

55<sup>TH</sup> REGULAR SESSION AND EXECUTIVE SESSION – October 28, 2014

EXECUTIVE SESSION – October 28, 2014

Councilmember D. F. Munson made a motion to meet in closed session 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 10-508(a)) at 5:34 p.m. in Room 407, 4<sup>th</sup> Floor, City Hall, Hagerstown, Maryland. Councilmember L. C. Metzner seconded the motion.

Motion passed, 4-1 with Councilmember K. B. Aleshire voting No.

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, Karen Paulson, Director of Human Resources, and Donna K. Spickler, City Clerk. The meeting was held to discuss the recruitment of a City Administrator. No formal action was taken at the meeting. On a motion duly made, seconded and passed, the executive session was adjourned at 5:57 p.m.

53<sup>RD</sup> REGULAR SESSION – October 28, 2014

**Mayor D. S. Gysberts called this 53<sup>rd</sup> Session of the Mayor and City Council to order at 7:04 p.m., Tuesday, October 28, 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; Director of Human Resources Karen Paulson, City Attorney William Nairn, and Donna K. Spickler, City Clerk. City Administrator Bruce Zimmerman was not present.**

The invocation was offered by Councilmember Donald F. Munson. The Pledge of Allegiance was then recited.

Mayor Gysberts announced the Rules of Procedure for this meeting will be followed as adopted September 24, 2013. It was announced that the use of cell phones during meetings is restricted and that all correspondence for distribution to elected officials should be provided to the City Clerk and should include a copy for the City Clerk for inclusion in the official record.

The next scheduled meetings are: Work Sessions beginning at 4:00 p.m. on Tuesday, November 4, 2014, and Tuesday, November 18, 2014, and the Regular Session on Tuesday, November 25, 2014.

**GUESTS**

**Proclamation: Economic Development Week**

Mayor Gysberts read a proclamation naming October 26, 2014 through October 31, 2014 as Economic Development Week. Jill Frick, Economic Development Manager, and Andrew Sargent, Downtown Manager, accepted the proclamation.

**Proclamation: Red Ribbon Week**

Mayor Gysberts read a proclamation recognizing October 23-31, 2014 as Red Ribbon Week in the City. The Red Ribbon Campaign was established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts.

Shenandoah Valley Young Marines Sgt. Dowdney and Jeziorowski accepted the proclamation.

**CITIZEN COMMENTS**

Mary Haines, 27 Laurel Street, Hagerstown, Maryland, thanked Councilmember Nigh for her assistance with getting the issues at 1163 Hamilton Boulevard resolved. She has notified the Office of Code Enforcement that the property is not yet secure. She has come before the Mayor and City Council many times through the years to discuss many issues. This administration appears to be trying to return the Code office to an effective level.

**CITY ADMINISTRATOR COMMENTS**

*Karen Paulson, Director of Human Resources*, reminded everyone that Trick or Treat will be held in the City of Hagerstown on Friday, October 31, 2014 from 6:00 p.m. to 8:00 p.m.

**MAYOR AND COUNCIL COMMENTS**

*Councilmember P. M. Nigh* urged everyone to support the Utility Relief Benefit Concert that is being held on October 29, 2014. She stated this event will help raise money for people who are struggling to pay their utility bills.

*Councilmember D. F. Munson* thanked everyone involved with making the annual Alsatia Mummies Parade a success.

*Councilmember L. C. Metzner* agreed the parade was wonderful. He visited with the Town Manager from Hagerstown, Indiana. He praised Councilmember Nigh for her efforts to make the benefit concert happen this year. If people cannot attend, he urged them to send money to support the effort.

*Councilmember M. E. Brubaker* stated the parade was great and the weather was unusually good.

*Councilmember K. B. Aleshire* attended the ribbon cutting and grand opening of After Hours Pediatrics. He thanked all the City employees who helped with the parade, from the planning to the clean up. He thinks a regulatory process is necessary to alleviate some of the issues he sees around the City. For example front doors to apartment buildings are open all night, the condition of street grates, and different levels of service from taxi/transportation providers. He supports pursuing the creation of a City Liquor Board. He requested having a discussion regarding the Housing Authority's agreement that was approved in the 1960's. He is concerned that the agreement does not establish a penalty for non-payment of the PILOT. He wondered what the cap is now for the State amount of funding. He thanked staff for their efforts with the demolition project at the MELP site. He met with Paul Frey, new Director of the Chamber of Commerce.

