

## MINUTES

### **CITY OF WESTMINSTER Mayor and Common Council Meeting Monday, January 13, 2020 at 7 pm**

#### **CALL TO ORDER**

**Elected Officials Present:** Councilmember Chiavacci, Councilmember Dayhoff, Mayor Dominick, Councilmember Gilbert, President Pecoraro, and Councilmember Yingling.

**Staff Present:** Director of Human Resources Childs, Director of Community Planning and Development Depo, Director of Public Works Glass, 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.

**Guest Present:** Val Giovagnoni, Manager of Ting Internet.

#### **APPROVAL OF MINUTES**

President Pecoraro stated that approval of the Closed Meeting minutes of October 28, 2019 would be deferred to the next meeting agenda.

President Pecoraro requested a motion to approve the following minutes:

- Mayor and Common Council Meeting of December 9, 2019; and,
- Special Mayor and Common Council Meeting of December 11, 2019.

Councilmember Dayhoff moved, seconded by Councilmember Gilbert, to approve the minutes as presented.

#### **VOTE**

**AYES:** President Pecoraro, Councilmember Chiavacci, Councilmember Dayhoff, Councilmember Gilbert, and Councilmember Yingling.

**NAYS:** None.

Ms. Matthews introduced and welcomed Mark Depo, the City's new Director of Community Planning and Development.

#### **PRESENTATION**

##### **Westminster Fiber Network**

Ms. Matthews stated that the agenda packet for the Mayor and Common Council meeting included a report for the Westminster Fiber Network Project for the quarter ended December 31, 2019. The report included information on the financial aspects of the Project, as well as information on the activities of the in-house Maintenance Team.

With no questions from the Mayor and Common Council, Ms. Matthews requested that Ms. Giovagnoni, Manager of Ting Internet, provide her quarterly update. A copy of Ms. Giovagnoni's presentation is attached to these minutes and incorporated herein by reference.

Ms. Giovagnoni noted that Ting experienced an increase in signups from residents in Phases 2 and 4 during November and December 2019. She added that January 2020 was similarly strong, and looked forward to providing a report to the Mayor and Common Council at the end of the next quarter.

Following the presentation, Councilmember Chiavacci inquired about Ting's progress in connecting with local businesses. Ms. Giovagnoni stated that Ting had made good progress in signing up businesses in downtown Westminster. Connecting with businesses that were part of a larger corporate structure was challenging. Ms. Giovagnoni added that Ting staff does their own verification of which properties are residential and which are commercial for mailing purposes.

Councilmember Dayhoff asked if there was consideration to extend the Fiber Network outside of the City limits. Mayor Dominick replied that he had a meeting with staff earlier in the day at which matter was discussed; further discussions would take place with the Economic and Community Development Committee.

### **CONSENT CALENDAR**

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

- Departmental Operating Report for November 2019;
- Approval of Drug Task Force Memorandum of Agreement;
- Authorization – Amendment to Lease Agreement with HRI, Inc. for Use of the City-owned Property located at 1117 Old New Windsor Road, Westminster, Maryland;
- Approval – Change Order No. 2 to City's Contract with Standard Pipe Services, LLC for Phase 2 of the Inflow and Infiltration Project; and,
- Approval – Modification #6 to Contract with Gant Brunnette Architects – 45 West Main Renovation Project.

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

### **VOTE**

**AYES:** President Pecoraro, Councilmember Chiavacci, Councilmember Dayhoff, Councilmember Gilbert, and Councilmember Yingling.

**NAYS:** None.

### **REPORT FROM THE MAYOR**

Mayor Dominick stated that he hoped everyone had a good holiday season. He then thanked the Utility Maintenance Department staff for their quick work in repairing a water main break that occurred on January 11, 2020.

### **REPORTS FROM STANDING COMMITTEES**

There were no reports from the Public Works Committee.

Councilmember Dayhoff, on behalf of the Arts Council, reported that the Carroll Arts Center would be showing several great documentaries. The upcoming Third Wednesday Jazz Series will feature a tribute to Miles Davis, and Carroll Community College was sponsoring a program on January 20, 2020 in observance of the Martin Luther King, Jr. holiday. Councilmember Dayhoff encouraged everyone to go to the Arts Council's website for information on other upcoming events.

