

93RD SPECIAL SESSION AND WORK SESSION – June 7, 2016

Mayor D. S. Gysberts called this 93rd Special Session and Work Session of the Mayor and City Council to order at 4:00 p.m., Tuesday, June 7, 2016, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, M. E. Brubaker, L. C. Metzner, D. F. Munson, and P. M. Nigh; City Administrator Valerie Means, City Attorney Mark Boyer, and City Clerk D. K. Spickler.

Oath of Office to Chief of Police Victor V. Brito

Mayor Gysberts administered the Oath of Office to Victor V. Brito, Chief of Police. Chief Brito's first day with the City of Hagerstown was June 6, 2016.

93rd SPECIAL SESSION – June 7, 2016

On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote of all members present to meet in Special Session at 4:33 p.m.

Approval of an Application Permit for Bona Fide Entertainment Events on June 10, 2016, July 15, 2016, August 12, 2016, September 30, 2016, and October 21, 2016

Action: On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to authorize an Application/Permit for Bona Fide Entertainment Events in the Hagerstown Arts & Entertainment District on June 10, 2016, July 15, 2016, August 12, 2016, September 30, 2016, and October 21, 2016 from 6:00 p.m. to 9:00 p.m.

This action is in addition to the Mayor and Council approval on February 23, 2016 which authorized the original street closure of the first block of South Potomac Street for the Wind Down Friday musical events operated by The Maryland Theatre.

The Special Session was closed at 4:34 p.m.

WORK SESSION – June 7, 2016

Review of Resolution to Set the Referendum Petition in for General Election

Mark Boyer, City Attorney, reviewed a proposed resolution to place the referendum petition issue on the General Election ballot in November. The resolution specifies the day and hours for the referendum of a proposed Charter Amendment submitted to the Mayor and City Council by petition of qualified voters and specifies the text of the ballot question. The proposed resolution complies with the City Code regulations that require

the legislative body to either pass the Charter Amendment or place a referendum on the ballot for voters to determine. It also complies with the requirements for language to be used on the ballot.

Mr. Boyer has provided the proposed resolution to the Washington County Board of Elections Attorney Roger Schlossberg and expects confirmation that the language is acceptable.

Councilmember Metzner wondered if noting the possibility of multiple arbitrators would be acceptable. Mr. Boyer used the petition language for the wording. He noted Case Law stated the details of the process would be determined by the legislative body.

Councilmember Brubaker clarified that, if voters approve the referendum, the next administration would act on the text and determine the procedure to implement it. Mr. Boyer stated that is correct and the text establishes the framework of the procedure.

Mayor Gysberts read the language of the proposed text amendment for the record:

“Non-management employees of the police and fire departments of the City of Hagerstown shall be entitled to designate a union to act as their exclusive representative and to engage in collective bargaining with the City regarding wages, benefits, and working conditions. The City Council shall provide by ordinance for binding arbitration with the exclusive representatives in order to resolve labor disputes. The ordinance shall provide for the appointment of a neutral arbitrator, the factors that should be considered by the arbitrator, and the procedures for implementing the arbitrator’s decision when passing or amending the City’s budget. Any ordinance that is enacted shall prohibit strikes or work stoppages by the represented employees.”

The text of the referred question to be submitted to the City voters reads as follows:

“Establishes a new Section 802a of Article VIII of the Charter of the City of Hagerstown which provides that the non-management employees of the police and fire departments shall be entitled to designate a union to act as their exclusive representative to engage in collective bargaining with the City, and which further requires the City Council to pass an ordinance to resolve labor disputes between the City and the exclusive representative.”

Councilmember Metzner stated the Charter Review Committee report led to a number of changes in the Charter, including the changes in City elections. These changes included the date of City elections and making City elections non-partisan. As a member of the Committee, he recommended including the recognition of employees’ rights to designate union representation. During his 21 years in office, he has not heard any elected official say they wanted to disenfranchise any employee group. He suggested

amending the Charter to recognize the union groups. The remaining question for the referendum would be a single question issue.

Councilmember Brubaker suggested obtaining legal advice on the proposed process. The legal advice should be discussed in Executive Session. Councilmember Munson agreed.

Councilmember Aleshire stated he understands the interest in discussing the proposal in a closed session; however, he will not discuss anything about union groups in closed session. This action will affect the taxpayers and he has no interest in discussing it behind closed doors.

Mayor Gysberts stated the ballot question will be discussed further. The deadline for placing a question on the ballot is August 15, 2016.

Mr. Boyer then left the meeting.

City Funding Support for The Maryland Theatre Expansion

Michelle Hepburn, Director of Finance, was present to provide budget information regarding City funding support for the Maryland Theatre Expansion.

