

72nd SPECIAL SESSION - November 16, 2004

Mayor William M. Breichner called this Special Session of the Mayor and City Council to order at 4:02 p.m., Tuesday, November 16, 2004 in the Council Chambers at the City Hall. Present was Mayor Breichner; City Council Members K. B. Aleshire, N. L. Hendershot, L. C. Metzner, C. N. Moller, P. M. Nigh; City Administrator Bruce Zimmerman, City Attorney Bill Nairn and City Clerk D. K. Spickler.

Introduction of an Ordinance: 2004 Public Improvement Bond

Action: Councilmember L. C. Metzner made a motion to introduce an ordinance authorizing the City of Hagerstown to issue and sell, upon its full faith and credit, general obligation bonds in one or more series in an aggregate principal amount not to exceed \$ 4,000,000. Proceeds from the sale of the bonds will be used for the public purposes described in detail in the ordinance together with related expenses and costs of issuance. Staff is hereby also directed to proceed with developing the necessary detailed resolutions and other documents to proceed with the sale of the bonds as directed by this ordinance. The detailed resolution will be presented to this body for approval at a future date prior to the issuance of the bonds as specified in the ordinance. Councilmember C. N. Moller seconded the motion.

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

Mayor Breichner began reviewing the Preliminary Agenda. The union representative for AFSCME 1540 had not arrived at the meeting yet. Mr. Bestpitch arrived and the order of the agenda proceeded.

Approval of AFSCME 1540 Labor Contract

Action: On a motion duly made by Councilmember C. N. Moller and seconded by Councilmember N. L. Hendershot, the Mayor and City Council unanimously agreed by voice vote to approve a collective bargaining agreement between the City of Hagerstown and the American Federation of State, County and Municipal Employees Local No. 1540. This agreement shall run for a period of one year commencing on July 5, 2004 through July 3, 2005. Under the terms of this agreement, the union shall receive wages totaling 2.5% retroactive to July 1, 2004.

Discussion: John Budesky, Director of Administrative Services, stated under the terms of this contract the sick leave buyback benefit will be staying at the current level.

WORK SESSION - November 16, 2004

Preliminary Agenda Review

Police Department Uniforms

John Budesky, Director of Administrative Services, stated three bids were received for police uniforms. The bids are being reviewed. The local clothier is only \$ 500.00 above the lowest bid. Staff would recommend accepting the bid submitted by Hoffman Clothing for the convenience of the Department. The Mayor and City Council agreed to accept this bid.

Truck 1 and Truck 4 Repairs

Gary Hawbaker, Fire Chief, stated emergency repairs were needed for Truck 1 and Truck 4. The repairs were made at Kimble's Truck and Auto Repair. The total cost is \$ 37,582.84. The Mayor and City Council approved the emergency repairs.

Generator Replacement on Truck 4

Chief Hawbaker stated an emergency replacement is needed for the generator on Ladder Truck 4. Rebuilding the generator is not recommended by the contractors. Emergency Vehicle Specialists submitted a price of \$ 17,728.35 to replace the generator. It was the general consensus to replace the generator.

Abatement of Weeds, Trash and Debris

Bids were received for the abatement of weeds, trash and debris. The low bid was from Servtech Custodial, Inc. The price for labor or operator is \$ 28.00 per hour, brush clearing equipment is \$ 1.00 per hour and mowing equipment is \$ 1.00 per hour. The Mayor and City Council agreed to award the contract to Servtech. (This is the same company that was awarded the snow abatement contract). In addition to the abatement fees, there are administrative fees.

Virginia Avenue Sidewalk Retrofit

Rodney Tissue, City Engineer, presented bid information for this project. The low bidder was Concrete Central in the amount of \$ 55,990.00. A \$ 47,000.00 grant was awarded from the State of Maryland to replace sidewalks. The project will be scaled back to meet the budget. The total cost will be "not to exceed" \$ 50,000.00. The Mayor and City Council agreed to award the bid to Concrete Central.

