

MINUTES

CITY OF WESTMINSTER
Special Mayor and Common Council Meeting
Monday, June 29, 2020 at 7 pm
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CALL TO ORDER

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

Staff Present: Director of Community Planning and Development Depo, Director of Recreation and Parks Gruber, City Attorney Levan, City Administrator Matthews, Director of Finance and Administrative Services Palmer, and City Clerk Visocsky.

Guest: Lindsey Rader, Esquire of Funk and Bolton Attorneys at Law.

PUBLIC HEARING

Ordinance No.924

Mayor Dominick conducted a public hearing regarding Ordinance No. 924 – An Ordinance of the Common Council of the Mayor And Common Council of Westminster, a Municipal Corporation of the State of Maryland (The “Issuer”), Providing for the Issuance and Sale of an Aggregate Principal Amount not to Exceed One Million Two Hundred Twenty-Five Thousand Dollars (\$1,225,000) of Bonds of The Issuer, To Be Known As “The Mayor And Common Council Of Westminster Infrastructure Bonds, 2020 Series A” (Or By Such Other or Additional Designation or Designations as Required by the Community Development Administration Identified Herein) (The “Bonds”), to be Issued and Sold Pursuant to the Authority of Sections 4-101 through 4 255 of the Housing and Community Development Article of the Annotated Code of Maryland, as Amended, for the Purpose of (I) Financing or Refinancing Costs of the Project Identified Herein as the Westminster Community Pool Improvements Project, (Ii) Funding of Portion of a Capital Reserve Fund and/ or Other Reserves, and/ or (Iii) Paying Issuance and Other Costs Related to the Bonds; Providing that the Bonds shall be Issued Upon the Full Faith and Credit of the Issuer; Providing for the Disbursement of the Proceeds of the Sale of the Bonds and for the Levy of Annual Taxes upon all Assessable Property within the Corporate Limits of the Issuer for the Payment of The Principal of and Interest on the Bonds as they Shall Respectively Come Due; Providing for the Form, Tenor, Denominations, Maturity Date or Dates and Other Provisions of the Bonds; Providing for The Sale Of The Bonds; And Providing For Related Purposes, Including, Without Limitation, The Method of Fixing the Interest Rate or Rates to be Borne by the Bonds, the Approval, Execution and Delivery of Documents, Agreements, Certificates and Instruments, and the Making of or Providing for the Making of Representations and Covenants Concerning the Tax Status of Interest on the Bonds.

Ms. Rader, the City’s Bond Counsel, stated that the City had determined to undertake the Westminster Community Pool Improvements Project and was seeking to participate in the Maryland Community Development Administration’s (CDA) Local Government Infrastructure Financing Program in order to finance the costs of the project.

Following introduction of the ordinance on June 8, 2020, Ms. Rader informed the Mayor and Common Council that the public hearing was advertised in the Carroll Times on June 18, 2020. The advertisement included information on how the public could provide comments and access the public hearing. Ms. Rader asked if any requests were submitted to offer comments or to access the public hearing. Mayor Dominick stated that there were none.

With no further discussion, Mayor Dominick closed the public hearing at 7:05 pm.

ORDINANCES & RESOLUTIONS

Ordinance No. 924

Ms. Rader stated that the title of Ordinance No. 924 was self-explanatory in regard to the details of the legislation. She reminded the Mayor and Common Council of the following key provisions included in the ordinance:

- The Bonds would be subject to prepayment as provided for in the Repayment Agreement, and such prepayment right would be tied to prepayment rights relating to CDA's bonds. Typically, CDA's bonds may not be prepaid for approximately 10 years from date of issuance, which means there is an approximately 10-year window in which the City may not prepay its Bonds.
- The City would agree to make timely payments on the Bonds and pledges the City's full faith and credit and unlimited taxing power to payment of the Bonds. The City may pay debt service on the Bonds from other available sources as long as such sources do not violate Maryland law or federal tax code considerations.
- The City would enter into a Pledge Agreement and Repayment Agreement with the CDA. The Pledge Agreement would contain an intercept mechanism providing that, if the City defaults in its obligations with respect to the CDA loans, the CDA had the right to direct the State Treasurer to send to the CDA from any sources held by the State, including income tax revenues, the amount owed by the City. The Repayment Agreement would require the City to file its audited financial statements with the CDA on an annual basis and certain other reporting information tied to the events reportable.

President Pecoraro thanked Ms. Rader for her work on the bond issuance ordinance and related matters.

President Pecoraro then requested a motion to adopt Ordinance No. 924 – An Ordinance of the Common Council of Westminster, a Municipal Corporation of the State of Maryland (The "Issuer"), Providing for the Issuance and Sale of an Aggregate Principal Amount not to Exceed One Million Two Hundred Twenty-Five Thousand Dollars (\$1,225,000) of Bonds of The Issuer, To Be Known As "The Mayor And Common Council Of Westminster Infrastructure Bonds, 2020 Series A" (Or By Such Other or Additional Designation or Designations as Required by the Community Development Administration Identified Herein) (The "Bonds"), to be Issued and Sold Pursuant to the Authority of Sections 4-101 through 4 255 of the Housing and Community Development Article of the Annotated Code of Maryland, as Amended, for the Purpose of (I) Financing or Refinancing Costs of the Project Identified Herein as the Westminster Community Pool Improvements Project, (Ii) Funding of Portion of a Capital Reserve Fund and/ or Other Reserves, and/ or (Iii) Paying Issuance and Other Costs Related to the Bonds; Providing that the Bonds shall be Issued Upon the Full Faith and Credit of the Issuer; Providing for the Disbursement of the Proceeds of the Sale of the Bonds and for the Levy of Annual Taxes upon all Assessable Property within the Corporate Limits of the Issuer for the Payment of The Principal of and Interest on the Bonds as they Shall Respectively Come Due; Providing for the Form, Tenor, Denominations, Maturity Date or Dates and Other Provisions of the Bonds; Providing for The Sale Of The Bonds; And Providing For Related Purposes, Including, Without Limitation, The Method of Fixing the Interest Rate or Rates to be Borne by the Bonds, the Approval, Execution and Delivery of Documents, Agreements, Certificates and Instruments, and the Making of or Providing for the Making of Representations and Covenants Concerning the Tax Status of Interest on the Bonds.

