

WORK SESSION – November 15, 2005

Mayor Richard F. Trump called this Work Session and Executive Session of the Mayor and City Council to order at 4:05 p.m., Tuesday, November 15, 2005 in the Council Chambers at the City Hall. Present was Mayor Trump, City Council Members K. B. Aleshire, L. C. Metzner, P. M. Nigh and A. Parson-McBean, City Administrator Bruce Zimmerman, and City Clerk D. K. Spickler. Councilmember K. S. Cromer was not present.

Mayor's Report

Mayor Trump stated a group from the Netherlands was at the Museum for breakfast this morning. He stated the Mayor and Council have to create a good quality of life for the citizens. There are good educational programs at the museum on weekends. The unveiling of the monument on Memorial Boulevard occurred last week. He urged everyone to take the time to look at the monument. We all should take time to remember our veterans. There was a good turnout for the North/South football game. The trophy was given to the winning team, North Hagerstown High. He stated Councilmember Metzner has been speaking about increasing the number of firefighters. This will be an important issue during the budget process. He encouraged the Council to look at all the possibilities of how to go forward. This is an important and expensive issue. This need will have to be met. He stated the Mayor and Council needs to continue working with the Maryland Theater and determine how to move forward and keep this great institution. There are many activities at the Farmer's Market for Thanksgiving. The Tree Lighting will be held on November 21, 2005, followed by Holly Fest.

Preliminary Agenda Review

Mr. Zimmerman reviewed the preliminary agenda. The meeting schedule for December is as follows:

1. Tuesday, November 29, 2005 Work Session at 4:00 p.m.
2. Friday, December 2, 2005 Joint Meeting with the Washington County
3. Tuesday, December 6, 2005 Work Session at 4:00 p.m.
4. Tuesday, December 13, 2005 Work Session at 4:00 p.m.
5. Tuesday, December 20, 2005 Regular Session at 7:00 p.m.

He stated the meeting scheduled for December 6, 2005 may be changed due to attendance of Council members at the National League of Cities Conference. This will be determined by next week.

Annexation Public Hearings

Public Hearings are scheduled for the Snook Annexation, Bowers Annexation and Clemmer

Consent Agenda

The Consent Agenda is as follows:

1.

A. Engineering:

1. Traffic Signal Installation on Garland Groh Boulevard - Bartow Drive (near McDonald's) - Valentine Electric, Inc. (Hagerstown, Maryland) \$ 99,663.50
 2. Traffic Signal Installation on Garland Groh Boulevard - Ryans/Fridays Access Road - Valentine Electric, Inc. (Hagerstown, Maryland) \$ 70,502.00
- ii.

B. Water and Sewer Department:

1. Ciba Magnafloc LT - Coyne Chemical Co., Inc. (Croydon, Pennsylvania) \$ 22,194.80
2. 3/4 Ton Pickup - Criswell Chevrolet (Gaithersburg, Maryland) \$ 25,500.00
3. Blending Disinfection Engineering/Design - Black & Veatch \$ 34,300.00
4. Modeling, Master Plan Update - Hazen & Sawyer \$ 71,130.00
5. Joint Chemical Bid - *material to be provided*

C. Light Department: Transformers - National Transformer Sales (Raleigh, North Carolina) \$ 53,276.00

D. Purchasing

1. Bulk Salt - International Salt Co, LLC (Clarks Summit, Pennsylvania) \$49.78/ton
2. Diesel Fuel and Gasoline Tankwagon Purchases - Contract Extension with A. C. & T. Co., Inc. (Hagerstown, Maryland) - pricing varies per market rate
3. Heating Oil - A. C. & T. Co., Inc. (Hagerstown, Maryland) Oil Price Information Service (OPIS) +\$.1424/gallons
4. #2 Heating Fuel - Petroleum Traders Corp. (Fort Wayne, Indiana) pricing varies per OPIS

Mr. Zimmerman stated NIMS training was held last week and the chemical bid information was not available for inclusion in the packet. He handed out the information for the Joint Chemical Bid for the Mayor and City Council's review. The purchase amount for the chemicals is \$ 812,950.00. Councilmember Metzner stated he is in favor of approving the purchase since the bid was piggy backed with the County.