Joint Chemical Bid

John Budesky, Director of Administrative Services, stated the City of Hagerstown and the Washington County Government have jointly bid their chemical needs for the upcoming fiscal year. This joint venture maximizes the purchasing power of both the City and the County.

The annual chemical needs of the Potterfield Pool, the waste water treatment plant and the water treatment plant were included in the bids. The annual cost for these chemicals are:

Potterfield Pool	\$ 15,120.00
Waste water treatment plant	\$ 295,337.00
Water treatment plant	\$ 282,376.00

The total cost will be \$ 592,833.00. The Mayor and City Council agreed to add this purchase to the consent agenda.

Introduction of an Ordinance: Determination that 446 W. Washington Street is No Longer Needed for a Public Purpose

Larry Bayer, Community Development Manager, indicated Mary Medes, the owner of 446 W. Washington Street has contacted the office inquiring as to how she could acquire the small parcel owned by the City adjacent to the rear of her property.

When the City purchased 448 W. Washington Street for the Single Family Homeownership Program, a separate lot conveyed with the property. This lot is located along the alley at the rear of the property and extends across the rear of 446 W. Washington Street. Prior to selling 448 W. Washington Street, the lot was subdivided into parcels "A" and "B" with Parcel "A" being conveyed to 448 W. Washington Street. Parcel "B" was offered to the owner of 446 W. Washington, but the offer was declined because of plans to sell the property.

Ms. Medes recently purchased 446 W. Washington Street and was informed by the sellers of the City's offer to convey the parcel in question. Ms. Medes would like to acquire the property in order to create off-street parking to the rear of her home.

Staff recommends that the parcel be declared no longer needed for a public purpose and be conveyed, without compensation, to the owners of 446 W. Washington Street, who shall be responsible for all costs associated with the transfer.

The Mayor and City Council agreed to introduce the ordinance.

Approval of 2005/2006 Street Overlay List

Rodney Tissue, City Engineer, presented a list of streets for the 2005/2006 overlay list. The City must finalize the list of streets to be resurfaced in 2005 and establish a list of streets to be resurfaced in 2006. This will allow utilities to budget for and install main replacements as necessary. In addition, property owners who receive “curb and sidewalk notices” will have roughly 12 months to complete their required work, prior to the 2006 overlay. Curb and sidewalk notices have already been sent to the property owners adjacent to the 2005 streets.

Staff requests that the Mayor and Council approve the list of streets proposed for overlay in 2005 and review the list of streets for overlay in 2006. The 2005 list was reviewed by Council in November, 2003. The list has been slightly revised. To establish the 2006, the Pavement Management Database package was utilized. This program determines priorities for all streets. Many of these streets will be milled, depending upon the existing pavement thickness and curb conditions. All milling, paving and pavement markings cannot be completed within the projected \$ 250,000 budget for FY 2005/06 and FY 2006/07. Mr. Tissue stated the actual costs would be \$ 300,000. If the Mayor and City Council want to stay within the \$ 250,000, some streets would have to be removed from the list. With this amount of milling the overlay’s average expected life cycle is about 28 years.

The lists are as follows:

2005 Overlay List

Oak Hill Avenue	CSX RR Track to Northern Avenue
E. Wilson Boulevard	S. Potomac St. to Oak St.
Salem Avenue	N. Burhans Blvd. to Westside Ave.
Westwood Street	W. of Division Ave. to Pangborn Ave.
Broadway	N. Potomac St. to N. Mulberry St.
Mt. Aetna Rd.	E. Memorial Blvd. to Corp. Boundary
West Place Alley	Surrey Ave. to 200' south

2006 Overlay List

Frederick Street	E. Memorial St. to Willow Circle
N. Prospect Street	Pennsylvania Ave. to Church St.
Virginia Avenue	W. Howard St. to Park Circle
W. Wilson Blvd.	S. Potomac St. to Summit Ave.

