

MINUTES

CITY OF WESTMINSTER Mayor and Common Council Meeting Wednesday, April 24, 2019 at 7 pm

CALL TO ORDER

Elected Officials Present: Councilmember Chiavacci, Mayor Dominick, Councilmember Pecoraro, Council 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, 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.

APPROVAL OF MINUTES

Councilmember Chiavacci moved, seconded by Councilmember Yingling, to approve the Mayor and Common Council Meeting minutes of April 8, 2019.

VOTE

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

NAYS: None.

PRESENTATIONS

Mayor Dominick presented Mayoral Proclamations, declaring the following:

- May 5 – 11, 2019 as Public Service Recognition Week, to Director Human Resources Childs;
- May 12 – 18, 2019 as National Police Week, to Chief of Police Ledwell; and,
- May as National Preservation Month, to Kevin Wagman, a member of the Westminster Historic District Commission

PUBLIC HEARINGS

Ordinance No. 911

Mayor Dominick conducted a public hearing regarding Ordinance No. 911, amending the Code of the City of Westminster to add Chapter NNN, "Environmental Sustainability", Article I, "Plastic Bags", Section NNN-1, "Purpose"; Section NNN-2, "Definitions"; Section NNN-3, "Prohibitions"; Section NNN-4, "Exceptions"; and Section NNN-5, "Violations and Penalties". The Common Council introduced the proposed ordinance on April 8, 2019.

Councilmember Pecoraro stated that adoption of Ordinance No. 911 provided an opportunity for the City to demonstrate that it is a good steward of the environment. He then made a presentation on the negative impacts of plastic bags to provide context and background for proposed Ordinance No. 911; the presentation also included information on the provisions of Ordinance No. 911. A copy of his presentation is attached to these minutes and incorporated herein by reference.

Councilmember Pecoraro stated that he welcomed input from the Mayor, his colleagues on the Common Council, and the community regarding the provisions of the proposed ordinance. He noted that the City received comments from several community members via Facebook and e-mail.

Councilmember Chiavacci thanked Councilmember Pecoraro and Councilmember Becker for bringing this matter forward and for the time they invested in crafting the ordinance. He inquired if there was an exemption in the ordinance for take-out food from restaurants. Councilmember Pecoraro stated there was, but clarifying language may be needed.

Councilmember Chiavacci stated that he supported the intent of the proposed ordinance, but that he was concerned about the impact it would have on small businesses. He noted that paper bags are considerably more expensive than plastic bags; some retailers use 15 – 30 bags per day. Councilmember Chiavacci suggested that proposed Ordinance No. 911 be modified to exempt businesses with less than 50 employees.

President Wack stated that plastic was a global problem, as it does not break down. He noted that there was ongoing research about the health hazards caused by plastic. Ordinance No. 911 provided an opportunity for the City to make a difference in addressing this global problem.

Councilmember Yingling stated that he looked forward to hearing from the community.

Lyndi McNulty, 195 W. Main Street and owner of Gizmo's Art, shared that she uses plastic bags so that her customers can safely transport their art purchases in inclement weather. She noted that there was conflicting research regarding the impact of plastic bag bans. Ms. McNulty stated that the City should consider addressing other issues to help the environment before instituting the plastic bag ban.

Halee Asch, 121 Hollow Rock Avenue, expressed her support for the proposed ordinance, adding that she has used reusable bags for a long time.

Jim Breuer, owner of Maggie's Restaurant located at 310 E. Main Street, stated that he understood the bigger picture, but was concerned about the impact of the proposed ordinance on small businesses. He was pleased that the Mayor and Common Council were considering revisions to the current version of the ordinance. Mr. Breuer encouraged the Mayor and Common Council to be thoughtful in how they proceed.

Heather Cole, owner of Molli's Café located at 199 E. Main Street, stated that paper bags are considerably more expensive than plastic bags. She urged the Mayor and Common Council not to place a financial burden on small businesses, expressing support for the suggestion that the ordinance exempt businesses with less than 50 employees.

Kim Lamphier, of Trash Free Maryland, 3002 Laurel Avenue, Cheverly, Maryland, commented on the environmental damage caused by plastic bags. She expressed support for revisions to the ordinance in order to minimize the impact on small businesses. Ms. Lamphier recommended that the City review Trash Free Maryland's model language, noting that an exemption based on the number of employees may still allow plastic bag use by chains such as Sheetz and Wawa.

Don West, 139 N. Gorsuch Road and co-founder of Waste Not Carroll, thanked Councilmember Pecoraro and Councilmember Becker for bringing forward the proposed ordinance and encouraged its adoption.

