

1<sup>ST</sup> SPECIAL SESSION AND WORK SESSION – DECEMBER 4, 2012

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Mayor D. S. Gysberts called this 1<sup>st</sup> Special Session and Work Session of the Mayor and City Council to order at 4:04 p.m., Tuesday, December 4, 2012, 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 Bruce Zimmerman, and City Clerk D. K. Spickler.

On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to meet in Special Session at 4:04 p.m.

**Public Hearing: Community Development Block Grant Public Needs**

Sarah Johnson, Planning and Outreach Specialist, stated the Community Development Block Grant (CDBG) program regulations require an annual public hearing to obtain the views and comments of individuals and organizations concerning the City's housing and community development needs. All views, comments, and project recommendations are taken into consideration when establishing the City's CDBG Annual Action Plan for the upcoming fiscal year.

In addition to testimony received at the public hearing, written comments and project recommendations will be received until January 6, 2013.

The following testimony was presented:

Joe Marschner, 522 Summit Avenue, Hagerstown, Maryland, is President of the Hagerstown Neighborhood Development Partnership (HNDP). He also is involved with Habitat for Humanity and the Washington County Community Action Council. As the City's CDBG entitlement grant has declined, HNDP would be able to enhance the opportunity for leveraging of resources.

Sharon Disque, 21 E. Franklin Street, Hagerstown, Maryland, is the Executive Director of HNDP, also known as The Home Store. The Home Store encourages expansion, development and retention of housing. Part of their mission is to increase financial investments in housing by providing loans and other funding sources. They diminish the need for government action. The Home Store was formed as a 501 (c) 3, non-profit organization with the above stated purpose. She provided a brief history of HNDP. Some of the key issues they focus on are strategic real estate investments, regulatory changes, financing opportunities for homeowners, and community planning activities. While they are grateful for the current financial support from the City of Hagerstown, it is only a fraction of what it was four years ago. They serve more than 1,700 people each year. They could match the City support, dollar for dollar, for increased impact in the community. Reduced entitlement funds from CDBG requires everyone to be more creative with their resources.

Sherry Brown Cooper, 100 Charles Street, Hagerstown, Maryland, is the Executive Director of Habitat for Humanity. Habitat provides simple, decent, affordable housing for low income families in need. Prospective owners have to meet HUD guidelines. They are required to provide sweat equity in the construction of the home. Habitat utilizes the CDBG funding to acquire and rehabilitate existing houses in Hagerstown that would be sold to Habitat families, to acquire properties to build on, and to offer loans to low income families for home repairs. Seven of the 41 Habitat homes in the County have been secured with CDBG funding. Four of the homes were built on property donated by the City of Hagerstown. Habitat received funding through the City's CDBG program until 2006. She asked the Mayor and City Council to consider reinstating the funding. There are 35 Habitat houses within the City of Hagerstown.

Dave Jordan, 101 Summit Avenue, Hagerstown, Maryland, is the Executive Director of Community Action Council (CAC). CAC does a number of "brick and mortar" activities, mostly with State funds. They use the CDBG funding through the City of Hagerstown for the summer food program. Approximately 10,000 students in Washington County are eligible for free and reduced meals. Many of these do not receive routine meals during the summer months. He asked the Mayor and City Council to continue supporting the program.

Councilmember Munson stated he worked with Mr. Jordan at the State level and he is a good public servant.

Ron Lytle 4 W. Franklin Street, Contemporary School of the Arts & Gallery, Inc. (CSAGI), Hagerstown, Maryland, asked the Mayor and City Council to consider providing CDBG funding for their after school art program. They need assistance to enhance the program. It is the only after school program that teaches art in Hagerstown.

Janet Bartels, 139 S. Mulberry Street, Hagerstown, Maryland, asked the Mayor and City Council to put CDBG money back in the community by reinstating the Neighborhoods 1<sup>st</sup> group program as it was originally implemented. The needs of each neighborhood was reviewed. An active coordinator for each neighborhood group is needed. The program is an effective communication tool.