It was the general consensus of the Mayor and City Council to approve the lists of streets to be included in the overlay program.

Approval of Fire Department Homeland Security Grant

Gary Hawbaker, Fire Chief, stated in April of this year, Fire Department Staff applied for a grant through the 2004 U. S. Department of Homeland Security's Assistance to Firefighters Grant Program which is administered by the U.S. Fire Administration division of the Federal Emergency Management Agency (FEMA). The amount of \$ 318,786 was requested through the Operations and Firefighter Safety activities part of the grant. After reviewing the request, FEMA reduced the approved amount to \$ 313,786.

The equipment requested and approved by FEMA is as follows:

1. Two Rapid Intervention Team Packs
2. SCBA Testing and Certification System
3. Technical Rescue Equipment
4. Two Hydraulic Rescue Tool Systems
5. Eight High Lift Jacks
6. Two Air Tool Kits
7. Industrial Type Washington and Dryer
8. Eighty Sets of Personal Protective Equipment
9. Ten SCBA's with Spare Bottle
10. One Rescue Randy

This grant will not only assist in firefighter safety, but it will allow the department to provide an even higher level of service to the customers. Chief Hawbaker recognized Captain Russ Grim, Firefighter's John Latimer and Glenn Fuscick for their work in obtaining this grant.

There is a cost of \$ 31,378 (10% of the total grant) needed for the \$ 313,786 Assistance to Firefighter Grant. Actual funds to the City from the grant will be \$ 282,408. Finance Director Alfred Martin has recommended the needed funds come from the General Fund Contingency.

It was the general consensus to accept this grant and to authorize the matching grant expenditure requirement.

Approval of Grant Funded Position for Hope Six Community Officer

Arthur Smith, Police Chief, stated discussions have been held with the Housing Authority of Hagerstown in reference to a Community based police officer. They have procured \$ 75,000 to fund this position for a two year period at the new Hope Six development. The City would be responsible for the remaining salary and benefits associated with this position. The officer would be provided an office at the new community center and would work such shifts as would be most useful to the residents.

This officer would be replaced in patrol by a new hire who would have a starting salary of just over \$ 32,000. The grant is scheduled to run for a two year period at which time the position will be eliminated.

It was the general consensus of the Mayor and City Council to approve and accept the grant.

Approval of Program Open Space Projects FY 2005

John Budesky, Director of Administrative Services, presented a project list and a wish list of Program Open Space Projects. In addition to the current year's application, the County has requested a list of projects for the additional fiscal years of 2006-2010. The total amount of the projects that are being submitted for consideration is over \$ 50,000.

Councilmember Aleshire asked where the outdoor skate park at Fairgrounds Park is. Mr. Budesky stated it is not on the list. Staff determined the existing pad would be better suited to a tennis court or other use. The equipment that has been purchased is mobile and can be moved easily. Councilmember Aleshire stated it was on the top of the list for two years and now it does not appear at all. He has no problem with the five projects that are listed. Councilmember Metzner asked that the outdoor skate park be placed back on the overall list.

It was the general consensus of the Mayor and City Council to approve the list.

Lease Agreement: 309 Valley Road, Fire Police

Lauren Bayer, Community Development Department Manager, presented a lease renewal for The Hagerstown Fire Police Association located at 309 Valley Road.

It was the general consensus to approve the renewal.

Approval of Aggregation of Non-Light Department City Electric Accounts

Michael Spiker, City Light Manager, stated there will be no further information presented regarding the aggregation of non-Light Department City Electric Accounts. An auction was held today and the bids received were not lower than Allegheny Power rates. The accounts will be re-bid again in six months.

This completed the Preliminary Agenda Review.

Western Maryland Blues Fest 2005 Budget

Karen Giffin, Public Information Manager, and Carl Disque, Executive Director of the

Western Maryland Blues Fest Festival, presented the 2005 proposed budget. The budget presented is \$ 205,300.00 and includes \$ 45,000 in City Services.