Carroll County Commissioner Dennis Frazier, 87 Marhill Court, expressed his support for the proposed ordinance. He shared that he had proposed similar legislation to the State Delegation. Commissioner Frazier commented that the ordinance might increase costs to consumers, but that Westminster was worth the cost.

Molli Cole, of Molli's Café located at 199 E. Main Street, stated that she had attended Washington College in Chestertown, Maryland, which had enacted similar legislation. She noted that Chestertown's legislation included an exemption for small businesses. Ms. Cole expressed support for the proposed

ordinance, noting the positive impact of Chestertown's plastic bag ban on that community.

Cody Snyder, Manager of O'Lordan's Irish Pub and Restaurant located at 14 Liberty Street, shared concerns about the impact of the proposed ordinance on restaurants. She suggested more places in the City to recycle plastic bags and working with students who need community service hours to clean up litter.

Tom Canon, Director of Marketing for Davidus Cigars located at 23 E. Main Street, stated that his business used plastic bags to protect its product. Mr. Canon encouraged the Mayor and Common Council to modify the ordinance to exempt small businesses. He noted that Davidus has 12 locations, but only three to four employees at its Westminster store.

Bob Kennedy, 1300 Fridinger Mill Road, expressed support for the ordinance as written. He stated that restaurants could use paper bags. Mr. Kennedy encouraged the Mayor and Common Council to implement the ordinance prior to the proposed July 1, 2020 effective date.

Brooke Hagerty, owner of The Food Chick located at 2 Washington Road, stated that she offers her customers the option of plastic or paper bags. She noted that many convenience stores have less than 50 employees, but are a considerable source of plastic bag pollution.

Steve Colella, 30 W. Green Street, shared that he provides consulting services to small business owners. He informed the Mayor and Common Council that the margin for small businesses is very narrow, and any increase in their operating costs would be problematic. Mr. Colella stated that he supports the environmental goals of the proposed ordinance, but that the Mayor and Common Council should be cognizant of the financial burden it would create for some. One way to ease that burden would be for the City to provide reusable bags to its residents.

Richard Serrao, 132 E. Green Street, shared his support for the proposed ordinance, adding that he is constantly picking up trash from his property. He agreed that small businesses should be exempt from the legislation.

Brandon Kennedy, 375 Kingsbury Way, agreed with the comments made by Commissioner Frazier, adding that it was important to think bigger and just make the change.

Councilmember Yingling thanked everyone for their comments and input regarding the proposed ordinance. He suggested that the public hearing record remain open until the next Mayor and Common Council meeting on May 13, 2019 since possible revisions to the ordinance were being considered.

Councilmember Pecoraro agreed with Councilmember Yingling's suggestion to keep the public record open so that refinements could be made to the legislation's language. He stated that the proposed ordinance attempted to strike a reasonable balance and provided an opportunity for Westminster, as the County seat, to make a difference. Councilmember Pecoraro noted that the State was considering similar legislation.

Mayor Dominick continued the public hearing regarding Ordinance No. 911 until May 13, 2019, noting that the public hearing record would remain open until then.

Ordinance No. 912

Mayor Dominick conducted a public hearing regarding Ordinance No. 912, an ordinance of the Mayor and Common Council of Westminster, Maryland approving and adopting a budget for the fiscal year beginning July 1, 2019 and ending June 30, 2020. The ordinance was included in the agenda packet.

Ms. Palmer stated that Ordinance No. 912 was scheduled for introduction later in the meeting. She noted that Ms. Matthews would be providing additional information during the second and final work session on the FY 2020 budget proposal. Ms. Palmer noted that a second public hearing on the proposed budget would be held on May 13, 2019; on this date, the Mayor and Common Council were scheduled to adopt Ordinance No. 912.

Ms. Palmer the provided a brief overview of the proposed FY 2020 budget, noting the following:

- Funding is included for Phase 2 of implementing the results of the Compensation and Classification Study, as well as a 2% across-the-board wage adjustment for all benefited staff;
- Continuation of the current real property tax rate of \$0.56 per \$100 of assessed valuation;
- An increase in water and sewer rates in accordance with the legislation adopted in May 2019; and,
- Cost of principal payments on the fiber loan, which would commence due to completion of Westminster Fiber Network construction

With no further comments or discussion, Mayor Dominick closed the hearing at 8:12 p.m.

Constant Yield Tax Rate

Mayor Dominick conducted a public hearing on the Constant Yield Tax Rate. Ms. Palmer informed the Mayor and Common Council that, pursuant to the Maryland State Law, the constant yield tax rate is calculated by the State Department of Assessments and Taxation for each taxing authority in Maryland.