Resolution: Acceptance of Dedication Offer Delaware Lane and a Portion of Meridian Drive

Councilmember Aleshire pointed out there is no connecting road between the subdivisions in the area of Meridian Drive.

Resolution: Barbara Ingram School for the Arts Accepting Bond Bill Funds

The 2004 Session of the General Assembly enacted Chapter 432 known as the MCCBL-LCI Loan of 2004 – Barbara Ingram School for the Arts. The purpose of the bill was to authorize the creation of a State debt in the amount of \$ 400,000.00 to be used as a grant for planning, design, renovation, reconstruction, and capitol equipment.

One of the conditions is the adoption of a resolution accepting the funds. The format for this resolution was provided by the Maryland Historical Trust, which will eventually hold a preservation easement on the building.

Resolution: Custodial/Trustee Agreement for Police and Fire Retirement Funds

In June 2004, the Mayor and Council approved a contract with Mercantile-Safe Deposit and Trust Company for the investment services for the Police and Fire Employee Retirement funds. At the time the City continued to use State Street Bank and Trust Company as the Custodian/Trustee for the administrative functions, including issuing monthly retirement checks. The Police and Fire Employees' Retirement Committee members elected to postpone a change for the administrative functions until January 1, 2006. At the July 14, 2005 committee meeting, the members voted to recommend a change in Custodian/Trustee for the administrative functions to Mercantile-Safe Deposit and Trust Company, effective January 1, 2006.

The Mayor and City Council agreed to pass a resolution approving the change.

Mr. Zimmerman stated Alfred Martin, Finance Director, asked to add an item to next week's agenda. When the new water rates were adopted, they were not put into effect for the three municipalities that purchase water from the City of Hagerstown. Staff would like to allow these municipalities time to discuss the rate increases with their respective attorneys. Mr. Martin stated Staff would like to provide a 90 day provisional contract to the three municipalities and have the new rates become effective at that time.

The Mayor and City Council agreed to include this agreement on the agenda.

This completed the preliminary agenda review.

2006 Sewer Capacity Allocation Program – Proposed Amendments

Kathleen Maher, Planning Director, and Chris Bordlemay, Acting Water and Sewer

Department Manager, were present to discuss the proposed amendments to the Sewer Capacity Allocation Program (SCAP) for 2006. A number of changes are being proposed to improve the process and to provide for more flexibility for larger scale projects, based on feedback from the development community and from experience administering the 2005 SCAP in the Planning, Engineering, and Water and Sewer departments. The Mayor and Council is being asked to review the proposed changes prior to sending the draft 2006 SCAP to the Maryland Department of the Environment. The goal is for adoption by the end of December to enable allocation of sewer in January, 2006.

Changes are proposed as follows:

1. Introduction – updated language
2. Definitions – a new section to clarify the meaning of “development,” “existing development,” and “new development.” These definitions are imperative since how a project is defined determines what sewer capacity is available to the project.
3. Allocation of Capacity – reducing the Discretionary Reserve allocation from 20,000 gallons per day (gpd) to 15,000 gpd to allow us to increase the City’s non-residential allocation from 15,000 gpd to 20,000 gpd. Staff had some concerns that there was not allocation enough for sewer capacity for non-residential development within the City.
4. Residential Allocation Guidelines for New Development – change the award process from once a year to twice a year to provide more flexibility for projects which might come on-line in mid-year.
5. Non-Residential Allocation Guidelines for New Development – change the award process from once a year to “first come, first served” throughout the year to provide more flexibility, since non-residential projects have a much shorter development incubation period than residential projects and often may need quick resolution to lock in an economic development prospect.
6. Discretionary Reserve Allocation Guidelines – change the award process from once a year to four times a year to provide more flexibility to the process for unforeseen projects but to also retain the ability to weigh project requests and award allocation based on Mayor and City Council priorities for a limited resource.
7. Building Permit Deadlines for City Allocation Awards – change deadline for building permits from receipt within one calendar year to submittal within 18 months. Staff has come to realize that few development projects could comply with the one year deadline if at time of sewer award the project had not yet received preliminary plat or site plan approval, the infrastructure had not been constructed, and the final plat had not yet been recorded. And even if all the previous steps were completed in time, the possibility of receiving building permits in time seems remote.

