vehicle speeds. Review of the study indicates there were only modest reductions in overall speeds. The greatest impact was the “capping” of the highest travel speeds. Prior to the lane being closed, many vehicles that used the left most lane on West Franklin Street were traveling over 40 mph. This was immediately adjacent to the sidewalk at the school. By closing the left lane, these aggressive drivers are forced to maintain a moderate speed by flowing in the queue of traffic in the other two lanes. On Washington Avenue, the change was not as significant. Staff did not perceive any significant congestion increases due to the closure of the left most lane.

Staff is proposing the following plan:

1. On Washington Avenue, create parking from West Side Avenue to Alexander Street and Alexander Street to Winter Street in the left most lane. This would permanently close the left most lane. An allowance for vehicles turning onto Alexander Street would be required as shown.
2. On west Franklin Street, the area between Winter Street and Alexander Street would be striped as a “gore” with no parking. A mountable “bumpout” would be constructed at the top of the hill, just west of Winter Street in the left most lane of West Franklin Street effectively closing that

lane. The left most lane from Wise Street to Winter Street would be stripped as a left turn lane. Additional left turn lanes would also be stripped on West Franklin Street from Alexander Street to West Side Avenue. This plan is different from Washington Avenue, because the Fire Department wants to be able to use the left most lane and drive over the bumpout in an emergency.

The Hagerstown Police Department, Hagerstown Fire Department, the Board of Education and the City Engineering Department support this plan. The Board of Traffic and Parking reviewed the concept plan at their meeting on November 8, 2007 and do not believe it will be effective to control speeding once citizens accept that there are only two lanes. They also have concerns about students getting out of vehicles on the traffic side.

Therefore, staff recommends that the Mayor send a letter to Maryland State Highway Administration, requesting that they implement this plan as soon as possible since it is a State route.

The majority of students walk to the school. School staff has tried to limit student pickup to the front of the building. There are two crossing guards stationed at the school.

Mayor Bruchey stated people dropping off students will have to restrict students from exiting the vehicle on the traffic side.

Councilmember Metzner stated striping the road won't stop drivers from parking in the lane. In order to stop this, the no parking restriction must be diligently enforced. He suggested considering extending the experiment. Mayor Bruchey indicated the State only permitted a certain length of time for the experiment. Councilmember Metzner suggested asking for an extension.

Captain Summers, Hagerstown Police Department, indicated the proposed plan will relieve the congestion at the school. He stated some of the parking created by closing a traffic lane on Washington Avenue would be used by parents and by residents.

Councilmember Metzner pointed out that substantial signage and painting would be required to carry out this plan. Assistance from the State Highway Administration will be necessary. Mayor Bruchey stated the SHA has been involved since the first meeting to discuss this situation. This plan would alleviate some parking problems on Washington Avenue and parents would need to make sure kids don't exit the vehicle on the passenger side.

Councilmember Brubaker asked if vehicles could stack safely on West Side and Winter Street. Mr. Semler indicated they could. If parking is available on Washington Avenue it would be expected that parents would park their vehicles and walk their children to the school.

Councilmember Cromer stated she is okay with the plan as long as students are not dropped off or picked up on Franklin Street. She asked if there is funding available for marking parking spaces. Mr. Tissue indicated the State would be doing all the work.

Mr. Tissue feels the most important part of the plan is moving the left lane out of the drop off area.

Councilmember Metzner stated the Board of Traffic and Parking will be reviewing records to determine if pedestrians have been hit in this area. Mayor Bruchey stated this proposal will increase the quality of life for people in this neighborhood. He does not think a recommendation from the Board of Traffic and Parking should be based on whether there have been pedestrian accidents in this area.

It was the general consensus of the Mayor and City Council to review this proposal after the Board of Traffic and Parking has reviewed the accident report and discussed it at their next meeting, which is scheduled for December 13, 2007. Members of the Mayor and City Council will visit the site also.

#### Western Maryland Blues Fest – 2008

Karen Giffin, Director of Community Affairs, and Carl Disque, Executive Chair of the Festival, were present to seek approval by the Mayor and City Council for authorization of the 2008 Western Maryland Blues Fest budget. As per the special events policy approved March 27, 2001, and revised January 8, 2002, the Western Maryland Blues Fest is submitting a tentative budget of revenue and expenses for the event so that the Mayor and City Council can approve the 2008 event by formal action and authorize any financial support or in-kind services to be supplied by the City. This is a working fluid budget for the committee pending venue selections and contract negotiations.

Total revenue for Bluesfest 2008 is proposed to be \$ 232,374.00. Total expenses are \$ 228,500.00. The current fiscal year's Public Functions Account included \$ 49,000 for City Services.

It was the general consensus of the Mayor and City Council to approve the 2008 Western Maryland Blues Fest Budget.