Ms. Palmer stated that the FY 2019 property tax rate was \$0.56 per \$100 of assessed real property. The proposed budget for FY 2020 assumes a continuation of this rate. This is 2% higher than the constant yield tax rate of \$0.5467 per \$100 of assessed real property and will generate \$240,799 of new real property tax revenues.

With no further comments or discussion, Mayor Dominick closed the public hearing at 8:22 p.m.

CONSENT AGENDA

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

- Approval of Departmental Operating Reports for March 2019; and,
- Approval of an Agreement between Family & Children's Services of Maryland (FCS) and the City of Westminster for First Step Project Memorandum of Understanding and accompanying Business Associate Contract Form

Councilmember Chiavacci moved, seconded by Councilmember Pecoraro, to approve the Consent Agenda, as presented.

VOTE

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

NAYS: None.

REPORT FROM THE MAYOR

Mayor Dominick, on behalf of Councilmember Becker, stated that the Carroll Arts Council's PEEPshow was a success, and downtown was very busy as a result. He noted that the PEEPshow was the largest event held in Carroll County.

REPORTS FROM STANDING COMMITTEES

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

President Wack, on behalf of the Finance Committee, stated the FY 2020 budget process was drawing to a close and thanked staff for their hard work.

Councilmember Chiavacci, on behalf of the Public Safety Committee, reported that the Public Safety Advisory Council (PSAC) held a meeting on April 17, 2019. At the meeting, Chief Ledwell shared his vision for the Police Department. Councilmember Chiavacci stated that the PSAC members reacted positively to Chief Ledwell's approach.

Councilmember Yingling, on behalf of the Public Works Committee, reported that he, Mr. Glass, Ms. Matthews, the City's lobbyist, and WATEK representatives had a productive meeting on April 18, 2019 with Maryland Department of Environment (MDE) staff regarding the City's water re-use initiative. MDE is very interested in working with the City to move the pilot project forward. President Wack thanked Councilmember Yingling and staff for their work on the water re-use initiative.

COUNCIL COMMENTS AND DISCUSSION

None.

ORDINANCES & RESOLUTIONS

Ms. Palmer recommended that the Mayor and Common Council introduce Ordinance No. 912, as presented during the public hearing concerning the proposed FY 2020 budget. She noted that adoption of the ordinance is scheduled for May 13, 2019.

President Wack requested a motion to introduce Ordinance No. 912 – An Ordinance of the Mayor and Common Council of Westminster, Maryland Approving and Adopting a Budget for the Fiscal Year Beginning July 1, 2019 and Ending June 30, 2020.

Councilmember Chiavacci moved, seconded by Councilmember Pecoraro, to introduce Ordinance No. 912, as presented.

VOTE

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

NAYS: None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Appointment of Board of Elections

Mayor Dominick stated that on January 14, 2019, the Common Council approved Ordinance No. 905 establishing the Westminster Board of Elections and making associated revisions to the City Code. He requested that the Common Council approve his appointment of the following individuals to serve on the Board of Elections:

- Suzanne Albert;
- Mary Louise Poole;
- Wendy Raith;
- Susan Thomas; and,
- Michael Towle

Councilmember Chiavacci moved, seconded by Councilmember Yingling, to approve the Mayor's appointment of those individuals to the Board of Elections.

VOTE

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

NAYS: None.

Announcement of Candidates for Election 2019

Ms. Visocsy announced the candidates for the three seats on Common Council, who will be elected during the General Election on May 14, 2019. The candidates were as follows:

- Kate Carter;
- Steven Colella;
- Kevin Earl Dayhoff;
- Ann Thomas Gilbert;
- Jessica M. Laird; and,
- Greg Pecoraro

Work Session # 2 regarding FY 2020 Budget Proposal

Ms. Matthews stated that Work Session #2 would be the final work session regarding the FY 2020 budget. The Mayor and Common Council held the first work session on the budget proposal on April 8, 2019, at which staff presented information on the Fiber Fund, Water Fund, and Sewer Fund.

Ms. Matthews informed the Mayor and Common Council that, during Work Session #2, staff would provide an overview of the Capital Projects Fund, which accounts for the City's non-enterprise capital expenditures. The Mayor and Common Council may also wish to discuss other aspects of the FY 2020 budget proposal and ask questions of staff.

Ms. Matthews provided a presentation regarding the proposed FY 2020 budget for the Capital Projects Fund. A copy of her presentation is attached to these minutes and incorporated herein by reference.