The festival will be held on June 3, June 4 and June 5, 2005. This is the tenth anniversary of the festival. Mr. Disque stated the Committee is looking to add activities to celebrate the tenth anniversary. There may be a concert added on Thursday, June 2, 2005 at the University Plaza. They want to keep the main event in the Central Parking Lot. He thanked the Mayor and City Council for all the City's support for this event.

Mr. Disque stated they are anticipating an increase in rain insurance coverage. Ms. Giffin stated it is the Committee's policy to bring this budget to the Mayor and City Council for approval before proceeding with plans for the event. The Mayor and City Council agreed to approve the 2005 Blues Fest budget as proposed.

Election Date Change Discussion

The Mayor and City Council had requested time to discuss a possible change to the City's election date. It has been suggested that the City election date be changed to the same time as the general election, in November. William Naim, City Attorney, stated the process is relatively simple and would involve a Charter change.

Section 509 of the City Charter provides that the primary election will be held on the second Tuesday in March preceding each regular City election. Section 510 provides that the general election will be held every 4 years on the third Tuesday in May. Mr. Naim indicated the City Attorney's office believes that it may be improper for the date of the election to be changed to shorten or lengthen the term of anyone currently in office. A Charter change requires a 50 day waiting period before becoming effective.

Councilmember Hendershot stated the election was set for the March dates because of the way the ward system was set up. It was established at this time so that candidates and voters did not have to face winter weather while campaigning was occurring. He stated he thinks it would be a healthier community if there were more registered voters who participated in an election. The estimated cost of the election is \$ 57,000.00. He indicated members of the Democratic and Republican Central Committees are in favor of changing the dates of the City election.

Councilmember Metzner is not in favor of changing the election dates. If the new Mayor and City Council would take office in January, it would have a negative impact on the budget preparation process. He also thinks the City election may get "lost" under the Presidential election.

Councilmember Hendershot stated he doesn't think the City election would be lost. He hopes

there would be a larger voter turnout. He stated an 11% turnout is disappointing.

Councilmember Metzner stated people need to know why they need to vote. He asked everyone to consider the position a November election date would put Staff and the government in if they took office four months before the end of the fiscal year. He suggested looking at an early voting system to provide more time for people to vote. The use of paper ballots would be less expensive.

Councilmember Nigh stated having a separate election keeps the focus on the election that is taking place.

Councilmember Aleshire stated he doesn't think the process has been negligent or has failed the voters. He is not in favor of recommending a change to the election date.

Councilmember Moller is not in favor of changing the election date.

It was the general consensus of the Mayor and City Council to keep the election date the same as it has been. Mr. Zimmerman indicated there would some housekeeping amendments on the agenda in reference to the election, but not a change of date.

Hagerstown Revolving Loan Fund Program Modifications

Deborah Everhart, Economic Development Director, and Lauren Bayer, Community Development Manager, were present to discuss modifications to the Hagerstown Revolving Loan Fund Program (HRLF). The purpose of the HRLF is to encourage the retention or expansion of existing businesses or to assist in the recruitment of new businesses to the City of Hagerstown.

The maximum amount that may be borrowed for economic development, working capital or professional fees is \$ 30,000. The limit for loans which involve assets on which a security interest may be placed, such as real estate, tools and equipment, or other similar items is \$ 100,000. Administration of the HRLF is to be carried out by the Department of Community Development, and the loans are approved by the Hagerstown Redevelopment Authority. To date, six loans totaling \$ 447,000 have been approved and staff is working with a seventh.

At the present time, the HRLF is designed to be a source of gap financing, not a primary lender. Gap financing covers the difference between the cost of a project and amount the applicant has in cash plus what they are able to borrow. The borrower is required to make a good faith attempt to secure financing from a bank or other private lender prior to looking to the City for assistance. If the applicant is unable to obtain the funding necessary for the project, the Hagerstown Revolving Loan Fund could then be used to fill the gap.

