1. Council Meeting Agenda 03 23 20

   Documents:

   AGENDA 03 23 20.PDF

2. Council Meeting Packet 03 23 20

   Documents:

   COUNCIL PACKET 03 23 20.PDF

AGENDA

CITY OF WESTMINSTER
Mayor and Common Council Meeting
Monday, March 23, 2020 at 7 pm
https://www.facebook.com/westminstermd/

1. CALL TO ORDER

2. APPROVAL OF MINUTES

A) Mayor and Common Council Meeting of March 9, 2020

B) Closed Meeting of March 9, 2020

3. CONSENT CALENDAR

A) Approval of February 2020 Departmental Operating Reports

4. REPORT FROM THE MAYOR

5. REPORTS FROM STANDING COMMITTEES

A) Arts Council

B) Economic and Community Development Committee

C) Finance Committee

D) Personnel Committee

E) Public Safety Committee

F) Public Works Committee

G) Recreation and Parks Committee

6. COUNCIL COMMENTS AND DISCUSSION

7. UNFINISHED BUSINESS

8. NEW BUSINESS

A) Approval – Parking Space License Agreement with the Board of Commissioners and the Carroll County Public Library – Ms. Matthews

9. DEPARTMENTAL REPORTS

10. CITIZEN COMMENTS

11. ADJOURNMENT

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MINUTES

CITY OF WESTMINSTER
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CALL TO ORDER
Elected Officials Present: Councilmember Chiavacci, Mayor Dominick, Councilmember Gilbert, President Pecoraro, and Councilmember Yingling.

Staff Present: Safety and Risk Coordinator DeMay, Director of Community Planning and Development Depo, Deputy Director of Public Works Dick, Director of Recreation and Parks Gruber, Police Chief Ledwell, City Attorney Levan, City Administrator Matthews, Director of Finance and Administrative Services Palmer, Director of Housing Services Valenzisi, and City Clerk Visocsky.

APPROVAL OF MINUTES
President Pecoraro requested a motion to approve the following:

- Mayor and Common Council Meeting minutes of February 24, 2020
- Closed Meeting minutes of February 24, 2020

Councilmember Yingling moved, seconded Councilmember Chiavacci, to approve the minutes of February 24, 2020.

VOTE
AYES: President Pecoraro, Councilmember Chiavacci, Councilmember Gilbert, and Councilmember Yingling.
NAYS: None.

REPORT FROM THE MAYOR
Mayor Dominick reported that he recently attended several committee meetings. The Finance Committee met to begin discussion of the FY 2021 budget, which would be presented to the Mayor and Common Council in the near future. In addition, the Economic and Community Development Committee was busy with several items.

REPORTS FROM STANDING COMMITTEES
There were no reports from the following Standing Committees: Arts Council, Public Safety, Public Works, and Recreation and Parks.

Councilmember Yingling, on behalf of the Economic and Community Development Committee, provided an update on the redevelopment of the former Stockdale Property, and shared his continued excitement for the project. Mayor Dominick informed his colleagues that there was considerable community interest in how the property would be redeveloped.

President Pecoraro, on behalf of the Finance Committee, noted Mayor Dominick's report on the FY 2021 budget. He informed his colleagues that the Committee had met during the preceding week, and was scheduled to meet again on March 12. Because the regularly scheduled Mayor and Common Council meeting in early April fell on the Easter Monday holiday observed by the City, a special meeting would be needed to ensure adequate discussion of the budget.

Councilmember Gilbert, on behalf of the Personnel Committee, reported that she would present the agenda item Workplace Civility Policy during New Business.

COUNCIL COMMENTS AND DISCUSSION

Councilmember Gilbert informed her colleagues that the calendar of events to celebrate the Year of the Woman was posted on the City's website. She thanked the Recreation and Parks Department staff and other community partners, including the Carroll County Historical Society, for their role in planning the events. Councilmember Gilbert stated that a scholarship and a cash award would be given to the winner of a multi-media contest showcasing a woman who had a positive impact on the contestant; the recipient would be recognized at a Mayor and Common Council meeting in June. Other Year of the Woman events included an ice cream social and a STEM demo.

Councilmember Chiavacci commented on the novel coronavirus/COVID-19 pandemic, noting that Chief Ledwell was staying in touch with a variety of agencies for the most current information. Councilmember Chiavacci stated that it was important for the City to plan appropriately, including cross-training of its staff. He informed his colleagues that he had discussed the matter with Dr. Robert Wack, former President of the Common Council, who offered to assist the City with its public outreach regarding the virus.

Councilmember Gilbert shared that the State government provided bottles of hand sanitizer to its staff and suggested the City do the same. She added that information on the coronavirus was available by texting 'MD Ready' to 898211.

Councilmember Yingling thanked Ms. Matthews and Ms. Levan for their work in negotiating a Parking License Agreement for the Carroll County Library's Exploration Commons Project at the Westminster Branch. He noted the City's support of the Library and the Project, as evidenced by its willingness to help the Library meet the parking requirements of the Zoning Code. Councilmember Yingling stated that the Carroll County Board of Commissioners would be considering approval of the Agreement on March 10, 2020, and expressed his hope that they would approve it. Mayor Dominick noted that the Library needed 77 additional parking spaces, which the City had agreed to provide at no cost to the Library for an extended period of time.

Ms. Matthews commented that the parties had exchanged several versions of the Agreement, with the City providing the most recent draft to Carroll County Government on March 4, 2020. If the Commissioners approve the Agreement at its meeting tomorrow, Ms. Matthews stated that the item would be placed on the next available meeting agenda of the Mayor and Common Council. President Pecoraro echoed Councilmember Yingling's complimentary remarks on the work of Ms. Levan and Ms. Matthews.

President Pecoraro reminded the Mayor and Common Council that the recently enacted plastic bag ban would go into effect on July 1, 2020. He asked that the City's communication channels be fully utilized to remind business owners of the ban, so that they could, in turn, inform their customers.

ORDINANCES & RESOLUTIONS

Resolution No. 20-02

Ms. Matthews, on behalf of Director of Human Resources Childs, informed the Mayor and Common Council that Resolution No. 20-02 would re-state both the City's current Drug and Alcohol Policy and the CDL Alcohol and Drug Testing Policy. A copy of each policy was included in the meeting agenda packet.

Ms. Matthews stated that the new Drug-Free Workplace Policy would cover all City employees and was compliant with applicable State law. The new Controlled Substances and Alcohol Use and Testing Policy covers only those employees whose position requires them to hold a Commercial Driver's

License (CDL). She noted that this policy would bring the City into compliance with the new United States Department of Transportation regulations.

Ms. Matthews informed the Mayor and Common Council that the Drug-Free Workplace Policy identified certain positions as safety-sensitive. A list of Safety-Sensitive positions was included in the policy as Exhibit A. She stated that safety-sensitive positions are those held by employees who discharge duties (either in their normal job classification or in times of emergency re-assignment) that are so fraught with risks of personal injury to the employee or to others, or property damage, that even a momentary lapse of concentration or attention could have serious adverse consequences. Safety-sensitive positions also included those that require an employee to maintain a high level of cognitive function, sound judgment, and fiscal responsibility.

Furthermore, Ms. Matthews shared that, under the Drug-Free Workplace Policy, the City would test all employees performing safety-sensitive functions, all final applicants for positions that require safety-sensitive functions to be performed, and all employees where reasonable suspicion of drug or alcohol intoxication by the employee at work exists. If approved by the Mayor and Common Council, a random testing program for employees holding a safety-sensitive position would take effect on July 1, 2020. Ms. Matthews stated that employees who hold a position that requires a CDL would continue to be randomly tested under the new Controlled Substances and Alcohol Use and Testing Policy in the same manner as he/she was tested under the current CDL Alcohol and Drug Testing Policy.

Ms. Matthews recommended that the Common Council adopt Resolution No. 20-02, approving and adopting the Drug-Free Workplace Policy and the Controlled Substances and Alcohol Use and Testing Policy. She stated that Mr. DeMay was in attendance to answer any questions that the Mayor and Common Council had regarding the new policies.