8. Use of Remaining Allocation From Development Projects – clarification of the roll-overs from unused allocation and the recaptured allocation from projects which miss their building permit deadlines.
9. Accumulation of Allocation Awards and Extension of Building Permit Deadlines – a new section to provide a process which would allow for accumulation of awards and to allow for extension of building permit deadlines when warranted. The accumulation of awards provision is recommended because for larger scale projects it is not practical to move forward with construction of infrastructure for a residential project or construction of a non-residential project if only a small percentage of the total number of units is awarded sewer in a given year or not enough sewer for a non-residential project is awarded in a given year.

There were no questions.

Mr. Zimmerman stated when the SCAP was adopted in January, 2005, it was contemplated the City would review the SCAP each year in January and refine and update it. The revised plan will be sent to MDE for their approval and then presented to the Mayor and City Council for their approval.

Crampton Annexation

Stuart Bass, Comprehensive Planner, was present to discuss the Crampton Annexation. A public hearing was held on October 25, 2005. He stated the Annexation Resolution states there is a maximum limit of 36 units for the development.

Councilmember Aleshire stated he does not agree with the condition in the petition that states the property has to be developed pursuant to the site development plans previously submitted.

Jason Divelbiss, Miller, Oliver, Moylan and Stone, representative for the applicant, indicated the approved site plan is not a necessary condition of the annexation.

Approval of the annexation will be included on the agenda for the regular session.

Haven Road Annexation Discussion

Stuart Bass, Comprehensive Planner, stated the Haven Road Annexation proposal is being presented for consideration.

Councilmember Aleshire stated there is language included in the revised petition that he hoped John Urner, City Attorney, would review. The revised petition includes a provision that states if workforce housing is included in the development, the Mayor and Council could

approve a density level greater than what is agreed to in the petition. However, the development could not proceed at a greater level than 50 units per year. He suggested that a more definitive build-out time be included. He also asked that a statement about the impact on the school system be included. He stated this is a good example of where the City can control development through annexation.

Mayor Trump stated he understands the policy decision that has been made is that the City will try to control development through annexation or through the Adequate Public Facilities Ordinance (APFO), which has not been adopted by the County yet.

Councilmember Metzner agreed that the City Attorney should review the language in the revised petition. Mr. Urner stated it is difficult to determine how this development would be affected by the APFO. He stated it is difficult because the City has not adopted an APFO, since it will be based on the County's APFO. He doesn't think the proposed City of Hagerstown APFO does not deal with the phasing of development. Councilmember Metzner stated he wants to make sure there is nothing in a proposed APFO that prohibits the Mayor and Council from controlling development in this manner. Mr. Urner stated he does not believe the Mayor and Council are prohibited.

Approval of the annexation will be included on the agenda for November 22, 2005.

Follow Up Discussion on Refuse Service Contract

The Mayor and City Council discussed the Refuse Service Contract. Councilmember Metzner stated at last week's meeting he indicated he was not in favor of reducing the number of pick ups to once per week. He stated, in effect, there would still be two pick-ups per week if a recycling pick-up was added. If people are recycling they would not have a large amount of trash. A full recycling program, with a large public information campaign, would save money and the environment and encourage citizens to recycle. If the recycling program is implemented, a once per week trash pick-up would be justifiable.