Staff is recommending that the “gap financing only” policy be changed to allow the fund to be used as primary financing. The necessity of having private funding in all cases prevents us from being able to assist worthy projects in an expeditious manner. With over \$ 435,000 now available, plus an additional \$ 250,000 which has been committed by the State, we are in a position to be able to take on the role of primary lender. Being able to offer low cost financing with a minimum of “red tape” is a great incentive for businesses to locate or expand in the City.

Staff also recommends limiting the loan to businesses that want to locate downtown. Existing businesses could apply for a loan if they are interested in expanding.

Councilmember Metzner asked what the experience has been with bad debts. Mr. Bayer indicated there is one non-paying loan recipient. That one is Faith, Hope and Charity and the organization is now closed. There are two very successful loans, and they are Duvinage and the Printing Place. The money in the fund is a combination of Federal and local funding.

A loan is approved by the Hagerstown Redevelopment Authority, if it is under \$ 100,000. Any amount over \$ 100,000 is brought to the Mayor and City Council for approval.

Councilmember Metzner asked what has been the largest loan made under this program. The largest has been to Faith, Hope and Charity. This loan was not based on a financial decision.

Councilmember Aleshire asked if there have been requests made for this funding. Ms. Everhart stated there has been some interest in the City being the primary lender. The interest rate is 1% over prime for the downtown area for the loans. For loans outside the downtown area is 2% over prime.

Councilmember Metzner stated he doesn't trust politicians to manage the money like a bank would. Sometimes they need protection from themselves. He doesn't want another Faith, Hope and Charity situation. Mayor Breichner agreed there were some bad decisions regarding Faith, Hope and Charity.

Mr. Zimmerman asked if it would be helpful for Staff to come back to the Mayor and City Council with standards for the review of the loan and a detailed accounting of the funding sources. All agreed it would be. Mayor Breichner asked that something be included in the standards that would protect the Council from themselves.

County Wide Radio Systems

Police Chief Arthur Smith, Captain Mullendore (Washington County Sheriff's Department), Gary Rohrer (Washington County Public Works), Joe Kroboth (Washington County Emergency Operations Manager) and Pete Lowenheim (Communication Specialist) were present to discuss a

proposed County-Wide radio system.

This system was originally envisioned to include all public safety agencies with the exception of the Hagerstown Police Department. At the last moment, money was authorized to include the Hagerstown Police Department in the study. The consultant has concluded that the County badly needs the new system and that there are numerous advantages to further combine the various call taking and dispatching centers as well as the communications system.

Captain Mullendore stated that are two frequencies available at this time on the radio system. If it is a busy scene, there is often confusion. The Sheriff's Department shares a frequency with the State Police and they are able to communicate. There is not this capability with the Hagerstown Police Department. By having the same radio communication, the departments would be able to operate much more efficiently than they are able to now.

Mayor Breichner asked how this system would work with the Emergency Operations Office. Mr. Kroboth stated all emergency responders have been working together on this project.

Chief Smith indicated additional equipment will be needed in order for the City to be able to participate in the County wide system. New walkie talkies will be needed. He stated this equipment is scheduled to be replaced so there would not be additional expenses.

Mr. Rohrer stated the preliminary estimate for the system is \$ 16,000,000. This includes \$ 1,000,000 for equipment for fire and rescue units within the City. The first priority has been public safety. The next challenge will be developing the RFP. He hopes to see a draft of the document during the first week of December. There may be one or more tower sites required for this system. He stated realistically, this county wide system is still two to three years from completion.

Mr. Zimmerman, in order to clarify budget issues, asked if there would be expenses for the walkie talkies. Chief Smith stated they would be purchased on a timetable provided by the consultants. The other equipment is not being purchased.

Mr. Kroboth stated all the agencies will work independently, but when the needs arises the system will be in place.

All the agencies involved will meet and discuss the preliminary costs. Councilmember Nigh asked where the funding is coming from for this systems. Mr. Rohrer stated some funding has been received for equipment. Mr. Kroboth indicated approximately \$ 700,000 is being reserved for the radio system from the Homeland Security Grant.