President Pecoraro welcomed Mr. DeMay to the Mayor and Common Council meeting. With no questions posed by the Mayor and Common Council, President Pecoraro requested a motion to adopt Resolution No. 20-02.

Councilmember Chiavacci moved, seconded by Councilmember Gilbert, to approve the adoption of Resolution No. 20-02 – Approving and Adopting the Drug-Free Workplace Policy and the Controlled Substances and Alcohol Use and Testing Policy.

VOTE
AYES: President Pecoraro, Councilmember Chiavacci, Councilmember Gilbert, and Councilmember Yingling.
NAYS: None.

UNFINISHED BUSINESS
Gant Brunnett Architects – Agreement Modification #7
Ms. Matthews noted that Gant Brunnett Architects serves as the project architect for the 45 West Main Renovation Project. She informed the Mayor and Common Council that proposed Agreement Modification #7 would provide for additional services for interior design, specifically assistance with furniture selection, purchase, and deployment.

As discussed with the Mayor and Common Council on November 11, 2019, the City has made virtually no investment in office furnishings for many years. Ms. Matthews stated that many of the existing furnishings in the administrative offices showed considerable wear and some damage. Relocating furniture that is in poor condition and/or outdated in appearance to a newly renovated space would diminish the overall professional appearance of the new offices at 45 West Main Street. In addition, damaged and deteriorated furniture may not survive relocation. Ms. Matthews noted that another

consideration is the downtime/business disruption associated with the relocation and set up of the existing furniture at the City's new administrative offices at 45 West Main Street.

Ms. Matthews informed the Mayor and Common Council that City staff lacked experience in interior design matters, and therefore requested a proposal from Gant Brunnett Architects to assist with furniture selections and procurement. She informed the Mayor and Common Council that the work would be performed on a lump-sum basis in the amount of $35,200.00.

Ms. Matthews stated that, when this matter was discussed on November 11, 2019, Councilmember Chiavacci requested that staff investigate whether there were local firms that could provide the desired interior design services. She informed the Mayor and Common Council that Executive Assistant Samantha Schlitzer conducted a general Google search for both "commercial interior design" and "commercial furniture" and used the map feature to determine which firms were nearby. Relative to interior design services, Ms. Schlitzer was unable to identify a firm that would meet the City's needs; firms in the immediate nearby area focused on residential or small business solutions. The nearest commercial furniture dealers were located in the Baltimore and Bethesda areas.

Ms. Matthews recommended that the Common Council authorize the Mayor to execute Agreement Modification #7 to the City's contract with Gant Brunnett Architects, in the amount of $35,200.00.

Councilmember Yingling moved, seconded by Councilmember Gilbert, to approve Agreement Modification #7 to the City's contract with Gant Brunnett Architects for the 45 West Main Street Renovation Project.

VOTE
AYES: President Pecoraro, Councilmember Chiavacci, Councilmember Gilbert, and Councilmember Yingling.
NAYS: None.

NEW BUSINESS
Workplace Civility Policy
Councilmember Gilbert noted her past comments regarding the enactment of a Workplace Civility Policy. She stated that staff subsequently performed research and worked with the Mayor and members of the Personnel Committee to finalize a draft policy for consideration by the full elected body.

Councilmember Gilbert stated that enactment of this policy was intended to formally convey the Mayor and Common Council's expectation that all City staff members treat each other with courtesy and civility regardless of position or status. Disrespectful and uncivil behavior towards another person would not be tolerated within Westminster government. Councilmember Gilbert noted that the proposed policy outlined how complaints would be investigated, and how violations of the policy would be addressed from a disciplinary standpoint.

Councilmember Gilbert stated that, once enacted, the Workplace Civility Policy would be issued to all City employees and be made a part of the City's Employee Handbook.

Councilmember Gilbert requested her colleagues' approval of the Workplace Civility Policy as presented.

Councilmember Yingling commended Councilmember Gilbert and City staff for bringing forward this policy, noting the importance of organizational culture. President Pecoraro echoed Councilmember Yingling's comments regarding the value of having such a policy, and expressed his appreciation to Councilmember Gilbert and City staff.

Councilmember Yingling moved, seconded by Councilmember Chiavacci, to approve the adoption of Workplace Civility Policy as presented.

VOTE
AYES: President Pecoraro, Councilmember Chiavacci, Councilmember Gilbert, and Councilmember Yingling.
NAYS: None.

Warner Construction Contract Change Order No. 1
Ms. Matthews informed the Mayor and Common Council that, as the interior demolition work progressed at 45 West Main Street, the two-story, south wall of the main entrance foyer was exposed, revealing a large, vertical duct that consumed most of the wall construction. The duct is no longer needed; once it is removed, there would be an opening left that represents about 75% of the area of the wall.

Ms. Matthews stated that the existing construction was concrete block and not a load-bearing wall, but the large opening left by the removal of the duct would need to be addressed. Following discussion between Ms. Matthews, Mr. Dick, and Director of Public Works Glass, it was agreed that the best option for the long range use of the building was to simply remove the block wall in its entirety. This will allow the planned second floor deck infill to run uninterrupted, continuously across the second floor expanded space that is planned for new offices.

Ms. Matthews stated that, because Warner Construction (the general contractor for the project) was still working on interior demolition, tearing down the block wall at this point in time would be extremely economical; the necessary equipment and manpower were already onsite. She added that replacement of the block construction with stud walls would provide much greater flexibility for alterations in the future. She informed the Mayor and Common Council that the cost of the proposed work was $6,656.10.

Ms. Matthews recommended that the City authorize Warner Construction to perform this work through approval of Change Order No. 1 to the contract between the parties.

Councilmember Chiavacci moved, seconded by Councilmember Gilbert, to approve Warner Construction Contract Change Order No. 1.

VOTE
AYES: President Pecoraro, Councilmember Chiavacci, Councilmember Gilbert, and Councilmember Yingling.
NAYS: None.

Change Order No. 2 to the City's Contract with HRI, Inc.
Mr. Dick noted Mr. Glass' comments at the February 24, 2020 Mayor and Common Council meeting regarding Change Order No. 2 to the City's Contract with HRI, Inc. (the general contractor for the ENR/Biosolids Upgrade Project). Change Order No. 2 relates to Programming and Equipment Integration for the Project.

Mr. Dick stated that the Mayor and Common Council awarded a construction contract to HRI, Inc. in early 2019 for the ENR/Biosolids Upgrade Project. The City contracted with GHD for ongoing engineering services during construction. By separate contract, the City retained GHD to provide construction management and inspection services for the duration of the Project.

Mr. Dick informed the Mayor and Common Council that work related to Programming and Process Control System Development was not included in the bid specifications for the ENR/Biosolids Upgrade Project. The intention of the Public Works staff at that time was to procure these services through the

Design Engineer (GHD), based on the firm's familiarity with the existing process control system and intended modes of automatic operation of the new ENR processes.

Mr. Dick stated that the City requested a cost and proposed contract amendment from GHD for the described task in 2019. The Maryland Department of the Environment (MDE) determined GHD's proposal to be ineligible for State cost sharing, as the City had not obtained competitive bids for the work in question. Additionally, MDE considered the task as additional engineering services if performed by GHD, and the City was already at the percentage cap for project engineering services.

Mr. Dick shared that, through continued conversation with MDE, it was determined that the Programming and Process Control System Development could be cost share-eligible if the work was performed by the general contractor, and submitted as a change order to the construction contract. Accordingly, HRI, Inc. provided a Proposed Change Order (PCO) in the amount of $674,000.00 for the additional work, compared to GHD's proposed cost of $475,000.00.

Mr. Dick informed the Mayor and Common Council that GHD and City staff approached MDE in 2020 to request reconsideration of its prior decision that State cost sharing would not be provided if the Programming and Process Control System Development was performed by GHD. MDE remained steadfast in its earlier position that it would not participate in the cost of the work if performed by GHD.

Mr. Dick informed the Mayor and Common Council that, with the State cost share eligibility of 53.65% applied to HRI's PCO of $674,000.00, the City's share of the Programming and Process Control System Development will be $312,399.00.

