

31ST SPECIAL SESSION, WORK SESSION AND EXECUTIVE SESSION –
November 16, 2010

Mayor R. E. Bruchey, II called this 31st Special Session, Work Session and Executive Session of the Mayor and City Council to order at 4:06 p.m., Tuesday, November 16, 2010, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers W. M. Breichner, M. E. Brubaker, F. W. Easton, A. C. Haywood, L. C. Metzner; City Administrator Bruce Zimmerman, and City Clerk D. K. Spickler.

29TH SPECIAL SESSION – November 16, 2010

On a motion duly made by Councilmember F. W. Easton and seconded by Councilmember W. M. Breichner, the Mayor and City Council unanimously agreed to meet in Special Session at 4:07 p.m.

Approval of Resolution: Adopt a Revised Retirement Incentive Plan

Action: On a motion duly made by Councilmember F. W. Easton and seconded by Councilmember W. M. Breichner, the Mayor and City Council unanimously agreed by voice vote to approve a resolution authorizing a revised Retirement Incentive Program, providing a payment of \$ 20,000 per participant. The program will be available to an additional 12 qualified full time employees who notify the Human Resources Department of their intent to retire, with an effective retirement date no later than July 31, 2011.

Discussion: Donna Frazier, Human Resources Director, stated there were eight employees who retired during the first incentive program. The savings that will be realized for these retirements (in position savings) will be approximately \$ 500,000.00. If an additional twelve employees retire with this incentive, the City should realize an additional \$ 500,000.00 savings. She anticipated there will be a need to eliminate some filled positions in order to develop a balanced budget. This incentive is expected to reduce the number of necessary eliminations.

Bruce Zimmerman, City Administrator, stated the department managers have discussed the incentive in terms of operational impact. Retirements are easier to adjust to as opposed to eliminating filled positions. Savings of this size allow staff to focus on the expenditures and revenues, rather than on occupied positions.

Councilmember Brubaker stated this reduces staff in a logical way and provides the needed savings to balance the budget.

Councilmember Haywood wanted to clarify the increase in the amount of the incentive and a second round of the retirement incentive should not be

viewed as an indication there will be a larger offer in the future. She would expect any future incentive to be significantly less.

On a motion duly made, seconded and passed, the special session was adjourned at 4:12 p.m.

WORK SESSION – November 16, 2010

Lobbying Coalition

Art Callaham, Executive Director of the Greater Hagerstown Committee, was present to discuss the 2011 Community Lobbying Coalition Agenda. The mission and goal of the Coalition is to lobby staff and build relationships between partners and to strengthen the Washington County Delegation's position with the legislators.

The 2010 partners include Washington County, City of Hagerstown, Washington County Board of Education, Washington County Free Library, Washington County Convention and Visitors Bureau, the Chamber of Commerce, CHIEF and Greater Hagerstown.

The following list was agreed to by the partners and each includes a specific request for assistance:

1. Eastern Boulevard Phase I – State assistance for planning
2. MD Rt. 340 – Keep Tryst Road – Planning funds
3. Mt. Aetna Farms Bio/Hi-Tech Business Park – Funding for a concept plan
4. County-wide economic development master plan - Funds to develop the plan
5. Expand the Educational Footprint in Downtown Hagerstown – Funds for a feasibility study
6. Commercial Foreclosure Data Base – Creation of the Data Base

The watch list includes library funding, USM-H funding, gaming and cost shifting to local jurisdictions.

Councilmember Haywood would like to have discussions about these issues throughout the year. Councilmember Brubaker stated the watch list might be the most important activity for the coalition this year. Councilmember Metzner suggested adding the Washington County Delegation to the list of partners. It is important to have the support of the delegation for this agenda.

Mr. Callaham asked that the Mayor and Council continue to participate in the coalition and consider the same level of monetary support of \$ 5,000.00 as in past years.

Councilmember Easton supports the coalition and hopes it broadens and expands to the federal level.

Mr. Callaham stated Washington County is the only community that goes to Annapolis to lobby for issues with all the parties in the coalition in attendance, which is unusual. The Coalition members would also like to expand lobbying efforts to the federal level.

The funding request will be discussed at a future work session.