#### Water Department Transmission Main Replacement Project

Michael Spiker, Director of Utilities, Nancy Hausrath, Water Operations Manager, and Aaron Duke, P.E. Hazen and Sawyer, provided information regarding the Water Division's proposed project to construct two new replacement transmission water mains from the R. C. Willson Water Treatment Plant. This project has been identified as a 2009 Capital Improvement Project.

The City of Hagerstown's water system serves approximately 88,000 customers in the metropolitan area in addition to providing the towns of Smithsburg, Williamsport, and

Funkstown through separate Wholesale Water Service Agreements. This is accomplished through a system of over 400 miles of main pipe ranging in diameter of 6 to 24 inches. Of specific concern are the two 24 inch transmission mains that provide service directly to Zone 1 and currently to the West End Reservoir. The Zone 1 pipe is over 80 years old and is cast iron and the Zone 2 pipe is constructed of concrete and was placed into service over 40 years ago.

Water loss, due to the unseen fractures in these existing mains, is of great concern and lead to major breaks within the system. There is one transmission main break per month during the months when the water temperature lowers October through May. Depending upon the location, the incurred costs for repairs range from \$ 10,000 to \$ 35,000, excluding the loss of millions of gallons of treated water. The City has been fortunate that many of these repairs have been unnoticeable to customers, although some have required the placement of large blocks of customers with little or no service while the repairs are being made.

The Water Division concerns are system reliability and issues related to the demands placed upon the system due to future growth. The replacement of the transmission mains will address a percentage of the system water loss issues, the occurrence of main breaks, and a reduction in the associated operation and maintenance costs. In regard to addressing water system growth, the maximum estimated daily demand is approximately 15 million gallons per day (mgd). Projections place this demand at 21.8 mgd in 2025 and 28.5 mgd in 2050.

Three alternative alignments have been reviewed. Considerations contained issues related to cost, construction requirements, property acquisition issues, environmental impacts, and future operational requirements. Allowing this project to be staged over a multi year time frame may be of interest due to the overall projected cost of the project. Staff has been involved in one discussion with the Town of Boonsboro in regard to serving their existing water system through a Wholesale Water Service Agreement. Early projection requirements are approximately 2 mgd of additional water demand.

Alignment B was determined to be the best proposal. It eliminates disruption of traffic at Bottom Road and Clear Spring road, limits the amount of new permanent easements required and has the lowest overall program cost (\$ 17.3 million)

Staff will solicit funding through the typical funding sources. Funding will more than likely be a combination of state funding, City of Hagerstown bond financing, and water allocation fees with the percentages to be determined by amount granted through the state funding process. If Council so desires, discussions with the Town of Boonsboro will continue and there may be an opportunity for additional funding through their process.

Next steps include:

1. Secure design engineering services

2. Begin discussions with NPS regarding utility crossing through the parcel
3. Aerial Survey
4. Utility Survey
5. Geotechnical engineering and wetlands delineation
6. Archeological survey

Councilmember Brubaker asked if the capacity can be increased on the system. When all four pumps are operational the capacity will increase to 26 mgd. Councilmember Brubaker stated, at some point, the City needs to lock up the raw water supply.

The cost of service study is being updated. The study will include Capital Improvement Projects and will predict what rate increases are required to meet the project needs.

It was the general consensus to move forward with this project.

#### 2008 Sewer Capacity Allocation Program (SCAP) – Proposed Amendments

This item was postponed until November 20, 2007.

#### Ordinance Prohibiting Sleeping in Vehicles

A revised version of Section 60-27, which prohibits individuals from sleeping in vehicles in certain locations was presented to the Mayor and City Council for their consideration. The Ordinance has now been revised to prohibit sleeping in a vehicle parked on any public way, street or alley, and in any publicly owned parking lot or facility. The prohibition does not apply to privately owned parking lots.

The proposed language is as follows:

It shall be unlawful for any person to sleep in or occupy as sleeping quarters any motor vehicle, or for an owner or operator of any motor vehicle to allow any other person to sleep in or occupy as sleeping quarters said motor vehicle, while said motor vehicle is parked on any public way, street, alley, or in a publicly owned parking lot or facility. Any person violating the provisions of this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of up to \$ 250.00 or imprisonment of up to 60 days, or both.

Councilmember Cromer asked if this ordinance would apply to a visitor sleeping in a camper. The camper would have to be parked in a driveway.

Councilmember Metzner asked if commercial tractor trailer drivers would be affected by this ordinance. Chief Arthur Smith has determined alternatives would be available for these drivers.

The language will be rewritten to make it clear sleeping in a car is not prohibited but living in a car is prohibited. It will be reviewed with Councilmember Cromer and Councilmember Metzner and the ordinance will be placed on the agenda for introduction.

