

94<sup>TH</sup> SPECIAL SESSION, WORK SESSION, AND EXECUTIVE SESSION – June 14, 2016

Mayor D. S. Gysberts called this 94<sup>th</sup> Special Session, Work Session, and Executive Session of the Mayor and City Council to order at 1:11 p.m., Tuesday, June 14, 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, City Attorney Jason Morton, and City Clerk D. K. Spickler.

Summary of 2016 General Assembly Session

Senator Andrew Serafini and Delegate Brett Wilson were present to provide a summary of the recently completed 2016 General Assembly Session.

Delegate Wilson reported several bills were passed that address issues relevant to Hagerstown and the community. Some bills did not pass; but they provide a place to begin dialog now for potential legislation during the 2017 Session. In particular, the City Revitalization Improvement Zone (CRIZ) bill was presented to help spur redevelopment and growth in Hagerstown and other municipalities. City officials worked hard to fine tune the bill as questions were raised. Even though it did not pass during the previous two sessions, it will be presented again in 2017. Legislators were reluctant to forego the State's administrative role over State tax revenue. The CRIZ concept utilizes new revenue in the State and does not rely on established revenue for funding.

Delegate Wilson recommends channeling the CRIZ bill through the Department of Housing and Community Development, so that an economic development focus will be evident.

Senator Serafini stated he does not think people fully understand bills that are intended to assist with economic development. He appreciates the idea of the CRIZ. Washington County depends on Hagerstown's success. Both he and Delegate Wilson support Hagerstown's efforts to improve the community. Since a CRIZ is a form of local control of State tax revenue, he has been looking at blending different programs to help local jurisdictions. He believes a CRIZ would help attract people to the jurisdiction, since people want to live, work and play in the same place.

Mayor Gysberts noted Hagerstown's First Third Program is popular as a means for developers to cover costs for gaps in their investment dollars. The improvements enhance the value of the property. He believes Hagerstown has one of the most highly concentrated stock of older buildings in the State. A CRIZ would enhance the programs enacted by the City to assist development.

Delegate Wilson stated it is not desirable to demolish old buildings simply because they are old. They can be retrofitted with modern safety and other accommodations. He

believes developing the relationship between the City of Hagerstown and the DHCD further to help fund the First Third Program would create a more attractive package to developers. Senator Serafini stated the City's expertise in providing gap funding could be a powerful tool for the DHCD.

Delegate Wilson pointed out the drug problem in the community can be connected to less expensive housing and the connection to urban areas.

Mayor Gysberts stated the State Highway User Revenue (HUR) is a continuing concern for the City. Delegate Wilson informed the group that Delegate Parrot submitted a bill to set a guaranteed amount of HUR funding to municipalities. The legislators realize it is a strain on many local budgets to minimally maintain State roads within the corporate limits.

Senator Serafini stated part of the challenge is determining which funding is restored first – libraries, housing, etc. They need to focus on the impact of waiting. He stated transportation is important to him.

Mayor Gysberts mentioned that Councilmember Brubaker and staff developed a report of the costs of maintaining State highways in Hagerstown. He noted there are different responsibilities and expectations throughout the State. Delegate Wilson is interested in reviewing the report.

Councilmember Brubaker stated the MML Legislative Committee has provided several different scenarios for restoring the HUR, but they have not been accepted. A significant issue is that municipalities can't rely on the same funding from year to year. The HUR has been severely reduced from the original agreement. One of the issues with the CRIZ bill is placing a defining line for municipalities based on population. MML is typically opposed to something that divides the cities by population. Socio-economic criteria may gain support.

Delegate Wilson stated he is looking forward to working with the City to fine-tune the bill for the next session.

Councilmember Brubaker mentioned the problem of owner responsibility for foreclosed properties is growing. There needs to be regulations for current contact and owner information. Many times, the property is not maintained and owners need to be contacted.

Senator Serafini stated this issue was discussed by the Committee for Environmental Matters several years ago. Many governments are facing the issue of blighted properties due to foreclosure. The other side of the issue is that potential owners may be denied a mortgage because of the foreclosure on the property. Senator Serafini and Delegate William Wivel will be working on this issue.