Preliminary Agenda Review

Consent Agenda

- A. Public Works: Diesel Fuel Bids – Mansfield Oil Company (Gainesville, GA)
\$ 2.2275/gal as of 09/23/10, Estimated Annual Total \$ 148,129.00
- B. Water Department:
 - 1. Water Fund Pipe Inventory – Atlantic States (Phillipsburg, NJ)
\$ 27,176.01
 - 2. Water Fund Inventory – HD Supply Waterworks, LTD (Martinsburg, WV) \$ 19,965.36
 - 3. Copper Tubing – HD Supply Waterworks, LTD (Martinsburg, WV)
\$ 33,648.00
 - 4. Dual Port Meter Transceiver Units – L/B Water Service (Chambersburg, PA) \$ 33,048.00
- C. Information Technology/Engineering: GIS Geodatabase Design – Geographic Technologies Group, Inc. (Goldsboro, NC) \$ 30,000.00
- D. Parks and Engineering: Street Tree Installation – Botanica Enterprises, Inc. (Hagerstown, MD) Not to Exceed \$ 50,000.00

Rodney Tissue, City Engineer, stated the tree installation includes maintenance for two years. The contractor would have to replace any trees that do not survive the two years.

- E. Department of Community and Economic Development – Public Relations and Marketing: 2011 Western Maryland BluesFest Budget

Carl Disque, Chairman of the BluesFest Committee, stated two grants have already been awarded for the 2011 event. Contracts will be completed after formal approval of the budget by the Mayor and City Council.

Councilmember Haywood asked what the Committee thinks is the economic impact of this event. Karen Giffin, Director of Public Relations and Marketing, stated the impact is important to bring people to Hagerstown. Mr. Disque pointed out the City provides in-kind services and not money for this event. He believes people are impressed with Hagerstown and the BluesFest.

Introduction of an Ordinance: Stratford Avenue Quit Claim

Rodney Tissue, City Engineer, reported a request was received from the ARC of Washington County, Inc. to quit claim the one block section of Stratford Avenue that runs between Florida Avenue and the deadend. The ARC would like for the City to release any interest within this area. The Mayor and Council reviewed this request in October, 2010. The agreement has been drafted and the action is ready for further consideration.

It was the general consensus of the Mayor and Council to include introduction of the ordinance on the November 23, 2010 agenda.

Approval of the Utilities Department Bulk Chemical purchases for the remainder of Fiscal Year 11 and the first half of Fiscal Year 12

Michael Spiker, Director of Utilities, presented bulk chemical purchases for the Water and Wastewater Divisions to the Mayor and Council for consideration. The Wastewater Division expenditure is \$ 522,838.05 and the Water Division expenditure is \$347,078.00.

Approval of the expenditure will be included on the November 23, 2010 agenda.

Approval of Benefit Consulting Services – CBIZ (Columbia, MD) July 1, 2011 – \$ 51,000; July 1, 2012 - \$ 51,960; July 1, 2013 - \$ 53,400; July 1, 2014 - \$ 55,000

Donna Frazier, Director of Human Resources, stated the City uses a Benefit Consultant to coordinate the negotiations, renewals and general administration of the employee health related benefits. CBIZ is the current consultant and they have negotiated discounts and savings of \$ 554,350. The discounts provided to the City far exceed the annual fees for their services.

CBIZ has offered a four year contract, with rate guarantees to the City. Their current annual consultant fee is \$ 50,200. The rate will increase on average 2% each year capping at \$ 55,000 for the July 1, 2014 plan year.

It was the general consensus of the Mayor and Council to include approval of the contract on the November 23, 2010 agenda.

This completed the preliminary agenda review.

Speed and Red Light Photo Enforcement

Chief Arthur Smith and Rodney Tissue, City Engineer, were present to seek guidance from the Mayor and City Council concerning speed and red light photo enforcement.

Specifically the Board of Traffic and Parking has now met to consider both of these issues. Staff was informed that the Board voted 5-0 in favor of speed cameras in school zones and voted 3-2 against red light cameras.

Fixed speed cameras are likely to have a greater effect in terms of traffic calming. Bids would be needed to determine the costs to the City of a fixed system. Chief Smith noted that, either way, the cost to the school-zone speed violator (vehicle owner) is by state law not to exceed \$ 40.00. There are no points assessed to the violator and payment would be enforced in much the same as are City parking violations. The violator must exceed the posted limit by at least 12 miles per hour in order to be cited. The Mayor and Council would be required to authorize the use of speed cameras and designate schools-zones in which the speed measuring devices would be utilized. These zones would in turn need to be publicized and marked by appropriate signage. An employee of the Hagerstown Police Department would be required to approve each summons for legal sufficiency prior to being forwarded to the violator.