GangNet Memorandum of Understanding (MOU)

A participation agreement with the Washington/Baltimore HIDTA GangNet Intelligence System was presented for the Mayor and City Council's consideration. Mark Boyer, City Attorney, reviewed the agreement and submitted modifications. The Federal Authorities subsequently have approved his modifications.

GangNet is a data base managed by Baltimore/Washington HIDTA Office (High Intensity Drug Trafficking Area) and intended as a gang intelligence sharing data base. The hope is that inasmuch as the gang members are quite mobile, law enforcement agencies will be able to benefit from the data gathers across the region.

There is no cost to the City for this data base and training will be provided by HIDTA later this month.

It was the general consensus to approve the agreement.

Hagerstown, A Great Town – Getting Even Better Police Department Data

The second installment of *Hagerstown, A great Town – Getting Even Better* provides information about the Hagerstown Police Department (HPD). Chief Arthur Smith, HPD, stated the Department focuses on providing the best possible police services in a responsible manner. Drug enforcement is a major focus and drug arrests are high. Compared to other cities, Hagerstown is in the lower range of crime rates. Arrests are higher per sworn officer than many other cities. Larceny continues to be the biggest problem.

Listed below are some of the HPD initiatives over the past several years:

1. Geographic Management – This concept provides a Patrol Lieutenant to each part of the City as a point of contact to Hagerstown's citizen groups as well as affixing responsibility for problem solving issues and long term projects.
2. Downtown Bike Squad – replaced the old system of a footman supplied from the patrol shifts who worked on foot, by himself, 24-7. This was done without additional taxpayer dollars by the elimination of staff positions and/or the replacement of full time staff positions with part time contractual employees. The new system has resulted in a more visible presence and more productive unit making hundreds of quality of life arrests each year. A sub-station at the University Center in Downtown Hagerstown out of

which this unit operates further enhances their presence and impact.

3. School Resource Officer Program – Beginning with a grant from the Department of Justice this program will soon be supported by the Board of Education in what is a clear benefit to the City, to HPD and most of all safety of students. These officers are assigned to the Downtown Bike Squad during non-school periods to enhance the efforts there.
4. Western Maryland Police Academy – The Academy has been moved to the new University Center in a further effort to enhance downtown presence.
5. Jonathan Street Camera System – purchase with grant monies from the Federal Government with the assistance of Bethel Gardens and the Hagerstown Housing Authority. This state of the art camera system has enabled HPD to improve the quality of life and solve some of the most serious crimes which have taken place in this neighborhood.
6. Narcotics Abatement Attorney- Through a grant from the State, HPD was able to employ an attorney to utilize State Law which requires property owners to abate narcotics nuisances when so noticed by this assistant state’s attorney.
7. Downtown Camera System – This system can be monitored in numerous locations and serves as a force multiplier for the Downtown Bike Squad and others.
8. Prisoner Release Policy – With assistance from elected City officials, the new Sheriff and the business community, HPD has finally obtained agreement from the Division of Corrections to discontinue two policies which caused problems for the community. The first was their practice of granting work release to prisoners from other counties at local businesses. This almost guaranteed those individuals would remain in Hagerstown upon their release. Chief Smith stated the most serious crime in his tenure was brought about this way. The second part of the agreement was that DOC would discontinue their practice of dropping off most prisoners coming out of the five Western Maryland prison facilities at the Hagerstown bus station with no guarantee they would take the bus to their release point elsewhere in Maryland. We now need to monitor DOC’s efforts and to try to enlist our shelters and treatment centers to operate within the spirit of our efforts.
9. Demand Driven Deployment – We attempt to study workload trends to maximize our effectiveness. With Union input and cooperation we are trying new shift schedules in an effort to match staffing with our workload to the extent practicable.
10. C-SAFE Program – Although only one of many C-SAFE (formerly Hot Spots) programs in the state ours has consistently served as a

