

## **MINUTES**

### **CITY OF WESTMINSTER Mayor and Common Council Meeting Monday, March 25, 2019 at 7 pm**

#### **CALL TO ORDER**

**Elected Officials Present:** Councilmember Becker, Councilmember Chiavacci, Mayor Dominick, Councilmember Pecoraro, President Wack, and Councilmember Yingling.

**Staff Present:** Director of Human Resources Childs, Director of Public Works Glass, Director of Recreation and Parks Gruber, Police Chief Ledwell, City Attorney Levan, Director of Community Planning and Development Mackey, City Administrator Matthews, Director of Finance and Administrative Services Palmer, Director of Housing Services Valenzisi, and City Clerk Visocsky.

#### **PRESENTATION**

##### **Recognition of Larry Bloom**

Mayor Dominick presented Street Superintendent Larry Bloom with a gift from the City in recognition of his retirement effective March 29, 2019. He stated that Mr. Bloom had worked for the City since July 26, 1990. Mr. Bloom was initially employed at the City's Wastewater Treatment Plant, then transferred to the Water Plant, serving as its Assistant Superintendent. Since December 1, 1998, Mr. Bloom served as Superintendent of the Street Department.

Mayor Dominick thanked Mr. Bloom for his service to the City of Westminster and for his many contributions to the Westminster community. Mr. Bloom thanked the Mayor and Common Council and his colleagues for their support during his tenure.

#### **CONSENT CALENDAR**

President Wack requested a motion to approve the Consent Calendar, which consisted of the following:

- Approval of Departmental Operating Reports for February 2019;
- Approval – Agreement between the Maryland Police and Correctional Training Commissions (MPCTC) and the City of Westminster for the City's Use of MPCTC Property and/or Premises; and,
- Approval - Change Order No. 13 to Contract with Southern Maryland Cable, Inc. for Phases 3 and 4 of the Westminster Fiber Network Project.

Councilmember Becker moved, seconded by Councilmember Chiavacci, to approve the Consent Calendar, as presented.

#### **VOTE**

**AYES:** President Wack, Councilmember Becker, Councilmember Chiavacci, Councilmember Pecoraro, and Councilmember Yingling.

**NAYS:** None.

#### **REPORT FROM THE MAYOR**

None.

## **REPORTS FROM STANDING COMMITTEES**

There were no reports from the following Standing Committees: Arts Council, Economic and Community Development, Personnel, and Public Works Committee.

President Wack, on behalf of the Finance Committee, reported that staff is continuing work on the proposed FY 2020 budget, which will be presented to the Mayor and Common Council and the community on April 8, 2019.

Councilmember Chiavacci, on behalf of the Public Safety Committee, reported that the Westminster Public Safety Advisory Council was tentatively scheduled to meet in April. Due to the holidays and the recent retirement of Chief Jeff Spaulding, the Advisory Council has not met since the fall.

## **COUNCIL COMMENTS AND DISCUSSION**

President Wack and Councilmember Chiavacci thanked Mr. Bloom for his many years of service to the City. The Mayor and Common Council commented that Mr. Bloom was an asset to the City and expressed their appreciation for his many years of dedicated service.

## **BIDS**

### **Carnival Services for Westminster Fallfest Festival**

Ms. Gruber stated that, in the past, Westminster Fallfest was operated by Fallfest, Inc., a 501(c)(3), in cooperation with the City of Westminster. Fallfest, Inc. would procure and contract with a vendor to provide rides, games, and concessions for the four-day festival. With the dissolution of Fallfest Inc. in 2018, the City assumed responsibility for procuring and selecting a carnival services provider.

Ms. Gruber informed the Mayor and Common Council that a Request for Proposals for carnival services was issued and posted to e-Maryland Marketplace and the City's website on February 1, 2019. Snyder's Amusements submitted the sole bid. Ms. Gruber stated that Snyder's Amusements has a long history of providing quality, reliable carnival services for the Fallfest Festival.

Ms. Gruber the outlined the key terms of the proposed contract between the City and Snyder's Amusements:

- The City will receive 25% of the net gate revenue for rides up to and including earnings totaling \$35,000;
- The City's share will increase to 30% of net gate revenue for earnings above \$35,000; and,
- The City will receive \$450 per unit for each food concession and \$165 per unit for each game/novelty concession.

Ms. Gruber recommended that the City enter into an agreement with Snyder's Amusements to provide carnival services for Fallfest for a term of three years.

