

EXECUTIVE SESSION – April 16, 2019

On a motion duly made by Councilmember S. McIntire and seconded by Councilmember E. Keller, the Mayor and City Council unanimously agreed by voice vote to meet in closed session to consult with counsel to obtain legal advice; # 7 (Section 3-3-5(b)), to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; # 4 (Section 3-305(b)), and 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)), on Tuesday, April 16, 2019 at 3:03 p.m. Room 407, 4<sup>th</sup> floor, City Hall, Hagerstown, Maryland.

The following people were in attendance: Mayor R. E. Bruchey, II, Councilmember K. B. Aleshire, Councilmember A. Heffernan, Councilmember E. Keller, Councilmember S. McIntire, Councilmember L. C. Metzner, Interim City Administrator Michael Spiker, City Attorney Jennifer Keefer, Eric Deike, Director of Public Works, Michelle Hepburn, Director of Finance, Jill Thompson, Director of Community and Economic Development, Danelle Hayer, Business Development ????, Jonathan Kerns, Community Development Manager, Scott Nicewarner, Director of Information Technology, Communications, and Support Services, Kevin DeHaven, Acting Director of Finance, Steve Lohr, Fire Chief, and Donna K. Spickler, City Clerk.

The meeting was held to obtain legal advice, to discuss two separate business proposals, various personnel issues, and the City Administrator's contract. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 4:05 p.m.

WORK SESSION – April 16, 2019

Mayor R. E. Bruchey, II called this Work Session of the Mayor and City Council to order at 4:11 p.m., Tuesday, April 16, 2019 in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, A. Heffernan, E. Keller, S. McIntire, and L. C. Metzner, Interim City Administrator Michael Spiker, and City Clerk D. K. Spickler.

Wheaton Park Court Upgrades

Rodney Tissue, City Engineer, and Ebonie Williams, who operates the Eb Williams Skill Development Training and the Ruthann Munroe Summer Basketball League (RMSBL), were present to discuss upgrades to Wheaton Park. The RMSBL is a free summer basketball league (outdoor) for youth ages 8-17. Games only take place on Sundays at Wheaton Park. This year, three divisions (elementary, middle, and high school) will be hosted. Opening day is Sunday, June 18, 2019 and the season will run for 8 weeks.

Councilmember McIntire, Councilmember Keller, and Mr. Tissue attended the local Neighborhood First meeting on February 7, 2019 and discussed possible improvements with the group and Ms. Williams. The proposed work includes completely replacing the basketball court backboards and coating the two basketball courts.

The total construction cost is \$ 40,000 as estimated below:

1. \$ 7,000 for four Tru-Bounce brand basketball poles, backboards and rims that are recommended by Ms. Williams. Installation will be by the Parks staff.

2. \$ 13,000 for coating the two basketball courts based on a change order to Metropolitan Tennis contract with the City. The tennis court will be re-coated at a later date due to funding limitations.

Ms. Williams has secured \$ 5,000 in funds for these improvements to this park and will provide the funds to the City by July 1, 2019. Community Development Block Grant funds are proposed to be used for the balance. There is approximately \$ 25,000 in excess funds from the Roslyn Building roof and window project.

Ms. Williams stated this will be the third year for the basketball league. The current backboards are unsafe. In fact, some of the courts are the same as they were when she was 9 years old. She wants to effect change for someone like Ruthann Munroe did for her. She wants to continue providing a basketball league for the community. Renovations to the court is the first step in making the program even better. There is a negative stigma surrounding the park and she wants to change that.

Councilmember Metzner supports what Ms. Williams wants to do at Wheaton Park and for the community. He thinks \$ 4,200.00 for the pole and backboard is high, especially compared to Spaulding's \$ 3,000.00 quote for their gold standard. If a lower cost pole and backboard is used, the savings could be used for something else for the park. He commended Ms. Williams for her efforts.

Councilmember McIntire thanked Ms. Williams for her work in the community.

Ms. Williams reviewed court design ideas with the Mayor and City Council.

It was the general consensus to re-appropriate CDBG funds for this use and to authorize staff to purchase the basketball backboards and coating system for completion as soon as possible. Formal approval is scheduled for April 23, 2019.