Greg Murray, County Administrator, made a presentation to the Mayor and Council on May 3, 2016, regarding the Urban Improvement Project. A portion of this major initiative includes The Maryland Theatre expansion. The City has been asked to contribute 50% of the architect and design costs of the expansion. The City's maximum contribution for the design phase is \$ 500,000.00. The Mayor and City Council indicated they wished to provide the requested amount toward the project.

Ms. Hepburn stated at this time, the City's FY17 budget includes a capital project #C0854 Downtown Redevelopment. The Maryland Theatre expansion project can be designated as this economic redevelopment project. The City's capital project #C0854 Downtown Redevelopment is \$ 1.5 million in total. After allocating \$ 500,000.00 toward The Maryland Theatre expansion, the remaining balance in the City's project will be \$ 1.0 million. The funding source associated with this capital project is a future bond issue.

Councilmember Metzner stated he believes this group of County Commissioners and the County Administrator have been more receptive to working with the Mayor and City Council than others have been. He thanked them for working with the City and for their interest in improving downtown.

Councilmember Metzner wondered if the \$ 500,000.00 would be the only request made of the City, considering the project is estimated to be \$ 24 million overall.

Mayor Gysberts specifically thanked Mr. Murray for keeping the project moving forward. He pointed out the remaining \$ 1 million in the budget would not necessarily go towards improvements at the Theatre.

Councilmember Brubaker stated there needs to be a financial plan and business plan for the project. He reminded the group that the City does not have large financial resources.

Councilmember Munson pointed out improvements have been made in downtown. The University System of Maryland at Hagerstown and the Barbara Ingram School for the Arts are major examples. The Maryland Theatre is a keystone project for revitalization of downtown. He supports the funding request.

Approval of a contribution of \$ 500,000.00 for the architect and design costs will be scheduled for June 21, 2016.

Hagerstown Fire Department Grant Application

Fire Chief Steven Lohr was present to discuss the acceptance of a grant to the Hagerstown Fire Department.

The Fire Department has been awarded an Assistance to Firefighters Grant to purchase a fit test machine, 102 face pieces, and 102 traffic vests by the U. S. Department of Homeland Security.

The award amount is \$ 75,276.00. The City's share of the grant is \$ 6,843.00 and is within the FY17 budget.

Chief Lohr recommended accepting the grant as the fit test machine and face pieces will increase the margin of safety afforded to the firefighters. Responders will have properly fitted face pieces they can depend on to protect them from fire, smoke and blood borne pathogens and harmful chemicals. The traffic vests provide greater roadway visibility, reducing the risk of firefighter injury.

Chief Lohr mentioned training is being provided for use of the new aerial truck. The truck should be in service within 30 days.

It was the general consensus to include acceptance of the grant on the June 21, 2016 agenda.

Proposed "Hagerstown Tournament of Champions" Little League Tournament

Rodney Tissue, City Engineer, Travis Poole, President of National Little League, and Craig O'Connor, National Little League, were present to discuss a new Little League tournament.

Mr. Tissue indicated a group of local little league officials have expressed an interest in developing an annual tournament played between a team representing each of the four Little Leagues (American, Federal, National, West End) that have players that live in the City. The victor would be designated as the “City Champion” and will be given the championship trophy similar to the “Grid Iron Classic” for high school football.

Mr. Poole stated each league would crown their regular season major champion which would then represent the league in the City Tournament. Four games would be played over two days. Each year one of the four leagues will host all of the games, on a rotating basis. The Hagerstown Suns have agreed to be the flagship sponsor and the group is in the process of securing sponsors for the various expenses. The dates for the first tournament are set for June 16, 2016 and June 18, 2016.

The group is requesting that the City provide the initial trophy (estimated cost is \$ 300.00) that will be passed to the winner each year and that a City elected official give the champions the trophy at a presentation at Municipal Stadium before the Suns game on Saturday, June 18, 2016.

It was the general consensus to approve the purchase of the trophy and to support this event.

Annexation – Stormwater Parcel LLC, 250 Eastern Boulevard North

Alex Rohrbaugh, Planner, reported the Public Hearing for the proposed Stormwater Parcel LLC, 250 Eastern Boulevard N annexation was held on May 24, 2016. Staff have not received any comment from the County to date. Prior the Hearing, staff received comments from the Maryland Department of Planning concerning Priority Funding Area certification. These comments are of a routine nature. The record was held open for a period of 10 days after the Public Hearing. Staff has not received any written public comment during the period.

No testimony was presented at the Hearing.

As required by State Law, there were two published notices advertising the Hearing at no less than weekly intervals. The Annexation Plan was provided to the appropriate County, Regional, and State Planning Agencies, at least 30 days prior to the Public Hearing. After the Public Hearing, the Mayor and City Council may pass or reject the annexation resolution. If the resolution is approved the annexation becomes effective in 45 days.