Mr. Dick stated that the work outlined in Change Order No. 2 is time sensitive. If approval of Change Order No. 2 occurs prior to March 20, 2020, the work will not cause delay of contract completion or cost over runs associated with such delays as identified in the change order.

Mr. Dick noted that the City may incur additional costs associated with the project engineer's coordination and contractor management effort that was included in GHD's proposed contract amendment for Programming and Process Control System Development. GHD has not provided the City with a detailed proposal regarding its claim for additional compensation, but has provided a cost estimate of approximately $60,000.00. The City Attorney is reviewing this matter.

Mr. Dick recommended that the Common Council authorize the Mayor to execute Change Order No. 2 in the amount of $674,000.00 to the City's contract with HRI, Inc. for Programming and Process Control System Development.

Councilmember Chiavacci asked about GHD's memorandum, dated February 26, 2020, included in the agenda packet. Specifically, he inquired about the following:

"GHD has reviewed HRI's proposal for programming services to be conducted for the project submitted by the Contractor on January 3, 2020. The PCO amount of $674,000.00 has been approved. This amount will be applied to Change Order No. 02."

Mr. Dick explained that, as the Design Engineer for the ENR/Biosolids Upgrade Project, GHD reviews each change order that is submitted by the general contractor (HRI, Inc.) to ensure that the proposed cost is reasonable. The memorandum referenced above serves as confirmation that GHD reviewed PCO No. 2 and approved the amount. Mr. Dick referred to Ms. Matthews for additional explanation. Ms. Matthews commented that Mr. Dick explained the process well, adding that it was routine for the project engineer and the firm providing construction management services to review change orders for cost reasonableness.

Councilmember Pecoraro then inquired about the staff report for this agenda item, in which Mr. Glass stated, "…*the City may incur additional costs associated with the project engineer's coordination and contractor management effort that was included in GHD's proposed contract amendment for Programming and Process Control System Development."* He asked if this meant that the bid specifications for the ENR/Biosolids Upgrade Project did not include this work, and therefore the City would incur additional costs.

Ms. Matthews replied that the need for the Programming and Process Control System Development was known at the time the specifications for the ENR/Biosolids Upgrade Project were issued. Public Works staff's intention at that time was for the work to be performed by GHD. As mentioned by Mr. Dick, MDE expressed concerns about this approach last year. First, that the City had not competitively bid the work. Second, if the City utilized GHD's services for the Programming and Process Control System Development work, the City would exceed MDE's 8.5% prescribed cap for architectural and engineering services.

Given MDE's concerns, Ms. Matthews explained to the Mayor and Common Council that City staff recently requested that HRI, Inc. provide a quote for the programming and process control work, and shared the same with MDE staff. MDE's position remained unchanged. If the work was performed by GHD, it would fall under the architectural and engineering services umbrella, and would not be eligible for MDE cost sharing. If HRI, Inc. performed the work, it was deemed to be construction, and would be eligible for MDE cost sharing. Ms. Matthews stated that GHD was aware of the necessity of the work when it submitted its proposal for construction management services, and it was unclear at this time whether the City was contractually obligated to pay GHD additional compensation. As indicated by Mr. Dick, Ms. Levan was reviewing GHD's contract to determine whether its claim for additional compensation in the approximate amount of $60,000.00 was supported by the terms of the contract language.

Councilmember Yingling moved, seconded by Councilmember Gilbert, to approve Change Order No. 2 to the City's Contract with HRI, Inc. for Programming and Equipment Integration for the ENR Project.

VOTE
AYES: President Pecoraro, Councilmember Chiavacci, Councilmember Gilbert, and Councilmember Yingling.
NAYS: None.

Vote to Go into a Closed Meeting
President Pecoraro requested a motion to go into a Closed Meeting to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals.

Councilmember Chiavacci moved, seconded by Councilmember Yingling, to go into a Closed Meeting, following the Regular Meeting.

VOTE
AYES: President Pecoraro, Councilmember Chiavacci, Councilmember Gilbert, and Councilmember Yingling.
NAYS: None.

DEPARTMENTAL REPORTS
City Administrator
Ms. Matthews provided the Mayor and Common Council with an update on activities related to the redevelopment of the former Stocksdale Property, located at 17-25 West Main Street. Following the

Economic and Community Development Committee meeting with Partners for Economic Solutions (PES) on February 21, 2020, she worked with Community Planning and Development Department staff to upload relevant documents to the established FTP site. Staff hopes to have this process completed by the end of the week. She thanked the Community Planning and Development Department for their assistance with this matter.

Ms. Matthews then thanked all City departments for their work on the FY 2021 budget. She announced that the City received the Distinguished Budget Presentation Award from the Government Finance Officers Association (GFOA) for its FY 2020 budget document, and thanked Ms. Palmer for her excellent work on the document. Ms. Matthews stated that, in order to receive the GFOA award, the City had to satisfy nationally-recognized guidelines for effective budget presentation. These guidelines are designed to assess how well the governmental entity's budget serves as a policy document, a financial plan, an operations guide, and a communications device. The organization's budget document must be rated "proficient" in all four of these categories, as well as in the fourteen mandatory criteria within those categories, to receive the award.

Community Planning & Development Department
Mr. Depo reported that the Westminster Planning and Zoning Commission would be meeting on March 12, 2020. The Commission's meeting agenda included the following:

- Proposed Site Development Plan for McDaniel College Decker Center;
- Proposed Plat, Section IV for the development of Stonegate; and,
- Proposed Plat for Conifer Westminster Way.

Housing Services Department
Ms. Valenzisi reported that the department completed its amendments to the administrative plan for the Housing Choice Voucher program. She informed the Mayor and Common Council that the City was required to publish the administrative plan for public review for a period of 45 days. Following the 45 days, the administrative plan would be presented at a public hearing during a Mayor and Common Council meeting, and then recommended for approval.

Public Works Department
Mr. Dick reported that Ting (the operator of the Westminster Fiber Network) continued to receive new service orders. He then reported that the ENR/Biosolids Upgrade Project had appeared to be falling behind, but that the pace of the contractors' work had picked up. Mr. Dick commented that, while early work was mostly below ground, more recent work involved above ground, visible construction.

Mr. Dick then reported that the Street Department completed repairs of the bridge located along the Wakefield Valley Community Trail. He informed the Mayor and Common Council that the Street Department had resumed its regular bulk trash schedule upon completion of cleanup work associated with the February tornado.

Mr. Dick concluded his report by updating the Mayor and Common Council on the status of the 45 West Main Renovation Project. He reported that 90% of the demolition was completed on the ground floor; 95% of the demolition was completed on the first floor; and, 100% of the demolition was completed on the second floor. Walls had begun to go up on the second floor, and 60% of duct work had been completed.

Recreation and Parks Department
Ms. Gruber thanked the Street Department for their work to repair the Wakefield Valley Community Trail bridge. She shared that she recently visited City Park and the Skate Park on a warm day, where she

saw many people enjoying the facilities. She thanked the Mayor and Common Council for their continued support of recreation and park activities in Westminster.

Ms. Gruber reported that the Celtic Canter 5K and Downtown Irish Festival would take place on March 14, 2020. More than 1,000 runners have pre-registered for the Celtic Canter.

Westminster Police Department
Chief Ledwell reported that he was coordinating the Leadership Carroll Justice Law Day on March 10, 2020; the Westminster Police Department (WPD) would provide a K-9 demonstration. Additionally, WPD had been invited to be a partner in this year's Citizen Police Academy with the Carroll County Sheriff's Department and the State's Attorney's Office. Chief Ledwell stated that the Academy was a good opportunity for Westminster residents and business owners to learn more about local law enforcement, with minimal staff commitment by WPD. He added that he would provide information on the Citizen Police Academy schedule and agenda when it becomes available.

Chief Ledwell then reported that the new 12-hour patrol schedule had been implemented, and operationally it was going well. He shared that James O'Brien, the department's new lateral officer, would join the WPD staff on March 10, 2020.

Chief Ledwell informed the Mayor and Common Council that the police academy being attended by four WPD recruits had shut down for a week due to the flu virus. The four recruits are now participating in ride-a-longs with other officers, as well as undergoing service training until they return to the Academy.