### Preliminary Agenda Review

#### **Consent Agenda**

##### A. Parks and Engineering:

1. Agreement for Holiday Display
2. Purchase of Basketball Equipment for Wheaton Park

B. Police Department:

1. Window and Gutter Repairs – JLN Construction (Halethorpe, MD)  
\$ 89,962.40

C. Public Works:

1. Two Ford F750s with Salt Spreaders/Snow Plows – keystone Ford  
(Chambersburg, PA) \$ 230,914.00

D. Utilities:

1. Light – Consulting Services – GDS Associates (Marietta, GA) \$ 53,000.00
2. Water – Annual Service Contract – Hach Company (Loveland, CO)  
\$ 14,179.00
3. Water – Flexnet MXU Radio Transceiver Units – L/B Water Service, Inc.  
(Chambersburg, PA) \$ 24,750.00
4. Water – Ford Escape Sport Utility (2019) – Keystone Ford (Chambersburg,  
PA) \$ 27,284.00

**New Business**

**Approval of Funding through the Invest Hagerstown Economic Incentive Program for the Doleman Black Heritage Museum (DBHM) for FY19**

Councilmember Aleshire stated he thought the consensus from the discussion regarding the DBHM was for funding in FY20, not FY19.

Mayor Bruchey asked if approved funding for FY20 could be expended prior to FY 20. Mr. Spiker indicated it could be. Mayor Bruchey stated this approval would be protection for the City and to finalize the contract and secure the acquisition of the building for the DBHM. The original deadline for the contract of sale was March, and it should have been completed by then.

Michelle Hepburn, Director of Finance, stated the motion would have to be written in a way to protect the City and to ensure that the budget is passed with that amount in it.

Mayor Bruchey asked what the balance of the Invest Hagerstown program is. Jill Thompson, Director of Community and Economic Development, indicated the total is \$ 73,000.00 and are two applications in the que that could reduce the amount to approximately \$ 60,000.00.

Mayor Bruchey recalled a conversation some time ago indicating there was \$ 225,000.00 available that could be put toward Invest Hagerstown in this current fiscal year if needed for projects in the pipeline. Ms. Hepburn stated there was a balance in Invest Hagerstown funds, at that time, of \$ 100,000.00, with additional funding in Economic Redevelopment that could be moved. There was no formal action to move any funds until last month and no funds were earmarked for the DBHM project. In the

meantime, funding has been provided for other projects since nothing had been formalized.

Councilmember Aleshire indicated the motion that was made created flexibility for the funding. The agreement for the transfer of \$ 108,000.000 needs to be established. He is willing to set aside funds in the budget but there has to be a document establishing surety for the actual transfer of those funds. The agreement should include an incentive for action with the property within a specific time frame, or the City takes the buildings. If the museum is completed, the funds could become a grant.

Councilmember Keller asked who will be creating this agreement. She thinks the full Mayor and City Council need to discuss the details of the agreement.

Councilmember McIntire pointed out that, realistically, the agreement can't be created and agreed to within a week. She asked if the purchase contract could be extended.

Mayor Bruchey stated it has been extended more than once already.

Councilmember Aleshire stated that is why he suggested funding in FY20, rather than FY19. He thinks the Council's discussion should be enough for the seller to extend the contract.

Ms. Hepburn stated the Mayor and City Council can handle the agreement and funding any way they want to. She needs the authority of the Mayor and City Council to transfer funds.

Alesia Parson-McBean, Projects Director, reminded the group the discussion about the remaining amount of \$ 108,000.00 started in December, 2019. She indicated the DBHM board has an attorney who will review any agreements. She is concerned about losing the building due to this elected body not being able to come to a consensus.

Mayor Bruchey stated it would be unusual for the Council to create an agreement and then review it with the City Attorney.

Councilmember Metzner supports Councilmember Aleshire's idea for taking ownership of the property if the DBHM is not started.

Councilmember Aleshire suggested a 36 month time frame for some work to be started.

Ms. Parson-McBean stated as soon as an agreement is available, the DBHM's attorney will review it with the property owner's attorney.