Councilmember Aleshire stated he agrees and he would not support voting for this contract without implementing a recycling program.

Councilmember Parson-McBean stated she agrees with what Councilmember Metzner and Councilmember Aleshire are saying.

Councilmember Nigh stated she doesn't have a problem with the contract but she thinks the education part will be difficult. She asked how to get through to renters that recycling is important. She is tired of furniture and other items being put out on the sidewalks. She stated it is not fair for citizens to pay for the manpower necessary to pick up these items. Some kind of

enforcement is necessary. She is concerned that “out of town” landlords don’t care what their tenants put out for pickup.

Councilmember Parson-McBean stated she agrees that being able to fully implement a recycling program is important. The education process has to be in place before the program starts.

Mayor Trump suggested keeping the program the same for six months and beginning the education process. At the end of six months, the recycling program could be started and change the refuse pick up to once per week. He also recommended keeping twice per week pick-up in the downtown.

Councilmember Parson-McBean stated the accountability has to be across the board. She doesn’t believe the people who own the apartment buildings suffer from the complexities of a recycling program. They need to be educated also and made to understand it is their responsibility to make sure their tenants are participating in the program.

Councilmember Aleshire stated this would be a significant change in how trash is picked up. It is a big step, and an important one. He agrees with Councilmember Parson-McBean.

Councilmember Metzner agreed, but thinks it would be confusing to implement the program differently in different areas.

Rodney Tissue, City Engineer, summarized the discussion from this week and last week as follows:

1. Negotiate the cost with Allied Waste for once per week pick up (the cost to the consumer may go up)
2. A recycling program could not be implemented for 3 to 4 months because bins would have to be purchased. This time could be used for an educational program.

Councilmember Metzner suggested implementing the recycling program on Earth Day, April 22.

3. Continue with twice weekly pick-up until the recycling program is implemented
4. There will be a recycling night (two bins) plus a trash night

Mr. Tissue will discuss the contract with Allied Waste and bring the information back to the Mayor and City Council for further review.

The City would purchase the bins and distribute them to residents. Councilmember Nigh

expressed concern that money is lost when some tenants take the bins with them when they move.

Hagerstown Suns' Snow Softball Tournament

Representatives from First Data had not arrived at the meeting at this point. This will be discussed when they do arrive.

Parks and Recreation Proposed Rate Changes

The Department of Parks and Recreation is proposing rate changes effective January 1, 2006. Staff's proposed increases and changes were reviewed and discussed by the Advisory board of Parks and Recreation on October 18, 2005. The Board agreed with City staff's recommendations.

The following changes are proposed:

1. Hagerstown Greens at Hamilton Run – increase the greens fees to be comparable with nearby 9-hole golf courses.
2. Claude M. Potterfield Pool – staff proposed no increases to the daily rates; however, they recommend admitting ages 2 and under free of charge. Staff also is proposing to increase pool season pass rates to be comparable with local pools. However, if paid by March 31st, the 2005 rates would be honored. Increase hourly pool rental rates to help cover operating costs. Increase swim lesson rates to help cover the cost of the program.

Councilmember Parson-McBean asked if the hourly pool rental rates cover the cost of lifeguards as well. Councilmember Metzner stated the City subsidizes the cost to operate the pool.

Councilmember Aleshire asked what the justification is for the increase in the swim lesson fee. Patty Edleblute, Recreation Superintendent, stated the increase will help cover the cost of the certification card and the instruction book from Red Cross.

Councilmember Parson-McBean stated she is uncomfortable with the pool prices. The Memorial Recreation Center charges much less for hourly parties.

It was the general consensus of the Mayor and Council to include approval of the rate changes on the agenda for the regular session.

Hagerstown Suns Fireworks – 2006 Season

This past April, the Mayor and Council adopted an ordinance amending Chapter 155 of the City Code, entitled Noise, to specify that licensed fireworks shows are exempt from the Noise Ordinance under section 155-3, if such shows are approved in advance by the Mayor and Council.