The Mayor and City Council are supportive of this joint venture.

Washington County Free Library

Mary Baykan, Library Director, was present to provide a report of the library functions and needs. She acknowledged the members of the Library Board who were present: Mary Ann Burke, Cathleen O'Connor and John Vindetta. Reverend Stephen Robinson had been present but had a prior commitment.

The Central Library has been at the S. Potomac Street location since the mid 1960s. More than 5000 people visit there each week. It is a very busy environment, but also very aged. The physical space restraints are increasing. The library is a major anchor in downtown. The Board needs to explore what to do about the building and its current needs. The board has looked at the possibility of moving from the existing location. The library has been downtown for many years and the board would like it to remain in downtown. The Board has asked for input from Ms. Baykan as to what the vision would be for a 21st century facility.

Councilmember Aleshire asked who owns the library building. Ms. Baykan indicated it is owned by the Board of Trustees. Councilmember Aleshire asked if a study had been completed showing the need for expansion. The Board completed a study and listed the Smithsburg library, the Boonsboro library and the main office as being the most needful. Mr. Divinna mentioned that, due to the lack of space, they have to decide what resources to put out for people to use.

Councilmember Hendershot stated the library is a valuable resource for the community and it needs to remain downtown.

Ms. Baykan stated the library provides access to the Internet. There are many things they simply do not have room to display. She asked that the City and the County work together to determine what options are available to expand the library and stay downtown.

City Administrator's Comments

Bruce Zimmerman, City Administrator, stated the annual tree lighting ceremony will be held on Monday, November 22, 2004. Hollyfest will follow the tree lighting.

Mayor and City Council Comments

Councilmember P. M. Nigh asked everyone to keep Bo Myers (Public Works Department) in their thoughts. He was involved in a serious car accident and is hospitalized at Hershey Medical Center.

She stated someone asked her if the City can start a petition showing support of the Mayor and City Council's efforts to make sure a new hospital is the most cost effective option. This would be a decision for the Mayor and City Council to make and this topic could be added to a Work Session agenda.

Councilmember L. C. Metzner had no further comments.

Councilmember C. N. Moller asked that the City work closely with the library to find a solution to their expansion needs.

Councilmember K. B. Aleshire stated it appears that Blue Cross/Blue Shield will be filing as an interested party for the hospital's Certificate of Need application. The application was docketed on November 12, 2004. He urged everyone to read the hospital's site selection minutes on the City's website. He stated it may be beneficial if the Mayor and City Council would put together a program for Channel 6 to state why the City chose the position it has. He suggested six half-hour programs.

Councilmember N. L. Hendershot stated a letter was received from the Health Care Commission informing the City there is another interested party in the case. He stated that people who want to make comments have to make their interest known. Blue Cross/Blue Shield has filed as an interested party. He thinks this shows they are extremely concerned about the costs. He stated the concern about the hospital building shouldn't be how pretty it is, but how well the health care is. He is concerned that this will turn in to a "for profit" hospital.

Mayor W. M. Breichner stated he attended the Veteran's Day service at the Court House on November 11, 2004. He had the opportunity to tour the University building last week and work is progressing nicely.

He announced that Mandalay Sports (owners of the Hagerstown Suns) is considering building a stadium in Greensboro, South Carolina. He is not sure how this affects the Suns, but he has been assured there will be baseball in Hagerstown.

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 to meet in closed session at 6:40 p.m. in accordance with the provisions of the Annotated Code of Maryland, State Government Article, Section 10-508(a) #4 to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State. No formal action was taken at the session. The meeting was held in the Council Chambers, 2nd Floor at the City Hall. The meeting was adjourned at 7:23 p.m.

72nd Special Session, Work Session and Executive Session
Mayor & City Council

November 16, 2004
Hagerstown, Maryland

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: December 21, 2004