The Mayor and Common Council inquired if Fallfest, Inc. reimbursed the City for the costs it incurred for the Westminster Fallfest Festival. Ms. Gruber replied that she could not comment on the arrangement between the City and Fallfest, Inc. over the years; however, Fallfest, Inc. provided partial reimbursement to the City in the two years prior to its dissolution.

The Mayor and Common Council stated that the contract terms seemed reasonable.

Councilmember Chiavacci moved, seconded by Councilmember Pecoraro, to approve an agreement with Snyder's Amusements to provide carnival services for the Westminster Fallfest Festival for a term of three years.

**VOTE**

**AYES:** President Wack, Councilmember Becker, Councilmember Chiavacci, Councilmember Pecoraro, and Councilmember Yingling.

**NAYS:** None.

**Aquatic Facility Audit for Westminster Municipal Pool Complex**

Ms. Gruber stated that the FY 2019 Capital Projects Fund budget included \$25,000 for a facility audit of the Westminster Municipal Pool Complex. The goal of the audit is to provide information that will help the City budget for future maintenance of, and potential improvements to, the Westminster Municipal Pool Complex.

Ms. Gruber stated that the scope of work included evaluation of the individual components of the Westminster Municipal Pool Complex, recommendations for repair, prioritization of identified repair needs, and rough order-of-magnitude estimates for needed repairs. The feasibility of installing a spray ground within the existing site is also to be addressed as part of the Facility Audit. The City asked respondents to provide a price quotation for the optional service of conducting an energy conservation study, with the goal of reducing the operating costs of the facility.

Ms. Gruber informed the Mayor and Common Council that the City received three proposals, as summarized below:

Name	Address	Bid Amount
Morgan Design Group Architects	2775 Green Leaf Court, Suite B Westminster, MD 21157	\$34,000
Lothorian, LLC	13536 Jarrettsville Pike Phoenix, MD 21131	\$37,000
Dean Robert Camlin Architect & Assoc., Inc.	182 East Main Street Westminster, MD 21157	\$61,347

Ms. Gruber stated that she and the Assistant Director of Recreation and Parks reviewed the three proposals. Although the proposal submitted by Lothorian, LLC was not the lowest cost bid, staff felt that the firm's proposal was the most comprehensive and reflected the most in-depth knowledge and understanding of the project. Ms. Gruber noted that Lothorian's bid amount of \$37,000 included the cost of the optional energy conservation study. She informed the Mayor and Common Council that there were sufficient savings in the Capital Projects Fund to make up the difference between the budgeted amount of \$25,000 and Lothorian's bid amount.

Ms. Gruber recommended that the Mayor and Common Council approve award of a contract to Lothorian, LLC in the amount of \$37,000 to conduct a facility audit of the Westminster Municipal Pool Complex.

The Mayor and Common Council asked Ms. Gruber to elaborate on the scope of the facility audit. Ms. Gruber replied that the audit would include all of the pool's mechanical equipment, adding that the pool had only received minimal capital investment since the 1980s. The audit will identify needed improvements to both the pool and the Community Building so that the City could plan accordingly.

The Mayor and Common Council then inquired about Lothorian's expertise in municipal pools. Ms. Gruber replied that the firm has extensive experience with similar projects. She added that staff was impressed with the methodology used by Lothorian to conduct such facility assessments.

Councilmember Becker moved, seconded by Councilmember Pecoraro, to award a contract to Lothorian, LLC in the amount of \$37,000 to conduct a facility audit of the Westminster Municipal Pool Complex.

**VOTE**

**AYES:** President Wack, Councilmember Becker, Councilmember Chiavacci, Councilmember Pecoraro, and Councilmember Yingling.

**NAYS:** None.

**Replacement Police Cruiser for Westminster Police Department**

Chief Ledwell stated that, on December 29, 2018, Westminster Police Department cruiser #152 (a 2014 Dodge Charger) had an engine fire from an unknown cause that resulted in the vehicle being declared a total loss by the Local Government Insurance Trust (LGIT). The City received an insurance check from LGIT in the amount of \$13,125.

Chief Ledwell then informed the Mayor and Common Council of the following:

- The emergency equipment from #152 can likely be salvaged and re-used; the City would incur costs associated with wiring and re-installation.
- A 2019 Dodge Charger was available via Maryland State Bid 001IT820894 for \$24,272 (\$23,992 plus \$280 for modifications).
- Labor to install emergency equipment was approximately \$1,000, resulting in a total cost of \$25,272 for the purchase of the replacement police cruiser.

Chief Ledwell recommended that the Common Council approve the purchase of a 2019 Dodge Charger from Hertrich Fleet Service Inc., pursuant to Maryland State Bid 001IT820894.