Chief Ledwell informed the Mayor and Common Council that WPD's ongoing partnership with the Carroll County Sheriff's Department and State's Attorney's office continues to yield positive results as far as crimes related to drug distribution.

Chief Ledwell concluded his report by providing an update on the novel coronavirus situation. He stated that WPD was in communication with Carroll County Emergency Management and the Carroll County Health Department. He informed the Mayor and Common Council that he would be attending a March 13, 2020 briefing regarding continuity of staff operations, personal protective equipment standards, and community outreach. Additionally, the County opened a joint operation center for consistent information and messaging; WPD was participating in this effort as well.

CITIZEN COMMENTS
None.

ADJOURNMENT
President Pecoraro adjourned the meeting at 7:47 pm.

Respectfully Submitted,

Shannon Visocsky, City Clerk

Full audio version is available on www.westminstermd.gov

Finance

TREASURY REPORTS AS OF February 2020 – UNADJUSTED AND UNAUDITED

GENERAL FUND REVENUES		Budget		Actual YTD	% to Budget
Taxes	$	11,252,854	$	9,800,086	87%
Licenses and Permits		605,130		351,207	58%
Intergovernmental		2,267,199		1,276,336	56%
Charges for Services		1,188,653		835,021	70%
Fines & Forfeitures		105,500		77,492	73%
Miscellaneous Income		283,900		295,380	104%
Transfers	$	(599,767)	$	-	0%
GENERAL FUND APPROPRIATION BY ACTIVITY					
Community Support	$	37,422	$	12,927	35%
Facilities		301,875		148,142	49%
Finance		180,786		115,211	64%
Executive & Legislative		747,568		419,018	56%
Human Resources		131,540		71,965	55%
Planning, Zoning & Development		1,114,989		164,901	15%
Housing & Preservation Services		112,855		71,216	63%
Public Safety Department		7,212,898		4,698,524	65%
Public Works		3,271,377		1,729,403	53%
Recreation & Parks		1,474,537		915,409	62%
Technology	$	314,662	$	172,830	55%
Total General Fund Revenues	$	15,103,469	$	12,635,523	84%
Total General Fund Appropriations	$	14,900,509	$	8,519,545	57%

PUBLIC HOUSING FUND REVENUES		Budget		Actual YTD	% to Budget
Housing Assistance Payments	$	2,186,233	$	1,402,606	64%
HAP Equity Reserve Transfer		75,000		-	0%
HUD Administrative Fee Distribution		215,000		140,024	65%
Miscellaneous Income	$	122,934	$	94,156	77%
PUBLIC HOUSING FUND EXPENDITURES					
Salaries & Benefits	$	235,641	$	145,612	62%
Administration		186,900		98,425	53%
Housing Assistance Payments		2,118,768		1,439,537	68%
Facilities	$	45,575	$	33,194	73%
Total PHA Fund Revenues	$	2,599,167	$	1,636,785	63%
Total PHA Fund Appropriations	$	2,586,884	$	1,716,768	66%

CAPITAL FUND REVENUES		Budget		Actual YTD	% to Budget
Taxes	$	2,198,960	$	2,082,693	95%
Intergovernmental		983,657		230,549	23%
Benefit Assessments		289,380		154,802	53%
Transfers		5,517,830		-	0%
CAPITAL FUND APPROPRIATION BY ACTIVITY					
Planning	$	742,304	$	732,304	99%
Facilities	$	5,892,803	$	281,986	5%
Public Safety Department		302,348		138,263	46%
Public Works		2,827,229		438,453	16%
Technology	$	-	$	-	0%
Total Capital Fund Revenues	$	8,989,827	$	2,468,044	27%
Total Capital Fund Appropriations	$	9,764,684	$	1,591,007	16%

UTILITY FUND REVENUES		Budget		Actual YTD	% to Budget
Small Meter - City	$	3,984,382	$	2,591,585	65%
Small Meter - County		3,093,428		1,665,961	54%
Large Meter - City		2,857,459		1,280,664	45%
Large Meter - County		2,119,490		950,692	45%
Reclaimed - County		25,000		16,771	67%
Charges for Services		1,049,790		872,053	83%
Benefit Assessment Fees		784,880		422,264	54%
Carroll County Septage Facility		425,000		270,530	64%
Revenue Related to ENR/Biosolids Project		27,091,494		4,480,595	17%
UTILITY FUND APPROPRIATION BY ACTIVITY					
Community Support	$	24,844	$	25,853	104%
Facilities		131,450		79,711	61%
Finance		562,716		330,743	59%
Executive & Legislative		735,523		388,408	53%
Human Resources		320,748		162,245	51%
Planning, Zoning & Development		236,426		98,607	42%
Public Works		438,480		244,089	56%
Technology		1,213,344		395,405	33%
Utilities		1,695,805		923,846	54%
Water		3,617,436		1,348,305	37%
Wastewater	$	31,688,492	$	10,914,691	34%
Total Utility Fund Revenues	$	41,430,923	$	12,551,115	30%
Total Utility Fund Appropriations	$	40,665,264	$	14,911,904	37%

FIBER FUND OPERATING REVENUES		Budget		Actual YTD	% to Budget
Provider Fees - Units Passed	$	432,576	$	282,402	65%
Provider Fees - Subscriptions		345,994		179,282	0%
Miscellaneous		1,000		10,339	1034%
Loan Proceeds		-		-	0%
General Fund Subsidy	$	617,078	$	-	0%
FIBER FUND OPERATING EXPENDITURES					
Public Works		66,944		41,296	62%
Technology		39,469		25,251	64%
Fiber	$	1,286,286	$	405,188	32%
Total Revenues	$	1,396,648	$	472,023	34%
Total Expenses	$	1,396,649	$	475,265	34%

Disbursements between $10,000 and $25,000 from February 15, 2020 through March 13, 2020:

Vendor Name	Description	Total Amount
EVERGREEN SOLUTIONS LLC	CLASS & COMP STUDY SERVICES	$10,500.00
KATZ AND ASSOCIATES INC	WATER REUSE KICKOFF MTG	$10,686.88
FUNK AND BOLTON ATTY'S AT LAW	LEGAL THROUGH 1/31/2020	$11,588.50
CARROLL COUNTY COMMISSIONERS	VEHICLE MAINTENANCE AND FUEL	$12,746.16
WINCHESTER WEST LLC	MARCH 2020 RENT 56 W MAIN ST	$14,300.00
NATIONWIDE RETIREMENT SOLUTION	ROTH 457(B): PAYMENT	$14,455.80
NATIONWIDE RETIREMENT SOLUTION	ROTH 457(B): PAYMENT	$14,544.42
COMPTROLLER OF MARYLAND	MD STATE TAX: PAYMENT	$16,964.11
COMPTROLLER OF MARYLAND	MD STATE TAX: PAYMENT	$17,557.06
MD ST RETIREMENT & PENSION SYS	MD STATE RETIREMENT: PAYMENT	$20,783.95
MD ST RETIREMENT & PENSION SYS	MD STATE RETIREMENT: PAYMENT	$20,870.80

Technology Services

- Total Helpdesk tickets = 119, broken down below by department:
  - Technology Services = 25
  - Westminster Police = 16
  - Public Works = 11
  - Human Resources = 10
  - Finance = 19
  - Office of the City Administrator = 2
  - Public = 21
  - Recreation and Parks = 6
  - Community Planning and Development = 6
  - Housing and Code Enforcement = 3
  - Mayor and Common Council = 0
  - Total emails allowed for February 2020 = 37,054K
  - Total emails sent for February 2020 = 7,712
  - Blocked emails for February 2020 = 90,726K

Projects:
- Replacement of core switching – planning phase
- Phone tree – in progress
- Document management solution – planning phase
- PCI Compliance Policy information – in progress
- Computer hard drive encryption – in progress
- Mobile device management – in progress
- Single Sign On – planning phase
- Upgrade operating systems from Windows 7 to Windows 10 – in progress
- Multi-factor authentication – testing
- Cashiering software upgrade – testing
- Security awareness training – in progress

