

28<sup>TH</sup> SPECIAL SESSION, WORK SESSION AND EXECUTIVE SESSION –  
November 12, 2013

Artist Alley Sign Unveiling and Washington County Arts Council Gallery Ribbon  
Cutting

The Mayor and City Council attended the unveiling of the sign designating Artist Alley and the ribbon cutting ceremony at the Washington County Arts Council Gallery, 34 S. Potomac Street at 3:00 p.m.

EXECUTIVE SESSION – November 12, 2013

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 of all members present to meet in closed session to discuss the appointment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, #1 (Section 10-508(a)), to consult with counsel to obtain legal advice, #7 (Section 10-508(a)) and to conduct collective bargaining negotiations or consider matters that relate to the negotiations, #9 (Section 10-508(a)), at 4:16 p.m. in Room 407, 4<sup>th</sup> Floor, City Hall, Hagerstown, Maryland.

Councilmember Aleshire arrived at the meeting after the vote to meet in Executive Session.

The following people were in attendance: Mayor D. S. Gysberts, Councilmember K. B. Aleshire, Councilmember M. E. Brubaker, Councilmember L. C. Metzner, Councilmember D. F. Munson, Councilmember P. M. Nigh, City Administrator Bruce Zimmerman, City Attorney John Urner, City Attorney Mark Boyer, City Attorney William Nairn, Michael Spiker, Director of Utilities, Karen Paulson, Director of Human Resources, Scott Nicewarner, Director of Technology and Support Services, Michelle Hepburn, Acting Finance Director, Chief Mark Holtzman, and Donna K. Spickler, City Clerk. The meeting was held to discuss an extension of the contract with the City Attorneys, the MELP property and collective bargaining. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the meeting was adjourned at 5:54 p.m.

28<sup>th</sup> SPECIAL SESSION – November 12, 2013

Mayor D. S. Gysberts called this 28<sup>th</sup> Special Session and Work Session of the Mayor and City Council to order at 6:03 p.m., Tuesday, November 12, 2013, 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 M. E. Brubaker and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to meet in Special Session at 6:03 p.m.

### **Approval of IBEW 307 Contract**

**Action:** On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote to approve of a collective bargaining agreement between the City of Hagerstown and the International Brotherhood of Electrical Workers, Local 307. This agreement shall run for a period commencing on November 4, 2013 through June 30, 2016. Under the terms of this agreement, the union shall receive cost of living wage adjustments totaling 4.0% effective November 4, 2013. This three year contract includes a wage and benefit reopener for year three of the contract. Terms of the agreement are summarized in the memo included with the motion.

The Special Session was closed at 6:06 p.m.

### WORK SESSION – November 12, 2013

Mayor Gysberts announced the order of the meeting will be revised to hold the budget discussion first.

### Budget Work Session

Bruce Zimmerman, City Administrator, and Michelle Hepburn, Acting Finance Director, were present to continue discussions on the City's budget and finances.

### **Safe Speed for Students Program**

Mr. Zimmerman discussed the timing of the Safe Speed for Students Program. The initial 30 day warning period for the automated speed enforcement cameras in school zones ended on April 16, 2012, which is when the City first began to issue citations at a limited number of school locations. Throughout 2012 cameras were installed at additional school zones as the City gained State approval for the placement of cameras on State Routes. As a result of this timing, there was no prior operating experience on which to base the \$ 729,000 revenue projection for the FY 13 Budget that was approved by Mayor and Council in May, 2012. This past March, as the current year proposed budget was finalized, the estimated revenue for last year was increased from \$ 729,000 to \$ 1,340,000. Preliminary results for last year indicate a year-end total of \$ 1,560,024. The current year's approved budget includes \$ 1,557,000 in program revenue.

In December, 2012, this Mayor and Council utilized some of the higher than anticipated revenue in FY 13 to restore the three unfunded fire captain positions, a police

officer position, and an additional vehicle for HPD. In addition, this revenue will provide local matching requirements for the five police officer positions partially funded by the COPS Hiring Grant that also was approved by Mayor and Council.

Councilmember Brubaker pointed out the revenue numbers are gross revenue, not net revenue. The net revenue is less than \$ 1 million for the two years.

Councilmember Munson asked if the City has the maximum number of cameras allowed by State of Maryland law. Chief Holtzman indicated there is one additional location being considered.

Councilmember Munson asked if the revenue is expected to taper off as motorists become used to the cameras. Ms. Hepburn indicated staff is monitoring decreasing income trends in other municipalities with speed cameras.

Councilmember Munson asked for clarification on the operating hours for the cameras. Chief Holtzman stated the cameras are operational Monday through Friday, from 6:00 a.m. to 8:00 p.m. No cameras are operational on Saturdays or Sundays.

Councilmember Nigh wondered if the revenue can be used for wages.

Ms. Hepburn indicated budget projections appear to be in line with the actual revenue.

Ms. Hepburn reported the audit is nearing completion. Preliminary information notes income over budget in property tax revenue (\$ 300,000) in income tax, speed camera revenue and admissions and amusement taxes. Expenses are lower by approximately \$ 15,000. Mr. Zimmerman stated staff is researching the reason for the property tax revenue increase.

Mr. Zimmerman stated, based on Mayor and Council actions, established uses for the surplus include police patrol vehicles, lien abatement for 21 E. Antietam Street, additional golf course deficit, and the HUD 2011 audit repayment. Ms. Hepburn stated these uses were discussed previously with the Mayor and City Council. Other options include purchase of a fire engine (not included in bond issue), additional patrol vehicles, repayment to HUD for the Massey property and the MELP property.

Councilmember Metzner pointed out the building on the Massey property are owned by Washington County.

Mr. Zimmerman stated other potential uses would be a one-time stipend to employees, designate some of the funds for FY15 one time CIP projects, pavement preservation, or stormwater management.

Councilmember Aleshire then left the meeting.

Mr. Zimmerman stated projections may change, depending on the actions during the next State legislative session. Based on Mayor and Council actions, \$ 425,000 of the surplus is committed.

Councilmember Brubaker stated it would be nice to use the surplus funds, however, with the uncertainty with the triennial tax reassessment, it may be prudent to wait to commit any use of the surplus until the numbers are known.

### **Bond Financing and Debt Service**

In regard to the Bond Issue, Mayor and Council approved an ordinance on March 26, 2013 for a general obligation bond issue with an aggregate principal amount not to exceed \$ 4,275,000. In subsequent discussions with staff and the City's Financial Advisor, staff have begun to develop an alternative financing structure that would use a competitive bid private financing rather than the issuance of bonds. It would also involve a possible reduction in the amount of financing based on future discussions with the Mayor and Council, which in turn would lower annual debt service costs. Budget projections for FY15 are not strong.

Ms. Hepburn stated the amount required with a bond could be reduced to about \$ 1.5 million with some of the options for the use of the anticipated surplus. A private placement option would lower the overall costs of issuing a bond. This option is available for smaller agencies and is a faster process than a general obligation bond. The term on a private placement bond would be 15 years. The bond counsel would not assist with the financing process but the City's financial advisor would assist with the process. The interest rate is estimated at 4%.

Staff will research this option and return for a future discussion.

### **Main Street Maryland Designation**

John Lestitian, Director of Community and Economic Development, Jill Estavillo, Economic Development Manager, and Andrew Sargent, Downtown Manager, were present to seek the Mayor and City Council's support for the City's application to the State of Maryland Department of Housing and Community Development (DHCD) to designate the City Center commercial district as a Main Street Maryland and National Main Street Community.

A Main Street designation is a nationally-recognized symbol, indicating that the community cares about their downtown, and that grass-roots promotion and events, unique business incentive programs and community pride are all important. The brand has value, made consistent and strengthened by the guiding principles, which are standardized across all Main Street communities. A committee structure is also standard, which helps to reorganize the often fractured downtown revitalization conversation into collaborating action-oriented teams. The Main Street program requires a four point committee approach: Organization, Promotion, Design and Economic Restructuring.

Main Street Maryland requires one additional point: Clean, Safe and Green. The committees include presentations from all the various stakeholders in the downtown revitalization effort, from both the public and private sectors. It is within these committees that the hard work is done. Action-plans are developed, strategies implemented, and the Main Street organization at both the state and national levels are there as supportive resources with extensive experience.

There are many benefits to joining the Main Street Maryland community, including funding prioritization, technical assistance for revitalization efforts, a strong network of support across all Main Street communities, trainings and database access.

Launched in 1977 by the National Trust for Historic Preservation, the Main Street Project was implemented to preserve the business climates and architecture that was quickly being eroded in many of America's downtowns. Originally designed as a strategic structure that could be easily implemented in any town anywhere, the Main Street program has evolved to be a separate entity from the National Trust, called the National Main Street Center. Since the program's inception, there have been more than 2,000 communities assisted by becoming a Main Street Community.

The Main Street Maryland program is administered by the State of Maryland Department of Housing and Community Development (DHCD). The City's Department of Community and Economic Development (DCED) already does much of the work that is required to be demonstrated in order to obtain and maintain the Main Street Maryland designation. As a result, staff believe that the DCED is best positioned to be the required designated point of contact for the Main Street program. However, it is important to note that while the City would be the designated point of contact with the State, Hagerstown's Main Street Program will be a public-private partnership with broad community involvement and stakeholder participation through the committee structure. The committee structure is designed to be action-oriented vs. advisory. The work to improve and support City Center by the community's public and private stakeholders would be channeled into this action-oriented committee structure under the umbrellas of Hagerstown's Main Street Program. Such a public-private partnership would increase community engagement efforts while at the same time increasing efficiency and reducing redundancy.

DHCD has advised the City that existing personnel hours across various City staff that support downtown projects meets the Main Street Maryland staffing requirement. No new position is required or recommended.

DHCD has advised the City that portions of the existing City DECD operating budget that support the City Center meet the Main Street Maryland program budget requirement. For Fiscal Year 2015, staff anticipate requesting a moderate increase to the advertising budget.