Councilmember Chiavacci moved, seconded by Councilmember Becker, to approve the purchase of a 2019 Dodge Charger from Hertrich Fleet Service, Inc., as presented.

**VOTE**

**AYES:** President Wack, Councilmember Becker, Councilmember Chiavacci, Councilmember Pecoraro, and Councilmember Yingling.

**NAYS:** None.

**Replacement Mini Excavator for Utility Maintenance Department**

Mr. Glass stated that the City's adopted FY 2019 Water Fund budget included \$163,000 for the purchase of vehicles and equipment; the Sewer Fund budget included \$136,500 for the same. The cost of items purchased for the Utility Maintenance Department would be split equally between these two funds.

Mr. Glass informed the Mayor and Common Council that staff is seeking authorization to purchase a Mini Excavator for the Utility Maintenance Department. The excavator is available via an existing contract price through NJPA contract #042815-CEC. The City's procurement code allows for the City to take advantage of this contract pricing.

Mr. Glass recommended that the Mayor and Common Council approve the purchase of a 2019 Bobcat Mini Excavator in the total amount of \$49,093 from Metro Bobcat, Inc. He stated that this cost would be equally funded by the Water Fund and the Sewer Fund. The impact to each fund is \$24,546.50.

The Mayor and Common Council asked Mr. Glass if staff could use the Mini Excavator for digging associated with fiber conduit. Mr. Glass replied that fiber conduit work only requires shallow trenches, while this equipment is utilized for deep excavations.

Councilmember Pecoraro moved, seconded by Councilmember Becker, to approve the purchase of a 2019 Bobcat Mini Excavator in the total amount of \$49,030 from Metro Bobcat, Inc.

### **VOTE**

**AYES:** President Wack, Councilmember Becker, Councilmember Chiavacci, Councilmember Pecoraro, and Councilmember Yingling.

**NAYS:** None.

### **UNFINISHED BUSINESS**

None.

### **NEW BUSINESS**

#### **Revisions to the Retiree Insurance Policy and the Retirement Medical Insurance Policy**

Ms. Childs stated that, effective January 1, 1999, the Mayor and Common Council implemented a Retiree Insurance policy for qualifying employees. That policy offered post-retirement medical insurance benefits and a subsidy towards the premium cost. This coverage and subsidy continued upon the retiree's Medicare eligibility.

Ms. Childs informed the Mayor and Common Council that a retiree healthcare actuarial valuation was performed in FY 2008 as a result of a new accounting standard for post-retirement medical benefits, known as GASB 45. Based on the study findings, the City implemented a new Retirement Medical Insurance Policy on July 1, 2008. At that time, the original Retiree Insurance policy was closed to future participants, with the exception of certain employees that had already met the qualification criteria. These employees were deemed to be grandfathered under the original policy. The new policy provided post-retirement benefits and a subsidy for qualifying employees hired before July 1, 2008. Under the new policy, continuation of retiree coverage and the City subsidy ends at age 65 when the retiree is eligible for Medicare. Under both of the policies, a retiree can continue dependent coverage, but the City subsidy is provided for only the retiree. The cost of dependent coverage is fully borne by the retiree.

Ms. Childs informed the Mayor and Common Council that, if a retiree cancels the post-retirement City medical insurance, neither policy allows the retiree to reinstate the coverage or the City-provided subsidy at a later date. Once a break in coverage occurs, eligibility to participate in the City's group plan and the right to receive the subsidy ends. This policy provision may result in a retiree continuing the City's coverage even though he/she has other group insurance through another employer.

Ms. Childs shared that staff recently became aware of a situation where a retiree, now eligible for Medicare, is working full-time and has insurance coverage through their current employer. The retiree is continuing coverage through the City's plan because reinstatement of coverage, if terminated, is not allowed. In this situation, if the retiree was allowed to terminate the City's medical coverage, then reinstate coverage and continue to be eligible for the subsidy at a later date, the City would save approximately \$4,000 for the calendar year based on the current 2019 rates. Ms. Childs stated that there could be other, similar cases, now and in the future, where the City continues to provide coverage to a retiree when other group insurance is available to the retiree.

Ms. Childs stated that she presented the proposed policy revisions to the Personnel Committee on March 22, 2019. The Committee endorsed the proposed revisions.