The Hagerstown Suns host many fireworks shows throughout their season. The Suns schedule and plans for fireworks shows in the 2006 season was presented. These shows will require the approval of the Mayor and Council. The Suns have attempted to adjust the noise level of their fireworks shows and taken other steps to lessen the concerns of those who have objected to the fireworks. They would like to continue to provide these shows.

Kurt Landes, Suns General Manager, was present to discuss the 2006 schedule for fireworks.

Mr. Landes stated they are looking for approval for the same number of shows (fourteen) as they had in 2005. The Suns are trying to be as positive a neighbor as possible. They communicate with residents in the neighborhood when the shows are going to be held. He stated the shows last approximately 12 minutes. The explosion shells have been removed from the shows. Shows are only held on weekends and holidays. There has only been one time that a show had to start late, due to a rain delay and extra innings. He stated it is safer to continue with a fireworks show than it to dismantle the set up. Fireworks shows are extremely important to the Suns. The shows help bring people to the stadium and attendance has risen in the last two years.

Mayor Trump stated the Suns have given a lot of money to charity.

Councilmember Parson-McBean stated it is good to be a good tourist attraction to the City, but it is all about the neighbors. She stated people are telling her they are tired of the debris.

Mr. Landes stated the only way the neighbors see debris is due to upper level wind levels. He stated the Suns staff would be glad to clean up the debris.

Councilmember Parson-McBean asked what is being done for those neighbors who are complaining about debris. Mr. Landes stated there has only been one time where there was debris. Councilmember Parson-McBean stated it has been more than that and she has seen it. Mr. Landes stated they will gladly clean up any debris that is created by their shows. He stated they will do as much as they can with the debris from the fireworks.

Councilmember Nigh stated she will wait for the neighbors to call her.

Councilmember Metzner stated he was concerned that the blanks, or salutes, caused a large amount of noise. He is confident since these have been removed, it will reduce a substantial amount of the complaints.

Councilmember Parson-McBean stated she thinks fourteen fireworks shows is a lot.

Councilmember Aleshire stated there is one time on the schedule that shows are scheduled for three consecutive nights. He stated the ordinance was passed to address residents' concerns about the amount of shows. The ordinance does not eliminate the significant number of dates. He expressed concern that if this is scheduled for approval on November 22, 2005, the time for citizen comments will be after the vote. He wants to hear concerns prior to voting. He stated if there are no substantial neighborhood concerns then the Council should support this important amenity in the community.

Mr. Landes stated there is a timing issue because the contract has to be completed to secure the dates.

Councilmember Metzner suggested holding a special meeting to vote on the number of fireworks displays, in accordance with the noise ordinance. This would allow citizens to comment at the regular session.

Mayor Trump encouraged people to attend the regular session on November 22, 2005 to express their views on the fireworks displays.

Councilmember Nigh stated she thinks fourteen is too many.

Councilmember Aleshire stated the late start of one display had a significant impact on the neighborhood. He would suggest including a limit on the start time.

Mr. Landes stated fourteen displays is not an excessive number, in comparison to other minor league teams. Councilmember Nigh stated it is very disturbing to people in the neighborhood who don't know what is going on.

Mayor Trump thanked Mr. Landes for attending this meeting. He stated there will be time for public comment at next week's meeting. A vote will be scheduled for November 29, 2005.

Hagerstown Suns' Snow Softball Tournament

Patty Edleblute, Recreation Superintendent, and Junior Mason, Parks Superintendent, stated First Data Corporation has requested to hold the Hagerstown Suns' Snow Softball Tournament at Municipal Stadium, Fairgrounds Park and City Park on January 26, 27 and 28, 2006 to benefit the Untied Way of Washington County.

First Data plans on having alcohol available at Municipal Stadium for the tournament. As it is understood, Hagerstown Suns staff will be serving the alcohol. First Data will also be

providing shuttle service between the Stadium, Fairgrounds Park and City Park.