Councilmember Keller stated this is not an unusual situation but how it has come up is unusual. She thinks the solution is simple – agree on a way to fund the purchase and then create an agreement including a surety statement for work to begin.

Councilmember Aleshire stated the problem is the motion does not reflect what was agreed to by the Council on April 9, 2019.

Ms. Parson-McBean asked if the date of approval for the FY20 budget is May 21, 2019. This is correct.

**Consideration of CHIEF and Ganesh III, LLC Request for Water under the City's Water and Wastewater Policy**

Councilmember Aleshire asked why this item is on the agenda for April 23, 2019. Mayor Bruchey indicated it should not be listed, as the application has requested that it not be considered at this time.

Mr. Spiker stated there has been no further discussion on this matter and it was mistakenly included on the preliminary agenda.

Wage Study/Union Reopeners/Hagerstown Police Department Recruitment

Kevin DeHaven, Acting Human Resources Director, was present to discuss a wage study, union reopeners, and Hagerstown Police Department recruitment. As previously articulated in an email to Mayor and City Council, staff has been presented with two separate action items they believe can be solved through one action (wage rate study). Recent Maryland legislation that uses a phased in process to reach a \$ 15.00/hour minimum wage is a third item. The City has a number of grades and steps (both MG and 1540 union) that are lower than \$ 15.00 per hour. A wage rate study will help prepare, and financially budget, for the impact the legislation is going to create annually.

Two requests have been received asking to expedite the re-opening of wage discussions for IBEW 307 and AFSCME 3373. The wage re-opener requests are the result of the fear that discussions during an election year may not be as advantageous as a non-election year discussion. Contractually, the re-opener discussions would occur in March 2020 with an effective date of July 1, 2020 (the beginning of FY21). The early re-opener discussion would still have the same effective date for wages.

Secondly, officer retention at the HPD has become a topic of numerous internal discussions with "plans" to rectify the issue being presented from differing sources at differing levels. The officer retention issue is being addressed by Chief Kifer within the budgetary limits currently in place. There are currently 16 vacancies within the police department.

Additionally, there is a wage compression issue Citywide between supervision and hourly union represented employees. Other factions are proposing budgetary increases in excess of \$ 2 million which when factored with "Me Too" clauses, would reach catastrophic budgetary requirements.

The City has faced many situations that could be addressed by conducting and implementing an updated classification and compensation system. Difficulty in recruiting and hiring new employees and high levels of employees turnover are all indications that the City's compensation program has not been competitive with the regional market.

As a general rule, most organizations conduct new classification and compensation studies every five to seven years ensuring their ability to hire and retain qualified employees and those internal relationships are equitable. Springsted was utilized for the last wage study and a final report was published in March of 2007.

Washington County completed a wage study recently utilizing the services of Evergreen Solutions. The City's participation with the County included the City furnishing nearly all of its job descriptions and wage information. Evergreen Solutions was asked to submit a proposal for a wage study for the City encompassing all union and non-union employees. The proposal is for \$ 45,000.00. There is currently \$ 18,000.00 budgeted in FY19 and FY20 funding will be designated as needed.

An option in the Evergreen Solutions proposal includes addressing the non-union positions first at \$ 28,000.00. This option would deal with the wage compression issue between supervisory and union staff. Overall, a wage study that encompasses both union and non-union staff would be optimal for addressing each department's needs.

Staff's goal moving forward, with Mayor and City Council approval, is to address all of the above issues with a wage study that encompasses:

1. Providing fair and equitable compensation to employees in a highly competitive and changing labor market paid in comparable regional organizations
2. Maintaining a competitive pay structure that takes into consideration the City's fiscal resources
3. Ensuring that employee compensation is based on individual performance that meets or exceeds expectations, and reflects changing economic conditions
4. Providing consistent administration of pay policies and procedures among all City departments

Councilmember Metzner asked if wages are going to be changed for FY20. Mr. Spiker indicated they will not, according to union contracts. However, the union has requested a wage re-opener. This study is anticipated to begin in FY19 and be completed in FY20. Any changes would not be implemented until FY21.

Mr. DeHaven stated he believes the original wage study was discussed to address the compression issue. Expanding the scope and time frame could also address the re-opener request.