GIS:
- Provided One-Way roads search for 911; meeting with County soon to discuss
- Coordinated BGE on GIS data access meeting
- Added annexations 70 and 71 to corporate limits
- Relinked drawings in online Popular Use map
- Provided fire hydrant layer and spreadsheet to Westminster Fire Department
- Provided Westminster Highlands water and sewer drawings to Department of Community Planning and Development
- Performed updates and maintenance of Mobile 311 data
- Completed fiber drop/field check tickets in Mobile 311 for Department of Public Works
- Generated Oyster Stroll trolley map
- Performed 719 Gorsuch Road SDAT research for Human Resources Department
- Performed 717 Young Way deed research for Housing Services Office
- Provided roadway/conduit measurements to Department of Public Works
- Completed Flower and Jazz map request for Recreation and Parks Department
- Completed 45 Magna Way drawing request for Department of Community Planning and Development

Housing Services

Housing Program
- Housing Assistance Payments (HAP) $184,950
- Number of vouchers under lease as of the last day of the month = 278
- Wait list total active applicants = 1,139
- Total HAP repayments received = $1,010
- Housing Inspections = 25
- Filing rate in PIC = 99%

Code Enforcement
- 53 cases
- 30 closed

Rental Licensing
- Monthly licensing fees received = $1,820
- Total fees received since June 1, 2019 = $58,500

Community Planning & Development

- The Department of Community Planning and Development provided staff support for the Planning and Zoning Commission. The Board of Zoning Appeals, Historic District Commission, and the Tree Commission did not meet in the month of February.

- Items prepared for the Planning and Zoning Commission included review of a proposed Site Development Plan for the Conifer Westminster Way Apartments, which is to be located east of the terminus of West Main Street at Maryland Route 140. This project contains 35 multifamily apartment units.

COMMUNITY PLANNING AND DEVELOPMENT PERFORMANCE MEASURES	
	February 2020
Building Permits approved	17
Downtown businesses owner inquiries	2
Downtown businesses visited	28
Planning and Zoning Commission items	1
Pre-submission conferences held	1
Use and Occupancy permit review	5
Zoning verification letters	3
Zoning inquiries	169

- Seventeen building permits were reviewed and approved for projects within the City, including two new businesses. The remainder of approved building permits were for decks and miscellaneous construction.

- Director of Community Planning and Development Mark Depo, Comprehensive Planner Andrea Gerhard, and Comprehensive Planner Andrew Gray joined Mayor Joe Dominick, Council President Greg Pecoraro, and Director of Recreation and Parks Abby Gruber in meeting with a group of local children as part of their Lego League Robotics team project requirements.

- Mr. Depo, Ms. Gerhard, and Mr. Gray helped organize and attended a community outreach meeting regarding the possible development of 35 multifamily apartment units on property owned by WTTR, often referred to as the Clark Farm Property.

- Mr. Gray continues to coordinate 2020 Census outreach efforts between Carroll County Government and the seven other municipalities in the County.

- Main Street Manager Sandy Anderson reported that, on February 24, 2020 the City held a Downtown Partners meeting at the Carroll Arts Center. The City continues to have approximately 30 people in attendance at each of these meetings. The February 24 meeting agenda included a Q & A session with Captain Kowalczyk and Pfc. Stahlman of the Westminster Police Department. Mr. Gray talked about the importance of the 2020 Census. Three business owners recently opened shop downtown – American Ice Company, Mer Maids, and Kelly & Company. The group discussed 2019 events (i.e. what worked well and what could be improved) as well as upcoming 2020 events.

Kelly and Company located at 182 East Main

Mer Maids located at 235 East Main

- Finally, DCPD staff members answer hundreds of inquiries every month via email, by phone, and in person. DCPD also continues to meet with applicants and their attorneys to discuss annexations, proposed site development plans, building permits, water and sewer allocations, and a variety of City applications and processes. During the month of February, DCPD received 3,210 emails and sent over 920 emails. Additionally, staff continues to review and coordinate the review and approval of new development in the City.

Human Resources

Benefits/Wellness

- Finalized an amendment to the Teladoc Services Agreement to establish the per employee monthly fee through June 30, 2021
- Submitted the recent change in minimum part-time regular employee hours (from 20 per week to 25 per week) to the City's two employee insurance benefit providers to update plan documents, as approved by the Mayor and Council on January 27, 2020; reviewed updated Cafeteria Plan documents and drafted a resolution for approval by the Mayor and Common Council
- Researched floating holiday and bereavement leave practices of other local governmental entities
- Distributed a "Wuhan Coronavirus - What You Need To Know" flyer to employees
- Wellness Program
  - Prepared and distributed:
    - March lunch and learn flyer on "Exercising with Needy Knees"
    - Cigna preventive care flyer
    - End of Wellness Program plan year reminder flyer
  - Submitted changes to the Wellness Program Plan vendor for the FY 2020/2021 plan year document
  - Participated in a conference call with a Weight Watchers representative to discuss its program

Employment/Recruitment

- Advertisements:

	Internal Advertisements	External Advertisements	Internal Applications Processed	External Applications Processed
Full-time	3	3	9	117
Part-time	0	0	0	0
Temporary	0	1	0	4
Seasonal	0	0	0	0

- Processed:

	New Hire Documentation	Employee Orientations	Internal Transfers	Promotions
Full-time	3	2	0	0
Part-time	0	0	0	0
Temporary	1	2	0	0
Seasonal	0	0	0	0

- Fingerprinted two temporary/seasonal employees and one regular full-time employee in compliance with childcare regulations
- Conducted two employee exit interviews
- Researched regulations and updated the City's Employment Application to comply with the new Maryland Labor and Employment – Criminal Record Screening Practices "Ban the Box" law
- Created a job description for a Street Department contractual Equipment Operator I and drafted an employment agreement for City Attorney approval
- Provided new job descriptions to the Police Department for distribution to employees; drafted a new job description for one police position that was not previously created
- Assisted various departments with personnel cost projections for the FY 2021 budget
- Assisted the Police Department with drafting a 12-Hour Frequently Asked Questions document as part of the implementation of new 12- hour patrol schedule
- Distributed a Request for Proposals for executive search firm services; communicated with interested firms as warranted

Projects

- Coordinated Reasonable Suspicion Drugs and Alcohol training for all City supervisors to be presented by the Local Government Insurance Trust (LGIT) Loss Control Services department in two sessions in March
- Continued to work on revision of the new Workplace Civility Policy
- Provided the Affordable Care Act PCOR Fee amount and the Maryland State Retirement administrative fee amount to the Director of Finance for FY 2021 budgeting purposes
- Participated in the yearly safety review with the City's worker's compensation insurance carrier
- Researched alternatives to the City plate presented to employees upon retirement, as the plate that was previously given is no longer available
- Coordinated with the Police Department to include police personnel in the Drug-Free Workplace Policy; reviewed the various drug panels available to the City for testing; finalized the Drug-Free Workplace Policy and the Controlled Substances and Alcohol Use and Testing Policy for Mayor and Common Council approval; continued to format drug and alcohol testing program forms
- Researched prices for the City t-shirt given to new employees upon hire; sent a notice to employees that t-shirts would be available to place personal orders; placed the order with a vendor

Risk Management

- Insurance Claims Filed

Automobile	Liability	Mobile Equipment	Property	Sewer Back-up	Workers' Compensation
0	1	0	1	1	2

- Processed two CDL drivers for random drug testing per U.S. Department of Transportation (DOT) regulations
- Prepared and distributed the annual "Employee Access to Exposure and Medical Records" to all City employees
- Conducted research, provided insurance requirement information, and advised staff on Recreation special events vendor contracts
- The Local Government Insurance Trust (LGIT) requested that Safety and Risk Coordinator Brian DeMay serve on Claims Committee
- Received notification from Chesapeake Employers' Insurance Safety Management Consultant that the City achieved a 100% claim reporting speed in the 1-3 day range for this policy period, which is exceptional

Training/Meetings

- Director of Human Resources Darlene Childs and Human Resources Associate Beth Fahey attended a Carroll County SHRM session titled "Employment Law, Legislation, and Regulatory Update - Shaping Public Policy"
- Ms. Childs attended the LGIT Health Cooperative annual meeting
- Mr. DeMay attended a LGIT underwriting committee meeting
- Human Resources Analyst Brenda Anders participated in a Benecon webinar on POP (Premium Only Plans; Section 125) Plans

Police Department

Time Frame	Police Calls for Service	Adult Arrests	Juvenile Arrests	DUI Arrests	Traffic Citations	Foot/Bike/T3 Patrol Hours
February 2020	979	31	3	5	134	202
February 2019	917	55	5	8	187	89
2020 YTD Total	1,919	76	11	19	370	469
2019 YTD Total	1,868	99	9	12	437	219

Significant Cases in February:

Crime: **Rape**
Date: 02/10/2020
Location: Sector 4
Details: The State's Attorney's Office contacted investigators regarding a complaint of spousal rape. Criminal investigators are currently investigating the allegation.