Neal Silverman, 115 S. Mulberry Street, Hagerstown, Maryland stated he has lived in many places but has not felt as isolated as he does here. He suggested mass transit opportunities would help all Hagerstown citizens to connect with major cities.

Tim Henry, 19224 Chippendale Circle, Hagerstown, Maryland, spoke on behalf of the Boys and Girls Club. He is the Chief Executive Officer and Chief Volunteer for the organization. The City donated land on Noland Drive to the Boys and Girls Club five years ago. The final phase for the new facility at Noland Village is nearly complete. More than 50% of the needed funding has been raised. Construction will not begin until all the necessary funding is secured. Funding through the CDBG program would help the project be completed faster. The Hagerstown club is a model for the State of Maryland.

There was no further testimony presented. The hearing was closed at 4:31 p.m. The record will remain open for further written comments until January 6, 2013.

**Approval of an Ordinance: Sale of Army Reserve Property at 21 Willard Street to Washington County**

**Action:** Councilmember L. C. Metzner made a motion to approve an ordinance authorizing the sale of the former U. S. Army Reserve property on Willard Street, Hagerstown, Maryland, to the Board of County Commissioners for Washington County, for the sum of Six Hundred Twenty Five Thousand Dollars (\$ 625,000.00), in accordance with all terms and conditions outlined in the Ordinance. Councilmember D. F. Munson seconded the motion.

Discussion: Councilmember Brubaker proposed that the funds received for the sale of this property be dedicated to a one time use, not incorporated into the General Fund.. Mr. Zimmerman clarified that the use would be a specific use, not necessarily a single use. No use has been established at this point in time.

Councilmember Aleshire inquired about the property description, which was not attached. Mr. Nairn stated he was not sure the area had been defined yet. Councilmember Aleshire asked how the City originally acquired the property and if there would be deed restrictions if it was part of the original golf course property. Ms. Burkner indicated the City has owned the property for some time. The agreement with the U. S. Government was implemented in 1956.

Councilmember Aleshire wondered if the property could be transferred if there are deed restrictions. Mr. Nairn was not able to answer the inquiry.

Mr. Nairn indicated the contract has been provided to the County, but no response has been received regarding the contingencies.

Councilmember Aleshire stated a Board of Zoning Appeals hearing is scheduled for December 19, 2012 to consider a special exception use for this property. He asked who made the application. John Lestitian, Director of Community and Economic Development, stated the application was filed administratively, knowing the Mayor and City Council would be considering the sale of the property, with the intended use being a senior citizen center. Mr. Zimmerman stated representatives of the County will be appearing before the BZA.

Councilmember Metzner stated the motion is to authorize the ordinance, which authorizes the sale of the property to the Board of County Commissioners for \$ 625,000. It does not indicate this is the contract of sale. The contract of sale is not part of the ordinance.

Councilmember Aleshire stated even though the documents indicate the property will be used for a senior center, once the transfer of ownership

occurs, the City will no longer have rights over the use of the property, outside of zoning regulations. He realizes a Washington County Senior Center at this location will cost less for the County. He wonders if this is the most effective use of the property. He thinks the \$ 625,000 could be used in another way.

Councilmember Brubaker pointed out the money would go to some other community in the country. The income to the City would not be wasted, it could be used for removing the buildings at the old MELP plant and other things.

Councilmember Metzner views the \$ 625,000 as appropriate compensation from the Federal government for the low lease rates for the use of the property by the Army Reserve Center.

Councilmember Aleshire has asked for confirmation from HUD that the money can be used at this location if the City leases the property instead of sells it.

Councilmember Munson stated he seconded the motion, which is to sell the property to the County Commissioners, for use as a senior center. This is an idea whose time has come, and is slipping away. The Mayor and City Council have the opportunity to make this community better and approval needs to occur before the expiration date for the funding. If this property is not sold to the County, the City will have to maintain the property, at additional costs.

Motion carried, 3-2 with Councilmember K. B. Aleshire and Councilmember P. M. Nigh voting No.

On a motion duly made, seconded and passed, the Special Session was closed at 4:51 p.m.