Chief Smith stated if the Mayor and Council wish to consider both speed and red light cameras, it would likely reduce or eliminate the costs of a speed camera system.

Chief Smith indicated the fine payments would accrue in the General Fund. Having the system would permit officers to continue their patrols and not be tied up writing tickets. There would be an efficiency increase. Neither of these violations carry points.

Councilmember Breichner stated he understood engineering completed a study of comparable communities with red light cameras. Mr. Tissue stated there has been a lot of research over the past several months. The information will be provided to the Mayor and City Council.

Chief Smith stated speed cameras are not as widely used.

Chief Smith expects that a number of companies would submit a bid. Until recently, there was only one company that had the collision avoidance technology. Councilmember Haywood indicated there was a pending class action law suit against this company. She is not supportive of red light cameras. She is concerned about the constitutionality of red light cameras. Chief Smith indicated red light cameras would reduce violations by 40% to 50% and the number of accidents. Councilmember Haywood would like to see statistics proving violations are reduced. This information is included in the research from the Engineering Department.

Councilmember Metzner supports speed cameras. These are needed for safety. He does not support pursuing red light cameras.

Mayor Bruchey asked what the overtime costs are for officers in court. Chief Smith indicated this is a large expense. Some of the grants awarded to the police department help cover part of the costs. No revenue from red light or speeding violations is currently distributed to the City.

Councilmember Breichner stated red light cameras are needed, but not as a revenue source. The greater issue is safety of motorists and pedestrians.

Councilmember Easton suggested discussing both systems again, along with the information that has been provided to and discussed by the Board of Traffic and Parking.

Councilmember Brubaker stated the Mayor and Council haven't discussed red light cameras in school zones as much as speed cameras in school zones. He supports speed cameras in school zones.

Councilmember Haywood indicated she believes speed enforcement in schools zones should be the responsibility of the entity that controls the school system. She does not believe a speed camera system should be from an outside contractor.

Councilmember Easton would like more statistics about the overall need for either system. He wondered how many accidents have occurred in these locations. He also wondered how many man hours would be saved with a speed camera. Chief Smith indicated stated there would not be specific information about speed cameras in school zones because the cameras have not been placed in any location. He stated the police department receives complaints about speeding from the schools consistently.

The information requested will be provided to the Mayor and City Council for further direction.

Councilmember Haywood asked what other solutions would be available to reduce the number of speed and red light violations.

Councilmember Metzner stated if the issue is whether or not speed cameras in school zones is cost neutral and works, he does not need statistics about the number of children involved in accidents where there have been no cameras. Information that would be helpful about red light cameras is whether or not there is a reduction in accidents and what type of accidents occur.

Councilmember Metzner, Councilmember Breichner, Councilmember Brubaker and Councilmember Easton are supportive of speed cameras.

Mayor Bruchey asked Mr. Tissue and Chief Smith to contact the Board of Education and the Washington County Sheriff's Department for input regarding speeding in school zones. Both systems will be discussed at a future work session.

Holiday Event Partnerships

Karen Giffin, Director of Public Relations and Marketing, and Jenn Kram, Events and Program Specialist, were present to discuss the partnerships with nonprofits and businesses for the upcoming holiday events.

Shelly Steiner, Hospice of Washington County, stated Hospice is sponsoring the luminaries at City Park. Anyone wishing to place a luminary in memory of someone should complete and return the form to Hospice.

Ms. Giffin distributed a list of all the participating partners in the coming holiday season. Some of the partners are the local schools, Otterbein United Methodist Church, Make a Wish Foundation, Homewood Suites, Girls, Inc., Kool Smiles Dentistry, Antietam Cable Television and many others.

2010 Hagerstown Ice & Sports Complex Annual Report

Rodney Tissue, City Engineer, and Junior Mason, Superintendent of Parks, were present to discuss the Ice and Sports Complex. Paul Sweeney, Kim Rodenburg and Ken Ford, Hagerstown Youth Hockey Association, provided the annual report for the complex.

Mr. Sweeney stated the Hockey League began management of the rink in August, 2007. Attendance and special uses increased during the last year, even with being closed three weekends due to snow. The peak months for the rink are September through February. Overall, income is much higher than expenses. Everything is paid for up front. They have been able to contribute more than \$ 100,000 toward the debt of the previous management group.