Councilmember Yingling moved, seconded by Councilmember Gilbert, to approve the adoption of Ordinance No. 924 as presented.

VOTE

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

NAYS: Councilmember Dayhoff.

Ordinance No. 925

Ms. Levan informed the Mayor and Common Council that Emergency Ordinance No. 925 was drafted to remove certain fees from the City Code for efficiency reasons. The fees in question would be adopted by resolution.

President Pecoraro noted that the associated ordinance was drafted as Emergency Ordinance No. 925 in recognition of the timing issues associated with the implementation of the new Fitness Center membership structure as of July 1, 2020. Following adoption of the proposed ordinance, President Pecoraro suggested that the Common Council review all fees set forth in the fee schedule resolution at a future meeting.

Councilmember Dayhoff asked Ms. Levan the process for making changes to certain fees. Ms. Levan replied that a resolution would be required; only the fee(s) being changed would need to be referenced in the resolution. She suggested that staff maintain a master list of City fees.

President Pecoraro requested a motion to adopt Emergency Ordinance No. 925 - An Ordinance Of The City Of Westminster, Deleting Certain Fees And Charges From Chapter A175, "Fees", Article I, "General Fee Ordinance", Of The City Code And Providing That Such Fees Shall Be Set From Time To Time By Resolution Of The Mayor And Common Council.

Councilmember Dayhoff moved, seconded by Councilmember Chiavacci, to approve the adoption of Ordinance No. 925.

VOTE

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

NAYS: None.

Resolution No. 20-04

Ms. Levan informed the Mayor and Common Council that Exhibit A of Resolution No. 20-04 incorporates the new Fitness Center membership structure and the recently approved changes to the pool membership/daily usage rates. Changes were also made to certain fees related to Maryland Public Information Act requests.

President Pecoraro requested a motion to adopt Resolution No. 20-04 – A Resolution of the Mayor and Common Council of Westminster, Approving a General Fee Schedule for Governmental and Proprietary Functions of the City, Excepting Utility Charges and Including Fines for Violations of the City's Various Laws and Regulations, Effective July 1, 2020.

Councilmember Dayhoff moved, seconded by Councilmember Yingling, to approve the adoption of Resolution No. 20-04.

VOTE

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

NAYS: None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

President Pecoraro stated that Mayor Dominick forwarded to his colleagues a letter that he had received from the Boys and Girls Club of Westminster. The Executive Director of the Boys and Girls Club requested a City grant in the amount of \$9,206.78 to assist the Club with recovery and expenditures related to the COVID-19 pandemic for its summer camp program

President Pecoraro recommended to his colleagues that the City provide the requested funding to the Boys and Girls Club, stating it was well worth it.

Mayor Dominick shared his support for providing a grant to the Boys and Girls Club of Westminster as requested. He noted that the City canceled its own summer camp due to the COVID-19 pandemic, and the Governor's Executive Orders created certain challenges for those organizations providing such summer programs for children. By offering a summer camp program, the Boys and Girls Club might serve some of the children who would normally attend the City's summer camps.

Councilmember Gilbert then expressed her support for providing the requested funding, noting that Carroll County was ranked as the fifth best county out of 2,600 counties in the nation for protecting and providing for kids. This was based on a report by Save the Children, an international organization that advocates for children's welfare and equity. Councilmember Gilbert shared the importance of the City providing this financial support and suggested rounding up the amount of the grant to \$10,000.

Councilmember Dayhoff asked if the grant amount could be submitted for reimbursement under the CARES Act. Ms. Matthews replied that the City had already filed its CARES reimbursement request to the County and that this avenue was now closed; although she did not anticipate another opportunity, she stated that staff would check into it.

Councilmember Dayhoff then asked from which account the grant funds would be withdrawn. Ms. Matthews replied that the grant to the Boys and Girls Club would likely be paid in FY 2021; therefore, a budget amendment may be needed.

Councilmember Chiavacci recused himself from the vote, as he had an immediate family member who works at the Boys and Girls Club. Councilmember Yingling also recused himself from the vote, citing a conflict of interest.

Councilmember Gilbert moved, seconded by Councilmember Dayhoff, to award a grant amount of \$10,000 to the Boy and Girls Club of Westminster.

VOTE

AYES: President Pecoraro, Councilmember Dayhoff, and Councilmember Gilbert.

NAYS: None.

CITIZEN COMMENTS

None.

ADJOURNMENT

President Pecoraro adjourned the meeting at 7:29 pm.

Respectfully Submitted,

Shannon Visocky, City Clerk

Full audio version is available on www.westminstermd.gov