*Mayor D. S. Gysberts* also praised City staff for their help in making the Mummers Parade a success. It was nice to have the Town Manager from Hagerstown, Indiana, and his wife in the parade. He thanked Mike Keifer for his work with designating Hagerstown, Indiana as a Sister City with Hagerstown, Maryland. There has been progress at the MELP site, including the removal of approximately 3.5 million gallons of water. This project will benefit the whole community. On October 30, 2014 at 2:00 p.m., an announcement will be made in the Public Square that Hagerstown has been officially designated as a Maryland Main Street community. Main Street focuses on revitalization and economic development. He thanked John Lestitian, Director of the Department of Community and Economic Development, and Jill Frick, Economic Development Manager, and others for their efforts in obtaining this designation. He learned about the program at the MML Convention.

## **MINUTES**

On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember M. E. Brubaker, the Mayor and City Council unanimously agreed by voice vote to approve the minutes, as presented, for the Mayor and Council meetings held on September 9, 2014, September 16, 2014, September 23, 2014, and September 30, 2014.

## **CONSENT AGENDA**

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 approve the consent agenda as follows:

- A. Department of Community and Economic Development:
  - 1. Purchase of 3 Vehicles for DCED/Planning and Code for Neighborhood Services Inspectors – Hertrich Fleet Services (Milford, DE) \$ 63,306.00

2. Purchase of 2 Vehicles for DCED/Planning and Code – Hertrich Fleet Services

(Milford, DE) \$ 42,956.00

3. Contract: Rehabilitation Contract for Interior Portion of 60 W. Washington Street for Business Resources Center – GRC General Contractor, Inc. (Zullinger, PA) \$ 48,841.00
4. Contract: CDBG Consolidated Plan PY 2015-2019, Action Plan PY 2015 and Analysis of Impediments to Fair Housing – Urban Design Ventures, LLC (Homestead, PA) \$ 33,250.00

**B. Department of Utilities:**

1. Water: Fire Hydrants – HD Supply Waterworks, LTD (Martinsburg, WV) \$ 24,217.09
2. Wastewater: Discharge Assemblies – Fluid Solutions, Inc. (Westminster, MD) \$ 12,000.00

**C. Technology and Support Services:**

1. ESRI GIS Maintenance Agreement Renewal – ESRI (Redlands, CA) \$ 35,000.00

**UNFINISHED BUSINESS**

**A. Approval of an Ordinance: Amending the City Code, Chapter 79, Curfew for Juveniles**

**Action:** On a motion duly made by Councilmember P. M. Nigh and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to approve an ordinance to amend the City Code, Chapter 79, Curfew for Juveniles, to revise the definition of a juvenile to include persons under 17 years of age, to revise the hours during which the curfew is in effect, and to establish a graduated civil penalty for parents.

**NEW BUSINESS**

**A. Approval of a Resolution: Residential Lease Agreement for 120 Key Street (Hager House)**

**Action:** Councilmember L. C. Metzner made a motion to adopt a resolution authorizing the execution of a lease agreement between the City of Hagerstown and Emily Nicole Conrad for the 2<sup>nd</sup> floor apartment in the Hager House Museum residence at 120 Key Street. Lease shall be in effect from December 1, 2014 to June 30, 2015. Councilmember D. F. Munson seconded the motion.

Discussion: Councilmember Nigh is concerned that the rental amount at this property is not market rate. Rodney Tissue, City Engineer, indicated

that Ms. Conrad will also be working for the City as a volunteer for 8 hours per week, which was included in the overall price consideration. This is a small apartment and staff thinks the pricing is fair.

Motion passed 4-1 with Councilmember P. M. Nigh voting No.

**B. Approval of City Center Holiday Parking Program**

**Action:** 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 approve the City Center holiday parking plan to allow two hours of free parking in the University District and Arts & Entertainment District parking decks on weekdays beginning Monday, December 1, 2014, through Sunday, January 4, 2015. Parking in the decks after 4:00 p.m. in the evenings and all day Saturday and Sunday will be free.

Parking in the city center, central business district street and lot meters will continue to be free after 5:00 p.m. and all day Saturday and Sunday as it is normally throughout the year.

**C. Approval of a Purchase: Bucket Truck – Equipment Technology, LLC (Oklahoma City, OK) \$ 122,977.00**

**Action:** On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to approve the purchase of a 42 foot Working Height Material Handling Bucket Truck mounted on a 2015 Ford F-550 Chassis from Equipment Technology, LLC Oklahoma City, OK in the amount of \$ 122,977.00.