Status: Open

Crime: **Sex Assault**
Date: 02/19/2020
Location: Sector 3

Details: Investigators responded to the shelter at 127 Stoner Avenue for a complaint of a sexual assault earlier in the day. The victim took investigators to a location where she indicated she was accosted by the suspect. Investigators located two

witnesses, who contradicted the victim's story. Investigators were able to locate two video surveillance cameras in the area and determined that there was no assault at that location. Investigators confronted the victim, noting there was nothing indicating an assault at that location. The victim rescinded her allegation.

Status: Unfounded

Crime: **Robbery**
Date: 02/23/2020
Location: Sector 2
Details: The victim contacted the 911 center to advise he had been robbed at gunpoint. The victim stated a suspect with a handgun demanded his necklace and that a small scuffle ensued. Investigators located and reviewed surveillance video captured by two cameras in the area. The cameras did not capture any incident in the area. The victim was not responsive to investigators. After several days, investigators were able to locate the victim, and he stated he no longer wanted to move forward with the complaint.

Status: Closed

Recreation & Parks

Revenue

Pool	$3,920
Family Center	$30,281
Wine Stroll	$1,560
Oyster Stroll	$45
Programs & Events	$90
Celtic Canter	$420
BBQ Stroll	$315
Flower & Jazz	$7,325
Date Night	$3,251
Summer Camp	$9,330
Facility Rentals	$730
Total Revenue	**$57,267**

Family Fitness Center

- Total gym entries = 4,233 people entered the facility during the month of February, of which 3,913 were members and 132 were non-members. These numbers do not include the total childcare entries listed below.

- Total childcare entries = 590 children entered childcare during the month of February

- Total facility entries = 4,823

- Total active members as of February 1 = 1,291
    - Membership retention rate = 96%
    - Cancelled memberships during the month of February (individually counted) = 18

- Membership packages sold
    - Child supervision = 0

- Corporate memberships = 0
- Family memberships = 28 (individually numbered); 7 City resident, 21 non-resident
- Individual memberships = 18; 8 City resident, 10 non-resident
- Youth/Student memberships = 7; 4 City resident, 3 non-resident
- Total new memberships = 53

- Group fitness class participation count:
  - Cardio = 1,228
  - Cycle = 402
  - Yoga = 401
  - Barre = 206
  - Total = 2,237

Public Works

Wastewater Treatment Plant

Total Flow	147.985 MGD
Average Daily Flow	5.103 MGD
Sludge (Integrated Agronomics)	389.89 Wet Tons
Septage Sludge	112.6 Wet Tons

- Ben and Zohreh Movahed of WATEK Engineering performed bench testing for the water re-use pilot
- Rebuilt the 3" sludge feed pump at the Septage Facility
- Replaced rotating assembly in return sludge pump 1
- Performed 4,000 lab analyses, and PCB and TCLP sludge sampling
- Entered and completed Facility Dude maintenance work orders
- Completed safety training
- Transported recyclables to the County landfill
- Performed routine maintenance

Utility Maintenance

- Water leaks
  - 1 Wimert Avenue (service)
  - 349 Stacy Lee Drive (service)
  - 748 Old Baltimore Road (private)
  - 28 South Church Street (service)
  - 1179 Long Valley Road (service)
  - 430 Sawgrass Court (private)

- Sewer blockages
  - 408 Maple Avenue (lateral)
  - 130 Willis Street (lateral)
  - 91 John Street (lateral)
  - 38 Pennsylvania Avenue (private)
  - 111 Longwell Avenue (lateral)
  - 685 Skyline Way (lateral)
  - 91 Washington Lane (lateral)

- Fiber Repairs
  - 137 East Green Street
  - 21 John Street
  - 30 Carroll Street
  - 44 Pennsylvania Avenue
  - 49 James Street
  - 24 Milton Avenue
  - 67 Pennsylvania Avenue
  - 26 Westmoreland Street
  - 159 West Main Street
  - 153 West Main Street

- Fiber Drop Installations
  - 1205 Fairway Drive
  - 358 Fair Avenue
  - 365 Pleasanton Avenue, Unit 33
  - 441 Baronets Court
  - 166 Alymer Court
  - 167 Alymer Court
  - 78 West Main Street
  - 302 Crestview Court
  - 405 Babylon Court
  - 11 Longwell Avenue
  - 123 West Main Street
  - 535 Congressional Drive
  - 143 West Main Street
  - 171 Lincoln Road
  - 116 East Main Street
  - 55 South Bishop Street
  - 55 South Church Street
  - 1206 Fairway Drive
  - 143 West Main Street

Water Loss

Water Main Flushing	0.00MG
Water Leaks	0.042MG
Private Leaks	0.001MG
Sewer Main Flushing	0.010MG
Total Loss	**0.053MG**

- Miscellaneous tasks
  - Completed high water bill inspections, meter investigations, meter Installations, and meter readings
  - Completed water, sewer, and fiber markings
  - Completed water shut offs
  - Repaired damaged fiber lines from tornado
  - Installed meter vaults for Big Lots and Dance Jump Move

- Completed test pits on Ridge Road and Old Manchester Road
- Installed fence around Clearwater reservoir

- Regular maintenance
  - Flushed and cleaned sewer mains
  - Fire hydrants
  - Sewer pumping stations
  - Booster stations and water storage stations
  - Leak detection
  - Maintained sewer easements

Street Department

- Grounds Maintenance section performed the following tasks:
  - Cleaned all City parking lots
  - Cleaned the small mowers
  - Removed trees in the stormwater management ponds
  - Cleared trees downed by the tornado
  - Removed a dead Maple tree at the backstop at Jaycee Park
  - Removed a large Mulberry tree along the walking trail
  - Assisted with removal of brush, metal, yard waste, and bulk trash

- Building Maintenance section performed the following tasks:
  - Collected parking meter money and maintained meters
  - Repaired and replaced high visibility signs on City streets
  - Performed maintenance at various City buildings
  - Cleared trees downed by the tornado
  - Repaired wood bridge on the Tahoma Farm walking trail

- Streets and Alleys section
  - Removed brush, metal, yard waste, and bulk trash
  - Transported materials to County landfill:

Street Baskets	2.01 tons
Bulk Trash	28.25 tons
Brush	74.31 tons
Yard Waste	6.46 tons
Paper Recycling	0.16 tons
Street Sweepings	4.63 tons
Tires	0.00 tons
Metal	3.09 tons

  - Scheduled bulk trash collection
  - Set dumpsters for larger piles of bulk trash
  - Cleared trees downed by the tornado
  - Assisted with repairing wood bridge on the Tahoma Farm walking trail
  - Applied hot tar on Westcliff Court, Blue Swallow Court, Fannies Meadow Court, Ryder Court, Winged Foot Drive, Masters Court, and Sawgrass Court

- Street Maintenance Section
  - Repaired stormdrain and replaced header on Greenwood Avenue
  - Repaired stormdrains on Quarrier Court and Daniel Drive
  - Repaired driveway on Fair Avenue following a fiber install

- Applied hot tar on Westcliff Court, Blue Swallow Court, Fannies Meadow Court, Ryder Court, Winged Foot Drive, Masters Court, and Sawgrass Court
- Removed brush, metal, yard waste, and bulk trash
- Cleared trees downed by the tornado
- Assisted with repairing wood bridge on the Tahoma Farm walking trail

Engineering

- HRI, Inc. continued work on the construction of a concrete slab and walls for denitrification building. Other work associated with the ENR/Biosolids Upgrade Project included blowers, electrical buildings, and site electrical conduits, the startup of Reactor #1, and foundations for the solids processing building. The project engineer and HRI continued review of submittals.