- model throughout the state. In addition to our C-SAFE officer and our work with Parole and Probation we have developed much needed after school programs, gang prevention funding and other programs impacting on the quality of life in our central city.
11. Improved Cooperation with the Washington County Liquor Board – Working jointly with the Liquor Board we have been able to resolve several difficult situations involving taverns in which illegal activity had flourished for some time. We continue to work closely with them to attempt to address new problems as they arise. Successes here include the closing of a number of Downtown Taverns facilitating progress in downtown redevelopment.
  12. Accreditation – HPD has continued to maintain its national accredited status with CALEA throughout the years. While Frederick has recently gained accreditation no other law enforcement agencies in our area have been to qualify. This process assures periodic review of all HPD practices and policies by outside subject matter experts on a regular basis with regular feedback of suggested/mandated improvements. This also impacts significantly on Hagerstown's insurance rates as they relate to police issues.
  13. Collaborative projects with the Washington County Sheriff's Department – We currently cooperated closely in the areas of drug investigations, special operations responses, crime lab, Western Maryland Academy and gang prevention efforts.
  14. Tobacco/Fitness Policy – In an effort to impact favorably on the health of our employees and to reduce associated workers comp and health insurance rates HPD has instituted a policy for new hires which contains a pre-employment agreement to abstain from tobacco use and to maintain fitness levels throughout their career.
  15. Grant Management – Grant funded positions include: School Resource Officers, Domestic Violence Detective, Child Abuse Detective, C-SAFE Officer, Hope 6 Community Officer, Narcotics Nuisance Abatement Attorney, Community Prosecutor, Violent Crimes Attorney, Domestic Violence Data Entry Clerk, Crime Analyst. A few of the activities funded through grants are: Gun Violence Reduction, Gang Prevention, Firearms Related Criminal Investigations, DUI Enforcement, Underage Tobacco Enforcement, Underage Alcohol Enforcement, Safe Routes to School Traffic Enforcement, Smooth Operator (aggressive driving enforcement). The HPD has been awarded or is handling an amount in excess of \$ 750,000 in the current year.
  16. Central Booking – Chief Smith's first serious procedural concern upon arrival in Hagerstown was over the antiquated holding facility and booking procedures. With the assistance of the elected City Officials and the new Sheriff of Washing County, we are



17. finally nearing the point where Central Booking will become a reality. This will enable our officers to return to the street much more quickly upon making an arrest and will alleviate one major source of municipal liability arising from the housing of prisoners. Combined 911 Center – We are currently making a concerted effort to iron out the various issues involved in the creation of a combined 911 Center to coincide with the new County-wide communications system. Police, fire and emergency medical services would all operate out of this center both taking calls and dispatching the necessary units. Such a center will avoid the current practice of transferring emergency calls from the current 911 Center to law enforcement agencies.

Councilmember Brubaker would like to see personnel comparisons, in addition to budget comparisons with other police agencies.

Councilmember Nigh asked if there is a sufficient number of officers for the size of the City, due to recent annexations. Chief Smith stated the population has risen and HPD may be a little behind with the population estimates.

Councilmember Nigh asked for information about the number of drug and prostitution arrests.

Bruce Zimmerman, City Administrator, pointed out the graphs showing crime rates show good results for the Department. The perception of high crime in Hagerstown is not accurate.

#### City Administrator's Comments

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

#### Mayor and Council Comments

*Councilmember L. C. Metzner* thanked veterans for their service to the country. A bus trip is being planned for World War II veterans (free of charge to those veterans) to visit the World War II memorial in Washington, D.C. The trip is planned for April 10, 2007, which will be during the Cherry Blossom Festival. More information will be provided as it becomes available.

*Councilmember K. S. Cromer* was unable to attend the ribbon cutting ceremony for the Barbara Ingram School for the Arts this morning. She attended the ribbon cutting at the Discovery Station. There is a new display for children that uses adult sized interactive books as learning tools.

*Councilmember M. E. Brubaker* appreciated the Veteran's Day ceremonies on Sunday, November 11, 2007. The 50<sup>th</sup> Anniversary Celebration at the Western Maryland Hospital was held on November 11, 2007 and was very moving.

*Councilmember P. M. Nigh* would like the emergency warning system to be tested more than once per month. She attended a gang seminar last week and received a large amount of information. The City needs to be aware that gangs are in the area. She thanked those who attended the wreath laying on Veteran's Day at the City of Hagerstown memorial on Memorial Boulevard. Her brother is a Vietnam veteran. He was injured and received the Purple Heart award. She thanked him and other veterans for the freedom we all enjoy.

*Mayor R. E. Bruchey, II* reminded everyone of the following events: Thanksgiving giveaways at the City Market, the tree lighting and Hollyfest on November 19, 2007 and the arrival of Santa Claus on November 19, 2007. The Gridiron Classic football championship was held for the first time at Mike Callas Stadium at North Hagerstown High School. He attended the Veteran's Day Ceremony at the Courthouse on November 11, 2007. The new brain injury treatment wing was showcased at the Western Maryland Hospital anniversary celebration.

EXECUTIVE SESSION – November 13, 2007

On a motion duly made by Councilmember K. S. Cromer and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote of all members present to meet in closed session at 6:09 p.m. to consult with counsel to obtain legal advice, #7, to conduct collective bargaining negotiations or consider matters that relate to the negotiations, #9 and 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, #1. No formal action was taken at the session. The meeting was held in the Council Chambers, 2<sup>nd</sup> floor at the City Hall. The meeting was adjourned at ??? p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: December 18, 2007