Ms. Matthews stated that \$5.39 million was included in the FY 2020 budget for the 45 West Main Renovation project. She informed the Mayor and Common Council that this figure includes the estimated cost for architectural and engineering fees, construction activities, construction management fees, and furniture and equipment; it did not include the cost of purchasing the property. Ms. Palmer added that City had built up reserves over the years, which were appropriate to use for a one-time capital project such as this. She noted that the City is paying approximately \$168,000 per year in lease fees for 56 West Main, the current site of the City's administrative offices. Ms. Palmer stated that she and Ms. Matthews believe that the building at 45 West Main is a good investment for the City, both in return on investment by avoiding lease payments and as an improved anchor property in the City's downtown.

Councilmember Yingling and Councilmember Chiavacci asked Ms. Matthews for the value of the City's architectural and engineering contracts for the 45 West Main project, as well as how much the City had paid to date. Ms. Matthews stated that the combined contract value was about \$400,000; she would review her files later in the week and provide the exact figures to the Mayor and Common Council.

Ms. Matthews informed the Mayor and Common that the projected renovation cost was approximately \$148 per square foot. The project architect informed her that new construction of a similarly sized building would cost about \$300 per square foot.

Ms. Matthews noted that the Mayor and Common Council held a work session on March 25, 2019 with the head of the project design team. As the architect shared at that time, construction is expected to get underway in fall 2019, with occupancy of the renovated building anticipated about a year later.

Ms. Matthews then provided an overview of other projects included in the Capital Projects Fund for FY 2020.

Ms. Matthews stated that the FY 2020 budget proposal includes \$1.1 million for the annual roadway paving project. Mr. Glass stated that work would be performed in the Furnace Hills neighborhood, side streets of Windsor Drive, and in the area of MD Route 31 and Uniontown Road. Depending on the extent of work needed to improve these streets, Mr. Glass stated that it might be possible to undertake other work in FY 2020.

Ms. Matthews informed the Mayor and Common Council that the FY 2020 budget also included about \$240,000 for the development of a Master Plan for the Wakefield Valley property and repaving of the parking lot. One-half of this cost would be covered by a Maryland Department of Natural Resources grant. The City would pay for its share of the project cost with special capital benefit assessment fees.

Ms. Matthews stated that the Carroll Arts Center replacement HVAC system would be replaced at a cost of \$150,000. Mr. Glass stated that the current HVAC system is approximately 20 years old and had received several repairs to keep it in running condition; due to its age, it should be fully replaced.

Councilmember Pecoraro noted that the City invited the Carroll Arts Council to occupy the City- owned building, with the City being financially responsible for building maintenance and repairs. He commented that the Carroll Arts Center is an integral part of the economic vitality of downtown Westminster.

Ms. Matthews concluded the work session, stating that the final step in the FY 2020 budget process is adopting the budget via Ordinance No. 912.

DEPARTMENTAL REPORTS

Public Works Department

Mr. Glass reported that paving of Elmwood Court had been completed; work would begin soon on the parking lot of Dutterer Park. He then provided an update on the Inflow and Infiltration Project and the ENR/Biosolids Upgrade Project, informing the Mayor and Common Council that pressure grouting was needed to address sinkhole issues on the site of the Wastewater Treatment Plant work.

Recreation and Parks Department

Ms. Gruber reported that the Recreation and Parks Department recently held several successful events:

- The Main Street Mile, with approximately 700 runners;
- Twilight Easter Egg Hunt and the Traditional Easter Egg Hunt, with more than 1,000 people in attendance; and,
- the Westminster Wine Stroll, with approximately 6,000 attendees

Ms. Gruber then reported on the recent kick off meeting for the Westminster Pool Complex Facility Audit. It will be helpful to the firm conducting the audit to be able to do their work while the pool is operational.

Councilmember Chiavacci and Councilmember Yingling thanked Recreation and Parks staff, the Police Department, and the Street Department for their excellent response to the tornado warning that was issued toward the end of the Wine Stroll.

Finance and Administrative Services

Ms. Palmer reported that Technology Services was working to update servers, upgrading the cashiering system, and setting up WiFi for the Flower and Jazz Festival.

Ms. Palmer then updated the Mayor and Common Council on current tasks of the Finance Department. They include uploading the FY 2020 budget into the City's financial software, reorganizing files in preparation to the move to 45 West Main Street and to make audit preparations easier, coordinating with Housing Services on the upcoming rental licensing process, and filing for State reimbursement for the ENR project.

