

WORK SESSION AND EXECUTIVE SESSION – November 14, 2006

Work Session – November 14, 2006

Mayor Robert 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 14, 2006 in the Council Chambers at the City Hall. Present with the Mayor were City Council Members K. B. Aleshire, K. S. Cromer, L. C. Metzner, P. M. Nigh, and A. Parson-McBean, City Administrator Bruce Zimmerman, City Attorney John Urner, City Attorney William Nairn, City Attorney Mark Boyer and City Clerk D. K. Spickler.

Presentation of City's Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2006

Mike Manspeaker and Terri Kriet, from Smith Elliott Kearns and Company, were present to review the financial report for the fiscal year ended June 30, 2006.

Alfred Martin, Director of Finance, reported the year, overall, was a good year financially with significant new capital investment and growth in net assets. It was fueled primarily by rising assessments and continued strong levels of development activity.

Mr. Manspeaker stated there were no significant problems with the audit. The audit was filed on time.

The City's assets exceeded its liabilities at the close of the most recent fiscal year by \$188.0 million (net assets). Approximately 67.9% of this amount is attributable to the City's three utilities (Light, Water and Sewer). Of the total net assets, \$10.0 million (unrestricted net assets) may be used to meet ongoing obligations to citizens and creditors, \$10.2 million is restricted for specific purposes and \$167.7 million is invested in capital assets, net of related debt.

As of the close of the current fiscal year, the City's governmental funds reported combined ending fund balances of \$16.5 million. Of this total amount \$5.5 million is unreserved and represents working capital available to support governmental operating needs and future years' expenditures.

The City's total bonded debt increase by \$822,158 (2.6%) during the current fiscal year from \$31.0 million to \$31.8 million. In fiscal year 2004/2005, the city authorized \$7.1 million in Maryland Water Quality Revolving Loan Fund Debt of which \$5.5 million was drawn in 2005/2006. The City's adherence to its amortization schedules for other debt further reduced its debt by \$3.8 million in 2005/2006.

The General Fund on a current financial resource basis, reported revenues in excess of expenditures and other financial sources and uses by \$388,736 after making a \$1,090,294

transfer to the Capital Projects Fund and operating transfers of \$135,563 to the Golf Course Fund and \$110,000 to the Economic Redevelopment Fund.

At the end of the current fiscal year, unreserved fund balance for the General Fund was \$5,531,992 or 18.9% of total General Fund expenditures (excluding the operating transfer to the Golf Course and Economic Redevelopment funds and a capital transfer to the Capital Improvement Projects Fund). This represents over two months of General Fund expenditures and complies with the City financial policy requiring a minimum undesignated fund balance of 10% of the General Fund operating expenditures.

While the pace of residential development has slowed in the past year due to limitations placed by the City's sewer capacity allocation program and adequate public facilities ordinance for schools, growth has continued at a strong pace. School capacity must be available or planned for new development to receive approval. Projects which have approval for schools must phase their developments as sewer capacity is made available through the sewer capacity allocation program. Limitations imposed by school capacity will be alleviated as new schools and additions to existing schools are constructed by the County. Current sewer limitations will be lifted within the next several years following conclusion of a number of upgrades to the City's Waste Water Treatment Plant.

Councilmember Parson-McBean arrived at the meeting.

#### County Commuter Service in the Downtown

Rodney Tissue, City Engineer, and Gary Rohrer, County Public Works Director, were present to provide information about the County Commuter bus routes. Last December, a plan was presented to the Mayor and City Council to relocate the bus stop in the Public Square to seven sheltered stops and 15 additional intersection corners where a sign would indicate buses stop. In April, the County Commuter staff notified the City that they wished to reconsider the plan since funds were not currently available for shelters, and they did not wish to develop permanent stops until a new "Transfer Point" is found.

Mr. Rohrer outlined the new "Plan B". Ideas in Plan B include:

1. Buses would stop at all downtown street corners, except the Square
2. No shelters would be installed
3. Divert some routes from the Public Square

The County Commissioners and the Maryland Transit Authority would ultimately have to approve changes to the current system. A public hearing will have to be held prior to approval of this plan.

Kevin Cerrone, County Commuter, was also present. Councilmember Metzner arrived at the meeting.