There are no application fees or annual fees for the Main Street Maryland program. There is a quarterly reporting requirement for program activities.

Main Street initiatives are not designed to attract chain restaurants and six story businesses. It focuses on an incremental grass roots revitalization process.

Mayor Gysberts thanked staff for their efforts with this program. He stated the designation would increase the potential for additional funding sources.

Councilmember Brubaker asked if the City is required to be designated as a sustainable community. Mr. Lestitian will research this. He anticipates the PEP area would be the area designated.

It was the general consensus to support the City's application to the State of Maryland DHCD to designate the City Center commercial district as a Main Street Maryland and National Main Street community. A resolution will be included on the November 26, 2013 agenda.

#### Neighborhood Policing Program

Chief Mark Holtzman stated starting in November, the Hagerstown City Police will pilot a Neighborhood Policing Program designed to strengthen communication with the public and the safety in the City's neighborhoods. Under the program, officers will be assigned to individual neighborhoods where they will work to address immediate issues and longstanding concerns using a Problem Solving Policing approach. The officers assigned to the pilot program will be seen walking in neighborhoods during their regular patrol shifts engaging the community to improve the quality of life.

Neighborhood Policing shows the disparity between the problems people face and the problems the police attack. The police must learn what the real issues are in the neighborhood from the people who live there. The key is to accept the neighborhoods definition of the problem rather than the police definition.

An officer is assigned to a specific neighborhood. During the officer's patrol, he/she becomes familiar with the residents and is able to identify problems in the neighborhoods with their assistance.

Councilmember Munson pointed out this program fits well with the crime free lease program that is currently being discussed.

#### Washington County Delegation Meeting Discussion Points

Mayor Gysberts announced the annual meeting with the Washington County Delegation will be held on Tuesday, December 3, 2013 at 2:00 at Hagerstown Community College. The Mayor and City Council discussed their priorities and discussion points for the meeting.

Mayor Gysberts suggested discussing the requirements for liquor licenses with the Delegation. It is difficult for smaller establishments to meet the seating and residency requirements. He wondered if the City could regulate alcohol sales within the City limits.

Councilmember Munson mentioned Annapolis establishes their own liquor laws, which may have predated the State liquor laws. He does not think the State would be willing to transfer the license control to the City. He believes rules and regulations could be established by the local liquor board that would apply only to municipalities. It would be logical to discuss this request with Delegate John Donoghue. It would also be helpful to have assistance from the Delegation. Having more restaurants capable of providing beer or wine with meals may draw more people to downtown.

Councilmember Metzner is not hopeful anything will be accomplished through this meeting.

Mayor Gysberts stated he would support the construction of a bridge on Professional Court if annexation remains as a possibility and the bridge would be completed with sidewalks, bike lanes, etc.

Councilmember Brubaker stated he would not agree to financial support of the bridge without revenue from the project being provided to the City.

Councilmember Metzner stated he supports the bridge as a vital piece of infrastructure for the community. He agrees with the Mayor's suggested conditions.

Councilmember Munson informed the group that Delegate John Donoghue has discussed the bridge with the members of the Delegation and requested funding. He indicated there is support for the bridge.

Councilmember Metzner stated funding for the Maryland Theatre operations and renovations should be discussed with the Delegation.

Councilmember Brubaker stated this may be the best timing for requesting assistance for the Theatre.

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

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

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

*Councilmember M. E. Brubaker* thanked Congressman Delaney for attending the Veteran's Day ceremony in Hagerstown.

*Councilmember L. C. Metzner* stated the Artist Alley and Arts Council Gallery events earlier today were very nice. He stated the speaker at the Veteran's Day ceremony was inspiring.

*Councilmember P. M. Nigh* thinks the property owners of rental properties should have to attend the seminar required with the Crime Free Housing. She wondered when the Mayor and Council will start the process to find a new city administrator. She thinks it should start soon. Mayor Gysberts will contact Karen Paulson, Director of Human Resources, regarding this. He suggested this be added to a Work Session agenda in January, 2014.

Councilmember Nigh asked for permission to move forward with another Utility Relief Benefit fundraiser. She asked that Karen Giffin, Community Affairs Manager, and Beth Everhart, Customer Service Supervisor, be the lead people for this. She anticipates a concert being held in March, 2014. It was the general consensus to move forward with another utility relief fundraiser.

*Councilmember D. F. Munson* stated the young lady who gave the speech at the Veterans Day ceremony is a senior at Smithsburg High School. The City's Parks Department deserves recognition for the new sign at Longmeadows Rotary Club Park.

*Mayor D. S. Gysberts* attended the Gridiron Classic on November 8, 2013. South High won the game. He congratulated the Doleman Black Heritage Museum for their successful fundraiser. He reminded everyone the Work Session on November 19, 2013 will begin at 3:00 p.m. at Mills Park.

There being no further business to come before the Mayor and City Council, on a motion duly made, seconded and passed, the meeting was adjourned at 7:45 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: December 17, 2013