Capital investments include:

1. Overhauled dehumidifiers
2. Overhauled Zamboni
3. Overhauled multiple HVAC units
4. Replaced Snow Pit Heater
5. Purchased large cooler for concessions
6. Purchased and installed security camera systems
7. Purchased new rental skates
8. Split cost of new parking spaces
9. Nearly finished Pro Shop area
10. Currently pursuing completion of gravel area (2,200 sq. ft.)

The following capital investments are needed:

1. Overhaul #2 compressor
2. Replace/rebuild cooling tower
3. Additional front parking
4. Replace rubberized flooring
5. Change to fluorescent lighting over ice to reduce energy consumption
6. Outdoor security cameras
7. 2nd sheet of ice that can change for other uses

The Hagerstown Youth Hockey Association organizational goals include helping develop the character of children in programs, minimize the number of complaints

generated by patrons, maintain communications between all user groups, continue growing the awareness and usage of the ice rink, and provide a positive experience with healthy rewards through fun exercise.

They would like to manage the ice rink to be less of a financial burden on the City, continue providing discounts for City residents, continue growing the rink to become an asset to the City, make the skating experience affordable for everyone and bring in events that utilize area businesses (hotels and restaurants).

Councilmember Metzner stated the ice rink has not always been successful. It is now an asset to the community. He thanked the Youth Hockey League for their efforts.

Councilmember Easton asked if the rink would ever get to the point that it would not be a financial burden to the City. Mr. Sweeney indicated it could happen. He indicated installing a second sheet of ice would help to increase attendance and revenue.

Mayor Bruchey and Bruce Zimmerman, City Administrator, thanked the Hagerstown Youth Hockey League for their success at the rink.

Department Review – Technology and Support Services

Scott Nicewarner, Director of Technology and Support Services, presented the Department's review to the Mayor and Council. This department includes the Teleworks Center, support services (tax office and cashiering) and information technology. Many staff members were present also.

The vision statement for the Technology Division is to build a technology infrastructure that establishes bridges between the City's human resources and the technical resources to develop a common and comprehensive repository of information that promotes cost effectiveness while increasing process efficiency.

The mission is to provide information technology-related leadership to both internal and external customers. A few of the processes are:

1. Bringing to the citizens doorstep the ability to interact with government for informational and transaction activities to enhance the City's mission to provide superior service to citizens.
2. Working closely with each customer department to identify business resumption needs and provide support in establishing a disaster recovery plan
3. Assisting customer departments in re-engineering and automating their processes to increase efficiency and effectiveness and take advantage of improved technical systems.

Strategic Principles include:

1. Evolve the Information Technology organization.

2. Invest in and implement flexible and open systems to replace the aging and unsupported HP3000 platform.
3. Provide citizen access to the maximum number of city functions as possible
4. Centralize all departmental technology operations, while decentralizing support needs.

Hagerstown is one of the few cities in the four state area with fiber optic network connecting the majority of City buildings. In recent years, the City has moved to a Microsoft service/office operation. Thirty four percent of budget costs are related to maintenance contracts. These contracts will be renegotiated in FY 12.

Major technology initiatives include the MUNIS financial system, GIS strategic/implementation plan, expansion of citizen web access to services, disaster recovery/builds resumption, Kaseya system management, and business process refinement.

Support Services includes utility customer service, cashiering and tax management. On the utility side, in 1993, 3 representatives handled an average of 2,200 customer inquiries per month. In 2010, 2.5 representatives handle an average of 5,442 customer inquiries per month. They accept utility payments as well as answer general questions on utility accounts. They also process mover requests, water settlements, address corrections, monitor non-payment activity and collection. It is anticipated that the Utility Billing system with MUNIS will be in place May 1, 2011.

The cashiering and tax management division includes two full time and one part time cashier. They process an average of 4,800 transactions per week and accept payments for all City services via cash, check, credit card and money order. There are typically 800 face-to-face transactions per week. The tax group processed 12,607 tax bills for the first time in MUNIS on time and with minimal, non-critical errors.

Major initiatives include combined counter/phone operations, lockbox processing of utility payments, increased use of online account inquiry and payment for citizens, increased emphasis on timely tax collection, Red Flag Identity Theft Protection program and Customer Service Standards Development.

Mr. Nicewarner stated initiatives are in place to soften the impact of the current financial environment for both staff and citizens. These are challenging times for both sides. Utility terminations are increasing and staff members do their best to work with citizens. The Department is trying to find a way to decrease the amount of time a customer spends on hold.