**D. Approval of Purchase: Video-Audio Broadcast Equipment Upgrade for Council Chamber – The Lerro Corporation (Norristown, PA) \$ 149,993.15**

**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 the purchase and installation of new audio-visual broadcasting equipment in the Council Chamber and the adjacent control room from The Lerro Corporation, Inc. in Norristown, Pennsylvania in the amount of \$ 149,993.15. The source of the funding is Public Education/Government (PEG) fees. The new equipment will improve delivery of communications for the television and online viewing audience while also enhancing the experience for community members who attend Mayor and Council meetings in-person.

**E. Approval of Bloom-Carlile Trust Fund FY 15 Funding to Community Action Council**

**Action:** Councilmember L. C. Metzner made a motion to approve of \$ 4,800 in City funding support from the Bloom-Carlile Trust Fund for FY 15 to the Community Action Council. The allocation of funds will be distributed to the Community Action Council from Bloom-Carlile funds on a monthly basis to provide assistance to the poor and needy of Hagerstown in accordance with the requirements of the Trust Fund. Councilmember D. F. Munson seconded the motion.

Motion carried 4-1 with Councilmember K. B. Aleshire voting No.

**F. Approval of Self-Insured Workers' Compensation Program**

**Action:** 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 authorize staff to begin work on a transition to a self-insured workers' compensation program. The target implementation date for the self-insured program is July 1, 2015. The projected savings from transitioning from the current guaranteed cost model to a self-insured model is \$ 288,645 in the first year with an overall five year projected savings of \$ 1,972,115 across all funds.

Discussion: Councilmember Munson stated this is the right thing for the City to do based on the information that has been presented. This will save a significant amount of money for the City and allow funding for other important things.

**G. Approval of Additional Position in the Human Resources Department**

**Action:** 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 approve of the addition of one full time position in the Human Resources Department. This brings the total number of authorized full time staff in the Human Resources Department from four to five. The addition of this position is necessary to successfully implement a self-insured workers' compensation program and position the department to better serve the needs of the workforce and operations.

This position will be funded through a portion of the savings from converting to a self-insured workers' compensation program. The starting base salary is in the low to mid \$ 50,000 range. A conservative estimate of the total cost of the opposition which includes salary, payroll taxes, full benefits, and equipment is approximately \$ 87,000.

### **H. Approval of Retainer Agreement for City Legal Services**

**Action:** Councilmember D. F. Munson made a motion to approve of a Retainer Agreement with Attorney Mark Boyer to serve as general legal counsel for the City of Hagerstown for the calendar year January 1, 2015 through December 31, 2017. The legal services provide hereunder shall be performed by Mr. Boyer as well as the qualified attorneys with whom he will be formally associated at the commencement of the term of this agreement. Councilmember L. C. Metzner seconded the motion.

**Discussion:** Councilmember Aleshire stated he has faith in the City's existing counsel and that he believes he has and will continue to lead the City in the right direction.

Motion carried 4-1 with Councilmember K. B. Aleshire voting No.

### **I. Approval of a Community Garden at 513 South Potomac Street**

**Action:** 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 approve of the installation of a Community Garden at 513 South Potomac Street. Mayor and Council authorize staff to construct the Community Garden and support the development of the operating structure in accordance with the plan as presented to Mayor and Council on October 21, 2014. In addition, staff shall take actions required by the CDBG program to transfer the parcel from the low/mod housing national objective to a low/mod area benefit national objective for use as a public Community Garden.

Construction of Phase I shall commence so that the Community Garden can be utilized by citizens in Spring, 2015. Phase II may commence once grant funds are available.

Funding for Phase I of this project shall include the following: \$ 8,000 in current year Parks Division operating funds; \$ 5,000 in developer paid Excise Tax funds; \$ 3,000 in current year Capital Improvement Project 859, and approximately \$ 7,300 from a fundraising campaign.

In approving this motion, the Mayor and Council hereby acknowledge and express their appreciation to the citizens serving on the Community Garden Task Force for their recommendations which led to the creation of the Community Garden, and for being part of the Operating Committee in 2015.

**Discussion:** Councilmember Nigh asked if the soil at this site was tested since there was a greenhouse located there at one time. Mr. Tissue

indicated the soil test was clear. This property is adjacent to the location of the greenhouse.

Councilmember Brubaker thanked Mr. Tissue for clarifying the question of the soil content. He noted that fundraising is a part of the funding plan.

Mayor Gysberts thanked staff and the Task Force. He hopes other communities follow the City's lead with this project.

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 16, 2014