#### WORK SESSION – December 4, 2012

##### Community Coalition Participation

John Latimer, was present to discuss the 2013 County Community Coalition efforts. The Coalition is inviting the City of Hagerstown to participate again this year. The coalition's members include the Chamber of Commerce, Washington County, City of Hagerstown, CHIEF (the Industrial Foundation), the Greater Hagerstown Committee, Washington County Public Schools, the Washington County Free Library and the Convention and Visitors Bureau.

As the community grows, the Coalition partners increasingly see the need to supplement the work of the delegation and help promote Washington County in Annapolis. No matter the strength of the local delegation, Washington County will always need a concerted effort to be heard along side larger, more urban areas. The

Coalition is focused on helping overcome this disadvantage in Annapolis.

As in the past, the Coalition will hire a lobbyist to push Washington County's state-level agenda during the 2013 General Assembly session. The program will also keep the members posted on issues of concern throughout the year, serving as an "early warning system" for anything in Annapolis that may affect Hagerstown or Washington County.

Again this year, they are asking the partners to participate financially. The Coalition is asking the City to contribute \$ 5,000.

Mr. Latimer indicated a reception will be held again this year during the Legislative Session. This function was successful last year and they are asking for continued support and participation.

The draft agenda includes the following:

1. Professional Court Bridge and Extension
2. Multi-Use Sports and Event Center
3. Williamsport C & O Canal Improvements
4. Education Disparity Grant

Mr. Latimer indicated input from this Mayor and City Council is welcome regarding the draft agenda that was established. He stated Washington County has not been eligible to receive funding through the Education Disparity Grant. Due to the economic downturn, the community does not now qualify to receive some funding. This community is one of the few that are not in the program at this time.

Councilmember Metzner and Councilmember Brubaker stated this is a good investment for the City. The legislature members are impressed that these organizations are partners.

Councilmember Aleshire asked if the other partners have committed funding this year. Mr. Latimer indicated the Coalition has not yet made a formal presentation to the County Commissioners. The other partners are confirmed.

Councilmember Munson stated this lobbyist coalition is valuable in Annapolis.

It was the general consensus to approve funding for the coalition partnership again this year.

### Snow Operation Procedures

Eric Deike, Director of Public Works, presented a review of the current procedures of the City's snow plowing and snow removal operations.

The clearing of snow from streets and sidewalks is an important service provided by the City of Hagerstown. Streets need to be made passable first for emergency vehicles and second for the day-to-day business of citizens. Sidewalks also need to be cleared for the safety and welfare of citizens.

Public Works currently requires every employee within the department to work during snow events. If the forecast predicts the snow will last less than 12 hours or drop less than 4 inches of snow, the department will handle the event during one shift. However, a forecast that shows the storm lasting more than 12 hours or that more than 4 inches of snow will fall, the department will go into 12 hour shifts to ensure enough manpower is available to handle the event. Personnel from other departments will assist during the bigger snow events.

Equipment includes dump trucks equipped with road salt spreaders and snow blades and several pickup trucks equipped with snow blades. The City uses a variety of chemicals to battle snow and ice. The road salt used is sodium chloride and is purchased through a state contract. Should storms become extreme, outside contractors can be contacted to assist with clean-up and snow removal.

Snow fighting guidelines include various combinations of equipment and manpower, depending on the forecast and conditions. The City's streets are divided into primary streets and secondary streets. Primary streets are given priority and plowed first. The secondary streets are then addressed. Sidewalks are usually not handled until after the storm subsides. This, too, is dependent upon the nature of the storm.

The City owned buildings downtown are overseen by the custodial crews. Other City owned sidewalks are handled by the street crew. A four foot wide walking path is initially cleared in each quadrant of the square. Staff will then return after the storm to clear the square of the remaining snow. Per the City Code, sidewalks are to be cleared of snow and ice within four hours of the end of the storm.

For years, the policy for clearing alleys has been that alleys are not plowed within the City. In most cases, there is no place to push the snow due to the close proximity of the buildings. Heavily salting the alleys works well most of the time.

