

WORK SESSION – October 7, 2014

Mayor D. S. Gysberts called this Work Session to order at 4:05 p.m., Tuesday, October 7, 2014, 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, City Attorney Mark Boyer, and City Clerk D. K. Spickler.

Proclamation: Bullying Awareness and Prevention Month

Mayor Gysberts read a proclamation recognizing October as Bullying Awareness and Prevention Month. Officer Gerard Kendle, Hagerstown Police Department, and Carol Costello, Board of Education, accepted the proclamation.

City Center Holiday Parking Program

Eric Deike, Director of Public Works, was present to discuss the City's Holiday Parking Program.

For many years, the City of Hagerstown has provided limited free parking in the decks during the holiday shopping season. The City officially recognizes the beginning of the holiday season with the Hollyfest program that includes the lighting of the Christmas tree in the square and festivities later that evening at the Maryland Theatre. This year Hollyfest will be on Friday, November 21, 2014.

Staff would like to initiate the 2 hours of free parking as of 6:00 a.m. on Monday, December 1, 2014 and end the special rate on Monday, January 5, 2015 at 6:00 a.m. The intent is to encourage patrons to visit the City Center during the holiday season for shopping, dining and entertainment. Parking will be free in both parking decks on Thanksgiving Day through the Thanksgiving holiday weekend. December 1 is the first Monday after Thanksgiving. The weekends will also be free through the remainder of December.

Metered parking spaces along the street and in the city owned lots will continue to be free before 9:00 a.m. and after 5:00 p.m. weekdays and all day Saturday and Sunday as it is normally throughout the year.

It was the general consensus to modify the existing parking rates to allow 2 hours of free parking in the University District Parking Deck and Arts & Entertainment District Parking Deck from December 1, 2014 through January 4, 2015. Normal rates and operations would resume on Monday, January 5, 2015.

If approved, notices will be placed in the parking decks and on the City's website.

Councilmember Metzner inquired why parking is not free at the meters. Mr. Deike stated the idea is to create turnover so there is ample parking. If meter parking is free,

there are fewer turnovers and less available parking. Councilmember Metzner pointed out the downtown merchants requested that the City not provide free meter parking because of this.

It was the general consensus of the Mayor and City Council to include approval of the program on the October 28, 2014 agenda.

#### General Fund Agency Contributions – Draft Policy

Bruce Zimmerman, City Administrator, and Michelle Hepburn, Director of Finance, were present to discuss a policy for General Fund Agency contributions.

For many years, the City of Hagerstown has provided grant funding through the General Fund to support local community agencies. Examples of recipients include the Washington County Free Library, Washington County Museum of Fine Arts, CASA, the Hagerstown Municipal Band and many other agencies which provide important services and programming to the community.

Mayor and Council have expressed interest in considering a more formalized policy for budgeting and allocating these grants. Staff met with Mayor Gysberts to develop a draft policy for consideration.

The draft policy continues to provide the Mayor and Council flexibility to decide how they wish to allocate these funds based on their goals and priorities for Hagerstown. This policy does add structure and clarity to the process which should assist both the Mayor and Council and staff in budgeting agency contributions. It does not include a specific formula for prioritizing and selecting agencies to receive grants, nor does it limit the number of years an agency may receive grants.

Based on budget discussions over the past year, the level of funding the City devotes to these grants will have to be considered. In the current year, the total funding for these grants is \$ 473,490. This amount includes \$ 200,000 in funding approved by the Mayor and Council for the Maryland Theatre's renovation program. Based on the Mayor and Council's budget discussions this past spring, it is anticipated the total funding in FY 16 for agency grants will be approximately \$ 275,000. It should be noted that in discussing a preliminary three year budget balancing scenario during Mayor and Council Budget Work Sessions this past Spring, the possibility of lowering agency funding by \$ 75,000 - \$ 100,000 was identified as an option.

Councilmember Metzner recommends placing a cap on the amount provided to agencies. Applications would be reviewed by the end of January, with Staff providing recommendations based on discussions by the Mayor and City Council and the limit placed on the funding. If this process is implemented and publicized adequately, it will be a big step in the right direction. Letters should be sent to current recipients as well.

Councilmember Brubaker agrees a cap is needed, as part of an overall strategy. He believes requests for funding should be reviewed to determine if the organization is a core institution or provides a core service.

Councilmember Metzner stated the Council should determine which agencies would not be subject to the review. These are agencies that should not have to compete for funding from the City. An example is the Washington County Museum of Fine Arts.

Councilmember Munson agreed. There are certain organizations that should maintain their funding from the City.

Councilmember Brubaker has reviewed the list and pointed out the organizations considered essential could be funded for \$ 155,000.

Mayor Gysberts stated the policy includes the requirement that requesting agencies disclose where their funding comes from and what the basis of their program is.

Councilmember Aleshire reviewed the list and determined a number of essential organizations. There are seven on his list: Washington County Museum of Fine Arts, the Hagerstown Municipal Band, Community Rescue Service, Washington County Free Library, Maryland Symphony Orchestra, the Maryland Theatre and the Hagerstown Neighborhood Development Partnership (HNDP). He thinks the HNDP is a core function and that it should be moved into a different category in the budget. These organizations should be funded.

Councilmember Metzner asked if there is an agreement with USMH for the scholarship. Ms. Hepburn stated initially there was an agreement and the funding support has continued.

Councilmember Metzner stated the Council should have a discussion about the remaining organizations they are not willing to remove from the list.

Councilmember Aleshire stated the policy should establish the requirements for other organizations to request funding from the City.

Councilmember Brubaker suggested establishing a standard amount for the designated seven organizations, rather than having different amounts for each.

Councilmember Metzner stated the policy should require organizations to make the formal request to the City in October of each year. He hopes this would eliminate the "last minute" funding requests granted.

Mayor Gysberts asked if the seven identified agencies would be required by the policy to submit formal requests for funding and to comply with the guidelines established. He would like to know the financial information from the seven organizations.

Councilmember Metzner stated some of the information may show that some of the seven organizations have substantial reserves.

Councilmember Brubaker pointed out keeping the current level of funding for six of the organizations and \$ 25,000 for HNBP leaves approximately \$ 13,000 for unspecified agencies.

Mayor Gysberts clarified that the policy would require financial information from organizations that are identified as those that will be funded annually.

Councilmember Metzner thinks the organizations should be identified in the policy.

Mayor Gysberts pointed out the intent of the policy is to establish a process for requesting funding from the City of Hagerstown and to reduce the number of “last minute” requests that are made.

Councilmember Munson suggested discussing a limit on the number of years an organization will be funded.

Councilmember Metzner and Councilmember Nigh stated an established time may be a challenge to budget. Councilmember Brubaker thinks an established time may be a good idea.

Ms. Hepburn stated letters could be sent to the multiple agencies in the fall of each year letting them know their funding requests would be considered for the remaining funding.

Councilmember Metzner recommended also including information that there will be a pool of funding available for all requesting organizations. Decisions on funding will be made by the end of January.

Mr. Zimmerman summarized the discussion as follows: Seven core agencies have been identified that will be funded annually. These seven agencies will be required to complete the application, which will show the Mayor and City Council how they use City funding. There will be \$ 190,000 included in the budget for these seven agencies. The Mayor and City Council will determine the amounts for each agency at a later date. There will be \$ 15,000 included in the budget for other agency funding, with a \$ 2,500 limit for any one individual agency. The other agencies will be required to submit an application in order to be considered for funding.

Councilmember Metzner suggested establishing a reserve of \$ 5,000 for unexpected funding requests that come up throughout the year.

The policy will be revised and scheduled for approval.

Discussion of Amendment to Chapter 79 of the City Code “Curfew for Juveniles”

Chief Mark Holtzman was present for continued discussion of the City's Curfew for Juveniles ordinance. Mr. Boyer was also present for the discussion.

Chief Holtzman stated in order to set a curfew of 10:00 p.m. rather than 11:00 p.m.; a governmental need has to be established. Establishing a curfew of 10:00 p.m. on weeknights would keep juveniles from committing crimes and/or keep them from being victims of crimes. The number of reported crimes from 10:00 p.m. to 11:00 p.m. since January 1, 2014 provides enough evidence to support lowering the time to 10:00 p.m. Chief Holtzman stated the reported crimes include one rape, two robberies, five aggravated assaults, one weapons violations, 37 malicious destruction of property calls, illegal drug use, and a variety of other crimes.

The City of Baltimore has established a curfew of 9:00 p.m. Mr. Boyer indicated when a curfew is established, someone's rights are being imposed upon. He expects a 9:00 p.m. curfew would be difficult to maintain. He suggested establishing a curfew from 10:00 p.m. to 5:00 a.m. on weekdays and from 11:00 p.m. to 5:00 a.m. on weekends.

Chief Holtzman stated it will be difficult to enforce an earlier curfew, since this is a busy time of night for officers. Special details could be put in place a few nights per week to help with enforcement. The juvenile justice system typically keeps a juvenile out of court on a curfew charge for as long as possible.

Chief Holtzman suggested considering changing the fees for the violation to a civil offense, holding the parents accountable for the juvenile. The violation would be a misdemeanor for the juvenile and a civil offense for the adult, with a \$ 100 fine for the second violation.

Councilmember Aleshire stated this discussion should make residents aware the City is serious about the actions of juveniles. He asked if a letter of no trespass is ever used. Chief Holtzman stated curfew violations will be complaint driven. Officers will not be driving around searching for violators because they do not have time to do this. No trespass letters have been used by HPD, especially in parks.

Councilmember Munson supports the recommendations presented. He also supports the curfew age being 17 years and under.

Councilmember Brubaker asked if there are exceptions to the curfew. Mr. Boyer indicated there are exceptions listed in the Code. Some examples of exemptions are if the juvenile is accompanied by a parent, attending or returning from an event, interstate travel, on their own or a neighboring property and in case of an emergency.

Mayor Gysberts reiterated that curfew questions will be complaint driven. At the recent neighborhood meeting, people stated they didn't think they should have to call the police. He urged residents to contact the police department if they see something happening.

Councilmember Nigh hopes these revisions help the situation. She stated the number of juvenile offenses has decreased in Baltimore. She mentioned she has been told that people are at Fairgrounds Park after hours. Chief Holtzman indicated police officers are aware of the activity at Fairgrounds Park. An auxiliary officer is stationed at Fairgrounds Park now.

Introduction of the revised ordinance will be scheduled for a Special Session on October 21, 2014, with approval scheduled for the Regular Session on October 28, 2014. The ordinance introduced at the September 30, 2014 Regular Session will not be presented for approval.

Mr. Boyer left the meeting at this time.

### Alley Lighting Requests

Michael Spiker, Director of Utilities, and Nathan Fridinger, Electric Operations Manager, were present to discuss requests for alley lighting. The Hagerstown Light Department (HLD) owns and operates the street lighting and pedestrian lighting systems contained within the public right-of-ways within the City boundaries. The General Fund is billed on a monthly basis for the operation of the systems. In FY 14, the combined total electric consumption of the systems was 7,262,911 kWh at a cost of \$ 610,589. The HLD has installed the lighting systems on major arterial streets and in the City core through a CIP. All other requested lighting is billed at cost to the requesting entity since the benefit is not shared by the socialized population, i.e. the Terrace lighting project, Summerland Manor, Cortland Villas, and Cortland Manor. Additionally, all lighting installations in the public right-of-ways within newly annexed areas are the responsibility of the developer. The HLD takes ownership and operation responsibilities of the system after the streets have been accepted by the City.

Listed below is a breakdown of pricing for requested lighting installations and the typical high pressure sodium replacement/installation of alley lighting. The pricing contains no overhead charges (overhead charges contain insurance benefits, administrative allocations, taxes, etc.) and would be billed to the requesting entity or other designated funding source at cost.

1. One replacement fixture, dusk-to-dawn to 150W Cobrahead \$ 208.44
2. One new fixture, 150W Cobrahead on pole with secondary voltage available \$ 288.96
3. If secondary voltage is only a few spans away, other costs include duplex wire installation, mounting hardware, and labor (\$0.26/ft and \$ 100.00 per location) would be added.

Mayor Gysberts asked if a Neighborhoods 1<sup>st</sup> group would be able to use the funding from the City to pay for a light in a specific location.

Councilmember Metzner asked if it is better to have a dusk to dawn light or a motion sensor light.

Mr. Spiker pointed out vegetation in alleys can be thick and can be difficult to get light through. They work with customers to trim the branches to help with lighting. Motion sensor lights could be reviewed.

Councilmember Metzner believes paying for lighting would be an appropriate use for Neighborhoods 1<sup>st</sup> funding. He suggested that staff work with neighborhood groups to identify potential crime areas. It may not be desirable to have dark back yards now.

Mr. Spiker noted it may take some time to secure approval for additional lighting. Locations would be reviewed and the coverage needed would be determined.

Mr. Zimmerman pointed out that the Light Department would have to determine whether a requested location is feasible or possible.

Councilmember Metzner asked if smaller lights with motion detectors would be feasible. Mr. Fridinger stated street lights take a few minutes to warm up. There would have to be a different type of light for a motion detector. Mr. Spiker stated staff would have to determine a way to bill for this type of lighting.

It was the general consensus of the Mayor and City Council to support additional CIP funding for street lighting.

Mr. Spiker will provide additional information regarding the pros and cons of motion detection lighting and potential costs to the Mayor and City Council in November.

Councilmember Nigh stated it is important to have proper lighting and operational cameras in the neighborhoods.

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

*Bruce Zimmerman, City Administrator*, stated the City of Hagerstown will be open for business on Monday, October 13, 2014 (which is Columbus Day).

### **MAYOR AND COUNCIL COMMENTS**

*Councilmember M. E. Brubaker* thanked the citizens who turned out to discuss the walking trail from downtown to City Park.

*Councilmember K. B. Aleshire* encouraged people to participate in the Par Fore Pink tournament.

*Councilmember D. F. Munson* attended the celebration of Norman Shea's life last weekend. Dr. Shea, who passed away recently, was president of Hagerstown Community College and did many great things for the college and the community. He attended the

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celebration of the one year anniversary of the opening of the new library.

*Councilmember P. M. Nigh* reminded everyone the Harvest Hoedown is being held on October 11, 2014 at Fairgrounds Park. She stated the Urban Partners report recommended more events downtown. She hopes the City can move forward with that recommendation. She thanked Karen Giffin, Community Affairs Manager, for her efforts with events.

*Councilmember L. C. Metzner* had no additional comments.

*Mayor D. S. Gysberts* stated there are exciting possibilities for the walking trail. He thanked John Barr for his cooperation with the location of the trail, as well as the Hagerstown Housing Authority and Herald Mail newspaper. The celebration at the library was a good event. The Chamber of Commerce is holding forums for the candidates for County Commissioner, Board of Education, and the House of Delegates. There will be a celebration recognizing the 200<sup>th</sup> anniversary of the Star Spangled Banner on Thursday, October 9, 2014.

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 5:55 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: November 25, 2014