Councilmember Yingling, on behalf of the Economic and Community Development Committee, noted that the Common Council would be awarding a consulting contract related to the redevelopment of the property located at 17-25 West Main later in the meeting. He was excited that the process was moving forward.

President Pecoraro, on behalf of the Finance Committee, reported that staff work on the FY 2021 budget was underway.

Councilmember Gilbert, on behalf of the Personnel Committee, reported that the Committee held a meeting earlier in the day.

Councilmember Chiavacci, on behalf of the Public Safety Committee, reported that the Westminster Police Department had four new officers in the academy. He also reported that Chief Ledwell was working on a new patrol schedule that would better align staffing with the Department's operational needs. Councilmember Chiavacci commended Chief Ledwell for his efforts.

Councilmember Dayhoff, on behalf of the Recreation and Parks Committee, thanked the Recreation and Parks Department for their work on the recent holiday events.

### **COUNCIL COMMENTS AND DISCUSSION**

Councilmember Dayhoff stated that, in his capacity with the Westminster Volunteer Fire Department, he had the opportunity to work with many of the Police Department's newer officers, and he was impressed with their approach to policing. He then recognized Councilmember Chiavacci for being one of 75 veterans to present the flag at the recent Ravens playoff game. Councilmember Dayhoff commended Mayor Dominick for his company's donation to pay off school lunch debt for Carroll County Public School students. He also complimented Councilmember Yingling's company for its contribution to the Boys and Girls Club.

Councilmember Gilbert shared that she attended the legislative breakfast, hosted by the Carroll County Chamber of Commerce, on January 10, 2020.

President Pecoraro advised his colleagues that he had worked with Ms. Levan and Councilmember Chiavacci to draft modifications to the City's Ethics Ordinance that would bring it into line with the State Ethics Commission's requirements. He felt it was important to put these modifications into place as the City embarks on new development projects. President Pecoraro then distributed a copy of the proposed ordinance to his colleagues so that they could review it.

Councilmember Chiavacci stated that he served on the Common Council at the time the City's current Ethics Ordinance was put in place, and he had voted for its adoption. Having observed what had occurred in other communities, he felt it was important to have more disclosure and openness than what the current Ethics Ordinance requires.

Councilmember Yingling asked Ms. Levan if the proposed modifications to the City's Ethics Ordinance would make it compliant with all State requirements. Ms. Levan responded affirmatively.

Councilmember Dayhoff suggested that the State Ethics Commission review the proposed ordinance prior to its introduction. President Pecoraro agreed and directed Ms. Levan to forward the ordinance to the State Ethics Commission for review and comment. Councilmember Dayhoff expressed his appreciation to Ms. Levan for her work on the proposed ordinance.

President Pecoraro stated that he was pleased with the Special Mayor and Common Council Meeting of December 11, 2019, and thanked staff for their excellent presentation. He noted the attendance of

two members of the Carroll County Board of Commissioners, the County Administrator, and other members of the County staff. President Pecoraro stated that he felt the Special Meeting accomplished the goal of educating the County and the community about the City's water and sewer capacity issues, and the actions being taken by the City to address them.

## **BIDS**

### **Westminster Square Garage Parking Deck Repair and Improvements**

Mr. Glass stated that the FY 2020 Capital Projects Fund budget included funding in the amount of \$80,000 for the repair of the Westminster Square Garage parking deck. He informed the Mayor and Common Council that multiple bids were received, with the lowest, qualified bid submitted by Contracting Specialist Incorporated-DC. Mr. Glass noted that one of the bidders did not provide the required documentation; therefore, its bid was disqualified.

Mr. Glass advised the Mayor and Common Council that the bid specifications inadvertently omitted supplemental requirements related to public works construction projects, which includes a one-year maintenance bond. At the City's request, Contracting Specialists Incorporated-DC provided the additional cost of the maintenance bond for both the base bid scope of work (\$657.94) and the five-year optional extended warranty option (\$1,157.94). The inclusion of these costs would increase the overall project cost to \$48,039.87.

Mr. Glass stated that City staff reviewed and evaluated references and the proposal from Contracting Specialists Incorporated-DC in the total amount of \$48,039.87. Mr. Glass noted that this amount included the five-year extended warranty option. Staff found the proposal to be acceptable with regard to the City's needs. He stated that all work would need to be completed in the spring of 2020 to meet the fiscal year end date of June 30.

Mr. Glass recommended that the Mayor and Common Council accept the bid of Contracting Specialists Incorporated-DC in the amount of \$48,039.87 for the repair of the Westminster Square Parking Garage parking deck as further detailed in the contract documents, and authorize the Mayor's execution of the associated contract.

President Pecoraro asked Mr. Glass if he anticipated that the work would be done before the end of the FY 2020. Mr. Glass stated that this was dependent upon weather conditions.

Councilmember Chiavacci moved, seconded by Councilmember Yingling, to award the bid to Contracting Specialists Incorporated-DC in the amount of \$48,039.87 for the repair of the Westminster Square Parking Garage parking deck.

## **VOTE**

**AYES:** President Pecoraro, Councilmember Chiavacci, Councilmember Dayhoff, Councilmember Gilbert, and Councilmember Yingling.

**NAYS:** None.

### **Consulting Services Associated with Redevelopment of 17-25 West Main Property**

Ms. Matthews stated that, on December 3, 2019, the City closed on the property located at 17-25 West Main Street. Staff solicited proposals from consultants to provide technical assistance as the City pursues redevelopment of the property. Ms. Matthews stated that the Mayor and members of the Common Council's Economic and Community Development Committee interviewed two firms on October 31, 2019.

The Mayor, members of the Committee, and the City Administrator recommend that the City retain the services of Partners for Economic Solutions (PES) to assist with the redevelopment of the 17-25 West

Main property. PES has worked extensively with cities, economic development and redevelopment agencies, universities, housing authorities, and non-profits.

Ms. Matthews informed the Mayor and Common Council that the work would be performed in two phases. In Phase 1, PES would meet with the City to define its goals for the property's redevelopment, prepare a preliminary pro forma analysis of the site's potential development, compile site information for inclusion in the developer solicitation, prepare and distribute a developer solicitation brochure, and review developer expressions of interest. The fee for the Phase 1 work is \$23,500.

Ms. Matthews stated that, in Phase 2, PES would be available to work with the City to solicit and evaluate actual proposals, including review of the financial aspects and terms of the proposals. Phase 2 fees will be based on the number of developer submissions and the extent of negotiation support desired by the City. The contract with PES will be structured to allow the City, in its discretion, to have PES perform the services identified in Phase 2, at a price to be determined.

Ms. Matthews recommended that the Mayor and Common Council award a contract to Partners for Economic Solutions based on the firm's proposal dated September 6, 2019, and authorize the Mayor's execution of the associated contract.

Councilmember Yingling stated that the Economic and Community Development Committee was impressed with PES during the interview process, and that the firm had the qualifications to meet all of the City's needs. He added that the references contacted by staff spoke highly of the firm, and that he was excited to work with the firm.

President Pecoraro stated that he was also impressed by PES during the interview process. He looked forward to Mr. Depo's input as the work with PES moves forward.

Councilmember Yingling moved, seconded by Councilmember Chiavacci, to award a contract to Partners for Economic Solutions as presented, and to authorize the Mayor's execution of the associated contract.

#### **VOTE**

**AYES:** President Pecoraro, Councilmember Chiavacci, Councilmember Dayhoff, Councilmember Gilbert, and Councilmember Yingling.

**NAYS:** None.

#### **ORDINANCES & RESOLUTIONS**

##### **Ordinance No. 919**

Ms. Palmer informed the Mayor and Common Council that Ordinance No. 919 would amend the adopted FY 2020 budget. She noted that a summary of the changes was included in the agenda packet. The most notable change to the adopted budget was the reduction in reserves for the purchase of the property located at 17-25 West Main.

Ms. Palmer recommended introduction of Ordinance No. 919, amending the adopted budget for the Fiscal Year beginning July 1, 2019 and Ending June 30, 2020 (FY 2020 Budget Amendment #1).

Councilmember Chiavacci stated that the City had purchased the 17-25 West Main property using City reserve funds. He then noted that building permit fees had come in higher than anticipated due to the positive economic climate in Westminster. Ms. Palmer affirmed Councilmember Chiavacci's statement, adding that the City had also seen a rise in interest revenue.

Councilmember Chiavacci moved, seconded by Councilmember Gilbert, to introduce Ordinance No. 919.

## **VOTE**

**AYES:** President Pecoraro, Councilmember Chiavacci, Councilmember Dayhoff, Councilmember Gilbert, and Councilmember Yingling.

**NAYS:** None.

## **Ordinance No. 920**

Ms. Levan stated that she prepared an ordinance to ban vaping where the smoking of tobacco products was already prohibited by State law, as directed by the Mayor and Common Council on December 9, 2019. The ordinance would permit vaping in vape shops and other shops where the use is lawful, and vaping is the primary intended purpose of the use.

Ms. Levan suggested that the Mayor and Common Council discuss fines for violations. As currently drafted, the ordinance addressed violations as a municipal infraction, which would not require the involvement of the Police Department.

Councilmember Chiavacci commented that most violations would likely occur outside of normal business hours, when the City's code enforcement officer would not be working.

Councilmember Yingling asked for additional time to conduct further research, as well as receive public input. President Pecoraro agreed, stating that a public hearing regarding the proposed ordinance would be scheduled.

Ms. Levan recommended that the Mayor and Common Council introduce Ordinance No. 920 – Amending the Code of the City of Westminster, to Add Section 106-22, "Vaping Prohibited", to Chapter 106, "Peace and Good Order", Article V, "Miscellaneous Offenses", to Prohibit Smoking of Tobacco and Marijuana in Places of Public Accommodation, Except for Vape Shops, Licensed Cannabis Dispensaries and Other Similar Businesses Lawfully Established for the Primary Purpose of Allowing Individuals to Smoke or Vape or to Sample Smoking or Vaping Products.

Councilmember Chiavacci moved, seconded by Councilmember Dayhoff, to introduce Ordinance No. 920.

## **VOTE**

**AYES:** President Pecoraro, Councilmember Chiavacci, Councilmember Dayhoff, Councilmember Gilbert, and Councilmember Yingling.

**NAYS:** None.

## **UNFINISHED BUSINESS**

None.

## **NEW BUSINESS**

None.

## **DEPARTMENTAL REPORTS**

### **City Administrator**

Ms. Matthews reported that the 45 West Main Renovation Project was underway, and the first progress meeting would be held on January 14, 2020. She then reported that Katz and Associates, the communications firm assisting the City with public information/education for the Water Reuse Initiative, would be conducting interviews with 25 stakeholders during the week of January 20, 2020 and the first week of February.

Ms. Matthews reminded the Mayor and Common Council that the Plastic Bag Ban, approved on May 13, 2019, would go into effect on July 1, 2020. In preparation for this, she and Executive Assistant Samantha Schlitzer were working together to notify businesses effected by the ban. The goal was to send out information on or around February 1, 2020.

### **Westminster Volunteer Fire Department**

Councilmember Dayhoff noted that the Westminster Volunteer Fire Department (WVFD) had a new president, Daniel Plunkert. He wished former President Jamie Petry the best in her new position with the Carroll County Public Safety Training Center.

On behalf of Mr. Plunkert, Councilmember Dayhoff provided the Mayor and Common Council with the monthly report of the WVFD. He reported that WVFD responded to 491 calls during the month of December, consisting of 55 fire calls and 436 EMS calls. Of these, 236 calls were within the City limits. Year-to-date, WFVD had responded to 950 fire calls and 5,356 EMS calls; this totals 6,306 for the year of 2019.