Ms. Hepburn indicated the last wage study was implemented in phases, which is what the County has been doing. The study would be completed during the next fiscal year, which would put potential implementation at the wage re-opener time frame.

Councilmember Metzner noted the proposal states it will be completed within 90 days. He wonders why a study would be done in 2019 when changes aren't anticipated until 2021.

Councilmember Keller stated the wage re-opener will occur in March, 2020. She asked if it would be helpful to have the wage study information prior to March.

Ms. Hepburn stated it would be. A wage study was considered originally to address the compression issue and several employee groups are asking for the same thing. Staff is hoping to be able to address all the requests with the results of a wage study.

Councilmember Metzner doesn't think an election year is an issue at all. He supports a wage study but doesn't think timing is an issue. He understands there is a need to do something about the police recruitment. If any changes are made, they would have to be approved by the union. He assumes "Me Too" clauses would come into play as well.

Mr. Spiker reported that staff thought it best to use a holistic approach for a complete study after a police union meeting on March 26, 2019.

Councilmember Aleshire does not support moving forward with a wage study. It will be like the last one with comparisons to larger and more financially stable cities. Part of the police recruitment challenge is the fact that there are entities to the east of Hagerstown that need the same work force.

Councilmember Keller stated part of the responsibility of the Mayor and City Councilmembers is to keep citizens safe. Being down 19 officers creates a challenge that needs to be discussed. The citizens that voted in favor of binding arbitration need to realize the elected body will have to implement exactly what the citizens directed them to do, which is expend the extra funding to meet the necessities of the services.

It was the general consensus that there should be a wage study completed prior to March, 2020. The cost will be split between FY19 and FY20.

#### Bike Safe Play Court

Rodney Tissue, City Engineer, informed the group that a proposal for a Bike Safe Play Court has been made. Mary McPherson and Hannah Parson, Washington County Health Department, were present to discuss a proposal for safer bicycling.

According to CDC, children and adolescents have the highest rates of nonfatal bicycle-related injuries, accounting for more than one-third of all bicycle-related injuries seen in U. S. emergency departments.

Of the 51 bicycle crashes reported in Hagerstown in 2015-2018, half (25) involved bicyclists age 19 and under. Of those 25 incidents, none of the bicyclists were wearing a helmet. Of those 25 incidents, the bicyclist was found to be at fault 72% of the time. One of the two fatalities in 2015-2018 was a 17 year old cyclist who ran a stop sign. A recent survey conducted by the League of American Bicyclists, shows many Hagerstown community members felt that more bicycle education was needed for both cyclists and drivers.

WCHD has been working with Bester Community of Hope to assist children who are walking to Bester Elementary School. The priority is to get children to have the confidence to walk to school and get there safely. The newest piece of this project is something traditionally called a Traffic Garden, and the WCHD calls the Bike Safe Play Court. This is a place where children can ride on painted streets created specifically for children on bicycles.

This project, which is being funded with a \$ 20,000 grant from the Maryland Department of Health, will have several parts. First, Bester Community of Hope, the YMCA and Girls Inc. will hold summer camps that will teach children about bike safety, following the rules of the road, proper helmet fit, etc. There may be some education about design and construction of the Bike Safe Play Court. Second, they will hold a bicycle rodeo where children can show what they have learned and the skills they have acquired during the summer camp. Finally, they want to build a permanent Bike Safe Play Court.

The City owns a piece of a large lot on the corner of Baltimore Street and Mill Street. This would be the perfect place to construct the Bike Safe Play Court for the following reasons:

1. It is close to Bester Elementary School where a pedestrian safety program has been established.
2. There is easy access for all potential patrons in the community.
3. It is owned by the City of Hagerstown.
4. There is access to the bathroom facilities at Hager Park
5. It could potentially increase the use of Hager Park

Ultimately, the children who use this Bike Safe Play Court will become better adult drivers and cyclists. They will know the rules of the road, understand the importance of looking out for pedestrians and bicyclists, and hopefully become active healthy adults. Hagerstown has been designated as a Bicycle Friendly Community and the Bike Safe Play Court will be a potential training place for children to learn how to ride safely in the

city. The Bike Safe Play Court will also provide another opportunity for children to be active and have a safe place to ride their bikes.