Snow removal is usually only taken under extreme conditions due to its costs and inconvenience. Streets have to be closed and vehicles moved for this operation to be efficient and effective. Removal of snow begins in the downtown area to keep restaurants, businesses and government offices operational. The snow removal operations continue to radiate out from the downtown focusing on streets with limited street parking and off-street parking.

The current fiscal year budget for snow operations is \$ 472,700. However, the costs can widely vary depending on when a storm occurs.

Councilmember Munson inquired if the State would assist the City if there were serious problems. Mr. Deike stated the County would assist, if necessary. He has not discussed this with the State. Councilmember Brubaker stated the State has indicated they are capable of plowing snow in urban areas.

Councilmember Aleshire asked if the City was eligible for FEMA funding in 2010. Mr. Deike stated the City was eligible and received approximately \$ 90,000.00.

Mayor Gysberts encouraged people to sign up for the Snow Angels Program. Students can earn learning hours by volunteering. Interested residents should contact the Department of Community and Economic Development.

#### Employee & Retiree Medical and Dental Benefit Overview

Karen Paulson, Director of Human Resources, and Susan Delauter, Human Resources Administrator, provided an overview of medical and dental benefits.

The City's medical and dental plans are self-funded, meaning the City pays claims through a Healthcare Fund. The City mitigates the financial risk of large claims through the purchase of a stop loss insurance policy.

Health and Dental Benefits are an integral part of the overall employees' compensation package and as a result represent 7.9% of the City's overall operating budget. Currently, there are 650 employees and retirees enrolled in the medical plans. With dependents, this number increases to 1360. On a whole, the City's funding share is \$ 4.8 million. The Employee and Retiree funding share is \$ 1.6 million.

Employees may choose between two medical plan options: The Level Plan and the High Deductible Plan. Retiree medical coverage is based on age and/or Medicare eligibility. Employees and retirees have a choice of two dental plans.

The City has a Healthcare Committee with representatives from each employee group and retirees. The role of this committee is to review benefit plan performance and make recommendations for plan design changes. This group typically meets on a monthly basis.

CBIZ is the City's benefits consultant. They meet with the Healthcare Committee to review performance, identify trends, project future performance, monitor legal compliance, and recommend changes. Plan designs and offerings have been developed over the years through the collective bargaining process.

Due to contract language, employee premiums have remained unchanged for the past 5 years. The City has absorbed the increases. Early projections indicate the City could experience an increase for Plan year 2013/14.

In addition to the Medical and Dental Plans, employees may also elect the following options benefits: vision, life insurance, long term disability, flexible spending accounts, critical illness, and accident insurance. Employees pay the full cost of these benefits.

#### Employee Wellness Plan

Karen Paulson, Director of Human Resources, and Susan Delauter, Human Resources Administrator, provided an overview of wellness initiatives and expansion of the initiatives.

The City has implemented wellness initiatives since 2009. An expansion of the wellness initiative is necessary to meet the primary goal of improving the health and vitality of the City's workforce.

Measurements of success include:

1. Long term cost reduction in medical/prescription claims
2. Long term cost reduction in Worker's Compensation claims
3. Long term reduction in absenteeism trends
4. Employee identification of undiagnosed conditions or elevated risk of chronic conditions such as diabetes or pre-diabetes

Healthcare risk assessments are a vital part of the program. These assessments provide the ability to identify trends in workforce health and allow the City to tailor the approach to provide targeted programs that will have the greatest impact. The programs will also include educational opportunities and incentives. This is also another avenue to promote the recreational activities and programs the City provides.

The anticipated cost of the program is \$ 25,000 from January to June, 2013 and \$ 55,000 for FY 2013/14. The funding source for the program is the Healthcare Fund. This is separate from the General Fund.

Funding approval for the program will be included on the December 18, 2012 agenda.

#### Mayor and Council Budget Retreat

The Mayor and Council have generally held a budget retreat in late January or February to review preliminary information on financial projections and budget related issues in advance of receiving the entire proposed budget on March 31<sup>st</sup>. It was the general consensus to use January 29, 2013 as the date for a budget retreat.