- Standard Pipe Services completed Phase II of the Inflow and Infiltration Project, and the work was accepted by the City.

- The Little Pipe Creek Restoration and Relocation Project is in the monitoring phase.

- The contractor worked on grading, installation of stormdrains and the sewer force main, and roadway paving for Section 3 of the Stonegate development.

- The contractor worked on the punch list for Bolton Hill Phase 5.

- City staff held a pre-construction meeting with C.J. Miller and determined the schedule of work for the the FY 2020 paving contract by the company.

- Albrecht Engineering, Inc. and the City worked on the project design phase of the repair/reconstruction of the brick masonry wall of the Diffendal Parking Lot.

- Public Works staff submitted approved two bid packages to the Director of Finance and Administrative Services. One was for restoration of storm drain pipes on Business Parkway and Cranberry Road; the other was for Phase III of the Inflow and Infiltration Project.

Water Plant

- Cranberry Water System Sources – Raw Water to Plant in Million Gallons (MG)

Raw Meter Total	34.17395 MG
Recycled Water Total	3.80405 MG
Recycled Water Recovered	11.131%
CIP Wash Water/Membrane Cells	0.1512 MG
Total	**34.02275 MG**

- Raw Water Sources in MG

Cranberry Branch	30.34375 MG
Hull Creek	3.679 MG
Raw Reservoir	0 MG
Other	0 MG
Total	**34.02275 MG**

- Treated in MG

Finished Water Flow Meter	33.65270 MG
Station Water	0.040547 MG
Total Treated	33.61215 MG
Backwash/Recycle Filters	0.2134 MG
Delivered to System	**33.39875 MG**

- Wells in Cranberry System in MG

Well 3	1.182704 MG
Well 4	0.74537 MG
Well 5	1.68999 MG
Well 6	
Well 7	4.380888 MG
Well 8	3.46936 MG
Wells 9 and 10	2.670627 MG
Well 11	2.353571 MG
Well 12	6.9472114 MG
Total Delivered to System	58.925714 MG
Day of Maximum Usage – 2	2.28804 MG
Well 5 Backwash	0.00222 MG
Well 7 Backwash	0.32298 MG
Well 8 Backwash	0.0586 MG
Well 12 Backwash	0.77362 MG
Daily Average	2.0319212 MG

- Hours operated = 696

- Rainfall = 2.74 inches

- Raw Reservoir level = 25.0 feet

- Wakefield Well System

Well 1	1.7576 MG
Well 2	3.79552 MG
Total Delivered to System	5.553120 MG
Filter Backwash	0.00424 MG
Daily Average	0.1914869 MG
Day of Maximum Usage - 19	0.339969 MG

- Other tasks included:
  - Performed routine maintenance at the wells and Water Treatment Plant
  - Collected 70 distribution compliance samples
  - Performed 290 process control checks at 12 Wells
  - Performed 348 process control checks at the Cranberry Water Treatment Plant
  - Completed monthly operating reports for the Cranberry and Wakefield Systems
  - Completed NPDES operating reports for Koontz Well and the Cranberry Water Treatment Plant
  - Joe Flohr joined the team as a Non-Certified Operator

To: Mayor and Common Council

From: Barbara B. Matthews, City Administrator

Date: March 20, 2020

Re: Approval – Parking Space License Agreement

Background

In the near future, the Carroll County Public Library will begin construction on the *Exploration Commons at 50 East Main Street*. The Library is renovating the 14,000 square-foot lower level of the Westminster Branch into an interactive community space that will offer a tech-focused Makerspace, a professional teaching kitchen, and multiple collaborative workspaces.

The Westminster Planning and Zoning Commission considered the site plan for the Library expansion on August 8, 2019. As part of the Commission's consideration of the site plan, City staff requested that a parking agreement be reached to formalize the currently informal parking arrangement with the Library that has evolved over time. The project is subject to the City's zoning requirements, including providing sufficient parking. The Commission approved the site plan, conditioned upon execution of a parking agreement with the City.

Recognizing the value of having the Westminster Branch located in Downtown Westminster, as well as the Library's current insufficient onsite parking, the City offered to allow the Library to meet its parking requirements under the Zoning Ordinance via a license agreement for 77 spaces in the City-owned Longwell Parking Garage. The agreement would need to remain in effect until such time as Library has identified an alternative way to meet its parking obligations under the Zoning Ordinance, or the Westminster Branch ceases to operate in Downtown Westminster.

As reflected in Section 2 of the attached draft agreement, the Initial Term would be 20 years; during this time period, the City would not charge the Library for use of the 77 parking spaces. Renewal of the agreement would be automatic; the duration of each renewal term would be three years. The agreement language reserves the City's right to terminate the agreement after the initial 20-year period, subject to certain conditions.

Recommendation

Staff recommends that the Common Council approve the proposed Parking Space License Agreement between the City, Carroll County Government, and the Carroll County Public Library, and authorize the Mayor's execution of the Agreement.

Attachment

- Proposed Parking Space License Agreement

PARKING SPACE LICENSE AGREEMENT
FOR A PUBLIC OR QUASI-PUBLIC USER

THIS PARKING SPACE LICENSE AGREEMENT ("this License") is made this _____ day of _____, 2020, by and among The Mayor and Common Council of Westminster ("The City"), a Maryland municipal corporation, the Commissioners of Carroll County ("The County"), a body corporate and politic, and the Carroll County Public Library, a Maryland 501(c)(3) corporation.

WITNESSETH, that for and in consideration of the license herein granted and the due payment of the specified license fees, the covenants and agreements herein contained and the due performance thereof, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City, the County, and the Library hereby agree as follows:

1. PREMISES:

The City does hereby license unto the Library and the Library hereby accepts a non-exclusive license from the City, for a term and upon the conditions set forth herein, the right to use seventy-seven (77) parking spaces within the Longwell Parking Garage ("the Licensed Spaces").

2. TERM AND USE:

The term of this License shall be twenty (20) years commencing on the ___ day of _____, 2020 and ending on the _____ day of _____, 2040 (the "Initial Term"). During the Initial Term and any renewal term hereof, the Licensed Spaces shall be used by the Library for parking of vehicles by employees, patrons, and invitees of the Carroll County Public Library Westminster Branch ("the Library"). The License shall automatically renew for additional three-year terms thereafter, for so long as the Library occupies the space at 50 East Main Street, Westminster, Maryland 21157, except as provided in Section 4 hereof.

3. LICENSE FEES:

(A) The Library shall owe no fee to the City per space for the Initial Term.

(B) For any term beyond the Initial Term, the City may impose a charge per licensed space in accordance with the terms of any policy adopted by the Mayor and Common Council, by resolution or ordinance. Any such charges shall be payable monthly on or before the fifth (5th) day of the month for which the fees are due. The City will notify the Library of its intent to impose or change a fee imposed for any renewal term on or before March 15 of the year in which the renewal term will begin.

(C) The Library will pay any fees due hereunder without diminution, deductions, or demand and said obligation to pay said fees shall be independent of any other clause herein. Failure to pay said fees at the time specified will constitute default, and the City may avail itself of any remedy afforded it under the terms of this License.

(D) License fees shall be payable at the offices of the City of Westminster, 56 West Main Street, Suite 1, Westminster, Maryland 21157, or at such other place as may be designated in writing by the City.

4. TERMINATION:

(A) If the Library shall fail to keep and perform all of the covenants, conditions and agreements herein made binding upon the Library, or if the Library shall be declared bankrupt or insolvent according to law, or if a receiver or other similar officer shall be appointed to take charge of all or any part of the property of the Library, or if any assignment shall be made the Library's property for the benefit of creditors, or if the Library relocates to a facility outside of Downtown Westminster, then, at the sole option of the City, the License shall terminate immediately and the City shall be entitled to possession of the licensed parking without further demand of fees or demand of possession, and may, forthwith, deny parking space use to the Library and its employees and invitees. In the event of such termination, the Library shall, nevertheless remain liable and answerable for the full the Library fees incurred to the date of such termination.