Councilmember Aleshire asked if this space is needed for parking for the Federal Little League. Mr. Tissue is waiting on a response from Federal.

Councilmember Aleshire pointed out this site is Alternative B of the most recent stadium study that is under consideration. The report is expected to be presented to the Mayor and City Council on May 7, 2019. He thinks the court is a great idea. This may not be the ideal location but it will be somewhere.

Mr. Spiker pointed out there is an agreement on that property with the Hagerstown Light Department. It is currently used as a second access point for the HLD and is considered a strike zone.

Mr. Tissue noted an agreement for the use of City property would have to be approved.

It was the general consensus of the Mayor and City Council to allow the WCHD to move forward with this project.

#### Open Container Exemption for Listening 2 America Community Conversation

Kitty Clark, Community Events Coordinator, and Dante Hayes, Executive Vice President and Executive Producer of the Community Education Foundation, were present to provide information about an event that would require an exemption to the Open Container Law.

The Community Education Foundation is a non-partisan, tax-exempt research and educational institute focusing on public policy issues. It has offices in Washington, DC and Baltimore, Maryland. Mr. Hayes contacted the City to inquire about holding one of the Foundation's Listening 2 America community conversations and crab feasts in downtown Hagerstown. Others are planned for different cities throughout the state from July through September, 2019. He has specifically requested use of University Plaza on Saturday, August 3, 2019 for this event (with a full day of set up and a full day of breakdown on August 2, 2019 and August 4, 2019).

The goal of the Listening 2 America event is to inform, educate and have an open and honest dialogue with the public on issues related to the economy, jobs, education, the environment, government spending, health care, immigration, prescription drugs, public safety, social security, and taxes. One Democrat and one Republican, still to be determined, will be invited to participate in the conversation with attendees. Mr. Hayes is proposing to hold this event twice on August 3, 2019 – from 12:00 p.m. to 5:00 p.m. and from 7:00 p.m. – 12:00 midnight, with capacity for approximately 900 people in each session. A crab feast with beer and live music will follow each conversation.

If approved by the Mayor and City Council, the applicant will apply to the Liquor Board for review and final approval for a One Day Event License.

Councilmember Keller supports the request. It would provide an opportunity for people to listen to issues without worrying about party affiliations.

Councilmember Aleshire is not in favor of this event. He wondered how it would be non-partisan if only representatives of two political parties are invited to speak. This location is intended for leisure oriented activities, not political dialogues and activities. Because the area is all grass, he thinks serving crabs and beer may be harmful to the grass.

Mr. Hayes indicated he looked at other sites and found University Plaza would be the best. There is a fence that would help designate the event area. He hopes to have an event in all Maryland counties next year. The foundation is non-profit and therefore cannot be political. They do not promote any candidate or politician. They discuss issues such as healthcare, drugs, and Medicare. Their intent is to provide the opportunity for people to be educated on these issues.

Councilmember Heffernan asked what the budget impact would be for police coverage. Ms. Clark indicated the group is not asking for funding. The estimated cost for police would be \$ 2,800.00.

Councilmember Heffernan would like to see more conversations like this. He believes this is a good catalyst for starting this kind of discussion.

It was the general consensus to include an open container exemption for the event on the April 23, 2019 Regular Session.

#### Main Street Hagerstown – Business Relations Work Group Focus Group Summary

Amanda Whitmore, Downtown Coordinator, and Paul Frey, Chair of the Main Street Business Relations Work Group, were present to provide a summary of the Business Focus Groups organized by the Business Relations Work Group.

In an effort to gain a better understanding of the needs and opportunities facing Main Street Business, the Business Relations Work Group held three focus group discussions in the fall of 2019 with a total of 23 businesses participating. Questions included:

1. What attracted you to open a business downtown?
2. What could be improved to make a more positive impact on your business?
3. What types of things are you doing to grow and promote your business?

A Focus Group Team comprised of Work Group members Paul Frey, Marshall Hammer, and Bob Jones, formatted the questions, organized and facilitated the focus groups, and

took notes during each group discussion. The team combined the raw notes relating to each of the questions in order to observe the range of comments and the frequency of the same or similar comments.