Mr. Rohrer indicated the County was pursuing grant money to help with the cost of designing a new bus route. Mr. Cerrone stated Plan B would disperse buses in a different way. The bus would not stop at the Square but would continue through the downtown area and stop at other street corners. Passengers could hail buses at intersections, as they do now.

Councilmember Nigh suggested placing a transfer station at the old Ames parking lot on Dual Highway. Councilmember Parson-McBean expressed her concern that senior citizens would not be able to get to the buses as easily. She stated in other cities the transfer stations develop into a thriving business area. Councilmember Metzner suggested taking a survey to determine where the passengers are traveling to and from. He suggested considering having drop-off only service in the square. Mr. Rohrer stated it may be difficult for people to understand why they could not board the bus if it stops in the square.

A study of the system will take time to complete. This will be discussed further.

#### Subdivision Ordinance Discussion

Stuart Bass, Comprehensive Planner, presented a revised Subdivision Ordinance for review. This item was presented at a work session on October 10, 2006. A Public Hearing before the Mayor and Council was held on October 25, 2006.

Based on comments received, the following changes were made:

1. Page 5, section 200.11 changed “shall” to “up to” in regards to fine levied
2. Page 11, have included new definition for SCAP
3. Page 16, (9) added to open space words “and recreational equipment”.
4. Page 16, changed open space criteria to 15, 20, and 25 percent respectively.
5. Page 30, Section 200-34 A., phrase “and approved by” referring to Washington County was eliminated
6. Page 31, E. added word “significant” between other and conditions in first line
7. Page 32, H. replaced word “provided” with “constructed” in first line  
I., Deleted “and/or lot line configurations” from second line  
I., inserted current ordinance limits for a maximum length of 600 feet for a cul de sac
8. R., provided standards for panhandle lots
9. Section 200-41 first paragraph reads ‘sidewalks, curb and gutter be provided on all (deleted word city) streets

Councilmember Aleshire asked if they should consider changing the word “is” in Section 200-34 A to “may be.” It was the general consensus of the Mayor and City Council to remove the sentence “Any proposed intersection with a county highway is

subject to the review of the appropriate authorities of Washington County” from Section 200-34A.

Introduction of this ordinance will be included on the agenda for the November 28, 2006 meeting.

#### Vacant Structure Ordinance

John Lestitian, Chief Inspector Office of Code Compliance, presented revised ordinances for vacant structures. The following issues were addressed with these changes:

1. New Construction within one year period of issuance of the Use and Occupancy Permit
2. Structures currently being re-developed under permit

It was the general consensus of the Mayor and City Council to schedule introduction of the ordinances for November 28, 2006. There will be two separate ordinances.

#### Global Positioning System Antenna Agreement

The Engineering Department survey staff uses modern Global Positioning System (GPS) technology to complete construction stakeout and field surveys. Currently, there is not a local “real time reference station” (antenna) to receive the satellite information, which causes staff to take the extra step of processing field data in the office in lieu of real-time field processing.

Staff is recommending the City enter into an agreement with “Loyola Spatial Systems” that would allow installation of an antenna on the City Light building in exchange for a subscription to use the data. The antenna is very small and City Light has approved the plan.

There is no cost to the City for this installation, only allowing the equipment on the building.

It was the general consensus of the Mayor and City Council to schedule approval of the agreement for November 28, 2006.

#### Discussion of Replacement Procedure for Councilmember Kristin Aleshire

Mayor Bruchey suggested following a similar process used to fill the vacant Mayor’s seat. He stated the sooner the process is started, the sooner there will be a full contingent to move forward and do the people’s work.

According to the City’s charter, qualified applicants must be a registered Democrat and have been so for 1 year prior to the appointment. They must be 21 years of age.

Mayor Bruchey suggested making it a requirement that applicants voted in the General Election held on November 7, 2006. He also suggested that proof of residency and age be required with the submission of the application, letter of interest or resume.

He suggested the following timeline:

1. Letter of interest, resumes or applications submitted by November 27, 2006 at 4:30 p.m.
2. Applications made public on November 27, 2006, after the deadline.
3. Review the applications and determine qualified applicants in order to begin the interview process on December 5, 2006 during the open meeting.
4. Choose several qualified applicants to be interviewed in executive session on December 12, 2006.
5. Select an applicant to be appointed at the Regular Session meeting on December 19, 2006.

Mark Boyer, City Attorney, stated a resolution to establish the process would not be necessary.