#### Safe Speed for Students Program

Mark Holtzman, Acting Chief of Police, was present to request funding from speed camera revenue to add a dedicated police officer and vehicle to operate the speed camera program.

This position was originally discussed with the Mayor and Council as a future need once the program became fully functional. As of October, 2012, there are 11 cameras in operation at 10 of the 13 approved locations. The cameras capture approximately 200 violations per day that need reviewed by an officer. Maryland law requires speed camera programs to be operated by sworn police personnel. The intent is to have this uniformed officer operate from a marked police cruiser parked in a visible location in the downtown. This will provide added police visibility to the downtown without using general tax funds.

Since the start of the speed camera program in April, 2012, it has generated \$ 539,848 in net revenue to the City. An estimated cost of \$ 129,000 is needed for this request, which includes a marked vehicle and the cost of hiring one officer. Recurring costs include only the police officer position, which can be supported by the speed camera

program in future years. Approval of the additional police officer position will increase the authorized strength of the sworn police personnel from 106 to 107 (with a total of 105 funded). If the revenue from the speed cameras becomes minimal, the position would not be continued.

State law requires the cameras to be operated by the police department, not the vendor. The law also requires calibration twice per day. Acting Chief Holtzman stated the two calibrations would be performed by two different officers. Currently, 200 or more violations are reviewed in one day.

The cameras are operational Monday through Friday, from 6:00 a.m. to 8:00 p.m.

The location of the cameras were determined through speed studies. The cameras, by State law, must be located at public schools. Councilmember Aleshire asked if certified day care centers would be eligible as a camera location. Acting Chief Holtzman will research this question.

Councilmember Munson congratulated the department on their good work.

Approval of the position and vehicle will be included on the December 18, 2012 agenda.

#### Fire Department Staffing

Kyd Dieterich, Fire Chief, Karen Paulson, Director of Human Resources, and Doug DeHaven, Acting Fire Chief, were present to discuss staffing within the Fire Department.

The Fire Department has had eight unfunded vacancies in the last two fiscal year budgets. Chief Dieterich considers five of these staff positions – Deputy Chief, three Shift Captains and the Public Fire Educator. During this time, the department has attempted to cover the responsibilities of these positions by reassigning command staff duties and utilizing command staff personnel in shift commander positions. This has resulted in staff working shift-work schedules they normally would not be required to do.

Chief Dieterich believes it is important to eventually evaluate the possibility of restoring each unfunded position. However, he realizes the City is not in the financial situation to restore all of the unfunded positions at once. The biggest priority for the Fire department is to reinstate the three Shift Captain positions. He is concerned with some recent changes in the command staff, the Fire Department is understaffed at the shift commander level to cover each shift. They are especially vulnerable if there is an injury or illness to one of the current command staff personnel.

Promoting the Fire Captains and the subsequent backfilling of Apparatus Operators and Firefighters due to the promotions would cost approximately \$ 280,000. This is a very conservative estimate. In reviewing this with the Finance Department, it has been determined that sufficient funds from the Safe Speed for Students Program are available to fund these positions without the need for a property tax rate increase. As funding becomes available in the future, he would like to discuss the potential reinstatement of

the other unfunded Fire Department positions.

Reinstatement of these 4 Fire Captain positions will provide the department with sufficient command staff personnel to cover all shifts, strengthen the training programs, address fire ground span of control issues, improve community outreach in fire prevention and significantly reduce, if not eliminate, command staff overtime. In addition, it will also provide opportunities for career advancement for personnel. If this request is approved, staff expects to complete the promotion process and have these positions filled by the beginning of March, 2013.

Mayor Gysberts asked what the overtime cost was for the year. Michelle Burkner, Director of Finance, will provide this information.

Councilmember Metzner asked if revenue from the speed cameras would be an appropriate use of funding for this request. Mr. Zimmerman stated using the speed camera revenue, which must be used for public safety, would free up general fund monies for other uses. Staff's recommendation is to use this funding for both of these public safety proposals.

Mayor Gysberts suggested improving pedestrian safety at intersections would be a worthwhile endeavor as well.

It was the general consensus to include approval of reinstatement of the three Fire Captain positions on the December 18, 2012 agenda.

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

*Bruce Zimmerman, City Administrator*, had no additional comments.

#### **MAYOR AND COUNCIL COMMENTS**

*Councilmember D. F. Munson* had no additional comments.

*Councilmember K. B. Aleshire* thanked everyone involved with the tree lighting at City Park. He is interested in discussing the staffing at the Hager House and the concerns expressed by the Historical Society. Councilmember Aleshire recommended expediting the process for naming a police chief. Mr. Zimmerman indicated he sent an email to the Mayor and City Council stating he would like to discuss this in January, 2013. Councilmember Aleshire stated the demolition of MELP is a top priority. The City will always be responsible for environmental issues at the property, no matter how many owners there have been. He would like this administration to resolve this during their first year in office. He wants to focus on transparency. The Mayor and City Council have received additional information regarding the multi-use stadium project. He stated he thinks the lease needs to be discussed in open session. He stated if the private \$ 15 million donation is not secured by January, 2013, he has no interest in talking further about the project. Fire and rescue services in the community need to be discussed. These services are difficult to fund and the City should make a decision on how to move the services forward, in partnership with or in spite of the County Commissioners.

*Councilmember M. E. Brubaker* thanked staff for the program at City Park. These activities are good quality of life activities in Hagerstown. He congratulated Turtles Subs on their 25<sup>th</sup> anniversary. Turtles is located on Burhans Boulevard.

*Councilmember L. C. Metzner* stated he agrees the lease negotiations with the Suns should be held in open session. He stated if the \$ 15 million private donation is not made to the City by January 1, 2013, they should stop discussing the stadium project. The money was to be in a local bank by the end of October, 2012 but was not. The promise of the \$ 15 million has been nothing more than a promise. He has no reason to believe the private contribution will ever be made. Without the \$ 15 million, or some type of private contribution, he does not think the City can request funding from the State of Maryland. He stated Mayor Bruchey was the driving force behind the multi-use stadium and his efforts are why there was a promise of \$ 15 million from a private donor and \$ 10 million in State funding. He stated there is no reason to believe the City is closer to receiving the money than it was 8 months ago. He stated the previous administration was not able to disclose the \$ 15 million donation until it was allowed by the donor, through a written commitment. There were no transparency issues. Unless someone at this table develops a funding plan for renovation of Municipal Stadium or a new stadium, neither project is going to happen. He stated unless substantial private money comes forward, there is nowhere to go with this project.

Councilmember Brubaker reminded everyone that the last administration refused to approve any major projects unless the funding was secured.

*Councilmember P. M Nigh* thanked everyone who supported the tree lighting at City Park. She especially thanked Karen Giffin, Community Affairs Manager, and the Neighborhoods First and Neighborhood watch groups.

*Mayor D. S. Gysberts* thanked all the sponsors of the tree lighting. The museum held a scavenger hunt during the event and had more than 1,000 participants. He thanked Acting Chief Holtzman for his responsiveness to inquiries. He thanked Linda Irvin-Craig and Roger Fairborn for the holiday party at the Miller House. He attended the Mason Dixon Vixen roller derby recently. He planted a tree at the Antietam Fire Company. Trees were purchased through a Chesapeake Bay restoration grant. He recently toured the Barbara Ingram School for the Arts. He is amazed at the students' abilities and the support of the teachers and other staff and other venues. He stated the new administration has done their due diligence to determine the facts from the information provided about the multi-use stadium project. He does not want to see the Suns leave Hagerstown. They are an asset to Hagerstown. Something needs to be done to revitalize downtown.

Councilmember Metzner reminded shoppers that Downtown Hagerstown is a great place to do holiday shopping. There are unique retail opportunities. City Center dollars are available for purchase as well. If you purchase \$ 20.00 in City Center dollars, you can get an extra \$ 5.00 through the end of December. City Center dollars work like gift certificates and are redeemable at many downtown shops and restaurants.

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 6:20 p.m.

Respectfully submitted,

Donna K. Spickler  
City Clerk

Approved: January 22, 2013