Councilmember Nigh pointed out home ownership is critical for healthy neighborhoods. Senator Serafini mentioned there has been a cultural shift toward homeownership. Millennials don't want to own their homes. They are happy to pay rent.

Councilmember Nigh stated people seeking social services are also an issue for Hagerstown. Senator Serafini noted Councilmember Aleshire has pointed out this issue repeatedly.

Mayor Gysberts asked for an update of the status of the Western Maryland Hospital Center. Delegate Wilson thinks there was a rush to panic about the facility closing, which was not the case. There may have been a miscommunication about the actions that have been taken at the center. No final decision has been made; however, no matter what, caring for the patients is the most important issue. About 50% of the facility is being used at this time. The kitchen equipment is outdated and needs to be upgraded. There has been an increase in the number of patients with permanent physical and brain damage due to the use of opioids. There is no immediate plan of action to resolve the situation.

Mayor Gysberts asked if the patients receiving care have access to traditional health insurance and if there are income level restrictions. Delegate Wilson indicated he believes there is a mix of public and private health care coverage for patients.

Mayor Gysberts noted the site used to be known as the poor farm when the Alms House closed.

Councilmember Nigh stated even though some areas are outdated, it is one of the cleanest facilities she has been in. The physical therapy operation is outstanding. Some divisions have been shut down due to funding being eliminated.

Councilmember Aleshire expressed his concern that the State may transform the Center into a medically assisted facility. This would have a negative impact on the community, which is already struggling to manage the level of subsidy for those seeking help. The location of that type of medical facility adjacent to the largest educational campus in Washington County would not be beneficial. Hagerstown has more than its share of individuals with addictions and the need for extreme services.

Senator Serafini reminded the group that \$ 3 million was spent on mold remediation and the Commissioners paid for Legionnaires remediation at Western Maryland. People have criticized him for the association with Meritus Medical Center but there is now monitoring in place that identifies extreme facility needs. There should be a conversation when Secretary Van Mitchell, Department of Health and Mental Hygiene, said a more economical way of operating needs to be looked at. That was not a statement indicating the facility was closing. He wondered where those voices were when patient care was severely lacking several years ago. He finds it disingenuous that people are speaking out now. The patients at the Center have a need for long-term acute care. The issues at the

facility have to be addressed and it should remain open. There is no statement from the Governor that the services will be moved from Hagerstown. Statistics about opioid use clearly show that long-term care needs will continue to increase. However, the services need to be provided in the most economical way possible.

Councilmember Aleshire is concerned about SB 766, which regulates local income tax overpayments and underpayments. Repayments of the state local tax revenue could be significant from a 5-7 year period. He wondered who is accountable for determining the accuracy of a taxpayer's tax filing regarding their location within corporate limits of a municipality. Senator Serafini indicated there have been discussions about this bill and its implementation. A resolution has not been determined. The Delegation understands the concerns and will work with individual municipalities for ways to rectify the filings. Councilmember Brubaker mentioned the MML Legislative Committee also examined this bill closely.

Councilmember Aleshire asked about the status of the I-81 widening. Delegate Wilson stated the project will aid economic development in Washington County. He is not sure where it stands on the priority list. It is hoped there is enough mobility and funding to expand the project to the I-70 interchange. The Fast Lane Grant program was developed for this type of project. . Senator Serafini stated the estimated cost is \$ 250 million. Funding is being considered. This is a top priority for the Washington County Delegation Pete K. Rahn, Secretary of Transportation, is concerned there are not enough contractors in the Maryland to complete the work that is being requested across the State. Some projects have been places ahead of the I-81 project and Senator Serafini and Delegate Wilson are stressing the importance of the economic development and public safety aspect of this project.

Proclamation: Flag Day – June 14, 2016

Mayor Gysberts read a proclamation naming June 14, 2016 as Flag Day in Hagerstown, Maryland. Members of Boy Scout Troup 0002 provided an honor guard for the reading of the proclamation.