Staff is recommending approval of the annexation. It was the general consensus to include approval of the annexation on the June 21, 2016 Regular Session agenda.

Police Athletic League (PAL) Country Music Festival – 2016

Rodney Tissue, City Engineer, Lauren Metz, Community Events Coordinator, Brian Burke and Nick Varner, PAL, were present to discuss the 2016 Country Music Festival.

The PAL would like to host another, but smaller scale, country music festival at Fairgrounds Park on September 24, 2016 from approximately noon until 8:00 p.m. The festival would showcase up-and-coming country music artists.

The Police Athletic League met with staff regarding use of the facility. There were no issues with the alcohol sales at last year's event. In addition to the Open Containers Law Exemption for Special Events, PAL is requesting financial assistance by the City to cover the following approximate costs:

1. Fee to rent the Park is \$ 1,000 per 6 hours and overall Parks services are estimated at \$ 3,000
2. Police services are estimated at \$ 5,000
3. Electric services are estimated at \$ 4,000

PAL is requesting that the City cover the costs of the services outlined above. However, since the City had no indication the event would occur again this year, there are no funds designated in any line of the FY17 budget for this event. Budget cuts would be needed in other areas to fund this request. Therefore, staff cannot recommend that the City cover the costs of the event as requested. Staff does recommend the approval of the alcoholic beverage sales but recommend that the City charge for services, as is the standard practice.

Mr. Varner thanked the Mayor and City Council for their support of PAL. PAL offers youth programs to bridge the gap between youth and law enforcement. More than 400 children attend PAL programs. They are starting a new "Living Clean" campaign and expect more youth to participate.

Mr. Burke stated the reaction from last year's festival was positive. The event was attended by 2,500 people. The event was not as successful financially as they hoped. The support from the City by covering the requested expenditures is critical for this year's event. The group lost money last year. Fifteen vendors have expressed interest in participating in this year's festival.

Mr. Varner stated they are hoping to reduce the cost of electric services by using what is already in place at Fairgrounds Park. Since the needed space is not as large, the costs for police services would be less than last year. The anticipated attendance for this year is 1,500.

Councilmember Metzner would like to support this event, but needs solid estimates based on the anticipated changes from last year's festival. He suggested that PAL work with City staff on strategies for making it a financially successful event.

Mr. Burke stated PAL developed a database of contacts from events that have sold out. He noted the festival provided recognition of PAL in the community.

Mr. Varner indicated the group has reviewed last year's event and have discussed whether it can be a viable event. They feel the festival is a way to highlight the Fairgrounds Park venue. PAL officials believe the event will be a significant fundraiser in future years. The Convention and Visitors Bureau is willing to sponsor the event as well. They have also discussed availability of hotel rooms during the festival.

Councilmember Munson also supports the festival and would like to see it succeed. He noted the request is for \$ 12,000.00. Mr. Tissue pointed out the estimate could be less, given there are changes from last year.

Councilmember Brubaker and his wife attended the event last year and it was enjoyable. He asked if PAL has developed a business plan for the event. He wondered what the break even attendance point is. Mr. Burke stated 1,500 attendees would be the break even point.

Mayor Gysberts admires their ambition and their concern for the connection with kids. He asked if PAL anticipates the Country Music Festival being an annual event, with a request to the City for City services. Mr. Burke and Mr. Varner indicated that is correct.

Councilmember Aleshire is not in favor of providing \$ 4,000.00 in electric services. He would be willing to support providing half of the remaining \$ 8,000.00 requested. He reminded everyone that one of the catalyst projects is to add events and draw people to Hagerstown.

Councilmember Nigh supports providing some of the funding requested.

The sale of alcohol and the date of the event are acceptable.

Staff and PAL representatives will review the estimates and return to a future Work Session.

Cost of Maintaining State Highway Routes Through the City of Hagerstown

Rodney Tissue, City Engineer, was present to review the cost of maintaining State Highway routes in the City of Hagerstown. In November of 2015, the Mayor and City Council requested an analysis of the cost to the City of maintaining streets that are the continuation of State Highway Routes Within the City (the acronym used to represent these streets is SHRWC). The maintenance of their routes by the State generally ends at the City line (except for some small segments). This includes Alternate 40, MD Rt 144, MD Rt 58, MD Rt 60, MD Rt 632, US Route 11, MD Rt 64, and MD Rt 65. In addition,

the State paves Route 40 but the City performs all other maintenance to Franklin and Washington Streets between Cannon Avenue and Nottingham Road.

The purpose of the study would be to determine the annual cost to the City to maintain these SHRWC streets. The total centerline miles maintained by the City are 117.86. The total centerline miles of the SHRWC is 14.50 miles including 11.51 miles that the City fully maintains and 2.99 miles of Route 40 that the City maintains everything except for the paving.