Ms. Palmer reported that she recently met with the firm conducting the feasibility study for the possible establishment of a stormwater utility fee. The firm will be providing the City with a draft report in the next few weeks.

Ms. Palmer shared that the City received the Government Finance Officers Association's Distinguished Budget Presentation Award for its FY 2019 budget document.

Ms. Palmer concluded her report by informing the Mayor and Common Council that she and Ms. Matthews would be meeting with State officials on April 25, 2019 to have further discussions about the refinancing of the fiber project loan. Rather than the current variable interest, the new financing would be based on a fixed rate. If the refinancing is approved, the City would likely close on the bond issuance by June 30, 2019.

Westminster Police Department

Chief Ledwell reported that the Police Department is continuing to build partnerships with local law enforcement agencies to leverage additional resources to combat crime in the City. He shared that members of his command staff would be assigned designated geographical areas to enhance community outreach. Chief Ledwell informed the Mayor and Common Council that the property room organizational project was continuing.

Human Resources Department

Ms. Childs reported that her department was preparing for annual insurance renewals and open enrollment for benefits programs as of July 1, 2019. She then stated that the AmWins 65-plus Medicare Voluntary Insurance Program, approved by the Mayor and Common Council on March 25, 2019, would go into effect on July 1, 2019.

Community Planning and Development Department

Mr. Mackey provided the Mayor and Common Council with an update on upcoming projects. They include two overlay rezoning projects at 312 West Main Street and 7 Schoolhouse Avenue; three new apartment buildings with 35-40 new residential units each; two Carroll County projects including expanding the Westminster Branch Library and a County training facility; three commercial projects including Len Stoler Chevrolet, 7-11 gas station, and Royal Farms; and, 140 new single-family houses over four years under review for the Stonegate development.

Mr. Mackey then provided an update on upcoming construction, noting three significant commercial projects (Heritage Honda, Westminster Station, and Len Stoler Chevrolet) and three industrial projects (a dog training and events facility, mini-storage center, and a new 80,000sf² building in Westminster Technology Park).

Mr. Mackey then reported on the following Downtown Main Street activities – three marketing initiatives for the Peep-Out Westminster campaign; two downtown business windows painted by a local artist; and, two grant programs (including a Façade Improvement Program grant award of \$50,000 and a mural grant request of \$20,000).

Mr. Mackey then reported that, in the first quarter of 2019, his department answered 600 research inquiries and approved 83 applications for building permits, representing a 15% increase from the same time last year. The City collects fees and benefit assessments averaging \$1.0 million annually. Mr. Mackey noted that the current economic development boom was the direct result of water availability and its careful allocation, based on the Mayor and Common Council's newly adopted policy and continual pursuit of new water.

Mr. Mackey concluded his report by updating the Mayor and Common Council on public hearing items that would be before them on May 13, 2019, including LMA 19-01 for CN Zone, Ordinance No. 907 – Rooming Houses, and Ordinance No. 910 – Places of Worship.

City Administrator's Office

Ms. Visocsky informed the Mayor and Common Council that the deadline to submit an Absentee Ballot Affidavit was the close of business on May 6, 2019. The deadline to submit Absentee Ballots was May 14, 2019 at 8 p.m.

Ms. Matthews reported that the City would once again partner with McDaniel College to welcome its incoming freshmen class. The 2019 event will be held on the lawn of the Carroll County Public Library – Westminster Branch. Ms. Matthews then reported that, in celebration of Public Service Recognition Week, the Mayor and Common Council would join her in visiting each City department the week of May 6 to thank employees for their hard work.

CITIZEN COMMENTS

Edward Mittelstedt, 450 Uniontown Road, shared his concern regarding trespassing and other issues occurring on the private road near his home that connects to Uniontown Road. President Wack stated that the City's options were limited since this was private property. Following discussion, the Mayor and Common Council suggested organizing a neighborhood meeting and creating a homeowners association. Chief Ledwell offered to meet with Mr. and Mrs. Mittelstedt following the meeting, adding that he would assign an officer to work with them.

Kevin Wagman, 153 E. Green Street, commented that he saw an officer on foot patrol for the first time during his regular walks in the alleys. He then shared how much he enjoyed the Family Center, stating that it is a wonderful facility. Furthermore, Mr. Wagman shared his appreciation for the Street Department. In conclusion, on behalf of the community, he thanked the Mayor and Common Council for their work.

ADJOURNMENT

President Wack adjourned the meeting at 9:23 p.m.

Respectfully Submitted,

Shannon Visocsky, City Clerk

Full audio version is available on www.westminstermd.gov