94<sup>th</sup> SPECIAL SESSION – June 14, 2016

On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote of all members present to meet in Special Session at 2:28 p.m.

**Approval of an Application Permit for Tour of Washington County Bike Race Kickoff – June 17, 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 of all members present to authorize an

Application/Permit for The Tour of Washington County Bike Race  
Kickoff in the Hagerstown Arts & Entertainment District on Friday, June  
17, 2016 from 5:00 p.m. to 10:30 p.m.

The Special Session was closed at 2:29 p.m.

Proclamation: Lesbian, Gay, Bisexual and Transgender (LBGT) Pride Month

Due to scheduling conflicts, this proclamation will be presented at the June 21, 2016 meeting.

Mayor Gysberts held a moment of silence in observation of the recent shooting at the Pulse Night Club in Orlando, Florida.

Preliminary Agenda Review

**Consent Agenda**

- A. Department of Community and Economic Development
  - 1. Street Closure Request – Hagerstown Hopes Pride Fest (July 16, 2016) and Washington County Free Library Comic-Con (August 13, 2016)
  - 2. Hagerstown Hopes Pride Fest Open Container Law Exemption
- B. Information Technology, Communications, and Support Services
  - 1. MUNIS Transparency Portal Module – Tyler Technologies (Dallas, TX) \$ 154,500.00
  - 2. Replay Call Recording Solution for Customer Service – Glessner Protective Services, Inc. (Hagerstown, MD) \$ 16,441.00
- C. Department of Parks and Engineering:
  - 1. Engineering: Energy Upgrades at City Buildings – American Energy Services (Frederick, MD) \$ 49,044.00
  - 2. Parks: 2017 Ford F550 Dump Truck, Replacement of Unit 308 – McCafferty Ford (Mechanicsburg, PA) \$ 68,285.00
- D. Police Department:
  - 1. Purchase of Crime Cameras – Skyline Technology Solutions (Glen Burnie, MD) \$ 46,402.68
- E. Department Utilities:
  - 1. Light: Exterior Repairs and Painting to HLD Facility – Excel Painting Co. (Baltimore, MD) \$ 32,000.00
  - 2. Water: Cathodic Protection for Orchard Hills/Henson Water Tanks – Freeman Industries, Inc. (Dorset, OH) \$ 21,000.00

3. Wastewater: Muffin Monster Equipment – JWC Environmental (Santa Ana, CA) \$ 16,215.00

Councilmember Brubaker pointed out there are new events being held in Hagerstown, which is what the Community's City Center Plan encourages.

There were no additional comments or questions regarding the items of the Preliminary Agenda. All items are scheduled for approval on June 21, 2016, unless otherwise noted.

#### Women's Club Parking Request for the Rochester Parking Lot

Eric Deike, Director of Public Works, was present to discuss the request for parking at the Women's Club.

On April 19, 2016, representatives from the Women's Club approached the Mayor and City Council with parking requests. According to the paperwork submitted by the Club, they are asking for two things. The first request is to use "the metered spaces as needed without being ticketed." They are also asking for unlimited use of the metered spaces at a rate of \$ 20.00 per month, or \$ 240.00 per year.

The Women's Club is located on South Prospect Street. Their website states the following:

"The Women's Club, Inc. is dedicated to promoting the welfare and education of women. Activities are held to raise funds for various charities in support of this mission. The Club offers members avenues to socialize as well as serve the community. A wide variety of activities and interest groups meet on a regular basis. The Programs section of our website includes information on these activities.

The Women's Club Foundation is the nonprofit, tax exempt arm of the Women's Club. The Foundation provides safe, affordable housing to women of limited means."

Members pay a fee to be part of the Club and a separate \$ 20.00 fee to join the Crossroads Garden Club. Membership fees are not listed on their website.

The Rochester Parking Lot is a Permit Only/Public Parking Lot on the corner of West Washington Street and south Prospect Street and sits to the north of the Club. The lot contains 98 parking spaces of which 23 are metered and the remainder is permit only.

The lot is surrounded by a number of parking spaces along the street, including 18 spaces that are free.

The Club has 17 parking spaces on their site. With 240 members (and growing), they obviously need additional parking for their numerous activities. Their focus has been on the use of the 23 metered spaces in the parking lot itself.

Current cost for parking lot permits is \$ 48.00 per month. Metered parking is \$0.50 per hour.

The first item to address is the Club's request for the suspension of enforcement. Staff highly recommends against this action. Enforcement is the only means by which drivers will be encouraged to abide by the parking laws. The lack of enforcement also allows "creep" into the program in which parking for free at the meters with no oversight creeps into other parking spaces and areas.

The Club's second request is in regard to payment. As stated earlier, they are offering to pay \$ 240.00 per year. This equates to 5 permitted parking spaces for one month or use of all 23 metered parking spaces for 3 full days in any given year.

Staff offers the following options for the Club for the Mayor and Council's consideration:

Option # 1 – The Club simply pays for parking at the current rates. The parking meters in the lot and on the street are \$0.50 per hour. The meters in the lot and on South Prospect are currently 10 hour meters. Parking lot permits would be \$ 48.00 per month. A 10% discount could be applied for 10 or more permits purchased and a 25% discount could be applied for 25 or more permits purchased. This would lower the lot passes to \$ 43.20 per month (10+) or \$ 36 per month (25+). The permits would only be for the permit only spaces and not the metered locations.

Option #2 – When the Club is having an event and is in need of the meters, they can pay for the meters in advance. Parking staff would coordinate with Parking Enforcement informing them that the meters have actually been paid. This is similar to an arrangement currently under way with Applause Catering in the Central Lot.

Mr. Deike pointed out that suspension of parking enforcement is not an option. Enforcement is an integral part of parking without which parking revenues would fall or be non-existent.

Staff recommends the Club abide by the current rates and pay accordingly as outlined in Options #1 and #2. For many years, the City has worked with the Club to provide parking at little to no cost. Use of the Rochester Parking Lot has changed over the years and will continue to evolve. Inserting parking agreements that includes special rates and conditions that cannot be enforced or applied to any other entity is difficult to manage and unfair to other entities using the parking lot.

Staff is requesting the Mayor and City Council's guidance regarding this request.

Councilmember Brubaker thinks the Presbyterian Church would request parking if a subsidy was provided.

Councilmember Metzner arrived at the meeting. City Attorney Jason Morton also arrived at the meeting at this time.

Councilmember Aleshire noted there are other non-profits in that area that would likely make the same request. He doesn't know where to draw the line except to say no free parking at all.

Mr. Deike noted that requests for free parking are made daily.

Councilmember Brubaker wondered if selling the 17 spaces on the Women's Club site would be a viable option. The spaces could be valued over 20 years. He stated this may be an out of the box idea. His initial thought is to not grant the request.

Mayor Gysberts summarized the discussion and stated that there is not a strong sentiment to provide free parking. There is interest in looking at the possibility of selling an area of the lot to the Women's Club for their exclusive use.

#### Red Light Camera Update

Chief Victor Brito, Captain Thomas Langston, and Adam Youssi, Howard County Red Light Program Coordinator, were present to provide additional information regarding red light cameras.

Captain Langston informed the Mayor and City Council that a recent change in State law has eliminated the proposed Dual Highway/Eastern Boulevard location discussed during last month's Work Session. The cameras must address the problem of angle accidents. The accident analysis for the intersection of Dual Highway/Eastern Boulevard does not indicate excessive angle accidents. He reported the Engineering Department is reviewing accident information for other intersections.

Mr. Youssi informed the group that Howard County established the first automated red light program in Maryland in 1998. Howard County's program, operated by its Police Department, is intended to create safer roadways by modifying driver behavior to follow existing traffic laws. Simultaneously, the program seeks to augment traditional enforcement and reduce the secondary hazards of police following a violator through the red signal. The Police Department accomplishes these goals by focusing on intersections with the highest volume of preventable collisions, specifically angular or side-impact crashes that result in severe inquiries or fatalities. The program has remained violator funded and has no fiscal impact on citizens and tax payers who abide by the traffic laws enacted for public safety.

There are currently ten partners from five counties utilizing Howard County's contract with its vendor, American Traffic Solutions, Inc. Each partner has a MOU with Howard County in addition to their agreement with the vendor. These agreements allow the partner to use the same contract terms with the vendor and ensure minimum standards are being met for participation in the automated enforcement program.

Howard County developed a Uniform Standards Guide that sets high minimum standards for the valid issuance of a citation. Howard County Police civilians train program partners in these standards and ensure partner approved and printed citations meet them by reviewing each citation before they are mailed. Howard County conducts training for its program partners in the following areas: reviewing and approving violation data, learning the vendor's software, delivering testimony in court hearings, and understanding how the camera system functions.

Police in the local jurisdiction determine whether to issue a citation or not after reviewing a violation on-screen, but Howard County Red Light Camera Program staff review each and every printed hardcopy before it is mailed. Howard County reserves the right to dismiss partner citations if they do not meet the minimum standards for issuance in their hardcopy format according to the Uniform Standards Guide.

Howard County requires that all requests for copies of red light camera videos by partners in law enforcement, or by insurance agencies, citizens, etc., be accompanied by a court order or subpoena to ensure integrity in the chain of custody. Howard County will not release the video otherwise.

A 2008 study (the most recent available) by Howard County Traffic Engineering showed an overall collision reduction of 29 percent at enforced approaches. Right-angle collisions were reduced by 55 percent. The same study also showed an overall reduction of rear-end collisions at sites where the cameras are used. A 2015 Howard County analysis reveals that red light running at enforced sites has been reduced by 59 percent when comparing the sites' initial month of activation to their 2015 monthly averages. The same analysis shows that when comparing each camera sites' first full calendar year of recorded red light running to 2015, there is an overall 31 percent reduction.

Mayor Gysberts asked if cameras are removed from intersections. Mr. Youssi indicated as the incident rate goes down, intersections are re-evaluated and sometimes cameras are removed.

Ms. Means clarified that State law does not require a local ordinance to start a red light camera program. Captain Langston indicated that is correct.

Councilmember Aleshire inquired if an officer from Hagerstown would be required to be on-site at the facility in Howard County. Mr. Youssi stated the local jurisdiction is not required to have an officer on-site.

The system tracks speed and filters the intersection events. If the event meets the criteria, the RAEC determines the owners. If the event then matches the jurisdiction's criteria, a violation is mailed.

The fees for partners for the lease and services are estimated to be \$ 176.00 per month per camera. The violation is a flat \$ 75.00 fee that is set by the State of Maryland. There is no late fee provision; however, unpaid violations could be flagged through the Motor Vehicle Administration.

Councilmember Munson asked how the system reads the event when the light turns red while a vehicle is in the intersection. Captain Langston stated that would not be considered running a red light.

Revenue from a red light camera program is retained by the local jurisdiction.

Chief Brito stated staff will attend a future work session to discuss whether or not to join a coop such as the Howard County center or provide in-house enforcement.

#### Body Worn Camera Project

Chief Brito was present to request approval for the purchase of 60 Axon body cameras and the supporting ancillary equipment and storage as part of the Hagerstown Police Department's ongoing Body Camera Program.

Chief Brito stated the cameras are a useful tool for police officers to build trust within the community. Mayor Gysberts also believes body worn cameras provide additional protection for all parties.

Staff is proposing a continuation of the pilot program into a five year project with TASER of Scottsdale, Arizona. The initial cost will be \$ 54,000.00. Maintenance and storage costs will continue from FY18 to FY21.

Councilmember Metzner stated a demonstration at the MML Convention last year highlighted the value of body worn cameras in accurate recording of interactions. He stated this program in Hagerstown is not to get police officers to do the right thing, they already are. The program is to get citizens to do the right thing.

Chief Brito stated his experience with body worn cameras started prior to any unrest with police officers. Cameras are a tool in how police investigate things. They build confidence with the community and the department.