It was the general consensus to remove the requirement of voting in the election on November 7, 2006 and to require all applicants to submit an application. If they wish to add additional information they may do so.

Councilmember Nigh asked if the people who ran for office in the March, 2005 primary would have to submit another application. It was the general consensus that they would.

The interview process was then discussed. Councilmember Metzner supported interviewing applicants during the open session on December 5, 2006 and then discuss individual applications during an executive session. Councilmember Parson-McBean stated someone may not feel comfortable being interviewed during a televised meeting. She wants to make sure someone is not eliminated because they are quiet. Councilmember Metzner and Councilmember Cromer pointed out they would have to be in the public during the remainder of the term.

Councilmember Cromer expressed her concern that the seat will not be filled until December 19, 2006. She would like Councilmember Aleshire to be a part of the process in choosing the next Councilmember. The City Attorneys presented an opinion that no vacancy exists until Councilmember Aleshire resigns. He could not, therefore, vote on a person for the vacant seat. Councilmember Cromer stated she does not agree with the opinion.

It was the general consensus of the Mayor and City Council to hold an executive session on November 28, 2006 to review the applications received and determine which are qualified. The timeline presented by the Mayor was accepted.

Councilmember Metzner stated there have been two vacancies to be filled since the last election. The need for charter reform is now obvious. It was the general consensus of the Mayor and City Council to schedule a discussion in January, 2007.

#### City Administrator's Comments

*Bruce Zimmerman, City Administrator*, stated Staff is preparing information for the flu season. Donna Messina, Human Resources Director, stated they are focusing on wellness for employees and sending out information. Flu shots are available. All employees will be given a kit including hand sanitizer, a disposable toothbrush, other first aid items and brochures. Members of the Mayor and City Council also received a kit.

#### Mayor and City Council Comments

*Councilmember A. Parson-McBean* thanked all veterans. The Memorial Recreation Center is looking for volunteers for after school programs.

*Councilmember K. B. Aleshire* was out of town this weekend and unable to attend any of the Veteran's Day services. He thanked the City employees for pledging over \$ 17,000 to the United Way. The Gridiron classic was held on November 10, 2006. He was disappointed by the derogatory chants from one of the schools. This was not good sportsmanship. The Washington County Board of Education has sent a letter to the County asking that an additional \$30,000 to \$40,000 per house be added to home construction for school.

*Councilmember K. S. Cromer* thanked the volunteer board members for their service. She is unable to attend the annual luncheon to be held on November 17, 2006. She congratulated Councilmember Aleshire for being elected County Commissioner. She suggested that he be one of the County members of 2+2 and that Councilmember Metzner be the other City representative.

*Councilmember L. C. Metzner* thanked the veterans. He stated the Gridiron Classic game was very good. He reported the coaching staff took immediate action to stop the derogatory chants. He expressed his concern that copper wire is being stolen and that a local salvage company was treated like a criminal by the Sheriff's department. He stated this is not the way to treat a business that cooperates in inspections.

*Councilmember P. M. Nigh* expressed condolences to the family of Mrs. Juanita Queen. Mrs. Queen was well known in the community as the person who gave household hints on the radio for 34 years. She placed a wreath at the monument on Memorial Boulevard. She was unable to attend the wreath laying later in the day. She

attended a Special Olympics volleyball game. She stated citizens are expressing their concern about replacing the wall at Wheaton Park. This needs to be discussed with the community. Councilmember Parson-McBean agreed.

She stated the Board of Public Safety members are cautious about a fire tax. She stated Delegate Donoghue asked that any legislative concerns be sent to him. He will submit those concerns and issues to Senator Munson, as they are working together and support Hagerstown.

*Mayor R. E. Bruchey, II* stated the Tree Lighting and Holly Fest will be held on November 20, 2006. A special thanksgiving event will be held at the City Market on November 21, 2006. He attended the AIA seminar. He has invited three of the students to be part of the downtown summit. The Gridiron Classic was a good game. Neither team gave up during the game. He asked that he be notified when the 2+2 Committee begins meeting again. He attended several Veterans' Day services on November 11, 2006

EXECUTIVE SESSION – November 14, 2006

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 to meet in closed session at 6:23 p.m. to consider the acquisition of real property for a public purpose and matters directly related thereto, #3 and to consult with counsel to obtain legal advice, #7. 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 6:58 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: