

Prior to the start of this meeting, some members of the Mayor and City Council participated in a tour of the Alms House at 239 N. Locust Street, Hagerstown, Maryland.

71<sup>ST</sup> SPECIAL SESSION AND WORK SESSION - June 9, 2015

Mayor D. S. Gysberts called this 71<sup>st</sup> Special Session and Work Session of the Mayor and Council to order at 4:17 p.m., Tuesday, June 9, 2015, 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 D. F. Munson and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to meet in Special Session at 4:17 p.m.

**Approval of a Resolution: Authorizing an Amendment to the Financial Incentive Agreement with Dynamark Monitoring, Inc.**

**Action:** On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to approve a resolution authorizing the approval of an amendment to the Financial Incentive Agreement with Dynamark Monitoring, Inc. in connection with its expansion and creation of new jobs. The amendment provides a one-year extension of the agreement. The City's financial incentive is offered in partnership with incentives provided by the State of Maryland and Washington County.

**Approval of Maryland Smart Energy Communities Grant Agreement**

**Action:** On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to participate in the Maryland Energy Administration's Maryland Smart Energy Communities program by authorizing staff to execute Agreement #2015-04-320S1. The City will receive \$ 65,612 in grant funds that will be used to promote energy efficiency and conservation in City parks and recreation buildings. A condition of the grant is that the Mayor and City Council will review and approve energy conservation-related policies by November 2, 2015.

Discussion: Councilmember Brubaker noted this agreement does not require expenditures that the City cannot afford. Rodney Tissue, City Engineer, stated the City is striving to be more energy efficient. Other grants may be successful because of additional efficiencies.

**Approval of Workers' Compensation Insurance, Excess Insurance, Third Party Administration, and Surety Bond**

**Action:** On a motion duly made by Councilmember M. E. Brubaker and seconded by Councilmember P. M. Nigh, the Mayor and City Council unanimously agreed by voice vote to approve three purchases as required by the Maryland Workers' Compensation Commission to implement the City's Self-Insured Workers' Compensation program. The program was previously approved by Mayor and Council on October 28, 2014. These three purchases include the following:

1. Excess Worker's Compensation Liability Insurance –  
\$ 136,477
2. Workers' Compensation Self-insurance TPA Services –  
\$ 32,040
3. Workers' Compensation Security Deposit Bond –  
\$ 38,100

Discussion: Karen Paulson, Director of Human Resources, indicated the Surety Bond requirement is an additional expense and will be covered by adjusting other expenses. This will not affect the expected savings by moving to a self-insured Workers' Compensation program.

The Special Session was adjourned at 4:22 p.m.

Work Session – June 9, 2015

Hagerstown Police Department Grant Applications

Mr. Zimmerman stated even though discussing additional positions is difficult because of recent budget discussions, staff feel the possibility of additional grant funding is worthy of discussing at this time.

Chief Mark Holtzman indicated they received notice of two grant opportunities to increase the community policing capabilities and school safety. Both grants will provide up to 75% of the funding for each police officer, for a period of three years, along with a one-year retention obligation from the City of Hagerstown.

The first is a Community Policing Development (CPD) Federal Grant, which is six foot patrol uniformed officers working in specific neighborhoods around the City. Three of these officers will be assigned to the designated neighborhoods of Jonathan Street, East Franklin/Mulberry Street corridor, and Locust Point. The remaining three officers

will support these areas along with other neighborhoods throughout the entire city, using problem-solving-policing techniques to resolve real issues facing each neighborhood, while building stronger ties to the community.

The COPS Hiring Program (CHP) Federal Grant would cover three additional School Resource Officers (SRO) serving two of the City's middle schools and one elementary school. These SROs will utilize a unique model of stepping outside the walls of the school and into the community to engage students on and off the school campus in the day and evening hours. Engaging students at an earlier age and making a connection with them after school hours will have a positive impact on both delinquency rates and legitimacy between the police and youth relations.

Councilmember Brubaker noted the obligation of 25% is a significant amount. He likes the idea of specific training to work with the demographics in the neighborhoods and the underlying function to build trust in the community.

Councilmember Metzner suggested that a potential funding solution would be if the Board of Education is willing to provide the 25% match for three officers.

Chief Holtzman will discuss this possibility with the Board of Education.

Councilmember Metzner stated this year's budget was a difficult one. He mentioned that Mr. Zimmerman has been stressing for years that the budget is not sustainable without reducing expenses or increasing revenue. This would be a new funding area. He would oppose the additional SROs if the City had to pay 100% of the costs.

Mayor Gysberts asked for clarification of the request that will be made to the Board of Education. Councilmember Metzner stated the request will be for the 25% match for three officers (not the expenses for the retention year).

The application deadline for these grants is June 19, 2015.

Councilmember Metzner would support applying for the grants for four officers, as long as the application is not an obligation to accept the grant if it is awarded to the City.

Mayor Gysberts clarified there is support to apply for the Community Policing Grant for four officers. A formal vote is not required to apply for the grant.

Councilmember Nigh hopes the Board of Education will support the application as well.

Community Development Block Grant (CDBG) – Public Service Funding Allocations and Planning Documents Update

Jonathan Kerns, Community Development Manager, and Sarah Nelson, Planning and Outreach Coordinator, were present to review the proposed FY 16 CDBG Public Service funding allocations with the Mayor and City Council.

In order to foster transparency and strengthen Community Development programming, the Mayor and City Council created the CDBG Public Service Citizen Review Committee. Public Service agencies submit their applications for CDBG funding and after application review by the committee and City staff, application rankings are forwarded to the Mayor and City Council for final approval.

The Public Service Citizen Review Committee has met and provided insight on all CDBG Public Service funding requests for FY16. Based on the rankings, a Public Service funding scenario for FY16 includes funding for Community Free Clinic, Children in Need, Girl's Inc. Supper Program, Senior Living Alternatives, and Community Action Council. The Committee ranked the Community Action Council financial literacy program higher than the Food and Friends request. The other allocations are close to the funded amounts in FY15.

Councilmember Nigh asked if the request from Hagerstown Neighborhood Development Partnership (HNDP) is being granted. Mr. Kerns stated HNDP requested funding for fair housing and they were not funded through this program. However, they have received funding through a different source. Councilmember Nigh stated HNDP has been effective with counseling new home buyers. Mr. Kerns stated that program is not linked to fair housing.

It was the general consensus to approve the funding as presented by the Committee.

Councilmember Nigh asked who handles the homeownership program. Mr. Kerns stated it is done in-house.

Approval of the City's Five-Year Consolidated Plan, Annual Action Plan, and Analysis of Impediments to Fair Housing Choice plans will be included on the June 23, 2015 Regular Session Agenda.

Land Management Code Amendment – Modification to Fence Height Revision Recommendation

Kathleen Maher, Planning Director, and Stephen Bockmiller, Zoning Administrator/Development Planner, were present to discuss the modification to the fence height revision recommendation.

Based on the Mayor and City Council review on March 24, 2015 and May 5, 2015, staff drafted a revision to the proposed amendment to the fence height regulations for residential properties in residential districts that adjoin commercial and industrial districts.

The existing code provision restricts residential properties in residential districts to a six foot tall fence on side and rear property lines, while commercially or industrially zoned land right across the property line could have 8-10 foot tall fences. The original fence height amendment forwarded by the Planning Commission would have increased the fence height for the residential properties to match what was permissible for the adjoining commercially or industrially zoned land.

On May 27, 2015, the Planning Commission reviewed and recommended approval of the following revision to the fence height provision:

When a property in a residential or mixed-use zoning district used for residential purposes is adjoining a CG, CR, POM, or I-MU district or adjoining a non-conforming commercial or industrial use similar in character to what would be permitted in the CG, CR, POM or I-MU district, the fence in a side or rear yard may be eight feet in height. No landscaping outside the fence shall be required. When a property in a residential or mixed-use zoning district used for residential purposes is adjoining an IR or IG zoned property or adjoining a non-conforming commercial or industrial use similar in character to what would be permitted in the IR or IG district, the fence in the side or rear yard may be 10 feet in height. No landscaping outside of the fence shall be required. Such fence shall comply with the required front yard setback.

The Commission discussed allowing the higher fence heights for situations where the residential property adjoins a permissible non-residential use (e.g. schools, churches) in the residential districts and they felt higher fences are not necessary when the adjoining use is considered an appropriate use for locations in a residential district.

It should be noted that all properties in the residential districts, whether residential, non-conforming, or permissible non-residential, are limited to the six foot fence height at present. In mixed-use districts, residential fences are restricted to six feet in height, while commercial and industrial fences are restricted to eight feet in height.

By email, staff have learned that there are differing opinions on the City Council on the appropriateness of the recommended text change.

Mr. Bockmiller noted that ordinances have been revised in the last few years to make accommodations for non-conforming uses.

Councilmember Metzner supports the fence recommendation. He asked staff to review the requirements for a variance for a fence when the front yard is the back yard of a residence. He understands why the regulations are written the way they are, but he does

not think a homeowner with this situation should be required to pay for a variance. This requirement happens to be an unintended consequence of certain amendments.

Councilmember Munson agrees.

Councilmember Aleshire pointed out some properties have hedges, which could be considered a fence, since it acts in a similar manner. He is supportive of allowing 8 foot fences, if that is what the property owner wants.

Councilmember Brubaker does not think uses adjacent to churches, schools and warehouses should be included in the amended fence requirements.

It was the general consensus of the Mayor and City Council to hold a public hearing on the proposed Land Management Code Amendments on June 23, 2015.

### **MAYOR AND COUNCIL COMMENTS**

Mayor Gysberts changed the order of the agenda and will be giving Bruce Zimmerman, City Administrator, the last word. Mr. Zimmerman is retiring on June 12, 2015, after 20 years of service.

*Councilmember L. C. Metzner* thanked Mr. Zimmerman for his service to the City. Councilmember Metzner has had the opportunity to work with Mr. Zimmerman for the entire 20 years. The City is so much better because of Mr. Zimmerman's presence. The City Administrator position was created in 1981. During his 20 years as an elected official, he realizes one of the most difficult parts of the City Administrator's job is to deal with elected officials. He commended Mr. Zimmerman for 20 wonderful years with the City.

*Councilmember P. M. Nigh* stated she discussed the issue with bicyclists and skateboarders at last week's meeting. The regulations were changed in 2013 and she was the single no vote on the change. Enforcement needs to be increased because of unsafe riding of bikes and skateboards. She is concerned about the amount of profanity that is used by many people.

*Councilmember D. F. Munson* agreed with Councilmember Metzner's comments about Mr. Zimmerman. Councilmember Munson has been an elected official at different levels and has worked with Mr. Zimmerman for his entire 20 years with the City. Throughout his career, he showed extraordinary leadership. He wished him continued success.

*Councilmember K. B. Aleshire* noted that the key to longevity as a local government employee is remaining neutral, which is one of Mr. Zimmerman's best traits. He thanked Mr. Zimmerman for his service and wished him well as he retires. He mentioned the golf course is being very well maintained. He asked that conversations continue about social

services and shelters in Hagerstown. He stated this is not his idea, Councilmember Nigh has been saying this needs to be addressed for many years. The City is experiencing a negative impact from the volume of service providers. He realizes services are needed. These services should help Hagerstown citizens, but not to the detriment of the neighborhoods.

Councilmember Nigh mentioned the Utility Relief Fair is being held on June 11, 2015 and June 12, 2015 in the Council Chamber.

*Councilmember M. E. Brubaker* stated Mr. Zimmerman is the consummate professional. He is well respected by his peers around the State. He is a well respected City Administrator. Mr. Zimmerman has selected and kept good employees with the City. He is calm and uses professional judgment. He was instrumental in making sure the City was sustained during the 2008/2009 economic downfall. The City of Hagerstown fared better than many other municipalities. He is proactive and gets a head start on issues that are facing the City. He wished him well in his retirement.

*Mayor D. S. Gysberts* noted there were many happenings in Hagerstown last week – Washington County Playhouse grand re-opening, Wind Down, Splash Pad opening, and the King Street Professional Center grand opening. Steven Lohr has been selected as the next Fire Chief and will begin work on June 29, 2015.

Mayor Gysberts echoed the praises for Mr. Zimmerman. He stated it has been an honor and a privilege to work with him. The City is definitely much better off today than 20 years ago because of Mr. Zimmerman's efforts.

Mayor Gysberts invited Department Heads to speak as well.

Michael Spiker, Director of Utilities, Rodney Tissue, City Engineer, Scott Nicewarner, Director of IT and Support Services, Eric Deike, Director of Public Works, Karen Paulson, Director of Human Resources, Chief Mark Holtzman, Chief Kyd Dieterich, and Donna Spickler, City Clerk, thanked Mr. Zimmerman and wished him well as he retires.

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

*Bruce Zimmerman, City Administrator*, is honored and thankful to have served as the City Administrator for the last 21 years. For him, it is important to work in government. He emphasized that the community comes first. Staff try to reflect this in their work and they operate with respect and integrity as they serve Hagerstown with the well being of the community in their hearts. He stated he admires the Mayor and Council for serving in the elected positions. They are often on the front lines without enough information and under pressure. His goal has always been to provide the Mayor and Council with useful, accurate information that benefits their decisions. He thanked them for their leadership of the community.

The key for Hagerstown will be strong, effective community leadership, not only from the Mayor and City Council and staff, but all members of the community. The leaders will need to speak with confidence and optimism through words and actions. Hagerstown is changing and there will be opportunities for positive changes. He believes the City leadership is at its best when everyone is working on a lasting project, with a large benefit for the community. He hopes there are more of these projects. He is proud and thankful that he can say he has been a member of the staff for the City of Hagerstown. He urged the Mayor and Council and staff to take the opportunity for actions that will serve the City well into the future. He wished everyone well in leading the community and making sure the future remains bright.

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 5:47 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: July 28, 2015