Councilmember Brubaker thanked Mr. Nicewarner for taking the initiative to pursue savings in maintenance contracts.

The Mayor and Council thanked the employees of the Technology and Support Services for this presentation.

Revisions to Department of Parks and Engineering Boards

Rodney Tissue, City Engineer, stated as a follow-up to the Mayor and Council's recent changes to Chapter 10, Part 2, Article V, of the Code of the City of Hagerstown related to "Boards, Commissions, and Authorities", the Department of Parks and Engineering evaluated the sections of the Code related to their three standing boards. Specifically, the Boards are the Board of Traffic and Parking, the Board of Technical Appeals and the Board of Parks and Recreation. Staff proposes the following changes:

Board of Traffic and Parking

1. Clarifying the responsibilities of the Board
2. Clarify the appointment process
3. Five members with staggered terms with a recommendation to limit members to eight years
4. Limiting the chairman to two years

Board of Technical Appeals

1. Clarify the appointment process
2. Five members with staggered terms with a recommendation to limit members to eight years
3. Limiting the chairman to two years
4. Change the name to the Board of Code Appeals (this is more accurate than Technical Appeals)
5. Clarifying the membership on the Board
6. Clarify the appeal process

Board of Parks and Recreation

Staff is recommending terminating the use of the Board, as they do not believe that, in its present configuration, there is enough value or benefit. As an alternative, staff would suggest that when a situation arises that requires an in depth analysis by a citizen board, the mayor and Council per Article 6 of Chapter 10 could establish an "ad hoc committee" to address the issue and make recommendations.

Councilmember Brubaker does not think there should be term limits and automatic changes of the chairman. He wondered why this is included. Mr. Tissue stated it was included so other members would be able to serve in that capacity.

It was the general consensus of the Mayor and City Council to move forward with the recommended changes.

CITY ADMINISTRATOR'S COMMENTS

Bruce Zimmerman, City Administrator, indicated the last yard waste pick up will be December 14, 2010.

MAYOR AND COUNCIL COMMENTS

Councilmember F. W. Easton thanked Karen Giffin, Hospice of Washington County and others for their involvement in holiday event partnerships. These partnerships are creative and show a different way of thinking.

Councilmember A. C. Haywood had no additional comments.

Councilmember L. C. Metzner indicated a number of the Mayor and Council members are disturbed by the robocalls related to the County Commissioners race and the lack of responsibility of whoever sponsored the calls. He stated a request has been sent to the Attorney General to review this situation. He suggested sending a letter requesting an investigation to the Attorney General from the Mayor and Council.

Councilmember W. M. Breichner agreed with Councilmember Metzner. It was the general consensus to send this letter as soon as possible.

Councilmember M. E. Brubaker attended the I-81 Corridor Coalition Conference. Delegates from six states along I-81 were in attendance. They discussed emergency response and long range transportation. The jurisdictions located along I-81 are trying to support each other. The benefit is economic development and mobility for citizens. Each State delegation will be asked to ensure the upkeep of I-81 continues.

Mayor R. E. Bruchey, II stated he would like to have the building standards put back on the agenda. He vetoed the first ordinance that was approved in October. He wants to have an amended building code adopted prior to January 1, 2011. If a code is not adopted, the State code will be in effect and this would be detrimental to the City. It was the general consensus to hold a work session at 6:00 p.m. on Tuesday, November 23, 2010.

EXECUTIVE SESSION – November 16, 2010

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember W. M. Breichner, the Mayor and City Council unanimously agreed by voice vote to meet in closed session to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, #4, to consider the acquisition of real property for a public purpose and matters directly related thereto, #3 and to discuss the appointment, employment, assignment, promoting, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, #1, at 6:47 p.m. in the Council Chamber, 2nd Floor, City Hall, Hagerstown, Maryland. The following people

were in attendance: Mayor R. E. Bruchey, II, Councilmember W. M. Breichner, Councilmember M. E. Brubaker, Councilmember F. W. Easton, Councilmember A. C. Haywood, Councilmember L. C. Metzner, City Administrator Bruce Zimmerman, Deborah Everhart, Economic Development Director, John Lestitian, Department of Community and Economic Development Director, Acting Fire Chief Kyd Dieterich and Donna K. Spickler, City Clerk. The meeting was held to discuss a business proposal for property in the Hagerstown Business Park, a business proposal for property on North Potomac Avenue, and the extension of an existing contract. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the meeting was adjourned at 8:01 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: December 21, 2010