Councilmember Munson asked if officers generally accept the cameras. Chief Brito stated some may not like being recorded, but they welcome the added protection

Staff will look for grants to cover the costs for additional cameras.

It was the general consensus to include approval of the purchase of 60 body worn cameras on the July 26, 2016 agenda.

#### Vacant Structures Program Update

Kathleen Maher, Director of Planning and Code Administration, Paul Fulk, Inspections Manager, and Chris Wren, Neighborhood Services Program Specialist, were present to provide an update on the Vacant Structures Program.

City Attorney Mark Boyer arrived at the meeting.

As discussed in 2014, Urban Partners heard loud and clear in the public meetings, as staff heard in the Council Chambers from both residents and the Mayor and City Council, that blight and deterioration were growing; we were in fact losing the battle as residents, longtime and new, tired of the conditions in their neighborhoods. The issue of blight, neglected or mismanaged properties was felt to be pervasive throughout the City. Significant causes of blight were the conditions and activity at vacant structures. Vacant structures easily become neglected and are then the locations of crimes, fires, and nuisance conditions. In addition to other code modifications in 2014, the Mayor and City Council agreed that it was necessary to proactively address vacant structures in order to provide the necessary support for the neighborhoods and residents.

As noted, both the Mayor and City Council and staff had heard consistently from residents appealing to the City for assistance in the neighborhoods. In the fall-winter of 2013, there were approximately 1,260 vacant residential structures in the city. Based on research, staff estimated there were another 87 non-residential structures at that time. No neighborhood was immune from the negative effects of vacant structures.

In support of the neighborhoods and the recommendations of Catalyst Project #8 of the Community's City Center Plan, the Mayor and City Council adopted revisions to the City's Vacant Structures ordinances (Chapter 232 and 233) in September, 2014, and authorized the hiring of additional Code Administration staff to administer the program.

Identification of vacant structures became the priority of the inspections staff beginning in January 2015. Staffing to coordinate the Vacant Structures Program was in place by April 2015.

The Vacant Structures Program is intended to identify and abate contagious blight quickly, deter vandalism and other criminal acts at vacant properties, protect the first responders from unknown conditions at vacant properties, stabilize property values, and improve neighborhood morale through visible enforcement. The provisions of the program were intended to::

1. Improve capabilities to protect neighborhoods from adverse influences posed by unmonitored vacant structures
2. Protect first responders by ensuring that vacant structures are secured from illegal access, adequately maintained to prevent unsafe interior conditions, and included in a database accessible to first responders.

The following statistics were provided:

- A. Properties identified as vacant – 1,034 individual properties identified
  1. 474 of the 1,034 have an active license – 197 of the 474 are identified as blighted
  2. 108 of the 1,034 received notices of violation for failure to register

Exterior inspections are scheduled as applications are received. Of the 294 (of 474 active licenses) exterior inspections, 15% have corrected the code violations, 27% are still within deadlines to correct violations, and 58% have pending enforcement action.

Interior inspections in the first year of the program are for blighted properties only. Of the 197 blighted properties, 30 had an interior inspection. Properties not scheduling interior inspections will be issued Notices of Violation for failure to comply with the ordinance. Interior inspection requests will be sent to blighted and non-blighted properties later this year.

Staff provided photos of compliance examples. It was noted that compliance was not mandated by staff.

The ordinances are working as designed; the number of vacant properties is being reduced in Hagerstown. Property owners or bank representatives are contacting the City to be compliant with the ordinance. More responsible contacts for vacant properties have been established. Property owners are being held accountable for the maintenance of their property. Staff is working with the neighborhoods letting citizens know the City is addressing their concerns about the vacant properties in their community.

Challenges still exist but the number of challenges is decreasing. Some of the challenges are:

- A. Establishing property ownership – State Department of Taxation and Assessments (SDAT) information is not updated timely creating delays in determining ownership.
- B. Lengthy foreclosure process – Maryland average foreclosure process is 570 days. Maryland has the highest foreclosure rate in the U.S.
- C. Multiple parties involved – Bank owned properties have to obtain bids from third party contractors to correct violations, which can take longer and

complicate coordination efforts. Property maintenance companies do not track notices of violations property; inspectors have to send the same notice to the same company multiple times.