Mr. Tissue provided a spreadsheet showing the components of maintaining the streets. This includes paving, snow removal, street sweeping, traffic sign operations, patching and miscellaneous reports, storm drain repair and maintenance, and bridge rehabilitation. Factors not considered include street trees, traffic signals, and sidewalks. The estimated cost to maintain the SHRWC is \$ 536,686 annually. Overhead for personnel is included in all items except paving and bridges. Further study could reveal other costs as this is a preliminary calculation of the major cost factors.

Councilmember Brubaker stated this information is excellent. During the most recent General Assembly session, the Highway User Revenue (HUR) to municipalities was discussed at length by the MML Legislative Committee. Several proposals for restoration of the funding were discussed. It was unclear how the HUR bill would be received.

Mr. Tissue stated the maintenance of State Highways in municipalities varies significantly across the State. Councilmember Brubaker confirmed this is true. He does not feel City taxpayers get the same benefits from the gas tax they pay.

Councilmember Aleshire asked who is listed as the owner of the streets. Mr. Tissue doubts there would be plats showing the roads are owned by either the City or the State. Councilmember Brubaker stated there may be a few places where State ownership is noted.

Councilmember Aleshire suggested the City could determine ownership and then remove those highways owned by the State from the maintenance program.

Councilmember Brubaker suggested asking the State to logically maintain the State routes as they do in other municipalities. He realizes if the maintenance is turned over to the State some of the City's control on repairs and signage will be lost.

Councilmember Munson asked if other municipalities in Washington County are responsible for maintenance of State roads in their corporate limits. Mr. Tissue stated he does not have that information. He indicated the City of Hagerstown is definitely at the high end of the spectrum.

Councilmember Aleshire pointed out if the City is successful with reducing the maintenance responsibilities, the other 10 large municipalities in Maryland will likely want to do the same thing. His approach would be to review the title information and turn maintenance over to those streets not owned by the City.

Councilmember Metzner thinks the first step to changing the situation is to discuss maintenance responsibilities with the State.

Councilmember Brubaker stated the streets are likely considered City right-of-ways. He stated the maintenance is an issue of equity. He wondered if the loss of control and other legal issues is worth the loss of the HUR funding. He was hoping this conversation would provide consensus among the Mayor and City Council to write a letter to the Pete K. Rahn, Secretary of Transportation, pointing out the issues and requesting time to discuss them.

Councilmember Aleshire does not agree with this. He stated the roads in the County are clearly defined as State routes. The only way to define maintenance responsibilities is through an agreement.

It was agreed to contact Secretary Rahn regarding the maintenance.

Housing Summit Update

Mayor Gysberts reminded everyone the date of the Housing Summit is July 19, 2016. The Housing Summit will be a meaningful event. The advisory group believes that a knowledgeable keynote speaker is important. The speaker will be someone who can analyze community information and develop a strategy for people to work on together. The outcome of the Housing Summit is to have a good understanding of what the various agencies provide to their clients. Another goal is to begin a broad conversation and continue that conversation in a small group setting. Each small group will be facilitated with the information being shared with all participants. Staff continues to meet with the various stakeholders about the outcome. They are looking for sponsors. A nominal fee will be charged for those attending. The fee will include lunch. Staff has identified a funding source of \$ 12,000.00 for the facilitation services and the end product. He wants to have a quality event with a clearly defined answer to the question “now what” by the end of the day.

The focus of the information will be the Hagerstown Metropolitan Housing Area. This event will have purpose and structure.

Councilmember Brubaker suggested that the City contribute toward the costs, but not designate an amount.

Mayor Gysberts stated the City will provide its fair share. He thanked Jonathan Kerns, Community Development Manager, and Sarah Nelson, Planning/Outreach Coordinator, in particular for organizing the Housing Summit.

CITY ADMINISTRATOR'S COMMENTS

Valerie Means, City Administrator thanked everyone involved with the success of the Blues Fest.

MAYOR AND COUNCIL COMMENTS

Councilmember L. C. Metzner had no additional comments.

Councilmember P. M. Nigh had no additional comments.

Councilmember D. F. Munson attended the Blues Fest and enjoyed the festival. He thanked Captain Paul Kifer for leading the Hagerstown Police Department as Acting Chief for many months. The police force is better now than when he took the role of Acting Chief.

Councilmember A. B. Aleshire had no additional comments.

Councilmember M. E. Brubaker stated Blues Fest was another great event. He thanked Acting Chief Kifer for leading the police department well.

Mayor D. S. Gysberts thanked the groups that held wreath laying ceremonies in recognition of Memorial Day. He attended many of the events, including at the Morris Frock post, the Medal of Honor Triangle, and the Flags for Heroes at Long Meadows Park.

There being no further business to come before the Mayor and City Council, on a motion duly made, seconded and passed, the meeting was adjourned at 6:19 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: July 26, 2016