(B) No waiver by the City of any breach of any covenant or condition herein contained shall operate as a waiver of the covenant or condition itself or of any subsequent breach thereof; nor shall any waiver be implied should a compromise between the parties be effected after the City shall have initiated any action in regard thereto.

(C) The City makes no representations or guarantees regarding the renewal of this License in any year following the Initial License Term. The City may thereafter terminate the License for any reason deemed by the City to be in its interests by giving notice to the County and the Library at least one year prior to the end of the term. The City shall not be responsible for or liable to the County or Library for any damage or loss of any kind or nature whatsoever arising from or in connection with a decision by it not to renew the License for any subsequent term after the Initial Term, and the Library and the County shall indemnify the City and hold the City harmless from any claims, losses, or damages asserted against the City, directly or by way of subrogation or claim for indemnification, by any person or entity for loss or damage arising out of or in connection with such cause.

(D) The Library and the County may terminate this Agreement at the conclusion of fiscal year, by jointly giving written notice to the City of their intent to terminate the Agreement on or before April 30 of the calendar year in which the Agreement is to be terminated. The Library and the County acknowledge that the Library may be required to find alternative designated parking to satisfy the requirements of the City's zoning ordinance in the event it opts to terminate this Agreement.

5. THE LIBRARY'S COVENANTS:

(A) The Library will use the spaces allocated to the Library in a manner that is consistent with public parking in downtown Westminster and in conformity with the laws of the City.

(B) Neither the Library nor the County may assign this License in whole or in part, without the City's consent, such consent not to be unreasonably withheld or delayed.

(C) The Library may not install or maintain any signs, notices, or placards anywhere in the parking garage.

6. THE CITY'S COVENANTS:

(A) The City will, at its own cost and expense, maintain the parking lot in good repair and will keep the parking lot in a reasonably clean, orderly, and sanitary condition, will not knowingly permit the accumulation of trash, and will keep the parking area reasonably free of ice, snow, dirt, and debris.

(B) At all times during the term of this License, the City will ensure that 77 spaces in the Garage are available to the Library patrons.

(C) The Library, during the term hereof, shall freely, peaceably, and quietly occupy and enjoy the non-exclusive possession of the Licensed Spaces for the use stated in Section 2, with the improvements and appurtenances thereto belonging and the rights and privileges granted herein without molestation or hindrance, lawful or otherwise, subject to the use of the parking lot by others and subject to use by the City in conformity with this License.

7. MUTUAL COVENANTS:

(A) The Library, the County and the City shall, each at its own expense, maintain a policy or policies of comprehensive general liability insurance or comprehensive public liability insurance covering the respective activities of each in the parking garage with the premiums thereon fully paid on or before due date, issued by and binding upon some insurance company approved by the City, such insurance to afford minimum protection of not less than $1,000,000.00 combined single limit coverage of bodily injury, property damage, or combination thereof.

(B) Each party shall provide the other with current Certificates of Insurance evidencing said party's compliance with this Section on an annual basis.

8. INDEMNIFICATION:

The Library and the County agree that they shall be responsible for and indemnify, defend, and hold the City harmless against any and all claims for loss, personal injury, and/or damage that may be suffered as a result of Library's and County's negligence or willful misconduct or that of its employees or agents acting within the scope of their employment or agency, including but not limited to, attorney's fees and any cost incurred by the City in defending any such claim.

9. DAMAGE TO OR DESTRUCTION OF PREMISES:

In the event said Licensed Spaces or the parking lot in which the Licensed Spaces are located are damaged by fire, the elements, or other unavoidable accident casualty, the City may

cause such damage to be repaired. If the Licensed Spaces are not thereby rendered unusable or inaccessible in whole or in part, license fees shall not be abated. In the event said premises are rendered unusable or inaccessible only in part by such casualty, license fees shall be abated during such period of partial inoperability or inaccessibility proportionately as to the number of parking spaces rendered unusable or inaccessible. Notwithstanding the foregoing, if the whole of the parking garage shall be rendered unusable or inaccessible by such casualty, license fees shall be abated in whole during the period necessary to restore the Licensed Spaces unless the City elects not to rebuild or repair the parking lot in which the License Spaces are located, in which case it will provide written notice of termination of this License to the Library or make available to the Library spaces in another City parking facility if such spaces are available without imposing an undue hardship on the City.

10. NOTICES:

Any notice required or permitted under this License shall be deemed sufficiently given or served if sent by United States certified mail, return receipt requested, addressed as follows:

If to the City: The Mayor and Common Council of Westminster
56 West Main Street, Suite 1
Westminster, Maryland 21157
Attention: Ms. Barbara B. Matthews, City Administrator

With a copy to: Elissa D. Levan, City Attorney
Funk & Bolton, P.A.
100 Light Street, Suite 1400
Baltimore, Maryland 21202

If to the County: The County Commissioners of Carroll County
225 N. Center Street, Suite 300
Westminster, Maryland 21157

With a copy to: County Administrator
225 N. Center Street, Suite 300
Westminster, Maryland 21157

If to the Library: Board of Trustees
Carroll County Public Library
1100 Green Valley Road
New Windsor, Maryland 21776

With a copy to: Executive Director
Carroll County Public Library
1100 Green Valley Road
New Windsor, Maryland 21776

Each party shall have the right from time to time to change the place notice is to be given

under this paragraph by written notice thereof to the other party.

11. FEES AND EXPENSES:

If any party shall default in the performance of any covenant on its part to be performed by virtues of any provision in this License, and if in connection with the enforcement of any party's rights or remedies, including but not limited to any obligation to indemnify, a party shall incur reasonable fees and expenses for services rendered (including reasonable attorney's fees), then such fees and expenses shall be immediately reimbursed by that party found to be legitimately at fault. Notwithstanding the foregoing in the event the City shall file any legal action for the collection of fees or any proceedings for the non-payment of fees, and the Library shall make payment of such fees due and payable prior to the rendering of any judgment, and not pursuant to any written settlement agreement, then the City shall be entitled to collect, and the Library shall be obligated to pay, all court filing fees and, provided such payment by the Library is not made prior to five (5) days before the scheduled trial date, the reasonable fees of the City's attorney.

12. ENTIRE AGREEMENT:

This License sets forth all the promises, agreements, conditions, and understandings between the parties relative to the demised premises, and that there are no promises, agreements, conditions or understandings, either oral or written, between them other than herein set forth. In particular this agreement is to override and supersede the terms and conditions related to the leasing of the subject parking spaces as addressed above. It is further understood and agreed that, except as herein otherwise provided, no subsequent alteration, amendment, change, or addition to this License shall be binding upon the City, the Library or the County unless reduced to writing and signed by them.

13. LEGALITY OF PROVISIONS:

If any provision of this License shall at any time be deemed to be invalid or illegal by any court or competent jurisdiction, this License shall be invalidated in its entirety thereby.

14. RECORDATION

This License Agreement may be recorded by the Library.

IN WITNESSES WHEREOF, the parties hereto, on behalf of themselves, and their successors and assigns, hereby cause these presents to be executed on the date first above written.

WITNESS/ATTEST:

THE MAYOR AND COMMON COUNCIL OF WESTMINSTER

_____
Shannon Visocsky, City Clerk

By: _____
Joe Dominick, Mayor

WITNESS/ATTEST:

THE COMMISSIONERS OF CARROLL COUNTY

Kathi A. Dietrich

By: _____
Stephen A. Wantz, President

WITNESS/ATTEST:

THE CARROLL COUNTY PUBLIC LIBRARY

_____

By: _____
Andrea Berstler, Executive Director

Approved for form and legal sufficiency this_____day of _____, 2020:

_____
Elissa D. Levan, City Attorney

Approved for form and legal sufficiency this_____day of _____, 2020:

_____
Timothy Burke, County Attorney