Scott Fessler, First Data, stated they wanted to try something new as a fund raiser. He anticipates the event could raise \$ 15,000 for the United Way. This would kick off their campaign for 2006.

Mr. Mason stated the impact on the fields would be minimal if the temperature is 20 degrees with snow. If the temperature is 40 degrees with rain, there may be some impact. First Data is willing to pay a deposit to cover any damage. He stated there should be an agreement for who is responsible for clearing sidewalks of snow (if necessary) during the event.

Mark Boyer, City Attorney, stated there would be an agreement drafted for the event, similar to the user agreements for other groups.

Ms. Edleblute stated First Data is asking that any fees be waived, or that the City provide a sponsorship.

Mr. Fessler stated the sponsorship would be \$ 1,500.00.

Councilmember Metzner stated he strongly recommends that no fees be waived. He would not be opposed to providing a sponsorship.

Councilmember Parson-McBean asked what staff would be required. Mr. Mason stated there would be one full time person at each site.

Councilmember Metzner stated he still is not in favor of waiving the fees. This may set a precedent for other groups who want to use the facilities.

Diane Baker, First Data, stated the terms of any agreement would have to be reviewed by the legal department. She stated those terms may deter them from doing the event. Councilmember Parson-McBean asked if First Data's legal counsel has reviewed this. Ms. Baker stated it will take time for the review. The sponsorship information should be sent out soon.

Mr. Zimmerman stated the City Attorney has indicated there would be a user agreement. Approval of the agreement could be scheduled for November 29, 2005. The agreement will not include waiving any fees.

Ms. Baker stated she has not had time to present the proposed agreement to their legal counsel. Mayor Trump stated they are not trying to put a damper on the event. They are just working through some of the issues.

University System of Maryland at Hagerstown Scholarship Request Discussion

Mayor Trump reviewed the request from the University System of Maryland (USMH) to participate in a scholarship program. The Mayor and City Council asked to discuss this request again prior to the budget preparation process. At the meeting on November 1, 2005, it was stated the group was looking for a pledge at this time and payment could be submitted over several years.

Councilmember Aleshire asked if the request is specifically for the USMH or does it include other higher education institutions in this community. He also asked if the amount would be paid immediately or over several years.

There was some discussion about whether or not Hagerstown Community College has an endowment like this. Some Council members indicated they thought there was an endowment.

Councilmember Metzner stated he would rather consider this request during the budget process. He stated there are many requests for funding to be considered. He stated they need to look at the impact of the donation. This would help one or two students. He stated they need to consider how \$ 25,000.00 will affect programs for children and people in need.

Mayor Trump stated education is probably the key to many of the social problems.

Councilmember Parson-McBean stated any amount that helps students is important. She stated the Council needs to find a way to be more socially conscious. She stated education is necessary and it does move a family to a different level.

Councilmember Nigh stated she is not in favor of providing money to the USMH until it becomes a full day and night facility. Her daughter had to pay for books and there is always an alternative. She stated \$ 25,000.00 is a large amount when you consider adding a firefighter or police officer to the department. She asked how much money the City has already given to the USMH. She wondered how much has been provided by the County. She reminded everyone that the County's money is also coming from City taxpayers.

Mayor Trump asked if the Council was in agreement that providing scholarships is a part of the Council's plan. Councilmember Parson-McBean stated the Martin Luther King Scholarship fundraiser will be held in January. The City could support that program.

Mayor Trump stated the scholarship will be discussed during budget time.

2006 Legislative Priorities

The Mayor and Council will be meeting with the State Delegation on December 2, 2005. In preparation for this meeting, an initial discussion was held on November 1, 2005.