Councilmember Dayhoff expressed his concern regarding the increase in deaths resulting from the use of opioids, including the high number of deaths attributable to suicide. He also shared WVFD's continued concerns regarding the number of overlapping calls, adding that there were 245 overlapping calls during the month of December. When this occurs, neighboring fire departments respond to the calls that WVFD cannot.

Councilmember Dayhoff concluded his report by informing the Mayor and Common Council that, on January 11, 2020, WVFD responded to a house fire on Spring Meadow Drive caused by an unattended candle. Mayor Dominick asked Councilmember Dayhoff if the home had a sprinkler system. Councilmember Dayhoff replied that it did not, as the house was built prior to the passage of the law requiring sprinkler systems.

### **Westminster Police Department**

Chief Ledwell shared the success of the partnership between the Carroll County Sheriff's Department and the Westminster Police Department in addressing crime in the community. The agencies meet on a weekly basis, at which there is a good exchange of information.

Chief Ledwell noted Councilmember Chiavacci's earlier comments regarding the implementation of a new patrol schedule that will better align staffing with the Department's workload.

Chief Ledwell concluded his report, by informing the Mayor and Common Council that Sergeant Steve Blackwell would be promoted to the rank of Lieutenant. The department would be conducting interviews for the position of Corporal in the coming weeks.

### **Finance and Administrative Services Department**

Ms. Palmer stated that the change in the Police Department's patrol schedule would require changes in the payroll system. She was fully supportive of the schedule change, adding that it would simplify payroll processing the long-run.

Ms. Palmer reported that the budget forms for FY 2021 were distributed to each department and were due in early February 2020.

Ms. Palmer informed the Mayor and Common Council that she and her staff were working on year-end items for 2019, as well as the new tax forms and tables for Calendar Year 2020.

### **Housing Services Department**

Ms. Valenzisi reported that she was reviewing the administrative plan for the Housing Choice Voucher program. She and her staff were also working on implementing a new software module. Ms. Valenzisi concluded her report by informing the Mayor and Common Council that the department would be mailing 1099 forms to landlords who receive housing voucher payments.

### **Public Works Department**

Mr. Glass reported that a water main break occurred on January 11, 2020. He stated that the Utility Maintenance Department was able to isolate the line and repair the break within a short period of time. On January 13, 2020, a main break occurred on Silver Court.

Mr. Glass then provided an update on the Gesell Well extended pump test, which would continue through the end of January. Test results to date were positive.

### **Human Resources Department**

Ms. Childs reported that her department was working on a new drug policy, as well as a new policy for CDL drivers. The new policies would be brought before the Mayor and Common Council in the near future for approval.

### **Community Planning & Development Department**

Mr. Depo reported that the Westminster Board of Zoning Appeals reviewed variance requests for 7 Corporate Center Court on January 7, 2020. The Westminster Historic District Commission met on January 8, 2020 to review five Façade Improvement Tax Credit applications.

Mr. Depo concluded his report by informing the Mayor and Common Council that the Westminster Planning and Zoning Commission recently reviewed a proposed site plan for a proposed Royal Farms at 7 Corporate Center Court.

### **CITIZEN COMMENTS**

Michael Carlson, 738 Mulligan Lane, shared a letter from his neighbor who was unable to attend the meeting. The letter outlined concerns regarding the development of a multifamily apartment building on the Clark Farm property. Mr. Carlson advised the Mayor and Common Council of his personal concerns regarding the development, which included noise and increased traffic on Mulligan Lane. He shared that there was a school bus stop on Mulligan Lane at the entryway to the site. Mr. Carlson stated that the parking lot of the apartment complex would abut his backyard, causing light pollution into his home and decreasing value of his property. He inquired if improvements would be made to address existing drainage issues and whether a traffic study would be required.

The Mayor and Common Council asked Mr. Depo about the status of this project. Mr. Depo replied that the City had not yet received a formal application or site plan.

### **ADJOURNMENT**

President Pecoraro adjourned the meeting at 8:23 pm.

Respectfully Submitted,

Shannon Visocky, City Clerk

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