A summary of the information gathered was also shared with City Department Directors. Business focus groups were also held in 2018 and feedback gathered from those focus groups assisted in improving areas within the City's control as well as guided Main Street volunteers in developing their annual work plans.

Mr. Frey provided a detailed report of the responses that is available with the meeting material.

Responses indicate that many business owners are aware of the Main Street relationship with the City of Hagerstown. Hagerstown needs a good brand, with many good things happening. Feedback regarding the permitting process was more positive than in the past.

Downtown business owners want to be part of what is happening. A law firm, based in Gaithersburg, established an office in downtown Hagerstown based on word of mouth, realtors, and downtown business people.

Loitering and crime continue to create a negative image. Mr. Frey recommends focusing on a strategy to fight back against the negative perceptions. A more visible police presence in the Main Street area, including bike and foot patrols, would help to address these issues, as well as provide a level of safety for the downtown workers, students, and business patrons. This recommendation aligns with the Mayor and Council's Goals and Priorities of supporting public safety and to focus attention and resources to Retention and Recruitment in the police department.

Councilmember Aleshire noted that one of the summary points mentions a general theme around the atmosphere created by public behaviors that make people feel unsafe. With issues like loitering, the City doesn't have control over an individual's ability to roam around. Mr. Frey stated businesses are asking how to address these issues.

Councilmember McIntire the City does have control over how it attracts more businesses and creates a positive area, which will take the focus away from loitering and other issues.

Councilmember Heffernan stated some people are attracted to downtown because of the proximity to social services.

Mr. Frey stated they understand this and many of the business owners want to be a part of the revitalization.

Councilmember Keller has talked with other Councilmembers and staff about having police officers and business owner meet to talk about ways to stay safe as a community.

Councilmember McIntire wondered if the downtown business group could create their own Neighborhoods 1<sup>st</sup> group.

### FY20 Budget Review

The group agreed to delay the budget review scheduled for later in the meeting until April 23, 2019, prior to the Regular Session.

### CITY ADMINISTRATOR'S COMMENTS

*Michael Spiker, Interim City Administrator*, announced there will be an Earth Day Celebration at University Plaza on April 22, 2019.

### MAYOR AND COUNCIL COMMENTS

*Councilmember S. McIntire* stated she would be remiss if she didn't bring up the Facebook post regarding demolition of buildings and destruction of history in the Jonathan Street area. She suggested the City facilitate a Black Heritage Commission, which would give members of the community the opportunity to be heard. At one point in time, it was noted the area should be designated as a historic area. She wondered what happened with the designation.

*Councilmember E. Keller* stated the Mayor and City Council don't always know about situations and issues. She encouraged citizens to contact them to discuss issues. She promised they would help citizens find a solution.

*Councilmember Heffernan* stated Facebook trolls attempt to incite people rather than helping to find a solution. He takes offense to people who represent themselves as representing the community when they don't. A lot of erroneous information is posted on Facebook about the City of Hagerstown. He thinks one of the best things that the Mayor and City Council could do is delete Facebook for a year and communicate in another way.

Councilmember McIntire agreed. She stated it is important to meet with people in their own neighborhoods and have face to face conversations. The City needs to control the message rather than relying on the media.

*Councilmember L. C. Metzner* pointed out the Medal of Honor Triangle Neighborhoods 1<sup>st</sup> group is very active and the members do represent the Jonathan Street community. Citizens don't need to turn off Facebook, the Mayor and City Council do. The opposite of love is not hate, it is indifference and tolerance. Facebook is not the place to discuss issues. The more you engage the trolls, the more they post. Facebook is not the way to legislate.

*Councilmember K. B. Aleshire* agrees that you can't legislate through social media. Legislation occurs at the Council table. He is happy to go out into the communities and

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meet with people. He stated removing blight from this community is imperative because blight is a physical representation of what people perceive the community to be. That negative perception has to be replaced with something positive. The people who benefit the most from the removal of blighted buildings are those in close proximity.

*Mayor R. E. Bruchey, II* had no additional comments.

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 6:12 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: May 28, 2019