The following is a preliminary list of the 2006 priorities based on the November 1st discussion:

1. Central Booking – City, County, and State officials have held discussions over the need for a central booking operation, and the schedule for State and local funding of such a facility. It is the City's understanding that design money for the facility will be included in the State's July 1, 2006 budget, with construction funding to be budgeted in the subsequent year.
2. USMH Operating Funds – The continuation of State funding for the operation of the USMH Center remains a top priority for our community in the next General Assembly.
3. School for the Arts – The Delegation has previously obtained \$400,000 in bond bill funding for the future creation of the Board of Education's School for the Arts on South Potomac Street. The Board is conducting a feasibility study on the proposed site in the former Henry's Theater Building.
4. Edgewood Drive/Dual Highway Intersection Improvements – Initial design work has been completed for improving this intersection. The plan for constructing the improvements needs to be finalized along with the funding to complete the work.
5. Bond Projects – The Delegation has successfully obtained State of Maryland bond funding for numerous community based projects over the years. The City remains very interested in the allocation of bond funding for our community.
6. Washington County Free Library – The Mayor and Council have been advised of the Library's need to expand and upgrade their central facility in downtown. The Washington County Free Library is a critical component of our downtown revitalization efforts and we would ask for the Delegation's support of this valued institution.

The Maryland Municipal League funding and legislation issues include:

1. Local Growth and Development Legislation – Consistent with the position of the Maryland Municipal League, the City of Hagerstown strongly opposes any State legislation that would negatively impact municipal government's home rule authority related to annexation, land use, and development.
2. Eminent Domain – The City of Hagerstown is opposed to any legislation

that diminishes the existing condemnation authority of municipal governments in Maryland.

3. Restoration of State Program Funding Levels – Hagerstown supports the Municipal League’s position that traditional State Programs such as Community Legacy, Program Open Space, and Highway User Revenues should be protected from further funding cuts and that resources which were cut should be fully restored.

There are other items that the Mayor and Council may wish to further discuss are:

1. Telecommunications – The City’s Finance Department has learned of the potential of legislation being introduced during the 2006 General Assembly that would limit or stop local government involvement in providing internet or other telecommunications services to support the needs of citizens and businesses within their communities. Such legislation will be of concern to the City of Hagerstown.
2. Workforce Housing – Mayor and Council discussed that this topic may need further attention from the Delegation.
3. Joint Presentation with Washington County – Interest was expressed on November 1 in making a joint presentation with Washington County.

It was reported that it appears that the Maryland Association of Counties is taking further steps to limit annexation.

Councilmember Metzner stated the issue of telecommunications should be included on the list. If there is not something definitive for Workforce Housing it should not be included. He suggested the statement for eminent domain should read, “The City of Hagerstown is opposed to any legislation that diminishes or **enhances** condemnation authority of municipal governments in Maryland. This will send a message to the citizens that the Mayor and Council doesn’t agree with the Supreme Court on the issue of eminent domain.

Mr. Zimmerman stated it has been reported that a number of released prisoners are establishing residences in Hagerstown. Councilmember Metzner stated this needs to be discussed in conjunction with something they can do something about. The Federal Government needs to be included. A solution needs to be offered for legislation to limit this.

Councilmember Parson-McBean asked if the City could assist some of these inmates who want to go home but can’t find the resources to do so.

Acting Police Chief Charles Summers stated one of the issues to look at is using an incentive to have the early releases go back to their home state. One suggestion may be mandatory sentencing with a reduction in the sentence if they return to their home state.

Councilmember Metzner stated he knows from experience with clients, that some states have laws that will not allow a prisoner to return to their home state. The home state has the right to not accept parolees. Until federal law can be addressed, nothing can happen.

Mr. Zimmerman stated Staff does not have a legislative proposal prepared for this. The help of the State Delegation is needed to work on the problem. To do nothing is going to further overwhelm the City.

Councilmember Aleshire stated the length of time for the annual meeting with the Delegation is not long enough to properly address this problem. Councilmember Metzner suggested discussing this problem with the State Attorney General. He also suggested discussing this with Congressman Bartlett.