Due to potential savings to the City, now and in the future, Ms. Childs recommended that both the Retiree Insurance and Retirement Medical Insurance policies be updated to allow cancellation and reinstatement of coverage and any qualifying subsidy when the retiree has other employer coverage. In order to reinstate coverage and the qualifying subsidy, the retiree would be required to formally request reinstatement and provide proof of cancellation of other group coverage.

Ms. Childs requested authorization from the Mayor and Common Council to revise the Retiree Insurance and Retirement Medical Insurance policies to allow a retiree, upon request, to terminate coverage and then reinstate the coverage and the right to the subsidy if the retiree provides proof of group medical coverage through another employer.

Councilmember Chiavacci, who serves as the Chair of the Personnel Committee, informed his colleagues that the Committee unanimously supported the proposed policy revisions. He thanked Ms. Childs for her work on this matter and for bringing forward the recommended policy changes.

Councilmember Chiavacci moved, seconded by Councilmember Yingling, to revise the Retiree Insurance Policy and the Retirement Medical Insurance Policy as presented by staff.

#### **VOTE**

**AYES:** President Wack, Councilmember Becker, Councilmember Chiavacci, Councilmember Pecoraro, and Councilmember Yingling.

**NAYS:** None.

#### **AmWins 65-plus Medicare Voluntary Insurance Program**

Ms. Childs stated that this matter was related to the City's Retiree Insurance Policy and the Retirement Medical Insurance Policy, the provisions of which she had described during the discussion of the preceding agenda item.

Ms. Childs informed the Mayor and Common Council that the Local Government Insurance Trust has partnered with AmWins Group Benefits. AmWins offers a 65-plus Medicare supplement insurance program that provides retirees with medical and prescription drug options that are not currently available in the individual marketplace. Ms. Childs stated that this program would give the City's retirees better options, while also helping them to navigate Medicare by providing a simplified enrollment process.

Ms. Childs stated that the Medicare supplemental program offered by AmWins would be available to all retirees and their spouses. This would include the current retirees on the City's closed, fully insured Medicare supplemental insurance plan and all future retirees who could purchase insurance through AmWins on a voluntary basis. Currently, future retirees must navigate the Medicare process on their own.

Ms. Childs informed the Mayor and Common Council that AmWins reviewed the City's current Medicare supplemental insurance plan. Based on that review, she believed that the City could offer Medicare supplemental insurance at a rate substantially lower than the current fully insured plan premium. Based on the current retiree census for the closed Medicare plan, the City could save approximately \$25,000 - \$31,000 annually by participating in the AmWins program, depending on the option selected. Ms. Childs noted that staff time would be reduced because AmWins would administer the program. In addition, retirees in the closed group would realize savings on the premium that they currently pay.

Ms. Childs stated that AmWins also offers a voluntary dental/vision plan that would be available to all current and future Medicare-eligible retirees and spouses. Staff estimates that an individual retiree in the current Cigna Medicare plan would save enough in annual premiums to pay for the added dental and vision coverage, if elected.

Ms. Childs informed the Mayor and Common Council that she presented the AmWins proposal to the Personnel Committee on March 22, 2019. The Committee expressed support for the City's participation in the AmWins Insurance Program.

Due to the potential savings to the City and the ability to offer future Medicare eligible retirees with a benefit not presently available to them, Ms. Childs requested authorization from the Mayor and Common

Council to enter into a partnership with AmWins to offer a Medicare supplemental program to its retirees, with an effective date of July 1, 2019.

Councilmember Chiavacci moved, seconded by Councilmember Becker, to authorize the City to enter into a partnership with AmWins to offer a Medicare supplemental program to its retirees, effective July 1, 2019.

**VOTE**

**AYES:** President Wack, Councilmember Becker, Councilmember Chiavacci, Councilmember Pecoraro, and Councilmember Yingling.

**NAYS:** None.

**Letter to Congressman Raskin regarding H.B. 530 concerning FCC Regulation**

Ms. Levan noted that, in 2018, the Federal Communications Commission (FCC) adopted regulations limiting the abilities of cities and states to regulate small cell sites (e.g., pole attachments) needed for the deployment of a 5G network. The actions limit the type and amount of fees cities and states may charge, set “shot clocks” as low as 60 days for cities and states to authorize proposals, and limit non-fee requirements cities and states may institute. The regulations began taking effect on January 14, 2019.

Ms. Levan informed the Mayor and Common Council that Congresswoman Anna Eshoo (D-CA) introduced H.R. 530, the Accelerating Wireless Broadband Development by Empowering Local Communities Act of 2019, to overturn the FCC’s regulations. Support for Rep. Eshoo’s H.R. 530 includes 126 mayors, city councils, town councils, county executives, and boards of supervisors; 132 public utilities and associations of public utilities; statewide associations in California, Florida, Virginia, and Nebraska; national groups including the National League of Cities, the U.S. Conference of Mayors, and the National Association of Counties; and the American Public Power Association.