Staff recommends the following:

- A. City Code Changes
  - 1. Properties recently completing renovations – registration required after 6 months from the Certificate of Occupancy for existing construction
  - 2. Properties being marketed through a Maryland Licensed Realtor – vacancy period would be 1 year rather than 6 months
  - 3. Identify permit exemption – clearly state what classifies as an exemption through obtaining permits.
- B. State Assistance – More frequent updates from SDAT and speed up the foreclosure process
- C. Tax Sale Properties (Mayor and City Council discussion in early Fall, 2016)
- D. Abatement Fund – fund to abate code violations or demolish properties.

Councilmember Aleshire thinks a set amount should be put aside for the abatement fund to address the issues that are dangerous. A lien should then be placed on the tax bill. As a taxpayer, he would support a tax increase to develop this type of fund. He would not expect the fund to be a revolving fund, since it would take a long time to have the money repaid.

Councilmember Brubaker would expect the return to be timelier. Funding should not be provided for someone who flips properties.

Councilmember Munson pointed out there is a clear trend in neighborhood improvement. Residents can see progress.

Staff will draft legislation to address the challenges for the Mayor and City Council's review.

### **CITY ADMINISTRATOR'S COMMENTS**

*Valerie Means, City Administrator* had no additional comments.

### **MAYOR AND COUNCIL COMMENTS**

*Councilmember L. C. Metzner* apologized for missing some recent events, especially those on Memorial Day. This is due to health issue with his back. He announced he will be having surgery at the end of June.

*Councilmember P. M. Nigh* noted the Potomac Center takes in forensic clients. She is concerned about this and about the future plans for the Western Maryland Hospital Center. She mentioned several areas where weeds are overgrown. Residents are required to have lids on trash cans.

*Councilmember D. F. Munson* noted the work on the building at the corner of Church Street and Potomac Avenue is a big improvement.

*Councilmember A. B. Aleshire* noted the MELP property looks better every day. He attended the Mihi Fishing Frenzy held recently. The families that attended enjoyed the event.

*Councilmember M. E. Brubaker* noted the conversation with Senator Serafini and Delegate Wilson highlighted how difficult it is to get things accomplished because of the macro management with the State. He has discussed these issues with several administrations. There needs to be effective progress.

*Mayor D. S. Gysberts* had no additional comments.

#### EXECUTIVE SESSION – June 14, 2016

Councilmember M. E. Brubaker made a motion to meet in closed session to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, #1, (Section 3-305(b)), and to consult with counsel to obtain legal advice, #7 (Section 3-305(b)), on Tuesday, June 14, 2016 at 4:47 p.m. in the Council Chamber, 2<sup>nd</sup> floor, City Hall, Hagerstown, Maryland. Councilmember D. F. Munson seconded the motion.

Councilmember Aleshire stated he would not be participating in the discussion with legal counsel as he has no interest in discussing the issue outside the public view at this time.

Councilmember Metzner stated he understands by law the Mayor and City Council are allowed to consult with legal counsel. If the issue is to discuss whether or not to have two different referendums on the ballot in November he would object to meeting in closed session. If the intent is to obtain legal advice, he would not object.

Councilmember Brubaker stated he has legal questions that should be discussed in closed session because the City is facing an opponent that has been using false statements for the amendment.

Motion carried 4-1 with Councilmember K. B. Aleshire voting No.

The following people were in attendance: Mayor D. S. Gysberts, Councilmember M. E. Brubaker, Councilmember L. C. Metzner, Councilmember D. F. Munson,

Councilmember P. M. Nigh, City Administrator Valerie Means, City Attorney Mark Boyer, Rodney Tissue, City Engineer, Karen Paulson, Director of Human Resources, and D. K. Spickler, City Clerk.

The meeting was held to discuss various personnel issues and to obtain legal advice regarding the union lawsuit and the referendum language for the November, 2016 ballot. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the Executive Session was adjourned at 5:34 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: July 26, 2016