Mayor Trump stated Central Booking is an issue to discuss jointly with Washington County. Commitments need to be made for the operational expenses, as well as the capital expenses. He stated he thinks a member of the legislative body needs to be on the Workforce Housing Task Force. Councilmember Metzner stated he thinks the Mayor should be that person.

Councilmember Nigh wants to make sure it is clear that the City has agreed to contribute funding to the cost of the design for the Edgewood Drive/Dual Highway Intersection Improvements. The City does not have any capital outlay scheduled for the improvements.

Mayor Trump stated he is aware Delegate Chris Shank has discussed a 40/40/20 split for the improvements (with the City paying 20%) with County Commissioner Greg Snook.

Councilmember Nigh asked for clarification about the eminent domain issue. Councilmember Metzner stated he joins with the vast majority of Americans in saying that the eminent domain the Supreme Court allows is unacceptable. The City will never do it. People are concerned the legislature could go the opposite way and limit it so much that it removes the ability to use it for its original intent. If the City says the right should not be taken away, they should say, just as strongly, that the right should not be made any stronger. The City could make a charter change and limit its own powers for eminent domain. Councilmember Nigh stated she was concerned that a developer friendly Council could use eminent domain for removing houses for developments. Councilmember Metzner stated he thinks the way to ensure that is not possible is to amend the City Charter.

City Administrator's Comments

Bruce Zimmerman, City Administrator, reported the Mayor and Council members attended NIMS training on November 1, 2005. A significant number of Staff attended training on November 9 and 10, 2005.

Mayor and Council Comments

Councilmember P. M. Nigh asked how people in City Hall know what to do if the building is to be evacuated. Mr. Zimmerman indicated an emergency preparedness plan is being developed. She stated employees need to know what to do in case of an emergency. Mr. Zimmerman stated a discussion about the emergency preparedness plan could be scheduled with the Fire Chief. She stated City employees should be prepared. She asked why the Christmas lighting isn't extended on Franklin Street. She thanked Donna Trump for taking care of her granddaughter at the Memorial Boulevard ceremony. She asked if a water tower would be constructed in the Black Rock area if the hospital moves to Robinwood. There will be a water tower constructed. Councilmember Aleshire stated a water tower may help with some of the pressure problems. Councilmember Nigh stated she wanted to acknowledge that Tommy Cline, City employee, is a veteran and he was present at the Memorial Boulevard ceremony representing AFSCME Local 1540. She stated the City needs police officers and firefighters. She stated there is a problem when private security guards make more money than police officers.

Councilmember L. C. Metzner congratulated the Washington County Health Department for providing flu shot opportunities for residents. He understands doctors offices are not giving flu shots because Medicare is not covering the cost of the vaccine. He had occasion to utilize the fire department today. There was only one person on the truck. He stated he visited several departments today and thanked the employees for the work they do. He stated when he had a meeting with Community Rescue Service and the Fire Department he said they should figure out how 20 firefighters are going to take care of both fire and EMS services. He wants to look at the possibility of 20 firefighters supplying fire and EMS responders for the west end of town. This could increase the number of firefighters to an acceptable level and provide better EMS services. He stated the Memorial Boulevard dedication was very good.

Councilmember K. B. Aleshire stated he attended a PTA growth forum last week. He found it odd to realize the 50 or 60 people in attendance weren't aware that the population of the City is only 400 people higher than it was in 1950. It was surprising for those people to learn that municipal development in the last four years created only 2000 more residents. He pointed out that five of the six seriously overcrowded schools are outside municipal boundaries. It is interesting to realize the amount of disconnect between governmental bodies and the public about what is occurring in the community. This was a good way to get information out there that the City is not uncontrolled in its growth.

He stated there is not clear direction from the State regarding mandates based on Smart Growth and policies that guide Smart Growth.

Councilmember A. Parson-McBean stated she will be attending the NAACP function this Saturday.

EXECUTIVE SESSION – November 15, 2005

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote of all members present to meet in closed session at 6:47 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 #1 to consider the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction. 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 7:37 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: _____