Ms. Levan recommend that the Common Council authorize the Mayor and Common Council President to sign a letter to Congressman Raskin, requesting that he co-sponsor H.R. 530. Additionally, Ms. Levan requested approval to send a similar letter to Senator Benjamin Cardin and Senator Chris Van Hollen, Jr., requesting their support for a comparable bill introduced by Senator Dianne Feinstein.

The Mayor and Common Council asked Ms. Levan if H.R. 530 had bipartisan support. Ms. Levan replied that the bill’s support tended to fall along party lines.

The Mayor and Common Council then asked Ms. Levan if she knew where Senator Van Hollen and Senator Cardin stood on this matter. Ms. Levan replied that Senator Van Hollen recently attended a meeting of the Maryland Municipal League Board where he spoke in support of local autonomy of small cell sites.

Councilmember Pecoraro moved, seconded by Councilmember Chiavacci, to authorize the Mayor and Common Council President to sign a letter to Congressman Raskin, requesting that he co-sponsor H.R. 530.

**VOTE**

**AYES:** President Wack, Councilmember Becker, Councilmember Chiavacci, Councilmember Pecoraro, and Councilmember Yingling.

**NAYS:** None.

## **DEPARTMENTAL REPORTS**

### **City Administrator**

Ms. Matthews thanked Mr. Bloom for his extensive public service career, not only with the City of Westminster but also for his military service. She stated that Mr. Bloom had been an asset to the City and that he would be missed.

### **Public Works Department**

Mr. Glass reported that the City's annual paving project would begin on March 26, 2019. He informed the Mayor and Common Council that the City had issued a Notice to Proceed to Standard Pipe for Phase II of the Inflow and Infiltration Project.

### **Recreation and Parks Department**

Ms. Gruber reported that the Recreation and Parks Department was interviewing candidates for summer camp and pool employment.

Ms. Gruber noted the activities that would be taking place during the month of April, which include the Main Street Mile, Easter Egg Hunt, and the Wine Stroll. Ms. Gruber shared that all VIP tickets for the Wine Stroll had been sold; this was the first year that the City had offered VIP tickets for the Wine Stroll.

### **Westminster Police Department**

Chief Ledwell reported that the Westminster Police Department had increased visibility in the downtown area. He informed the Mayor and Common Council that he, PFC Kinsey, and PFC Voland were recently certified in bike patrol; the Police Department has an additional eight sworn officers who are certified in bicycle patrol.

Chief Ledwell shared that Lieutenant Nikki Heuer would be attending a Police Social Media Academy. The Mayor and Common Council inquired if she could share what she learns with staff in other departments. Chief Ledwell replied that the training was law enforcement focused, but there may be information that would be of value to other departments.

### **Community Planning and Development**

Mr. Mackey reported that, on March 14, 2019, the Westminster Planning and Zoning Commission reviewed the following:

- Petition for Compatible Neighborhood Overlay Zone – Applying to parcels located at westernmost end of West Main Street, between West Main Street and MD Route 140; and,
- Ordinance No. 907 – Delete Rooming Houses as a Use

Mr. Mackey stated that the Commission's recommendations would be presented to the Mayor and Common Council on April 8, 2019.

Mr. Mackey informed the Mayor and Common Council that, on April 2, 2019, the Board of Zoning Appeals would hold a public hearing regarding the application of Geared Up, requesting a special exception to sell firearms in the D-B Downtown District.

Mr. Mackey concluded his report by sharing that the Westminster Tree Commission would hold the City's annual Arbor Day celebration on April 20, 2019 at Belle Grove Square Park.

## **CITIZEN COMMENTS**

Bernie Miller, 28 #3C Bella Vita Court, stated that he attended the Mayor and Common Council meeting on March 11, 2019. During the meeting, he shared his concerns regarding a high water bill. Following the meeting, Ms. Palmer reviewed the water billing for the Bella Vita community and shared the results

of that review with Mr. Miller. He thanked Ms. Palmer for her assistance and stated that he would be following up with Director of Public Work Glass for additional assistance.

**ADJOURNMENT**

President Wack adjourned the meeting at 7:52 p.m.

Respectfully Submitted,

Shannon Visocsky, City Clerk

Full audio version is available on [www.westminstermd.gov](http://www.westminstermd.gov)